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ENLARGING THE SEQUOIA NATIONAL PARK

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HEARING BEFORE THE SUBCOMMITTEE ON PARKS AND RECREATION OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 88

A BILL TO ENLARGE THE SEQUOIA NATIONAL PARK IN THE
STATE OF CALIFORNIA BY ADDING TO SUCH PARK THE MIN-
ERAL KING VALLEY AREA, TO PROVIDE FOR CERTAIN PLAN-
NING RESPECTING THE MANAGEMENT OF SUCH ADDITION,
AND FOR OTHER PURPOSES

APRIL 28, 1978

Publication No. 95-130

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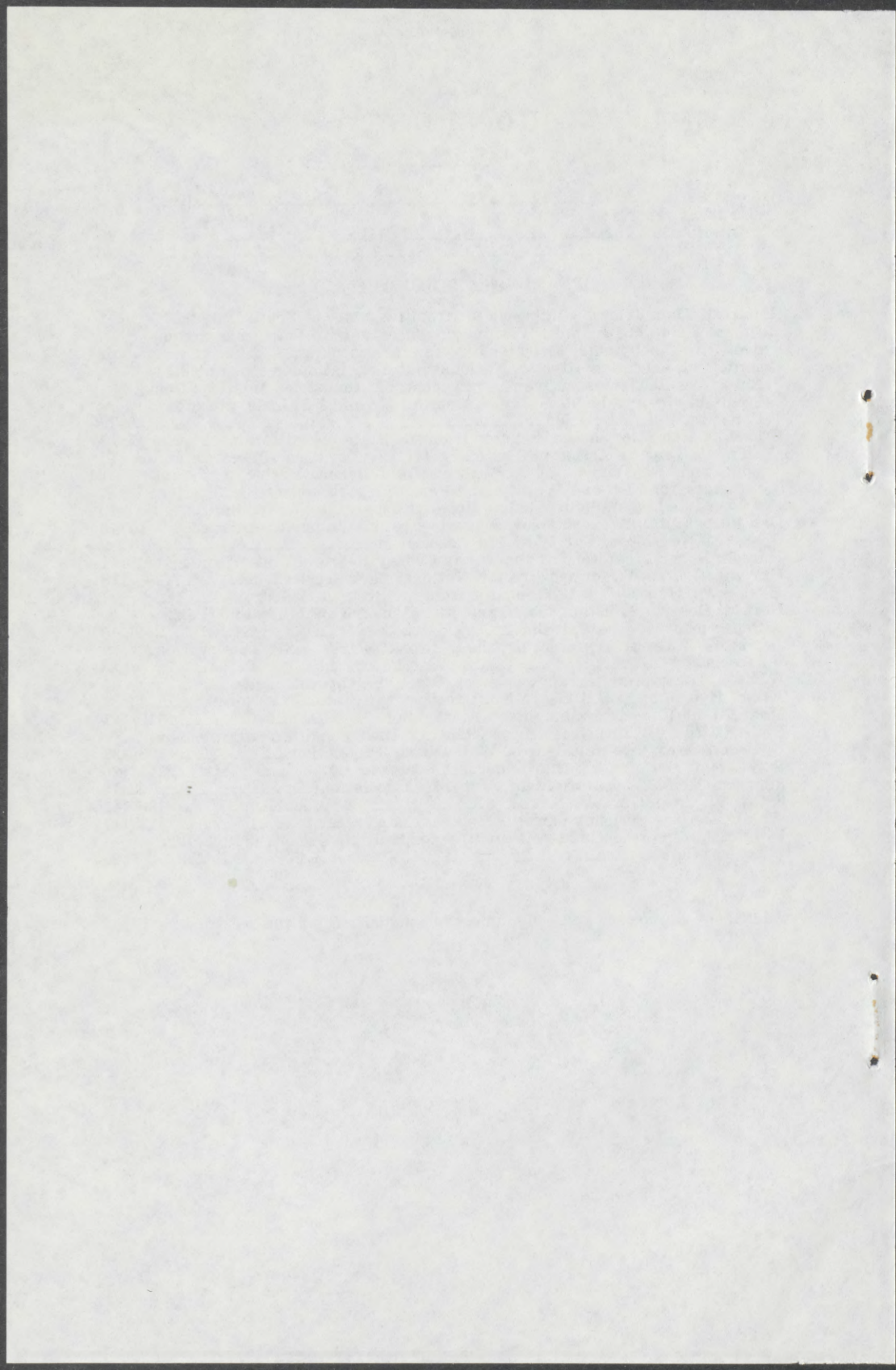
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ENLARGING THE SEQUOIA NATIONAL PARK

FRIDAY, APRIL 28, 1978

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

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

Present: Senators Abourezk, Metzenbaum, and Hansen.

Also present: Thomas B. Williams, professional staff member.

OPENING STATEMENT OF HON. JAMES ABOUREZK, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator ABOUREZK. The subcommittee hearing will come to order.

The purpose of the hearing this morning is to receive testimony on S. 88, a bill introduced by Senator Alan Cranston which would transfer jurisdiction over the Mineral King Valley in California, from the Forest Service to the National Park Service.

Before we begin the hearing, I have two general comments I would like to make. First, as most of you know, this issue has been around for a long time and has a very long legal and administrative history. I and most of the committee members are well aware of the basic historic facts at issue here today, so I would like to ask the witnesses if you would limit your comments as much as possible to the matter as it stands today and forgo any historical observations that are already known by the committee.

Second, we have numerous out-of-town witnesses on the list this morning. In light of that, I respectfully request any congressional colleagues and the administration witnesses to please summarize their remarks, so that we will have an opportunity to hear from those people who came here from California.

At this point in the record I will insert the bill, S. 88, and the pertinent departmental reports.

[The text of S. 88 and Department reports follow:]

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 1977

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

A BILL

To enlarge the Sequoia National Park in the State of California by adding to such park the Mineral King Valley area, to provide for certain planning respecting the management of such addition, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) the Congress finds that—
4 (1) the Mineral King Valley area contains superb
5 natural and scenic resources which should be preserved
6 and protected;
7 (2) the Mineral King Valley area has outstand-
8 ing potential for year-round recreational opportunities;
9 (3) because of its easy accessibility and proximity

1 to the rapidly growing population centers of southern
2 California, Mineral King Valley is much visited;

3 (4) present management of the Mineral King
4 Valley area is inadequate both to meet public needs
5 and to prevent deterioration of the area;

6 (5) the Mineral King Valley area is an integral
7 part of Sequoia National Park and was excluded solely
8 due to its potential for mineral development; and

9 (6) the Mineral King Valley area has not in this
10 century produced any commercial ore, and the current
11 predominant use of the area is recreation.

12 PURPOSES

13 SEC. 2. It is the purpose of this Act to assure the preser-
14 vation for this and future generations of the area known as
15 Mineral King Valley and presently designated as the Sequoia
16 National Game Refuge and to enhance the ecological values
17 and public enjoyment of such area by adding such area to
18 the Sequoia National Park.

19 SEC. 3. (a) In order to carry out the purposes of this
20 Act, all lands, waters, and interests therein, constituting
21 approximately fifteen thousand six hundred acres, identified
22 as the Sequoia National Game Refuge on the map entitled
23 "Boundary Map, Sequoia-Kings Canyon National Park",
24 numbered 102-90,000 and dated April 1975, are hereby
25 added to Sequoia National Park (hereinafter in this Act

1 referred to as "the Park"). A copy of such map shall be on
2 file and available for public inspection in the offices of the
3 National Park Service, Department of the Interior. After
4 advising the Committees on Interior and Insular Affairs of
5 the United States House of Representatives and the United
6 States Senate in writing, the Secretary of the Interior (here-
7 inafter referred to as "the Secretary") is authorized to make
8 minor revisions of the boundaries of the park when necessary
9 by publication of a revised map or other boundary descrip-
10 tion in the Federal Register.

11 (b) Effective on the date of enactment of this Act, the
12 Sequoia National Game Refuge is abolished and the Secre-
13 tary of Agriculture shall transfer, without consideration, to
14 the administrative jurisdiction of the Secretary of the Interior
15 the area constituting such refuge, and any unexpended funds
16 available for purposes of management of the refuge shall be
17 available for purposes of management of the park.

18 ACQUISITION OF LANDS

19 SEC. 4. (a) Within the exterior boundaries of the area
20 added to the Park by this Act, the Secretary is authorized
21 to acquire land and waters, and interests therein, by donation,
22 purchase with donated or appropriated funds, exchange, or
23 transfer.

24 (b) The owner of improved property on the date of its
25 acquisition by the Secretary under this Act, may as a con-

1 dition of such acquisition, retain for himself and his heirs
2 and assigns a right of use and occupancy of improved property
3 for noncommercial residential purposes for a definite term
4 of not more than twenty-five years or, in lieu thereof, for a
5 term ending at the death of the owner or the death of his
6 spouse, whichever is later. The owner shall elect the term to
7 be reserved. Unless the property is wholly or partially
8 donated to the United States, the Secretary shall pay the
9 owner fair market value of the property on the date of
10 acquisition minus the fair market value on that date of the
11 right retained by the owner. A right retained pursuant to this
12 section shall be subject to termination by the Secretary upon
13 his determination that it is being exercised in a manner in-
14 consistent with the purpose of this Act, and it shall terminate
15 by operation of law upon the Secretary's notifying the holder
16 of the right of such determination and tendering to him an
17 amount equal to the fair market value of that portion of the
18 right which remains unexpired.

19 (c) The term "improved property" as used in subsection
20 (b) means a detached noncommercial residential dwelling,
21 together with not more than three acres of land on which
22 the dwelling is situated, the said land being in the same
23 ownership as the dwelling.

24 (d) If any individual tract or parcel of land acquired
25 is partly inside and partly outside the boundaries of the

1 park the Secretary may, in order to minimize the payment
2 of severance damages, acquire the whole of the tract or
3 parcel.

4 (e) In exercising his authority to acquire property
5 under this Act, the Secretary shall give prompt and careful
6 consideration to any offer made by an individual owning
7 property within Mineral King Valley to sell such property
8 if such individual notifies the Secretary that the continued
9 ownership of such property is causing, or would result in,
10 undue hardship.

11 (f) The Secretary, within the thirty-six-month period
12 following the date of the enactment of this Act, shall report
13 to the Congress the action taken by him pursuant to this
14 section. Such report shall contain information sufficient to
15 inform the Congress (1) the acquisitions made by him pur-
16 suant to this section during the period covered by such
17 report; (2) his reasons why all of such property authorized
18 to be acquired and not so acquired as of the date of such
19 report, if any, have not been acquired; and (3) his schedule
20 of a timetable for the acquisition of such property referred
21 to in clause (2).

22 ADMINISTRATION

23 SEC. 5. (a) The area added to the park by this Act
24 shall be administered, protected, and developed in accord-
25 ance with the provisions of the Act of August 25, 1916 (39

1 Stat. 535; 16 U.S.C. and following) and the Act of Sep-
2 tember 25, 1890 (26 Stat. 473; 16 U.S.C. 41 and follow-
3 ing). Any other statutory authority available to the Secre-
4 tary for the conservation and management of wildlife, wild-
5 life habitat, and natural resources may be utilized to the ex-
6 tent he finds such authority will further the purposes of this
7 Act.

8 (b) Except in the case of a valid existing lease which
9 the Secretary determines to be incompatible with the ad-
10 ministration of the park, any lease of Federal land within
11 the area added to the park by this Act which is in effect on
12 the date immediately before the date of the enactment of
13 this Act shall continue in effect pursuant to its terms and
14 conditions following the addition of such area of the park
15 by this Act.

16 MANAGEMENT PLAN; PUBLIC PARTICIPATION

17 SEC. 6. (a) Within two years from the date of enact-
18 ment of this Act, the Secretary shall develop and submit to
19 the Committees on Interior and Insular Affairs of the United
20 States Senate and House of Representatives a comprehen-
21 sive management plan for the area added to the park by this
22 Act. In developing such plan, the Secretary shall, to the ex-
23 tent consistent with the purposes of this Act, provide for
24 additional recreational opportunities and other public uses.

25 (b) (1) In preparing the comprehensive management

1 plan required by this section, the Secretary shall provide
2 for full public participation and shall consider the comments
3 and views of all interested agencies, organizations, and
4 individuals.

5 (2) For purposes of insuring such full public participa-
6 tion, the Secretary shall provide reasonable advance notice to
7 State and local governments, interested Federal agencies,
8 private organizations, and the general public of hearings,
9 workshops, meetings and other opportunities available for
10 such participation. Such notice shall be published in news-
11 papers of general circulation in the localities affected by the
12 development and management of the park, published in the
13 Federal Register, and communicated by other appropriate
14 means. The Western Regional Advisory Committee of the
15 National Park Service (or a subcommittee thereof) shall also
16 be utilized for purposes of facilitating public involvement.

17 (3) The Secretaries or Directors of all Federal depart-
18 ments, agencies, and commissions having a relevant ex-
19 pertise are hereby authorized and directed to cooperate with
20 the Secretary in his development of such plan and to make
21 such studies as the Secretary may request on a cost reim-
22 bursable basis.

23 (4) If such plan provides for concessions, or facilities,
24 services, or other accommodations for the public, the Secre-
25 tary, notwithstanding any other provision of law, or regula-

tion, or any agreement or other arrangement entered into pursuant thereto, shall not grant or recognize any privilege, lease, permit, or contract, or enter into any contract, agreement, or other arrangement, providing for concessions, or facilities, services, or other accommodations for the public within such area added to the park by this Act, unless he has first given reasonable public notice, after the submission of such management plan, of his intention to do so and has considered and evaluated all proposals received as a result thereof, and acts on the basis thereof.

AUTHORIZATION

SEC. 7. There is hereby authorized to be appropriated not to exceed \$1,500,000 for the acquisition of land, waters, and interests therein, under section 4 of this Act.

REPEAL OF CERTAIN LAWS APPLICABLE TO THE GAME

REFUGE

SEC. 8. Effective upon the transfer referred to in section 3 (b), the Act of August 14, 1958 (72 Stat. 604; 16 U.S.C. 45a-3), and section 6 of the Act of July 3, 1926 (44 Stat. 821; 16 U.S.C. 688) are hereby repealed. The repeal of such section 6 shall not be construed to prohibit or prevent the Secretary from exercising any authority applicable to the National Parks respecting the protection of birds, game, or other wild animals.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 26 1978

Honorable Henry M. Jackson
Chairman, Committee on
Energy and Natural Resources
United States Senate
Washington, D. C.

Dear Mr. Chairman:

This responds to the request of your Committee for the views of this Department on S. 88, a bill "To enlarge the Sequoia National Park in the State of California by adding to such park the Mineral King Valley area, to provide for certain planning respecting the management of such addition, and for other purposes."

We recommend that the bill be enacted.

S. 88 would include the Mineral King Valley area, now officially designated as the Sequoia National Game Refuge, within the Sequoia National Park and direct the Secretary of Agriculture to transfer without consideration, lands within his jurisdiction to the Secretary of the Interior for management as part of the National Park. Terms for management and acquisition of private property, permits, and leases are provided; continuity of existing private interests is permitted. The bill would repeal those provisions of law which included the refuge in the National Forest.

The Mineral King Valley contains about 16,200 acres, situated at the southern end of Sequoia National Park and bordered by the park on the east, north and west. (About 80% of the perimeter of the Mineral King area is bordered by park). The valley is presently administered by the National Forest Service as a part of the Sequoia National Forest. It is highly scenic, with a richly vegetated valley floor surrounded by tall, rugged mountain peaks and scattered with cirques, alpine lakes and streams, forest stands and rock outcroppings.

Mineral King is a superb Sierra Mountain valley. Its unique combination of high scenic value, its substantially pristine and undeveloped quality, and its relative accessibility, as well as its close geographical and ecological integration with Sequoia National Park, make it a worthy and logical addition to the park.

The area receives some 25 inches of precipitation annually, mostly in the form of heavy snow, with avalanches a common occurrence. The soils of the valley are quite subject to erosion. The Mineral King basin is the headwaters to the East Fork of the Kaweah River, fed by tributaries from seven small lakes. Water quality is exceptionally good.

The Forest Service environmental statement for Mineral King states that mineral ores are not of sufficient quantity or quality to justify profitable exploitation.

Vegetation is regarded as typical of Sierra mountain zones, but the area contains two rare species of understory vegetation and record-sized foxtail pines. A noncommercial forest dominates the area, although there are some 4,300 acres of potentially commercial timberland. Under Forest Service multiple use planning, Mineral King is classified as Crest Zone. In this zone, water and recreation are the primary management considerations, rather than commercial timber production.

The wildlife population is diverse and includes a stable herd of mule deer, small mammals and larger furbearers, black bear, and a variety of birds, including raptors, which are of particular concern. There are a total of 21 lakes in Mineral King, of which 16 are stocked with rainbow and eastern brook trout. The biological productivity level of the lakes is naturally low and these fish populations could not sustain themselves without a stocking program. Mineral King is considered potential habitat for rare endangered or threatened wildlife species that have been found there in the past, including southern bald eagle, American peregrine falcon, California condor, wolverine, California bighorn sheep, and the spotted owl.

Current visitor uses of the Mineral King area are primarily recreational pursuits of camping, hiking, horseback riding, cross-country skiing, fishing, hunting for deer and bear, and summer cabin use. The Park Service, in 1977, recorded approximately 9,000 vehicles crossing the park on the only road providing access to Mineral King. We estimate this represents about 31,000 people.

For many users, Mineral King serves as a trailhead for backpackers entering Sequoia National Park. In 1977, the Park Service issued approximately 5,300 wilderness user permits, covering an estimated 20,000 people, for entrance to the Park from Mineral King. The Forest Service regards the use of present recreation facilities in the valley to be at or near capacity levels, and limitations are placed on campground users during the busiest periods.

The Forest Service has contemplated intensive recreational development of Mineral King since the late 1940's. In 1965, the Forest Service issued a bid invitation for construction and operation of a ski resort at Mineral King. The bid of Walt Disney Productions was accepted, and the company received a special-use permit for planning and surveying in preparation for the master plan. On January 21, 1969, the Forest Service approved in concept the Disney master plan.

The plan envisaged a 35 million dollar complex which would be built on 80 acres of the valley floor under a 30-year special-use permit from the Forest Service (80 is the maximum number of acres which can be committed to a long-term special-use permit), and on an additional 6,000 acres in the valley and on the slopes under revocable year-to-year permits.

Since the original Disney proposal, amended and scaled down proposals have been discussed.

In June 1969, the Sierra Club filed suit against the Secretaries of Agriculture and Interior to block issuance of the permits required for construction of the project and for access through national park lands. After years of litigation and a Supreme Court decision on a issue of standing, an amended lawsuit still awaits trial in a California Federal District Court.

As a result of the proposed recreational development in the valley, Mineral King has become a national issue, a symbolic conflict between resource protection and commercial development of unspoiled natural areas.

The National Park Service completed a feasibility study on the inclusion of the Mineral King Area in the Park in 1976. This study found that the ski resort complex proposed by the Disney interests would have a significant adverse impact on the resources of the valley, on the adjoining national park and the adjacent region. We believe the Department and the Administration have a strong basis for recommending that the Valley be added to the Sequoia National Park.

If the lands were to be transferred from the Forest Service to the National Park Service, it is our intention to gradually phase out existing Forest Service permits and leases. Sixty-seven summer homes are under Forest Service permit; an additional 20 such homes are on private land in the area of Mineral King known as Silver City. Most of the summer cabin permits were to terminate on December 31, 1976, a few terminate at the end of 1977 and 1978, and some are annual permits. However because of the litigation regarding this issue, and thus the uncertainty about the ski resort development, the Forest Service notified the permittees that upon the permittees acceptance, the permits would be extended to an expiration date of no later than December 31, 1978.

The terms of the Forest Service permits provide, among other things, that the permits are not transferable, that they may be terminated at the discretion of the Forest Service, and that upon cancellation of the permit the permittee shall remove structures and improvements unless otherwise agreed upon, or be liable for such removal. The National Park Service would expect to re-issue permits on similar terms.

We recommend that S. 88 be amended as discussed below.

1. The subject bill provides for 15,600 acres of the Mineral King Valley to be added to Sequoia National Park. However, we have recently completed a detailed cost estimate of the lands within the Mineral King Valley and find it to consist of approximately 15,400 acres of Federal land and 741.58 acres of private land for a total of 16,141.58 acres. We, therefore, recommend that the bill be amended to reflect an acreage of approximately 16,200 acres.
2. The cost of acquiring the private lands in fee is estimated at about \$5,350,000. The bill would authorize only \$1,500,000 for acquisition purposes. We urge that the bill be amended to reflect the Park Service estimate.
3. The last sentence of section 5(a) of the bill implies that authorities applicable to the Fish and Wildlife Service or the Bureau of Land Management might be used to manage this addition to Sequoia National Park. If the Mineral King Valley is added to the park, the existing authorities for administration of the National Park System will be adequate to manage this area; the last sentence of section 5(a) is unnecessary.
4. Under section 5(b) of the bill, we suggest that language be inserted giving the Secretary the authority to extend leases or permits for 5 year intervals to the present holders of those leases or permits.
5. There is a technical error in the bill. The statutory reference on page 6, line 2 of S. 88 should be 26 Stat. 478. The bill should be changed accordingly.
6. Section 6 of the subject bill calls for preparation and submission of a comprehensive management plan with extensive public participation. The management plan for the Mineral King Valley should be incorporated as part of a revised Sequoia National Park General Management Plan reflecting the additional resources of the Mineral King Valley and the objectives for managing them. Section 6 would

require completion of a plan within 2 years. Our experience has shown that the National Environmental Policy Act process of public involvement normally requires about thirty-six months to thoroughly prepare, circulate and review such plans and environmental statements. Accordingly, we would recommend that the two year requirement of section 6 be amended to 3 years.

7. We recommend that the legislation provide that if the management plan called for under section 6 recommends improved access to the valley when added to the park, the Secretary would be authorized to acquire the right-of-way for the Mineral King Road leading from California Route 198 into the valley. This would enable the National Park Service to make necessary improvements and at the same time to assure that road construction would not result in unacceptable siltation to streams or other adverse effects on the ecosystem.

In conclusion, we strongly support enactment of S. 88 or a similar bill, with amendments recommended above.

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,

Assistant

Robert Herbst
SECRETARY

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

May 24 1978

Honorable Henry M. Jackson
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

As you requested, here is our report on S. 88, a bill "To enlarge the Sequoia National Park in the State of California by adding to such Park the Mineral King Valley area, to provide for certain planning respecting the management of such addition, and for other purposes."

The Department of Agriculture recommends that S. 88 be enacted.

S. 88 would enlarge the Sequoia National Park, California, by adding about 15,600 acres in the Mineral King Valley that are now part of the Sequoia National Forest. Administrative responsibility for the Mineral King area, including leases and special use permits therein, would be transferred from the Secretary of Agriculture to the Secretary of the Interior, who would be required to submit to Congress a comprehensive management plan for the area. Full public participation during development of the plan would be required. Section 6 of the Act of July 3, 1926, providing for management of the Sequoia National Game Refuge, would be repealed and the area would be managed in accordance with the policies for the Sequoia National Park.

The Mineral King area is presently within the Sequoia National Forest and is administered in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531), the Forest and Rangeland Renewable Resources Planning Act of 1976 (88 Stat. 476; 16 U.S.C. 1601-10) as amended by the National Forest Management Act of 1976 (90 Stat. 2947; 16 U.S.C. 1600), and other applicable laws relating to the National Forest System. In addition, the Sequoia National Game Refuge is administered under provisions of Section 6 of the Act of July 3, 1926 (44 Stat. 821, as amended; 16 U.S.C. 688).

The Mineral King area, although within the National Forest, is adjacent to the southern end of the Sequoia National Park and is about 230 miles northeast of Los Angeles and about 270 miles southeast of San Francisco, in the headwaters of the East Fork of the Kaweah River. It is a superb Sierra Mountain Valley about two miles long, narrows down to a width of 1/4 mile, and is slightly over 7,000 feet in elevation. Its combination of high scenic value, substantially pristine quality, and relative

Honorable Henry M. Jackson

2.

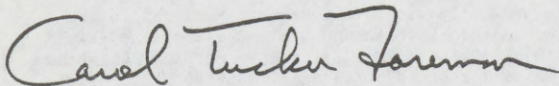
accessibility has contributed to its increasing use for camping, hiking, horseback riding, cross country skiing, fishing, hunting, and summer overnight visits. The area serves also as one of many trailheads for backpackers entering Sequoia National Park.

Mineral King has long been judged to have exceptional potential for winter sports development featuring down-hill skiing. In 1966, the Forest Service invited bids for development and operation of a year-round recreation complex at Mineral King. The planning permit was awarded to Walt Disney Productions, and a master plan was submitted in 1967. This permit is still in effect today. The Draft Environmental Statement for the planned venture was issued in 1974, and a Final Environmental Statement was issued in 1976. Implementation of the favored alternatives was delayed due to substantial public controversy over the intensity, scale, and sophistication of the development being proposed.

In development of an Administration position on S. 88 and the related House bill, a number of management alternatives were considered for the Mineral King area. The Administration concluded that the area should be managed in a near natural condition. Since the topography, location of administrative facilities, and location and design of the main access route favor addition of the entire area to the National Park, the Administration favors inclusion of Mineral King in the Sequoia National Park.

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,



Carol Tucker Foreman
Acting Secretary

Senator ABOUREZK. Our first witness—and I would just like to say that I conduct hearings a bit differently than other committee chairmen do. I would be most grateful if anybody who has a written statement would just submit that for the record. It will be printed in full, and I would solicit your ad lib remarks just to tell me without reading anything, how you feel about the legislation. I think it would mean a lot more to me that way, so we will ask Senator Cranston, the senior Senator from California, the distinguished author of the legislation, to lead off this morning.

**STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE
STATE OF CALIFORNIA**

Senator CRANSTON. Good morning.

I deeply appreciate your wonderful cooperation and interest in matters like this in California and elsewhere, and this committee has been very diligent and very devoted, very responsive, and I am very grateful for that.

I will submit most of my statement for the record, but there are a few points I would like to make verbally to you.

I know you have a very full deadline or a full agenda today trying to meet the May 15 budget deadline, so I am grateful to you for managing to squeeze in this opportunity today.

As I think you all know, Mineral King is a 16,200-acre area contiguous to Sequoia National Park. The area is currently designated a national game refuge and administered by the Forest Service as part of the Sequoia National Forest. Mineral King takes its name from the mining which occurred there in the 1870's and 1880's. Because of this mining activity and the area's potential for further mineral development, Mineral King was not included in Sequoia National Park when it was established in 1890. However, topographically and ecologically, Mineral King belongs to the park which surrounds it on three sides. Since the mining ended over 80 years ago, this is not a valid reason now for the area's exclusion from the park. Moreover, it doesn't make any sense from a land management point of view to continue to have the Forest Service administer Mineral King.

Because of the area's central location within the State of California and its superb scenic and natural resources, Mineral King is an ideal site for recreational development. Under continued Forest Service management, Mineral King would be developed as a year-round resort with high intensity use. The original Forest Service plan called for 18 ski lifts, 6 campgrounds, 3 alpine villages, 2 mountain-top restaurants, an access road through Sequoia National Park, and a 2,200-vehicle parking facility. This development would allow for 2,785,000 visitor-days per year. This is two-thirds as many people as visit Yosemite National Park, which is four times as large as Mineral King.

Mr. Chairman, serious questions have been raised about the compatibility of this Forest Service proposal with Mineral King's natural values and game refuge status. For example, under the Forest Service plan the number of automobiles would more than double, thus increasing automobile emissions substantially. According to an October 1976, California Air Resources report, there is already widespread air pollution injury both to crops and forest trees in the San Joaquin

Valley and southern Sierra Nevada Mountains. The air resources board found a \$32 million crop loss from oxidant injury in 1975 alone. A recent report from the forest pest staff of the Forest Service has also documented significant smog damage to ponderosa pine and the mixed conifer forests in the Mineral King area.

I know that you will be receiving additional testimony today about various problems with the Forest Service proposal for Mineral King. It appears that Mineral King is not suitable for intensive development, and as long as Mineral King is managed by the Forest Service there is always the possibility of very large-scale development there.

S. 88 is an alternative proposal for Mineral King. The legislation places Mineral King under the jurisdiction of the Department of Interior and directs the Secretary of Interior to develop within 2 years a management plan for Mineral King that protects the wildlife and scenic and natural values of the area, and at the same time provides for additional recreational opportunities.

The legislation is not intended to preclude the development of downhill ski facilities at Mineral King. In fact, I favor—I want to emphasize that I favor—downhill skiing there. There is a real need for additional ski areas close to southern California—both for people who can't afford the time and expense to travel out-of-State, and for those presently forced to drive hundreds of miles to ski—and Mineral King can help fill that need. I have received assurances from the Department of Interior that should S. 88 be enacted in its present form, the National Park Service would treat Mineral King as an exception to its general policy of not permitting new ski facilities in national parks, and would give full and impartial consideration to this management option.

Given to these assurances, I do not feel it is necessary or appropriate to include a provision in the bill mandating skiing at Mineral King, thus predetermining the management plan. But I urge the committee to include language in the report on S. 88 to make it clear that Congress intends to bring about some additional skiing at Mineral King under National Park Service management.

Under the bill, there will be full public participation in the preparation of the management plan. Should the plan call for concessions, skill facilities services or other accommodations for the public—and I hope it will—S. 88 requires the Secretary of Interior to consider all proposals to provide such facilities. This means that the present concessionaire for Sequoia National Park will not automatically get any concession for Mineral King and that the concessionaire selected by the Forest Service, the Disney Corporation, will have an equal opportunity to provide services.

As you know, S. 88 is a companion to H.R. 1771 introduced in the House by Congressman John Krebs, whose district includes the Mineral King Valley. The House Interior Committee has completed hearings on H.R. 1771 and has approved the measure in subcommittee with some modifications. I am familiar with the changes made in the House subcommittee, and generally they meet with my approval.

Mr. Chairman and Senator Hansen. I hope the committee will give S. 88 its favorable consideration so the measure can be enacted this year, and again I thank you.

Senator ABOUREZK. Thank you, Senator Cranston.

Senator CRANSTON. I would like to submit for the record supplements in support of S. 88 from groups and individuals who were unable to testify this morning. These include, the Fly Fisherman for Conservation, the Central California Ski Club, the National Park and Conservation Association, and the Wilderness Society.

Senator HANSEN. I do have one question, Senator Cranston. Do you favor skiing within national parks?

Senator CRANSTON. Well, I specifically favor it in this case. I don't have any general view, and I think I have reservations about generally that occurring, but in this case I think that it should. I think we need more ski areas. I know we need more ski areas.

Senator HANSEN. You would agree that this would be a change in direction from what the park policy has been if it were to be permitted here?

Senator CRANSTON. I guess that would be the case, yes.

Senator HANSEN. I have no further questions.

Senator ABOUREZK. Thank you very much, Senator Cranston. We appreciate your testimony and your appearance.

[The prepared statement of Senator Cranston and supplement statements follow:]

STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Mr. Chairman, I'm pleased to be here to testify in support of S. 88, a bill to add Mineral King to Sequoia National Park. I know this Committee has a very full agenda trying to report bills by the May 15 budget deadline—so I'm especially grateful that you were able to find time this morning to hold this hearing.

Mr. Chairman, as you probably know, Mineral King is a 16,200 acre area contiguous to Sequoia National Park. The area is currently designated a national game refuge and administered by the Forest Service as part of the Sequoia National Forest. Mineral King takes its name from the mining which occurred there in the 1870's and 1880's. Because of this mining activity and the area's potential for further mineral development, Mineral King was not included in Sequoia National Park when it was established in 1890. However, topographically and ecologically, Mineral King belongs to the park which surrounds it on three sides. Since the mining ended over 80 years ago, this is no longer a valid reason for the area's exclusion from the park. Moreover, it doesn't make any sense from a land management point of view to continue to have the Forest Service administer Mineral King.

Because of the area's central location within the State of California and its superb scenic and natural resources, Mineral King is an ideal site for recreational development. Under continued Forest Service management, Mineral King would be developed as a year-round resort with high intensity use. The original Forest Service plan called for 18 ski lifts, six campgrounds, three alpine villages, two mountain-top restaurants, an access road through Sequoia National Park, and a 2,200 vehicle parking facility. This development would allow for 2,785,000 visitor days per year. This is two thirds as many people as visit Yosemite National Park which is four times as large as Mineral King.

Mr. Chairman, serious questions have been raised about the compatibility of this Forest Service proposal with Mineral King's natural values and game refuge status. For example, under the Forest Service plan the number of automobiles would more than double, thus increasing automobile emissions substantially. According to an October 1976 California Air Resources report, there is already widespread air pollution injury both to crops and forest trees in the San Joaquin Valley and southern Sierra Nevada Mountains. The Air Resources Board found a \$82 million crop loss from oxidant injury in 1975 alone. A recent report from the forest pest staff of the Forest Service has also documented significant smog damage to ponderosa pine and the mixed conifer forests in the Mineral King area.

Although the supplement to the environmental impact statement on the Mineral King development concludes that the proposed development would not have

a significant impact on air quality, the California Air Resources Board disagrees. The findings of the impact statement are also disputed by a March 1977 study conducted by Systems Applications, Inc., a private research organization.

I'm sure you'll be receiving additional testimony today about other problems with the Forest Service proposal for Mineral King. It appears that Mineral King is not suitable for intensive development, and as long as Mineral King is managed by the Forest Service there is always the possibility of very large-scale development there.

Mr. Chairman, S. 88 is an alternative proposal for Mineral King. The legislation places Mineral King under the jurisdiction of the Department of Interior and directs the Secretary of Interior to develop within two years a management plan for Mineral King that protects the wildlife and scenic and natural values of the area, and at the same time provides for additional outdoor recreational opportunities.

The legislation is not intended to preclude the development of downhill ski facilities at Mineral King. In fact, I favor downhill skiing there. There is a real need for additional ski areas close to Southern California—both for people who can't afford the time and expense to travel out-of-state, and for those presently forced to drive hundreds of miles to ski—and Mineral King can help fill that need. I have received assurances from the Department of Interior that should S. 88 be enacted in its present form, the National Park Service would treat Mineral King as an exception to its general policy of not permitting new ski facilities in national parks, and would give full and impartial consideration to this management option. Given to these assurances, I do not feel it is necessary or appropriate to include a provision in the bill mandating skiing at Mineral King, thus predetermining the management plan. But I urge the Committee to include language in the report on S. 88 to make it clear that Congress intends to bring about some additional skiing at Mineral King under National Park Service management.

Under the bill, there will be full public participation in the preparation of the management plan. Should the plan call for concessions, ski facilities, services or other accommodations for the public—and I hope it will—S. 88 requires the Secretary of Interior to consider all proposals to provide such facilities. This means that the present concessionaire for Sequoia National Park will not automatically get any concession for Mineral King and that the concessionaire selected by the Forest Service, the Disney Corporation, will have an equal opportunity to provide services.

Mr. Chairman, as you know, S. 88 is a companion to H.R. 1771 introduced in the House by Congressman John Krebs, whose district includes the Mineral King Valley. The House Interior Committee has completed hearings on H.R. 1771 and has approved the measure in Subcommittee with some modifications. I am familiar with the changes made in the House Subcommittee, and generally they meet with my approval.

The State of California has requested, and the House Subcommittee approved, additional language in section 6(a) of the bill to provide that the Mineral King management plan be developed by the Secretary of Interior in cooperation with the State of California. The state points out that recreational impacts and resource uses extend beyond the Sequoia National Park boundaries. The addition of this language would insure state involvement in decisions at Mineral King.

The state also favors a new subsection in section 6 to insure that the Secretary of Interior consult specifically with California Department of Fish and Game while developing the management plan. The Department of Fish and Game has a direct interest in Mineral King as it currently manages the deer herd there under a cooperative agreement with the Forest Service. I have no objections to these additions requested by the state.

The House Subcommittee also approved new language to provide for federal acquisition of the road from State Route 198 to Mineral King together with a right of way should improved access be directed by the management plan. The existing road is closed in the winter. Both the State of California and local government have made it clear they won't fund the road which would be needed if any type of skiing is provided at Mineral King. The House Subcommittee also included language directing the Secretary to protect against the effects of siltation in connection with the road. The additional language resolves the concerns of the state, I understand.

Finally, the House Subcommittee included language extending to Forest Service lease holders the same kind of protection afforded land owners at Mineral King.

Under the House provision a permittee not only would retain a right to use and occupy improved property for the duration of the lease, but could also have his permit renewed by the Secretary of Interior if the use is not incompatible with park uses. I am aware that it is National Park Service policy not to have leases in national parks, but as many of the permittees at Mineral King have been summer residents for as long as the property owners, I urge the Committee to consider the equities.

Mr. Chairman, I hope the Committee will give S. 88 its favorable consideration so the measure can be enacted this year.

FLY FISHERMEN,
FOR CONSERVATION, INC.,
Fresno, Calif., April 23, 1978.

CHAIRMAN OF THE ENERGY AND NATURAL RESOURCES COMMITTEE,
U.S. Senate Office Building,
Washington, D.C.

HON. HENRY JACKSON: Fly Fisherman for Conservation are concerned with the fate of the Mineral King. There is a small number of people who favor development in the Mineral King. Their number may be small but their influence is great as they are an affluent segment of society. These people would develop an area of unsurpassed beauty and unique quality so that an infinitesimal section of our nation's population would benefit financially at the expense of all taxpayers and consumers. A slightly larger segment of the population would receive recreational benefits (downhill skiers) but the loss of recreation to the rest of us—the majority of present and potential users would be irreparable and irreplaceable.

We have heard accusations that if the Mineral King were placed within the National Park System it would be "locked up by an elitist group of environmentalists in wilderness." Quite simply, this is not true! A broad ranging survey of public attitudes toward Federal lands, their recreational use and wilderness value was conducted by the Opinion Research Corporation of Princeton, New Jersey. The survey showed that only 3 percent of the general public believes the elitist's argument. The survey also found that only 7 percent of the general population feel that we have too much wilderness, while 32 percent feel that we do not have enough wilderness. The younger adults polled (those in the age group of 18-29) responded 51 percent of the time, that we have not set aside enough land in a natural condition.

The study showed conclusively that the types of activities participated in by the general population do not indicate an attempt by conservationists to lock up Federal lands for the use of a "precious few." The survey showed that 10 percent of the general population are backpackers or hikers on remote trails. This making up about 25,000,000 people. Nineteen percent are day hikers on more accessible trails; 19 percent of the general public would add another 47.5 million people. If we add to this 35 million hunters, 12 million horseback trail riders, 12.5 million mountain climbers, 7 million river rafters and 5 million cross-country skiers it becomes evident that lands managed to retain their natural character would cater to the recreational interests of nearly two-thirds of our nation's population.

Fishing is the most popular outdoor sport in America. We, at Fly-fishermen for Conservation, are not only concerned with the sport of fly fishing but more importantly with the conservation of our nation's fishing resources for all fishermen.

Placing the mineral king within Sequoia National Park would not establish it as wilderness. It would, however, protect the fisheries in the immediate area and those of the newly established Golden Trout Wilderness Area signed into law as of February 24, 1978 by President Carter.

We Fly-fishermen for Conservation believe that our legislators will serve the needs of the American people. At no other time in our great nation's history have so many people been so anxious to get out of the cities and into areas where they can experience wilderness. Land need not be designated as a wilderness area but it must be managed in a near natural state. At a time when so many people want solitude, does it make sense, no matter how profitable, to put big city type amusements and facilities into the mountains? We think not. We ask of you to place the Mineral King within the National Park System. Thank you for your time and consideration.

Sincerely,

KARL KLAVON,
Chairman.

CENTRAL CALIFORNIA NORDIC SKI CLUB,
Fresno, Calif.

HON. SENATOR JACKSON,
*Chairman, Energy and Natural Resources Committee, U.S. Senate Office Building,
Washington, D.C.*

DEAR SIR: We, the Central California Nordic Ski Club would appreciate an opportunity to express our views on the pending legislation, S. 88, that would add the Mineral King Game Preserve to Sequoia National Park.

We constantly hear that "Skiers" are promoting the development of the Mineral King. This is not true! There are two distinct and different forms of skiing, and there are two different kinds of skiers. The two forms of skiing are Alpine (downhill) and Nordic (cross country). The statement that "skiers support the development of the Mineral King" refers to only the downhill skiers, and in no way represents the wishes of cross country skiers.

The oldest form of skiing is cross country skiing. It was born in the Scandinavian countries around 2000 B.C., some 3,800 years before downhill skiing was developed in the Austrian Alps. Until fairly recently, skiing in the United States meant Alpine Skiing, but all that has changed drastically in the last few years. Cross country skiing has come of age. Bill Koch winning an Olympic Silver Medal at Innsbruck catapulted cross country skiing into becoming an accepted and integral part of American life. The Playboy man has been pictured making cross country skiing part of his lifestyle. Time reported Sophia Loren going to France's Haute-Savoie to cross country ski with her family. Smirnoff Vodka did battle with Wolfschmidt using cross country skiing as a background in their advertising. Full length articles on the sport have run in many national magazines normally not devoted to sport, including Ms. and, most recently, Sunset. The Renaissance of cross country skiing is gaining momentum because of the universal appeal inherent in the sport of cross country skiing: ski touring is something you can do wherever there is snow.

It is something you can enjoy at your own pace, in your own style, for your own purpose. Cross country skiing is as personal as the way you dress, as convivial as your friends and family, as tranquil or challenging as you wish to make it. It can take you to a picnic or to a neighbor, through the woods or over mountains, or around a race course, all according to how fast and how far you want to go. Cross country skiing is not limited by age, sex, athletic ability, or income.

In a poll comparing Nordic and Alpine skiers it was found that cross country skiers are more heavily concentrated in the 25-34 age group which includes young married people—55 percent of which cannot afford the expense of Alpine skiing. Twenty-two percent of the cross country skiers are in the 35-49 age group which shows that the sport has appeal for all ages. On the average, cross country skiers have lower incomes than downhill skiers. Two-thirds of all cross country skiers are *not* downhill skiers. Although, 25 percent of the cross country skiers have either tried and did not like, or have completely given up Alpine Skiing. Ninety percent of the people who cross country ski are interested in improving their level of physical condition and health.

The object of cross country skiing is to go somewhere, from one place to another. The object of downhill skiing is to ski down a hill. Cross country skiers do not need nor want lift facilities, bars, restaurants, hotel or motel accommodations. We do not need development of the Mineral King!

The Mineral King is presently used by cross country skiers. The development of the Mineral King into a major downhill ski resort would result in a marked decrease in cross country skier use. If the Mineral King were included in Sequoia National Park the areas attractiveness to cross country skiers would be enhanced.

Presently, the U.S. Forest Service allows unrestricted snowmobile use on lands under its administration. Unrestricted snowmobile use is not compatible with cross country skiing. It poses a physical threat to the safety and well being of cross country skiers. Snowmobiles also offend the aesthetic sense of appreciation cross country skiers have for the white winter environment.

We object to the sight and odor of the blue smoke that hangs in the air for long periods of time. We dislike it when the silence and solitude we seek is destroyed by the noisy machines. The tracks snowmobiles leave are a hazard for skiers as are the machines themselves due to the possibility of a collision with skiers. For the safety and well being of both cross country skiers and snow-

mobilers it would be advantageous to separate areas of use. Inclusion in Sequoia National Park will effect separation of use as it is a Park policy to restrict snow-mobile use.

Cross country skiers have a value system that tends to align their natural interests with those of backpackers, day hikers, rock climbers and mountaineers. These sports hold certain common elements—they are ecologically clean, they seek areas of dispersed recreation, natural scenic beauty away from areas of development. They are not overly dependent on the consumption of large amounts of energy and non-renewable resources.

At the present time, cross country skiers are not as numerous as downhill skiers but that situation will change very soon. There are now 5 million cross country skiers in the United States. The growth of the sport has been phenomenal. In 1967, 12,000 pairs of cross country skis were sold in this country; in 1977, 450,000 pairs of cross country skis were sold in the United States.

As of 1977 one out of every four pairs of skis sold in the United States was a pair of cross country skis. Cross country skiing is the fastest growing winter sport activity in this country. The rate of increase is so rapid that the number of new people coming into the sport has doubled every year since 1969. The marketing people expect this trend to continue for another five years before it begins to level off. It is only a matter of time before cross country skiers will significantly outnumber downhill skiers.

On a worldwide basis cross country skiing is more than twice as popular as downhill skiing. If the five million cross country skiers are added to the 72.5 million day hikers and backpackers, 12 million horseback trail riders, and 12.5 million mountain climbers it becomes convincingly clear that the greatest good for the greatest number will be gained by preserving the Mineral King in its primarily natural condition by adding it to the National Park System. Please keep the Mineral King natural!

Sincerely,

VERNON KLAVON,
President.

STATEMENT OF T. DESTRY JARVIS, REPRESENTING THE NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. Chairman and other distinguished members of the subcommittee, I am Destry Jarvis, representing the National Parks and Conservation Association, a national, non-profit conservation organization dedicated to preservation of the units of the national park system. We appreciate the opportunity to testify on the bill S. 88, to enlarge Sequoia National Park with the addition of Mineral King Valley.

Attached to my statement is an editorial from the June 1975 issue of the National Parks and Conservation Magazine which strongly endorsed the inclusion of Mineral King in the national park system. We reiterate that position today by endorsing S. 88, as introduced by Senator Alan Cranston.

NPCA full supports the addition of Mineral King to Sequoia National Park not only because the natural conditions of the valley and surrounding slopes warrant the protective mantle of national park status, but also because transfer of management authority from the Forest Service is necessary to prevent large-scale development of the area as a ski resort.

Since Mineral King is already surrounded on three sides by the national park, logic and ease of management indicate that the valley should be added to the park. Because preservation is the foremost policy directive of the Park Service, that agency is best equipped to manage the valuable wildlife habitat of the area. In particular, ski facility development in the floor of the valley would undoubtedly destroy much of the important habitat for deer in Mineral King.

In terms of its resources and present uses, Mineral King is functionally a part of Sequoia National Park. It is not being lumbered, is in fact a game refuge, and should be designated permanently as a primitive or wilderness area. The existing inholdings should be acquired, and once preservation in natural conditions is assured the existing summer occupancy permits should not be renewed when their terms expire. The area should be devoted to general public use of a kind compatible with the preservation of the natural outdoor conditions, such as hiking, camping, and cross-country skiing.

As an alternative to development of Mineral King as contemplated by the Forest Service, NPCA has advocated development of an external concession system contracted by the Park Service, which would operate as follows:

The National Park Service would grant a concession to a consortium of recreational interests situated in the Three Rivers and Hammond areas, southwest of Sequoia National Park, possible with headquarters at Three Rivers.

The keystone of the concession would be a franchise to operate public transit into Sequoia-Kings Canyon National Park and Mineral King through the southern entrance to the park.

With respect to the park, the franchise would be exclusive for public transit purposes through the southern entrance. With respect to Mineral King, it would be exclusive for all purposes; that is, private automobile entry would be precluded through the section of the road passing through the park. The National Park Service would retain regulatory authority, by the terms of the concession, or otherwise, with respect to rates and management policies.

Private automobile traffic through the southern entrance to the park would continue for the present, subject to such regulation as the National Park Service might impose from time to time. But eventually such traffic would be reduced and largely eliminated to protect natural conditions in the park for the benefit of the public.

The external concessions here discussed would be for long-lines access from the external resort into the park. There would also be internal public transit by the same or other concessioners, operating without charge to the public, use of mini-buses, numerous stop-overs, and interpretive services on board. This local internal public transit, being free to the public and intended to reduce the use of private cars and traffic congestion, would require public financing. But the external concessioner system would be self-financing.

The long-lines concessioner would be required by the terms of the concession to develop visitor accommodations in the Three Rivers or Hammond locality adequate eventually to receive all visitors entering the park or Mineral King from the South. Their purpose is to make possible the phased reduction of private automobile traffic into the park and the freezing and eventual reduction of overnight accommodations within the park. These principles would be incorporated into the management plan for the park and the external concessioner would be given contractual guarantee to that effect. The external facilities would be limited by the agreement to prevent further crowding.

The external facilities would serve as the base for trips into the National Park and National Forest, including, if and when approved by the National Park Service, Mineral King. Day use of the park, forest, and Mineral King area are visualized, supplemented by overnight camping and the continued use of the present overnight facilities within the park, but without expansion of those facilities.

The present proposal rejects the construction of a new highway or a railway. The expenditures involved in a new highway would be an unjustified subsidy for a limited and special private enterprise. The same would be true for the construction of a railroad. Either a new highway or a railroad would result in an unacceptable overcrowding of the Mineral King area. The existing road, modified only for necessary safety considerations for public transit, provides a desirable bottleneck for the control of traffic and overcrowding.

The external concessioner proposal is linked to the protection of Sequoia-Kings Canyon National Park. If the National Park System is to be protected as our population increases, public transit must be offered as an alternative to the traffic congestion and overcrowding which results from the increasing use of the private automobile. This is applicable as a matter of general policy for most of the units of the National Park system and is applicable specifically in the present situation.

It has been urged that the Mineral King project as proposed by the United States Forest Service will bring a large increase in visitors to the National Park and National Forest; apparently this increase in visitors has been regarded as desirable; the truth is that such increases will destroy the areas in question for natural outdoor recreation if accomplished by expanded private automobile traffic.

The trend is toward public transit in the National Park System, just as in urban transportation, and the present proposal is forward-looking in that respect.

The National Park System is thought to have the necessary authority under the National Park Service Act of 1916 and otherwise to grant a concession with franchises of the kind here proposed without further legislation. The National Park Service should withhold permission for access to Mineral King through Sequoia National Park except for the purposes of the external concession system.

With facilities developed outside the park, Mineral King can remain in a natural condition as an integral component of Sequoia National Park.

Thank you for the opportunity to present our views. I would be happy to answer any questions.

MINERAL KING

In a remote fastness of the Sierra Nevada, largely encircled by Sequoia National Park, lies a high, wild valley called Mineral King. Excluded from the park when it was established in 1890 because of mining, which has now ceased, it is managed as a wildlife preserve within Sequoia National Forest.

About ten years ago the U.S. Forest Service proposed the development of a gigantic ski resort at Mineral King which would destroy its wilderness and wildlife, and a bitter controversy arose.

At stake, first of all, are certain values which have importance for the survival of mankind: solitude, quietude, tranquility, and remoteness. Men grow and mature within the social matrix: function, productivity, family, community; but this growth cannot take place without opportunity for self-exploration, reflection, meditation, which require periodic severance from the crowd.

The continuity of human society, and hence of all life on earth, depends in this age of chaos on preserving opportunities for such withdrawal and return toward the community for thoughtful people.

In another aspect, the problem is the biological relatedness of the human species to all surrounding life. A great advance in general understanding of the relation of men to their life-support systems has occurred during the last decade. It is one of the major hopes for survival.

A region like Mineral King, providing refuge for the human spirit in search of self-knowledge and integration, and protecting vanishing species of plants and animals, provides psychological and ecological bearings which we destroy at our peril.

As contrasted with these vital survival values, the benefits offered by the mammoth resort would be trivial and tawdry. Granted the fine quality of the snow bowls of Mineral King for ski runs, there are many such regions in the western mountains. There are plenty of other places for lodges, entertainment, and mechanical outdoor recreation.

The NPCA has recommended to the President of the United States that he declares Mineral King a national monument under the Antiquities Act and thus add it to the National Park System. Because it is geographically part of Sequoia-Kings Canyon National Park, it should be administered by the National Park Service as one unit in that system. If Congress decided at any time to incorporate it legally into the National Park, it could do so.

Mineral King is a valley of great richness of wildlife, such as the late Walt Disney celebrated in his True Life Adventure series of motion pictures. Next to Walt's early animated cartoons these nature films captured the heart of all America. Once protected safely within the National Park System, Mineral King, with all its beauty of streams and forests, its abundant animal life, and the wind-blown peaks and snowfields of the High Sierra, should be re-named for Walt Disney and protected for the lifetime of the human race as a wildlife refuge or wilderness area. We suggest that Disney Enterprises, which would be the concessioner at the resort, join us in fostering this approach.

The Forest Service should withdraw its proposal for the Mineral King resort. The project is in conflict with the Multiple Use Act which governs Forest Service policy, because it would drive out all the other uses of the area. The Park Service can control the situation by refusing access through a strip of Sequoia National Park which stands between the entrances to the west and high valley on the east.

The new Secretary of the Interior, who may have assumed office by the time these words are in print, should understand that he has a responsibility to the nation to stand between this fragile mountain region and the pressure of so-called development from the west, and to support the Park Service in a firm decision to deny any right-of-way through the park.

The issue has already been tested in court. After a first-run setback for technical reasons, the conservation organizations have been holding their fire but making ready to attack again, and we predict that the attack will be successful.

The NPCA filed comments on the draft environmental statement on the resort which was issued last winter by the Forest Service. We recommended the preservation of Mineral King by Presidential Order establishing a national monument. We recommended permanent protection of the area for wildlife preservation and natural outdoor recreation.

We recommended also, however, that the National Park Service be entrusted with the development of an external concession system, coupled with public transportation for Sequoia-Kings Canyon National Park as a whole, pursuant to a new master plan for the park, including Mineral King. We suggested that this approach would provide communities like Three Rivers and Hammond, near the south entrance to the park, with a much more promising prospect of business growth than the problematic giant resort.

Sequoia-Kings Canyon National Park suffers from a heavy overload of vehicular traffic through its north and south entrances. In 1974 there were 1,224,000 visits into the park, with 342,000 vehicles, through the Big Stump entrance to the north. There were 686,000 visits, with 196,000 vehicles, through the Ash Mountain entrance to the south.

The NPCA has recommended that the Park Service grant external concessions to consortiums of local businesses in the areas outside each of these entrances, consisting of franchises to operate public transit systems into the parks at a profit, subject to NPS regulation. Private automobile traffic into and through the park would be phased out, and would terminate at the external concessions. The concessioners would build overnight accommodations in the adjacent communities, with support facilities for public transit. Within the parks themselves a free public transit system would provide local access. And no further overnight facilities would be constructed inside the park.

Because the Forest Service has entrapped Disney Enterprises into the mammoth resort project, Disney should have an opportunity to bid on the basis of equality with any local consortium established for the external concession and public transit system proposed. Whether public transit should be extended to Mineral King would be a question to be decided pursuant to the new master plan.

The days of projects like the gigantic resort proposed for Mineral King are numbered. The nation will be tightening its belt to meet the rising costs of raw materials imported from abroad. The mineral wealth of the nation has been seriously and permanently depleted in many vital respects. The farm and forest resources become increasingly valuable, indispensable. Energy will be more and more costly, ruling out the bright lights, the heavy traffic, and the mechanical equipment which are the inseparable components of garish, artificial, recreational developments.

The overcrowding of the big cities will drive multitudes to escape into the pristine solitudes. The trials and campgrounds of the High Sierra are already overloaded, and more country for natural outdoor recreation, unbroken by facilities and urbanization, will be in great demand. Does this nation have the leadership in its business and governmental institutions which understands these truths?

Decisions made unilaterally at any one of at least five places in our society could settle the issue the right way permanently: by the Forest Service, revoking its projects; by Disney Enterprises, withdrawing from the project; by the Park Service, denying access irrevocably; by the Congress, incorporating Mineral King into Sequoia Park; or by the President, establishing it as a national monument, in consultation with Congress, by Executive Order.

STATEMENT OF RAYE PAGE, REPRESENTING THE WILDERNESS SOCIETY

Mr. Chairman, I am Raye Page, representing The Wilderness Society, which is a national conservation organization concerned with the protection of the natural lands and waters of the nation.

Sequoia National Park was established in 1890 to protect its scenic beauty and ecological qualities. Although Mineral King Valley is located logically within the Park, it was excluded because of potentially valuable mineral deposits. Commercial mineral importance did not materialize, and efforts were begun early to protect Mineral King Valley by transferring it to the Park. That transfer has become very urgent because of the large year round recreational complex proposed by the Forest Service that would seriously damage the superb natural character and beauty and the refuge habitat for which Mineral King Game Range was established. Because Mineral King is surrounded on three sides by Sequoia National Park, the proposed development would have detrimental consequences for the Park. Not only would the scenic values of the Park be adversely affected, but also the ecological resources of both the Park and the Valley would be subjected to air, water, and noise pollution, to loss of and changed vegetation, to erosion, to harassment of wildlife through loss of habitat and other factors, and to the stresses of large numbers of people.

The time is now critical to reunite to the Park legally the Mineral King Valley which is already ecologically an integral part of the Park.

Therefore, The Wilderness Society supports S. 88 which would add Mineral King Valley to Sequoia National Park.

We suggest two important changes: (1) The House Committee which is processing a similar bill has discovered that the acreage involved is actually 16,200 rather than 15,600. (2) The appropriation of \$1,500,000 for acquisition of land, waters and interests therein is considered inadequate and should be changed to provide the sum necessary for the acquisition.

Thank you.

Senator ABOUREZK. Senator Hayakawa is the next witness. Sam, I would like to welcome you to the committee.

STATEMENT OF HON. S. I. HAYAKAWA, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator HAYAKAWA. Good morning, Mr. Chairman. I am grateful for the opportunity to appear before the Committee on Energy and Natural Resources, Subcommittee on Parks and Recreation. I would like to share with you some of my thoughts on S. 88, to add additional lands to the Sequoia National Park in California.

First, let me state that this proposal is not favored by a majority of people in the southern California area. They have asked me to request a delay of the committee's consideration of this legislation in order to allow time for field studies and also field hearings on this proposal. Understand it is only a delay they have asked for. Many people who requested to testify both for and against this legislation will not have a chance to make their views publically known because of the hurried manner in which this legislation is being considered. I would like to ask that the committee consider this delay because there is no urgency to get this legislation out of committee.

The Mineral King area is not scheduled for logging or for any other activity that is inconsistent with Forest Service or Park Service activities.

I have been approached by many, many people from California, especially the southern portion of the State, who are adamantly opposed to the legislation that will incorporate the Mineral King Valley area into the Sequoia National Park. There is a fairly large group of people known as the Committee for Multiple Use of Public Lands; the group represents cattlemen, agricultural interests, the Fresno Gem and Mineral Society, land interests, equestrian interests, and taxpayers who want to express their political views and many others.

In addition, the Fresno County Republican Central Committee has recently passed a resolution opposing the annexation of the Mineral King areas into the Sequoia National Park. These groups have all stated their interest in multiple use management of public lands. If the Mineral King area were managed under a multiple use management plan, this area would allow such needed grazing lands for cattle which eventually produce food at reasonable cost. In addition, certain logging interests can be served, but most important is the potential ski development for the area which the senior Senator from California has just touched upon very well.

As you are all aware, the U.S. Forest Service has worked on the development plan to provide skiing for the Mineral King area for 13 years. When they first began this proposal it was even supported by the Sierra Club, which has since changed its position on the issue.

Members of the public, the taxpayers of southern California, have trusted the Federal Government. They have waited patiently for the development of ski facilities in the Mineral King area only to be faced with the possibility of having this land incorporated into the national park system after 13 years.

I was fascinated with Senator Cranston's proposal that this area be incorporated into the National Park Service, with a proviso that skiing be insisted upon as a kind of development there, but the National Park Service has publicly stated that downhill skiing is incompatible use of Park Service lands and they have made that very, very clear.

Although the Department of Interior may be willing to consider skiing in putting together a management plan for the Mineral King area, I find it very hard to believe they will choose a use which they consider to be incompatible with Park Service activity. Therefore, I respectfully request the committee either to delay this bill to allow such time for field hearings and investigations, or simply vote it down in committee.

Thank you, Mr. Chairman, for the opportunity to share my views.

Senator ABOUREZK. Thank you very much, Senator Hayakawa. I might observe that I am trying now to set up a field trip for any members of the committee interested to go out and look over the Mineral King area. I know I would go myself and whoever else wants to go, and I am unable to commit myself on any delay of the legislation.

However, I want to move it through the normal routine process here, but I can't commit myself to delay. I want to express my thanks to you for your appearance and your testimony, and it is always a pleasure to have you here.

I want to also say, and you mentioned something in your statement, we have a statement that has been submitted by Mrs. Jan Wright, who represents the Committee for Multiple Use of Public Lands. It will be included in the record, and it will be made available to the members of the committee, and the reason I am saying it is first of all, you, Senator Hayakawa, mentioned this in your statement to the committee; second, the committee staff had a very difficult job in trying to set down the witnesses who would be able to testify.

We have a limited amount of time. I told the staff I am not going to spend 4 days listening to testimony on Mineral King. That is what it amounts to, and so he had the job of trying to say who is going to testify and who isn't, and I hope nobody takes it personally, like Mrs. Wright. If you got left off the list, your testimony will be considered, we know your views, and in the interest of keeping the committee chairman awake, I am grateful for those of you who haven't protested violently over not being able to testify.

Thank you.

Senator HANSEN. I have no questions. Thank you very much, Senator Hayakawa.

Senator ABOUREZK. Thank you.

[The prepared statement of Mrs. Wright follows:]

STATEMENT OF JAN WRIGHT, REPRESENTING THE COMMITTEE FOR MULTIPLE
USE OF PUBLIC LANDS, FRESNO, CALIF.

Mr. Chairman and Members of the Committee, I am Jan Wright and I reside at 3425 E. Floradora, Fresno, California, 97303. I am Chairman of the Committee for Multiple Use of Public Lands and I wish to thank you for the opportunity to express our opposition to S. 88 and its companion bill, H.R. 1771.

The organizations which I am authorized to represent in this hearing include:
 Custer County (Idaho) Resource and Economic Stabilization Committee.
 Tax Watchers of California.
 Equestrian Trails, Inc.
 Fresno-Kings County Cattlemens Association (California).
 California Cattlemen's Association.
 Fresno (CA) Gem and Mineral Society.
 Roeding Grange No. 707 (Fresno, Kings and Tulare Counties, CA).
 Fresno (CA) Faceting Guild.
 Cabochon Cutters Club of Fresno (CA).
 California Chapter, Farm and Land Institute.
 California Women for Agriculture.

Mr. Chairman, these and other groups such as the Fresno County (CA) Sportsmen, Women in Timber (CA), the timber industry and other agricultural groups have spontaneously come together to form a coalition in opposition to legislation which seeks to transfer land from the National Forest System into either the National Park System or into wilderness. The basic and common feeling is that the preservationists (namely, the Sierra Club) have taken a good thing and carried it too far. The pendulum as swung too far in one direction. These groups represent an uprising and signify the beginning of a reversal in the swing of that environment pendulum.

The Sierra Club, situated in urban San Francisco and comprised of a membership predominantly well educated, in higher income levels and also urbanized, instructs its members in the content and format of correspondence in one form or another to the Congress by which means the counties, the states and the nation are told what ought to be done with lands which we all own in common.

In truth, in our opinion, the Sierra Club is far removed from reality. We, of the counties, the states and the nation, insist that we know what is best for us and we also insist that we would just as soon make our own decisions in these matters.

While the rest of the country is complaining about high taxes, high cost of homes and high meat prices, Congressmen are writing legislation to transfer public land into National Parks and Wilderness. As you gentlemen are well aware there is a direct correlation between taking all of that public land out of production and the high cost of living and the high taxes we all pay.

It seems to the members of my group that before additional legislation in this subject area is pursued, Congress would do well to inventory the amount of private land that has been taken off the tax rolls and the amount of public land that has been restricted to other than multiple use purposes in the last decade.

The orderly development of Mineral King by private money will create hundreds of jobs, millions of dollars in rent to the U.S. Treasury and tax dollars to help the hard pressed property owner at the local level. Development of Mineral King should be accomplished by private capital in a manner which will result in the greatest benefit for the largest number of people.

The California Cattlemen's Association, along with other commodity producers, have willingly joined with recreational user groups to oppose transfer of public lands to wilderness or National Parks. These groups have banded together to promote multiple use of public lands and to cooperatively oppose single use.

As you know, our livestock industry depends heavily on use of public lands for grazing, and in doing so utilizes a natural resource which would otherwise be wasted. In these times of expanding national and world populations and protein shortages, the ruminant animals—cattle and sheep—are efficient converters of plant cellulose which humans cannot digest and are producers/converters of high quality protein which humans can digest.

There are many, many people who would like to see and use areas such as Mineral King but who for one reason or another cannot. Many people are physically unable to backpack and climb mountains under their own steam. In fact they may not even be able to survive the present road access into Mineral King.

There are the elderly and there are those handicapped with heart, lung or kidney ailments; there are those with diabetes and asthmatics like myself who enjoy the mountains and alpine scenery but who need the help of a horse.

The original development proposal for Mineral King included equestrian facilities and speaking for the 10,000 members, statewide Equestrians Inc., we request inclusion of environmentally acceptable facilities to provide access for the handicapped and non-handicapped alike.

Here we have agriculture joining with labor, equestrians, skiers, tax watchers and rock hounds, all in opposition to two bills involving only 16,000 acres. As you Members of the Senate can see, this is bad legislation which our government cannot afford to take on.

I thank you again and will be pleased to answer questions.

The Committee For Multiple-Use of Public Lands is basically opposed to legislation which seeks to transfer public lands (multiple-use concept) to wilderness or national parks (single or none use concept). The organizations listed below, which I represent, stand opposed to H.R. 1771 and S. 88.

Fresno-Kings Cattlemens Association.

Fresno Gem and Mineral Society.

Roeding Grange No. 707.

Fresno Faceting Guild.

Cabochon Cutters Club of Fresno.

Calif. Chapter Farm and Land Institute.

California Women for Agriculture.

Equestrian Trails Inc.

California Cattlemens Association.

Tax Watchers of California.

Custer Co. Resource and Economic Stabilization Committee (Challis, Idaho).

PUBLIC FORUM KEYS ON MINERALS KING BATTLE

The battle for the development of Mineral King into a major ski resort goes on.

In a "public forum for political candidates" the other night at the Airport Marina, Fresno Congressman John Krebs, told a group of about 300 political hopefuls and interested parties:

"I'm as sure as a congressman could be that my bill will pass."

Krebs' bill is H.R. 1771, which calls for the inclusion of the high Alpine Valley in eastern Tulare County into the Sequoia National Park, thus eliminating any proposed ski development by the Walt Disney Corp., which was granted a special use permit in 1965.

"We're just as confident now that his (Krebs') bill will not pass," answered Jan Wright, who organized the forum at the request of the Fresno Ski Club and the Far West Ski Association. "Although this was initiated by ski groups, the result has been an informal coalition for the concept of the use of public lands, including Mineral King.

Wright said of the total list of 45 political candidates from Fresno and Tulare Counties, 12 showed up. "All who requested it in writing were given equal time to speak."

The pro and con lineup, according to Wright, was this:

Against Mineral King—Krebs, the Fresno County Democratic Women's Club, the Audobon Society, the Sierra Club, the Central California Ski Club (cross-country skiers), Assembly candidate Vincent Lavery of Fresno and rancher Henry Brock.

For MK—Republican governor candidate Ed Davis of Los Angeles; Charles "Chip" Pashayan, Republican candidate for Krebs' seat; Sark Paparigian of the Fresno County Republican Central Committee, the Fresno-Kings Cattlemen's Association, the California Women for Agriculture, the California Horsemen's Association, a spokesman for the timber industry, another for the gem and mineral society, the California Taxwatchers, the Sequoias District Carpenters Union, the Fresno-Tulare Counties and the sponsoring Fresno Ski Club.

Davis, who retired as LA chief of police to run for governor, said he was in the recreation field 35 years ago when the parks-for-people concept won out over the parks-for-beauty, stay-off-the-grass idea.

"I'm surprised to find we're still in a period where pollywogs are more important than people," Davis told the largely pro-MK audience. "I'll do my level best to see that the people will be able to use Mineral King."

One spokesman against the MK development said, "there already are too many ski reports," that downhill skiers "should try cross-country skiing instead." A rancher "feared" damage to croplands from downstream pollution.

A pro-MK spokesperson noted that "if the area is included in the park, a highway will have to be built into the area."

TAX WATCHERS OF CALIFORNIA, INC.,
Fresno, Calif., April 10, 1978.

Congressman WILLIAM KETCHUM,
*House Office Building,
 Washington, D.C.*

DEAR MR. KETCHUM: It is of great concern to me and the membership of our organization that the Congress is considering legislation which would transfer Mineral King into the Sequoia National Park. The recreational areas in California are limited and very crowded today and population is increasing so rapidly that we cannot any longer delay the needs of our citizens. The Mineral King area is an ideal location, just a short distance for over 60% of our people. With more and more leisure time it is imperative that Congressmen and all taxpayers encourage private capital in the development of recreational areas.

Our leaders in government are shouting loud and clear that unemployment in California and in many of our states is the number one problem. Many of our politicians and bureaucrats are urging government to create jobs. The creation of jobs by government would add fuel to the flames of inflation and thereby destroy the savings of millions of our people who have followed the advice of our government and purchased government bonds and the advice of their bankers to put their money in a savings account.

The orderly development of Mineral King by private money will create thousands of permanent jobs, millions of dollars in rent to the Forest Service and tax dollars to help the hard pressed property owner. The development of this area and any other available area should be developed by private capital for the greatest benefit for the largest number of our citizens.

We hope that you and your colleagues in Congress will oppose the transfer and support the proposed development.

Yours truly,

FRANK J. ONETO.

FRESNO-KINGS COUNTY CATTLEMEN'S ASSOCIATION—RESOLUTION,

March 1, 1978.

Whereas, we realize that the amount of acreage (16,000) involved in HR 1771 is not large, we hereby register our deep concern over the constant erosion of the multiple use concept for the use of public lands and the ever increasing expansion of the single use and/or wilderness areas; and

Whereas, it seems that before additional legislation in this area is pursued, congress would do well to inventory the amount of public land that has been restricted to other than multiple use purposes in the last decade. Furthermore, it appears that congressional moves in this direction have accelerated tremendously over the past ten years, and if this continues, we believe the over all economy will suffer in the long run.

Now, therefore, we, the Fresno-Kings County Cattlemen's Association, hereby go on record as being opposed to HR1771, and we would hope that Congress would give serious consideration to an assessment of what has happened in this direction and the consequences of what continued acceleration of such actions will have on the local communities involved.

CALIFORNIA CATTLEMEN'S ASSOCIATION,
Sacramento, Calif., March 9, 1978.

HON. JOHN H. KREBS,
U.S. House of Representatives, House Office Building, Washington, D.C.

DEAR CONGRESSMAN KREBS: We are writing to express our concern with HR 1771, a bill you authored, which proposes to expand the Sequoia National Park by the transfer of U.S. Forest Service land in the Mineral King area to the National Park Service. While we realize that the amount of acreage involved is not large, we must register our deep concern over the constant erosion of the multiple use concept for the use of public lands and the ever increasing expansion of single use and/or wilderness areas. It seems to us that before additional legislation in this area is pursued, Congress would do well to inventory the amount of private land that has been taken off the tax rolls and the amount of public land that has been restricted to other than multiple use purposes in the last decade. It appears to us that congressional moves in this direction have accelerated tremendously over the past ten years, and if this acceleration continues, we sincerely believe that the overall economy will suffer in the long run.

For these reasons, we wish to go on record as being opposed to HR 1771, and we would hope that you would give serious consideration to an assessment of what has happened in this direction and the consequences of what continued acceleration of such actions will have to the local communities in your district.

Sincerely,

WM. B. STAIGER,
Executive Vice President.

COUNTY OF FRESNO, STATE OF CALIFORNIA—RESOLUTION OPPOSING
PROPOSED STUDY

Whereas, Mr. Sotero Muniz, Supervisor of the Sierra National Forest, appeared before this board today to explain that there were seven wilderness areas within the National Forests within Fresno County, being five of such within the Sierra National Forest and two of such within the Sequoia National Forest, which would be suitable for study by the United States Forest Service for qualification as candidate areas for wilderness classification and the procedure consequences of the forest service entering upon such studies; and

Whereas, several persons appeared before the board and spoke for and against the initiation of such studies; and

Whereas, it appears that should such studies be initiated, it might well be several years before completion thereof, during all of which time construction of roads, logging of timber, and all other development and use within such areas inconsistent with the wilderness classification would be suspended; and

Whereas, this board is in general in favor of the multiple use principle as applied to forest lands within this county as an enhancement of the economic base of the county, the preservation of tax revenues generated therefrom and the serving thereby of a broader spectrum of the population; and

Whereas, it appears that none of the areas being proposed for study are so unique in those special attributes suitable for wilderness classification as would clearly indicate that they should be so classified as to justify their study therefore with the consequent freezing of the multiple use thereof as aforesaid;

Now, Therefore, BE IT RESOLVED that the Board of Supervisors of the County of Fresno strongly opposes the United States Forest Service undertaking a study of any of the seven proposed areas of study within the County of Fresno to determine their suitability as candidates for wilderness classification and urges their continued development and use within the multiple purpose concept.

BE IT FURTHER RESOLVED that the clerk hereof cause a true copy of this resolution to be forwarded to the Honorable Douglas Leisz, Regional Forester, United States Forest Service, to the Honorable B. F. Sisk, 16th California Congressional District, to Mr. Sotero Muniz, Supervisor, Sierra National Forest, and to Mr. Jim James, Supervisor, Sequoi National Forest.

The foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Fresno, State of California, on the 23rd day of May 1972, by the following vote, to wit:

Ayes: Supervisors Craven, Reich, Krebs, Cassidy, Ventura.

Noes: None.

Absent: None.

JOHN VENTURA,
*Chairman, Board of Supervisors,
Fresno County, Calif.*

LABOR REFUSES TO ENDORSE KREBS RE-ELECTION PLAN

(By Eli Setencich)

To the complete surprise of hardly anyone, Rep. John Krebs will have to run for re-election without the official blessing of organized labor.

The Fresno-Madera Counties Central Labor Council's Committee on Political Education (COPE) has refused to endorse the candidacy of the two-term Fresno Democrat.

"Generally it was because of dissatisfaction with some of his votes," said Dan Hennigan, the council president, following Wednesday night's meeting of the committee.

Krebs, seeking another two-year term in the 17th Congressional District seat, had won the COPE endorsement in his previous two bids.

The committee instead voted to recommend an "open" endorsement which means the individual unions can back any candidates they want.

Hennigan said the union delegates cited what he called Krebs' "environmentalist attitude," his position on Mineral King and his vote against labor on the common situs picketing bill as reasons for their action.

In the other local congressional race, Democrat Tony Coelho of Merced got the committee's vote in his bid to succeed B. F. Sisk in the 15th Congressional District.

A recommendation of no endorsement was for the Republican races in both districts.

The delegates voted for an open endorsement on the Democratic side in the 30th Assembly District and a no endorsement on the GOP side.

Assemblyman Richard Lehman won the endorsement in the 31st Assembly District, while Sen George N. Zenovich got the nod in the 14th Senate District.

The congressional and legislative contest endorsements now go to the state AFL-CIO for approval.

In the local races, Hennigan reported the committee endorsed newspaper publisher Lesly Kimber for the District 1 supervisorial seat being given up by John Ventura. The committee members, however, failed to endorse Willard H. "Bill" Johnson who is running unopposed for re-election in District 4.

Robert F. Arroyo, former Fresno School Board member, won the endorsement for county superintendent of schools over George Kevorkian, who had won COPE's support when he ran for the post four years ago.

In the judicial contests, the delegates voted to back attorney Carl Evans in his campaign against Municipal Judge Hugh Wesley Goodwin, and to endorse the election of Municipal Judge Al Villa.

The COPE delegates also gave their endorsement to Gary L. Motsenbocker for public administrator-coroner, John F. Ramirez for county clerk-recorder and William Greenwood for assessor. The committee earlier had voted to back Sheriff Harold C. McKinney for re-election and Anthony Capozzi for district attorney.

To win the endorsements, the candidates have to draw a two-thirds vote from the delegates. An endorsement by the labor's political arm means the officers of the AFL-CIO-affiliated locals pledge the overall membership's support, which often translates into both volunteer help and campaign funds.

FRESNO COUNTY SPORTSMEN'S CLUB LIMITED,
CHAMBER OF COMMERCE,
Fresno, Calif., December 15, 1977.

Representative MORRIS K. UDALL,
Chairman, Interior and Insular Affairs Committee,
House Office Building, Washington, D.C.

DEAR MR. UDALL: The Fresno County Sportsmen's Club board of directors voted unanimously to oppose passage of H.R. 1771 (Krebs) and to support H.R. 6143 (Ketchum).

Our reasons are very basic in that we are totally committed to the Forest Service concept of multiple use. The park system and establishment has never been nor is now able to implement habitat development and restoration or wild-life propagation. The Forest Service is, with the able assistance of the California Department of Fish and Game, moving ahead with programs of multiple use and game management. One example of Park policy well known to us is the parks are not stocking trout in our park streams and rivers. The parks are also known to slaughter thousands of deer, which are left to rot on the ground. The Fresno County Sportsmen's Club established in 1916, (the largest conservation organization in Northern California) has devoted tens of thousands of hours and dollars working with the Forest Service and California Department of Fish and Game in fish salvage, fish surveys, habitat restoration, controlled fires, wildlife propagation, and we also have vigorously supported taxes and various levies against ourselves to support such programs.

Copies of this letter will be sent to both California Senators and all California congressmen, as well as Senator James Abourezk.

Respectfully yours,

RAY MARXMILLER,
President.

[From the Western Livestock Journal, Apr. 10, 1978]

BATTLE LINES DRAWN OVER FUTURE OF MULTIPLE-USE ON PUBLIC LANDS

The battle lines are being drawn in the West, and soon in Washington, D.C., over the future of the multiple-use concept that allows livestock grazing on public lands.

As cattle people have become better organized and aware of the political process, more effective action is being mounted against movements such as this in the early stages. This movement, which will affect all western states, is just starting in California, where a portion of Mineral King Valley would be moved into Sequoia National Park under a bill sponsored by Representative John Krebs (D-Fresno).

The stand against Krebs' bill—HR 1771—has become one of multiple-use users against the Sierra Club. At the present, no livestock graze on this particular piece of 16,000 acres. But the precedent—which argues California rancher Neil Perkins, Friant, will soon apply on all public lands—must be defeated in the early stages. A coalition of cattlemen, California Women for Agriculture, Tax Watchers of California, Farm Bureau, Fresno Gem and Mineral Society, California State Horsemen's Assn., Fresno Ski Club, Western Timber Assn. and local governments now oppose the Krebs bill.

"While we realize that the amount of acreage involved is not large we must register our deep concern over the constant erosion of the multiple use concept for the public lands, and the ever-increasing expansion of single use and/or wilderness areas," Bill Steiger, executive vice president of the California Cattlemen's Assn. has told Krebs. He went on to comment:

"It seems to us that before additional legislation in this area is pursued, Congress would do well to inventory the amount of private land that has been taken off the tax roles and the amount of public land that has been restricted to other than multiple use purposes in the last decade. It appears that congressional moves in this direction have accelerated tremendously over the past 10 years, and if this acceleration continues, we sincerely believe the overall economy will suffer in the long run."

In the recent past, the 486,000 acre Golden Trout area adjacent to the Mineral King area, was designated a wilderness area, much to the consternation of multiple-use advocates.

The Californians against this legislation have found one friend, Representative Bill Ketchum (R-Bakersfield), who recently told cattleman Perkins: "There is a notion up here on Capitol Hill that the residents of California no longer consider the takeover of the valley by the National Park Service to be a salient issue. Your efforts in dispelling this notion will hopefully make the difference. I will continue my efforts to see HR 1771 defeated."

At a public forum in Fresno, sides were taken dramatically on the transfer of Mineral King, and the issue was somewhat politicized. Krebs, the Fresno County Democratic Women's Club, Audobon Society, Sierra Club, and others favored the exchange. While Republican governor candidate Ed Davis, Los Angeles; Chip Pashayan, Republican candidate for Krebs' congressional seat; the Fresno Republican Committee and others talked against it. It was interesting to note that a large number of Democrats also opposed the transfer in opposition to Krebs and the party stand.

HR 1771 will come up before the House Interior and Insular Affairs Committee within the next two weeks. Cattlemen and multiple-use advocates are urged to write their representatives immediately, and their U.S. Senators in the next month, say Jan Wright, chairman of the Committee for Multiple Use of Public Lands. The companion senate bill will be sponsored by California Senator Allan Cranston in the near future.

Senator ABOUREZK. The next witness is a colleague and a friend of ours, Hon. John Krebs of the U.S. House of Representatives. Congressman Krebs is the author of the legislation in the House, and represents the district in which this area is located.

Congressman Krebs, welcome to the committee.

**STATEMENT OF HON. JOHN KREBS, A U.S. REPRESENTATIVE FROM
THE STATE OF CALIFORNIA**

Mr. KREBS. Thank you very much, Mr. Chairman, Senator Hansen.

First of all, I would like to express my deep appreciation for being given the opportunity to testify before you today.

In the interest of time, Mr. Chairman, I promise I will be brief. I will try my level best not to put anybody to sleep because that might be self-defeating, and, Mr. Chairman, I would ask that my statement be made part of the record. I would also ask that a letter from Assistant Secretary Herbst already alluded to in the testimony by Senator Cranston be made a part of the Record.

Senator ABOUREZK. Without objection.

Mr. KREBS. And Mr. Chairman, and Senator Hansen, I will in light of the testimony of Senator Cranston which of course is quite similar to, I am sure as you anticipated, to the testimony that I was going to give, I will try and address myself to just a few specific points.

First of all, Mr. Chairman, for the benefit of this committee, I would like to emphasize that the San Joaquin Valley is the richest agricultural valley in this country. One of the reasons for my decision in favor of the appropriation of the Mineral King Valley into the Sequoia National Park was frankly my concern about the increased, tremendously increased traffic that has already been pointed out, the number of visitors today under the environmental impact statement would increase by approximately 14 times.

In the valley, that is already a very serious air pollution problem, a valley that in the past the last year for which figures are available, which was 1976, sustained a damage to crops alone of \$43 million as a result of air pollution. Certainly influx of a large number of automobiles which conservatively would double under the proposal that was submitted by the Forest Service originally, for the development of the Mineral King Valley, that certainly would be utterly undesirable for agriculture and the economy of the district which I represent, and for that matter the economy of the surrounding congressional districts, which is basically agricultural, and I think it would be nothing short of a travesty to sacrifice the agricultural economy of the San Joaquin Valley for what can only be described as a shortsighted and temporary financial advantage to the country.

One of the points that I would like to make, Mr. Chairman, that has not been made, and this is the subject of the access road. In order to get to the area under consideration, a person has to travel from a major highway into the valley over a road which is barely passable today. This road under the terms of the final environmental impact statement, would have to be improved to a two-lane, 35-mile-per-hour road. The cost of this particular road was estimated in the final environmental impact statement to anywhere from \$18 to \$22 million. With inflation, the cost of the road by the time it is possibly constructed, if this legislation for some reason failed, and let me mention already that this legislation was passed unanimously out of subcommittee in the House, it will be marked up Tuesday, and incorporated into the omnibus park

bill, but even if by some miracle this legislation should not be approved, then the cost of the road when it is finally constructed would run somewhere between \$25 and \$30 million.

Now the proponents of the Disney development have very conveniently failed to tell the taxpayers of my congressional district and of other congressional districts how this road is going to be paid for. The board of supervisors of the county directly affected, which has been an enthusiastic supporter of the Mineral King development by Disney, at no time in the 13 years of this proposal that has been before us, at no time, have they ever told the taxpayers of their own county as to how this road is to be financed other than possibly have the Federal Government finance it, and I think the taxpayers of my congressional district deserve better than that.

Mr. Chairman, in 1975 the Federal Government spent a grand total of \$10 million on recreational roads throughout the United States. It certainly does not stand to reason that the Federal Government would get involved in the financing of a road which in the final analysis would benefit a private development, a private corporation, and spend somewhere between \$25 and \$30 million on such a project.

Mr. Chairman, in closing let me say that this issue has been before the people of the actual area, Fresno, King County, for something like 13 years. Certainly a delay at this late stage of consideration of this legislation would serve nothing more than further divide the community on an issue that has been controversial, an issue that I think would best be solved by the incorporation of Mineral King Valley into the Sequoia National Park where it logically belongs. It is surrounded, 80 percent of the circumference of the Mineral King area is surrounded by the Sequoia National Park. I could go on and give you any number of other reasons as to why this legislation should be passed. Your time is obviously short. I appreciate, deeply appreciate the opportunity of appearing before you, and I hope that you will see fit to favorably pass this legislation.

In closing, let me commend you, Mr. Chairman, on your proposal to visit the Mineral King Valley. It is a uniquely beautiful alpine valley, and I am confident that after you have had an opportunity to observe it, you will become an enthusiastic supporter of this legislation.

Thank you very much, Mr. Chairman.

Senator ABOUREZK. Thank you, Mr. Krebs.

Senator HANSEN. I do have a question. May we have a copy of Assistant Secretary Herbst's letter of February 27, 1978? Frankly, I find it hard to believe that the alternative in any study with the accompanying EIS would support downhill ski facilities in a national park. It seems to me that it is false hope to believe that that could be done, and the issue should not compromise a national park, in my opinion.

Now, if you would submit for the record and for our perusal a copy of his letter?

Mr. KREBS. Here it is. Can I just briefly respond to your observations, if I may, Senator? It has been my position all along that in light of the facts that our bill—when I say our bill, Senator Cranston's bill and my bill, on the House side, which are almost identical, since they provide for a maximum public input in the formulation of the plan for additional recreational opportunities in the Mineral King Valley, that it would be presumptuous for me to try and tell the general public or the Park Service as to what should or should not go up there.

I do, however, feel that having said this, that I do not wish to preclude any possibilities and one of those possibilities is some modest downhill ski development. Now, we have precedent for that in our national parks and beyond the precedent I submit to you, the chairman as well as to you, Senator Hansen, that we have a unique situation there. I will be the first to admit that there is a very serious need for additional ski facilities in California. I don't think anybody disputes this, but by the same token, having said this, I don't want to put myself in the position of telling anybody what should or should not be up there, but I want all possibilities to be favorably considered.

Senator HANSEN. Is there any other place within the park system with the exception of Rocky Mountain National Park where I understand skiing is being phased out, that there is skiing going on?

Mr. KREBS. Yes. Badger Pass, which is just roughly—don't hold me to the exact estimate—roughly 100 miles from this development. It is a little more than a 100 miles.

Senator HANSEN. Could you supply for the record the specifics on that? I wasn't aware of it.

Mr. KREBS. I will be more than happy to, Senator.

Senator HANSEN. I have no further questions.

Senator ABOUREZK. Senator Metzenbaum.

Senator METZENBAUM. No, sir.

Senator ABOUREZK. Thank you very much for your appearance.

[The prepared statement of Representative Krebs, the February 27, 1978, letter from the Department of the Interior, and a subsequent submittal from Representative Krebs follow:]

STATEMENT OF HON. JOHN KREBS, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. Chairman and members of the subcommittee, I am most appreciative of this opportunity to present my views with respect to S. 88, legislation to incorporate the Mineral King Valley area within Sequoia National Park.

As you may be aware, the Mineral King Valley area is presently under the jurisdiction of the U.S. Forest Service and is located entirely within the 17th Congressional District of California which I am privileged to represent.

I am also the author of a companion bill, H.R. 4354, which was introduced in the House of Representatives with the support of 63 of my colleagues, 21 of whom are members of the California delegation to the House. The House version of the Mineral King legislation was the subject of two days of hearings, October 27, 1978 and January 26, 1978, by the House Interior Subcommittee on National Parks and Insular Affairs. I am pleased to report that the Subcommittee has since voted unanimously to approve the measure.

As passed by the House National Parks Subcommittee, H.R. 4354, has the support of both the Administration and the State of California. Moreover, concerns raised by the Mineral King private property owners and permittees, the Southern California Edison Company, and the California State Resources Agency have been addressed in the legislation. In fact, in a recent poll conducted by the Mineral King District Association, which represents the majority of cabin owners and permittees in Mineral King, 88 percent of its members support H.R. 4354.

Mineral King, which received its name from the mining of silver, gold, lead, and copper during the late 1800's, is a 16,200-acre high-mountain valley of uncompromising beauty and splendor. Situated in the Sierra Nevadas of south central California, this area is surely one of the most scenic and natural alpine settings in California.

Although the Mineral King Valley is surrounded on three sides by Sequoia National Park and contains many unique and fragile resources equaling those of the Park, the area remains part of Sequoia National Forest. Mining and mineral potential were the only reasons for Mineral King's exclusion from Sequoia National Park when the Park was established in 1890, and later when the Park was enlarged in 1926. However, mining operations in the valley were terminated over eighty years ago.

In addition to calling for the Mineral King Valley area to be included within Sequoia National Park, S.88 requires the Secretary of the Interior to prepare, within two years, a comprehensive management plan for the area.

During preparation of the plan, the Secretary would be required to consider the need for development of additional recreational opportunities and other public uses consistent with sound environmental management of the area and the policies of the National Park Service. In this regard, I would like to take this opportunity, Mr. Chairman, to submit for the record, a letter I received from Mr. Robert L. Herbst, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior. Mr. Herbst's letter of February 27, 1978, describes the planning process that the National Park Service would employ and the kinds of development that would be considered during the preparation of the Mineral King management plan should S. 88 or similar legislation be enacted into law. A full range of development alternatives including downhill skiing will be considered. I sincerely believe that the management policies of the National Park Service can provide the necessary framework by which a reasonable balance can be achieved between the need for additional recreational opportunities in Mineral King and legitimate concerns for the environment. I cannot emphasize enough that this legislation is not a wilderness proposal.

The bill also requires the Secretary to provide maximum public participation in the formulation of the Mineral King management plan. Senator Cranston and I have attempted to make the task of planning for the future of this unique high Sierra valley a joint effort of both the Park Service and the general public. It is assumed that the experience gained by the Park Service in developing a workable and effective public participation process in conjunction with the preparation of the Yosemite National Park master plan would be applied here.

Moreover, this legislation includes provisions pertaining to the disposition of lands that are privately owned or leased from the federal government within the Mineral King Valley area. Accordingly, the Secretary may acquire the 745 acres of privately-held land within Mineral King and permit the owners of the property rights of use and occupancy for a term no longer than the life of the owner or twenty-five years, whichever is later. However, where the use of private property within Mineral King is not compatible, as determined by the management plan, with the purposes of the new Park area, the right of use and occupancy would be terminated by the Secretary. Furthermore, the Secretary may renew or extend the current sixty-seven active leases of national forest properties in Mineral King where such renewal or extension would not be in conflict with the administration of the Park.

In the 1940's, the U.S. Forest Service recognized Mineral King's potential as a center for outdoor recreation, including major snow ski development. Since that time, the Forest Service has pursued a policy aimed at developing an intensive year-round recreational development of Mineral King and in 1965 selected Walt Disney Productions to prepare the necessary surveys and plans for such a development. The final environmental impact statement on the proposed development was filed with the Council on Environmental Quality on February 26, 1976.

While attempts have been made by the Department of Agriculture to arrive at an acceptable scaled-down Mineral King development proposal, such efforts have been labeled as not being economically feasible. In addition, the Administration, in declaring its position with regard to H.R. 4354, during House hearings on this measure, overruled USDA plans for the Mineral King area in favor of adding it to Sequoia National Park. Nevertheless, the Disney proposal is a constant reminder of what could occur if Mineral King remains under the jurisdiction of the U.S. Forest Service. For as long as Mineral King is administered under the multiple-use mission of the Forest Service, it is and always will be vulnerable to massive commercialization.

According to the final environmental statement, the U.S. Forest Service plan for Mineral King called for the Disney corporation to construct a year-round recreational complex capable of handling 6,000 visitors a day in the summer and 8,000 visitors a day in the winter. The development would have allowed for high intensity use—camping, hiking, fishing, and horseback riding in the summer; skiing, sledding, and skating in the winter. The proposal also included the construction of two villages, six campgrounds, eighteen ski lifts, lodging to accommodate 4,500 persons, restaurants, shops, a multi-tiered parking structure for up to 2,200 vehicles, swimming pools, a visitor activity and environmental education center, service stations, and various medical and maintenance facilities.

It is my firm belief that the scale of development of the Mineral King Valley, as envisioned by the U.S. Forest Service, would not be in the best interests of the residents of the 17th Congressional District, particularly the residents of the County of Tulare, who would be most directly affected by it. The environmental toll exacted as a result of such an intensive recreational development would far outweigh the short-term economic benefits it might bring to the County of Tulare.

My decision to oppose extensive development of this fragile valley and to support legislation placing Mineral King under the jurisdiction of the National Park Service as part of Sequoia National Park, was based upon the following key considerations:

First, I am convinced that intensive recreational use of Mineral King would cause irreparable damage to the aesthetic values of this inter-mountain valley. A public treasure of nature would certainly be lost.

Second, according to the California State Resources Agency, the Disney development, which would have an estimated 2,785,600 visitor days annually compared with 196,500 visitor days in Mineral King for the year 1977, would more than double the present number of automobiles entering the Mineral King area in addition to the frequent use of buses. The emissions from these vehicles would aggravate an already serious air pollution problem in the San Joaquin Air Basin, which for almost half a year (163 days) in 1976, registered levels of oxidants that exceeded established federal standards. Such an air pollution problem as recently reported by the California State Department of Food and Agriculture, has caused an estimated \$43.6 million in damage to the cotton crop within the San Joaquin Valley, one of the most productive agricultural regions in the United States. In 1975 economic losses from oxidant injury to such crops as cereals, alfalfa, cotton, grapes, fruits, nuts, and vegetables amounted to more than \$18.7 million in Fresno County alone. In addition, widespread smog damage to low elevation ponderosa and mixed conifer forests within Sequoia National Forest, Kings Canyon and Sequoia National Parks has been reported by the Forest Pest Control Management Staff of the U.S. Forest Service.

In response to criticisms raised with respect to the Mineral King Final Environmental Statement, the U.S. Forest Service sponsored a supplemental air quality report on Mineral King by Meteorology Research, Inc. Based on the findings of the report, which was released December, 1976, the Forest Service maintains that development of Mineral King, as proposed by the Disney Corporation, would not have a significant impact on air quality. However, this conclusion has been disputed by the Air Resources Board and by a study conducted by Systems Applications, Inc. (March 1977), a private research organization.

Third, to accommodate the anticipated traffic generated by the Disney development, the Mineral King Final Environmental Impact Statement specifically called for upgrading the existing Mineral King Road to an 18-mile, two-lane, 35 mph highway and the 1976 estimated cost of this construction work was \$18 to \$20 million. However, the building of the road could not be expected to begin before 1980 and, with construction costs rising at least ten per cent annually, the eventual price of the upgraded roadway would be anywhere from \$25 to \$30 million, perhaps more.

Proponents of the Disney project have repeatedly evaded the fundamental question: Who is going to pay for the required improved access road? Their only answer is to slough it off on to both the already overburdened taxpayer and public entities which have already indicated that they are neither willing nor able to fund such road improvements. Even in the unlikely event that it were possible to construct an improved access road with public funds, no doubt many of my colleagues, would find it difficult to justify such expenditures which would primarily benefit a private corporation.

Mr. James L. Stewart, former Vice President of Corporate Relations, Walt Disney Productions, in testimony before the House Interior Subcommittee on National Parks, made it clear that the Disney Corporation has never intended to contribute to the cost of improving the Mineral King access road. Mr. Stewart stated, "If we were to be asked to pay the cost of the access road to our project, we would not have a feasible project. As a matter of fact, our stockholders would file a lawsuit to stop us, because it would not be a wise use of their money."

Fourth, serious questions have been raised about the compatibility of a large-scale development with Mineral King's present game refuge status. It has been the position of the California State Resources Agency that a year-round recreation development would gravely reduce the deer herd and other animal populations in the Mineral King area. Moreover, it would remove or jeopardize a sub-

stantial amount of habitat including deer fawning areas essential to the Mineral King deer herd. In 1926, Mineral King was designated as a national game refuge to protect the deer herd.

Fifth, I also have many concerns for the probability of satellite developments on private lands adjacent to Mineral King and impacts on local public services an intensive recreation development could produce.

Sixth, it cannot be overlooked that the economics of his type of development would require a price structure beyond the reach of many, who, for practical purposes, would be barred from enjoying Mineral King.

Finally, in terms of its resources and uses, Mineral King is functionally part of Sequoia National Park. Approximately 80 percent of the perimeter of the Mineral King area adjoins Sequoia National Park. The area also contains the headwaters of the East Fork of the Kaweah River which flows through the Park. There are strong interrelationships between the natural, cultural, recreational and scenic resources of Mineral King and the Park. It just does not make good land management sense to continue to exclude Mineral King from Sequoia National Park.

For the reasons I have stated, either the Disney proposal or some other future high intensity use of Mineral King justifies the need for Congressional action to preserve this majestic mountain valley area. Acting to place Mineral King under the jurisdiction of the National Park Service will not only make Sequoia National Park an integral land unit, but will also provide the necessary protection and proper management for this beautiful alpine valley. For it is the fundamental objective of the National Park Service, as stated in the 1916 Organic Act, "to conserve the scenery and the natural and historic objects and the wildlife therein . . . for the enjoyment of future generations".

Mr. Chairman and members of the Subcommittee, I urge your support for this legislation.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 27, 1978.

HON. JOHN KREBS,
U.S. House of Representatives
Washington, D.C.

DEAR MR. KREBS: I enjoyed discussing Mineral King further with you, your staff and Senator Cranston's representative on January 31, 1978. As requested, I would like to briefly describe the planning process that the National Park Service would use and the kinds of development that would be considered in the planning process upon enactment of your bill (H.R. 1771).

PLANNING PROCESS

Basic data about the area would be assembled from USDA Forest Service, State, National Park Service and other sources.

Public involvement would begin very early to obtain public views about visitor use and management and to get basic data.

Preliminary management objectives would be prepared and an assessment of alternative approaches to reach these objectives would be developed and reviewed by the public, State and Federal Agencies.

A draft plan and environmental documentation would be prepared and reviewed by the public and government agencies.

Then a final plan would be written and implemented.

DEVELOPMENT ALTERNATIVES

The alternatives prepared would reflect the input of the public, the feasible potential uses of the resource, and reasonableness. At this stage, I can state that the following kinds of development alternatives will be evaluated.

(1) *Wilderness*.—Under this approach, Mineral King would be managed as wilderness. All non-Federal property would be acquired and all man-made structures would be removed. Public access would be via the existing road at present standards with parking at Silver City or possibly further from Mineral King Valley within present park boundaries or even outside the park to the west.

(2) *Present Use and Development Level.*—Under this alternative, Mineral King would be managed for the kinds and levels of visitor use as exist at present. Improved maintenance, appropriate changes in resource management practices to ensure resource preservation, acquisition of present private holdings, and termination of incompatible leases would occur. Some development would occur to better facilitate public use levels and to mitigate adverse environmental impacts. Additional uses that are of the same general nature as those at present would be accommodated. Such possible additional uses include increase in winter primitive snow touring and guided interpretive tours.

(3) *Development to enable year-round use—moderate.*—This alternative includes acquisition of private inholdings; upgrading the access road to a 25 mph standard; development of a 100 site campground to replace the present primitive camping facilities; development of 100 pillow overnight facility and parking to accommodate this increase in use. An administrative/maintenance/residential/utilities complex would be built. Other development such as stabilized or paved trails would be provided to absorb increased day use and mitigate its effects. As much new development as possible would occur on land presently disturbed by present man-made development. Winter use would be accommodated and would include cross-country skiing, snow touring and snow play.

An increase in present use by 40 to 60 percent would be anticipated under this alternative.

(4) *Development to enable year-round use—downhill skiing.*—This alternative is the same as Alternative 3 except that mechanized downhill skiing and increased overnight accommodations would be provided. During development of this alternative, various methods to provide skiing, including all private and all public ownership and operation, would be explored.

Only those mechanized skiing facilities that are compatible with the esthetic character of the valley would be considered. Extreme effort would be made to enable removal of the obviousness of the skiing facilities during nonwinter periods. Some sort of public conveyance would probably be required to accommodate increased public use. Provision for it would be included in this alternative. Under this alternative visitor use may increase 100–200 percent above present levels.

(5) *Forest Service Plan B.*—An assessment of this alternative, the most recent developed by the Forest Service, would be included in NPS planning documents.

Upon completion of the alternatives assessment and after discussion with the public and other government agencies, a draft proposal would be developed. This proposal may involve choosing various elements from the alternatives studied. When we do our planning, we will take a fresh look at public needs and at resource potential.

I can assure you that we will fairly look at reasonable alternatives for the valley and that we would be limited by the ability of the valley to absorb impacts of use while preserving its innate natural character.

Thank you for providing me the opportunity to discuss these planning matters with you.

Sincerely yours,

ROBERT L. HERBST,
*Assistant Secretary for Fish
and Wildlife and Parks.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 18, 1978.

HON. JAMES ABOUREZK,
*Chairman, Subcommittee on Parks and Recreation, Senate Committee on Energy
and Natural Resources, Dirksen Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to certain questions raised by the Honorable Clifford Hansen during subcommittee hearings on S. 88, legislation to add the Mineral King Valley area to Sequoia National Park, I have enclosed information supplied to me by the National Park Service, which describes existing downhill ski facilities within the National Park system.

Should you, or other members of the Parks and Recreation Subcommittee require additional information, please let me know.

Sincerely,

JOHN KREES,
Member of Congress.

Enclosure.

Currently five areas of the National Park System afford down hill skiing as a recreational activity. Three of these areas, Lassen Volcanic, Sequoia/Kings Canyon and Yosemite National Parks are in California. Olympic National Park in Washington and Rocky Mountain National Park in Colorado are the other two areas. The following is a brief description of the ski facilities located in each park.

Lassen Volcanic.—Concessioner operated Pomalift and two rope tows, cafeteria and lounge, ski shop with ski boot rental and ski instruction. No overnight facilities at the ski area. The facility is in operation during the winter from 9 a.m. to 4 p.m. on Friday, Saturday, Sunday as well as during holiday periods.

Sequoia/Kings Canyon.—Park concessioner operates three rope tows, a snack bar, and ski equipment rental shop and offers ski instruction. No overnight facilities at the ski area. Facility open weekends and holidays from 9:30 a.m. to 4 p.m.

Yosemite.—Concession operated ski area at Badger Pass has 3 chair lifts and 2 T-bars, permanent facilities house ski shop, rented and sales food services; offers ski instruction. No overnight facilities. Ski facility open daily from mid-December through Easter Sunday depending on snow conditions.

Olympic.—Concession operated ski lifts include a Pomalift and two rope tows; a second concessioner operates a ski school and a third operator provides food services, ski rentals and accessories. No overnight accommodations are available. The ski area is open weekends during the winter season.

Rocky Mountain.—Hidden Valley Ski Area operated under a concession permit by the Rocky Mountain Metropolitan Recreation District. Facilities include two T-bars and two Pomalifts, warming lodge food facilities, ski shop selling/renting equipment and accessories, ski instruction. No overnight accommodations, facility operated six days per week Tuesday through Sunday during the season.

Restrictions of the Privacy Act limits our ability to divulge specific financial information regarding these operations, however of the five, the Yosemite ski area is the most financially secure, followed by Hidden Valley at Rocky Mountain. The remaining three areas are family type operations and their profit margin, if any, is low. There seems to be enough local support to keep them in operation and there is no immediate plan to phase out this activity.

The Rocky Mountain ski area recently changed operators, and a chair lift system was replaced by a shuttle bus to take skiers from Lower to Upper Hidden Valley. The Rocky Mountain Metropolitan Recreation District has just signed a permit to provide ski services for an additional five years.

Senator ABOUREZK. We have two members of the administration who are here to testify. I would like to ask them both to come up. Hon. Rupert Cutler, Assistant Secretary for Conservation, in the U.S. Department of Agriculture, and Hon. Robert Herbst, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior.

I know you are both very much interested in this proposal, and I would like to ask you two gentlemen to decide who should go first. I don't know what the protocol is. There is no such thing as seniority in the administration, is there?

Mr. HERBST. He has more employees than I do, so we will let him go first, Mr. Chairman.

Mr. CUTLER. The Forest Service administers the lands now, Mr. Chairman.

Senator ABOUREZK. I would like to welcome all of you. If your associates are to testify or answer questions, I would hope they would tell the reporter their names.

STATEMENTS OF M. RUPERT CUTLER, ASSISTANT SECRETARY FOR CONSERVATION, RESEARCH AND EDUCATION, DEPARTMENT OF AGRICULTURE; AND ROBERT HERBST, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY WILLIAM WHALEN, ROBERT KAS-PAREK, AND ZANE SMITH

Mr. CUTLER. Members of committee, I thank you for this opportunity to participate in the consideration of this S. 88, and the future of Mineral King Valley. My prepared statement is extremely brief.

You may know that I studied this issue in detail prior to joining the administration, as well as quite intensively during the past year.

Senator ABOUREZK. Did you write your doctoral dissertation on this?

Mr. CUTLER. Yes, on this and three other cases, and I will be pleased to respond to your questions later, if you would like.

I am accompanied by Mr. Smith, Director of Recreation and Management for the Forest Service, who can also respond to your questions later.

S. 88 would transfer to Sequoia National Park, California, about 15,600 acres in the Mineral King Valley that are now part of Sequoia National Forest. Administrative responsibility for the Mineral King area, including the leases and special use permit currently in effect, will be transferred from the Secretary of Agriculture to the Secretary of the Interior. A comprehensive management plan for the area developed with full public participation would be required, and section 6 of the act of July 3, 1926, designating the valley the Sequoia National Game Refuge, would be repealed, abolishing the valley's refuge status.

The Mineral King area is part of Sequoia National Forest in central California. It is administered in accordance with the Multiple-Use Sustained-Yield Act of 1960, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the act of July 3, 1926, which established the Sequoia National Game Refuge, and other laws applicable to the National Forest System. It is located at the southern end of the Sequoia National Park. It is about 230 miles northeast of Los Angeles and about 270 miles southeast of San Francisco, in the headwaters of the East Fork of the Kaweah River. It is a superb Sierra mountain valley about 2 miles long, narrowing down to a width of one-quarter mile, and is slightly over 7,000 feet in elevation. Its combination of high scenic value, substantially pristine quality, and relative accessibility has contributed to its increasing use for camping, hiking, horseback riding, cross-country skiing, fishing, hunting, and summer overnight visits. The area serves also as one of many trailheads for backpackers entering Sequoia National Park, and our new Golden Trout Wilderness in Sequoia National Forest.

Mineral King has long been judged to have exceptional potential for winter sports development featuring downhill skiing. In 1966, the Forest Service invited bids for development and operation of a year-round recreation complex at Mineral King. The planning permit was awarded to Walt Disney Productions, and a master plan was submitted in 1967. This permit is still in effect today. The draft environ-

mental Statement for the planned venture was issued in 1974, and a final environmental statement was issued in 1976. Implementation of the favored alternative was delayed because of substantial public controversy over the intensity, scale and sophistication of the development being proposed.

Senator METZENBAUM. What does it mean, favored alternative?

Mr. CUTLER. In the development under the National Environmental Policy Act, of the environmental impact statement, it is required that several alternatives be discussed and the proposed action was to proceed with the Disney development.

In preparation for the development of an administration position on S. 88 and the related House bill (H.R. 1771), a number of management alternatives were considered within the Department of Agriculture for the Mineral King area. The administration, after interdepartmental review and consideration of several alternatives, concluded that the area should be managed in a near-natural condition. And, because of the topography, the location of administrative facilities, and the location and design of the main access route which runs through the Park, it was concluded that the entire area of Mineral King Valley should be included in the Sequoia National Park to be managed to perpetuate its near-natural conditions.

The administration, therefore, recommends the enactment of S. 88.

That completes my prepared statement, and I will be happy to respond to your questions.

Senator ABOUREZK. I think we will ask Mr. Herbst to give us his testimony first, and then we will ask the panel.

STATEMENT OF ROBERT HERBST, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. HERBST. Thank you, Mr. Chairman, Senators Hansen and Metzenbaum.

With me is Director Whalen of the National Park Service, and Bob Kasperek of the National Park Service. We are very pleased to be here, Mr. Chairman, to discuss the supporting views of the administration on S. 88, a bill that would transfer the valley from the jurisdiction of the U.S. Forest Service and place it under the National Park Service as an addition to the Sequoia National Park.

I will highlight my testimony, Mr. Chairman, as you requested, and ask that the entire testimony be placed in the record.

The Mineral King Valley, in our opinion, is a geographical and ecological extension of Sequoia National Park. It is the headwaters for the east fork of the Kaweah River, which flows through the park for about 7 miles. This contributes to the life of the giant sequoias, the fisheries, and the other park resources. The park and forest lands bordering Mineral King have been identified as being of wilderness quality and are managed for primitive back country use. The valley, with its present low level of recreational uses offers a threshold to the prime back country of the national park.

High intensity mechanical recreational development is inconsistent with such use, in our opinion. The visual intrusion of ski lifts, ski trails and relatively dense visitor use support facilities, the attendant deterioration of air quality, and the high levels of human presence are

incompatible with management objectives for Sequoia National Park.

If the legislation is enacted, we would propose to manage the valley as an integral part of Sequoia National Park, subject to the same policies and regulations as other units of the national park system. The Mineral King Valley consists of approximately 15,400 acres of Federal land and 741½ acres of private land. Section 3 of S. 88 refers to 15,600 acres. We would recommend, Mr. Chairman, that the bill be amended to reflect the correct acreage of about 16,200 acres. The cost of acquiring the private lands in fee title is estimated to be \$5,350,000. Section 7 of S. 88 would authorize \$11½ million for acquisition purposes. We urge that the bill be amended to reflect the National Park Service cost estimate.

A development concept plan for the valley would be incorporated into an amended general management plan for Sequoia National Park, with public discussion and involvement as required by the National Environmental Policy Act.

During our planning process, we would consider various recreational alternatives, including downhill skiing, that would be environmentally compatible with the resources of the valley and respectful of its wilderness character.

We would submit these alternatives with their pros and their cons, including the environmental impact, to the public comment process.

In this regard, section 6 of the bill would require completion of a plan with 2 years. Our experience has shown that the National Environmental Policy Act process of public involvement normally requires about 36 months to thoroughly prepare, circulate, and review such plans and environmental statements. Accordingly, Mr. Chairman, we would recommend that the 2-year requirement of section 6 be amended to 3 years.

If the management plan called for under section 6 of the bill provides for improved access to the valley when added to the park, we would recommend that the Secretary be authorized to acquire the right-of-way for the Mineral King Road leading from California Route 198 into the valley. This would enable the National Park Service to make necessary improvements and at the same time to assure that road construction would not result in unacceptable siltation to streams or other adverse effects on the ecosystem.

Under section 5(B) of the bill, we suggest that language be inserted giving the Secretary the authority to extend leases of permits for 5-year intervals to the present holders of those leases or permits.

Mr. Chairman, we strongly recommend enactment of S. 88 or similar legislation that would add the valley to the park.

That concludes my prepared statement, Mr. Chairman. We would be pleased to answer any questions that you or members of the subcommittee may have.

[The prepared statement of Mr. Herbst follows:]

STATEMENT OF ROBERT HERBST, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I am Robert Herbst, Assistant Secretary of the Interior for Fish and Wildlife and Parks. I am pleased to discuss with you today the administration's views concerning S. 88 pertaining to the Mineral King Valley of California. This bill would transfer the valley from the jurisdiction of the Forest Service and place it under the National Park Service as an addition to Sequoia National Park.

The Mineral King Valley conflict is a classic example of development interests versus preservation efforts. Since the 1940's a ski resort has been proposed for this valley, which adjoins Sequoia National Park. The valley undoubtedly could be developed within limits for such use. However, the valley's unique high scenic quality, relative accessibility, and close association with Sequoia National Park make it worthy of addition to the park.

There have been efforts to include Mineral King in Sequoia National Park ever since the park was established in 1890. It had been excluded from the park at that time because of a small settlement and earlier mining activity. Sequoia National Park was enlarged in 1926, but the Mineral King Valley continued to be excluded because of scattered mining claims, some privately owned lands, summer homes, and power and reclamation withdrawals. However, in 1926, the Congress did establish the Mineral King Game Refuge to assure better protection of the Area's abundant wildlife resources.

At present, the Mineral King Valley supports low intensity recreational use. This includes summer home sites, hunting and fishing, camping, hiking, backpacking, horseback riding and cross-country skiing. Many of the visitors now use the valley as a staging area for entrance into Sequoia National Park. The proposed wilderness area of the park adjacent to Mineral King is now under a use control system through the issuance of park backcountry permits. The Forest Service has a seven-day limitation on users of the Mineral King campground during the summer.

The Mineral King Valley is a geographical and ecological extension of Sequoia National Park. It is the headwaters for the east fork of the Kaweah River which flows through the park for about seven miles, this contributing to the life of Giant Sequoias, fisheries and other park resources. The park and forest lands bordering Mineral King have been identified as being of wilderness quality and are being managed for primitive backcountry use. The valley with its present low level of recreational use offers a threshold to the prime backcountry of the park.

High intensity mechanical recreation development is inconsistent with such use. The visual intrusion of ski lifts, ski trails and relatively dense visitor use support facilities, the attendant deterioration of air quality, and the high levels of human presence are incompatible with management objectives for Sequoia National Park.

If the legislation is enacted, we would propose to manage the valley as an integral part of Sequoia National Park, subject to the same policies and regulations as other units of the National Park system. The Mineral King Valley consists of approximately 15,400 acres of Federal land and 741.58 acres of private land. Section 3 of S. 88 refers to 15,600 acres. We recommend the bill be amended to reflect the correct acreage of about 16,200 acres. The cost of acquiring the private lands in fee is estimated at about \$5,350,000. Section 7 of S. 88 would authorize 1,500,000 for acquisition purposes. We urge that the bill be amended to reflect the National Park Service cost estimate.

A development concept plan for the valley would be incorporated into an amended general management plan for Sequoia National Park, with public discussion and involvement as required by the National Environmental Policy Act.

During our planning process we would consider various recreational alternatives that would be environmentally compatible with the resources of the valley and respectful of its wilderness character.

In this regard, Section 6 of the bill would require completion of a plan within two years. Our experience has shown that the National Environmental Policy Act process of public involvement normally requires about thirty-six months to thoroughly prepare, circulate and review such plans and environmental statements. Accordingly, we would recommend that the two year requirement of Section 6 be amended to three years.

If the management plan called for under Section 6 of the Bill provides for improved access to the valley when added to the park, we would recommend that the secretary be authorized to acquire the right-of-way for the Mineral King road leading from California Route 198 into the valley. This would enable the National Park Service to make necessary improvements and at the same time to assure that road construction would not result in unacceptable siltation to streams or other adverse effects on the ecosystem.

Under Section 5(B) of the bill, we suggest that language be inserted giving the Secretary the authority to extend leases of permits for five year intervals to the present holders of those leases or permits.

We strongly recommend enactment of S. 88 or similar legislation that would add the valley to the park.

This concludes my prepared statement, Mr. Chairman. We will be pleased to answer any questions that you or members of the subcommittee may have.

Senator ABOUREZK. Mr. Herbst, thank you very much. Mr. Cutler, in your professional opinion, could Mineral King Valley be developed as a year-round recreation area in a manner which is consistent with protection of park resources?

Mr. CUTLER. The proposal that was developed within the Department of Agriculture late last year and was submitted to the administration for its consideration took those so-called park values into account, and proposed that two-thirds of that 16,000-acre valley be identified and designated by the Congress as wilderness, and that something on the order of 5,000 acres, lower in the valley, where we have less of a problem with esthetic impact and impact on shallow soils and vegetation, be used for a year-round recreation site. The proposal that we developed reduces the impact of the proposal originally approved and submitted by the Disney Corp., where this would not be any overnight lodging capacity in the outlying valley such as at Monarch Creek. It scales down the people at one time by about one-third, and it reduces the numbers of visitors by about a third, it reduces the need for relocating the access road, and in our opinion, there is a balanced approach to continuing to protect the parklike environment while offering what we considered was a viable economic development opportunity for downhill skiing.

That subject is of some debate. Unfortunately, our proposal met with little support either from the skiing interests who felt that it was too small-scale a skiing program, or from the environmental organization who felt that the valley should not be accessible in the wintertime particularly, but in my opinion, I think we came up with a sensitive scheme that protected the parklike environment.

Senator METZENBAUM. If the S. 88 goes through, what will happen as to the validity of the permits that you granted back about 13, 14 years ago, or 12 years ago?

Mr. CUTLER. My statement indicated that that obligation is transferred to the National Park Service.

Senator HANSEN. I didn't hear your answer.

Senator METZENBAUM. Is it a continuing valid commitment, too, or may it be terminated?

Mr. CUTLER. That is a question that the lawyers are going to have to resolve.

Senator METZENBAUM. Have you not inquired of your lawyers on that subject?

Mr. CUTLER. The assumption that the Department of Agriculture has made in this case is that we would be perhaps liable to a breach of contract suit from Walt Disney Productions.

Senator ABOUREZK. What is the contract, what contract do you have with them?

Mr. CUTLER. I would prefer Zane Smith to answer that in a little more detail than I can.

Mr. SMITH. Mr. Chairman, we have what we call the special use permit, which is what was awarded earlier to the Disney Corp., which allows them to plan and provide the plans that are approved to develop and to operate—

Senator ABOUREZK. Wait a minute. Say that again—to provide the plan for what?

Mr. SMITH. To plan, develop, and operate a skiing area, but the later two provisions, that is to develop and operate, are conditioned on the approval of the plans and we never got beyond the planning stage, so the Disney Corp. has been involved in the first element, that is, the planning, of a downhill ski area.

Senator ABOUREZK. If you will permit me to follow this up, did the agreement between the Government and Disney Corp. require the Government to show cause why they would not approve the plan? In other words, are there any conditions attached to that?

Mr. SMITH. This is the question that we have posed to our attorneys, and it is not that clear.

Senator ABOUREZK. What does the agreement say?

Mr. SMITH. There is an implied assumption; let's say there will be an agreement on the plan itself. I think a proponent would naturally assume that providing he met the terms of the prospectus, the invitation to come in and plan with the Government, that he would be allowed then to proceed with the development and operation of the facility.

Senator METZENBAUM. How much of your contract does Disney have?

Mr. SMITH. We have authority for up to 30 years. I am not sure, without looking at the permit, just how many years was granted to the Disney Corp. Very often we issue what we could call a permit that is renewed annually, that unless such time as the development actually occurs or can proceed, to allow them the full 30 years to amortize the investment.

Senator METZENBAUM. What was the consideration of the Government in this contract?

Mr. SMITH. The consideration of the Government was a portion of the receipts returned as a fee for the occupancy and use of the land for these purposes. That fee is generally determined on what we call a graduated fee basis that tends to vary with the amount of investment and the amount of revenue coming in at the time, so it would be very large over the period of the operation.

Senator METZENBAUM. I have some other questions, but I would like to take a look at the permit before I ask them. Mr. Cutler, has the Forest Service identified other areas on national forest lands which are potentially capable of meeting the demands for downhill skiing in southern California?

Mr. CUTLER. Yes; we have, Senator. A number of the areas that had potential ski development capacity were included in the wilderness system by the Congress last year within what was designated the Golden Trout Wilderness to the south of the Mineral King Valley area as wilderness. There remain four areas with some potential in this regard. The Sherman Pass area, capacity of 3,500, accessed by the State highway; the distance to Los Angeles, 3½ to 4 hours; the Peppermint area in Sequoia National Forest, capacity of 5,000; the Jordan area, Sequoia National Forest, and on the Inyo National Forest, Sherwin Bowl, which is an expansion of the Mammoth area, which has the capacity of 10,000 persons at one time, but that is 6 or 6½ or 7 hours away from Los Angeles.

There is a relatively limited opportunity to develop other areas in that part of the State.

Senator METZENBAUM. Mr. Herbst, I would like to ask you a question. How much is land worth out in this area, would you say?

Mr. HERBST. Senator Metzenbaum, I think the cost estimates on the 700-plus acres to acquire them in fee title was a little over \$5 million.

Senator METZENBAUM. That would mean that this acreage would be worth about \$7,500 an acre, is that correct?

Mr. HERBST. Primary cost on that is because of the improvements involved. Let me ask the Director, who is familiar with the property.

Mr. WHALEN. Senator, the majority of the costs of the \$5.3 million would be for purchase of the improvements that are in the Mineral King Valley. The land itself, I don't have the specific acreage figure, but it would be less than the \$7,500 for the land. We are paying the majority of the funds for the improvements, and I could provide specifics for the record.

Mr. CUTLER. Senator, the Forest Service has some details. Would you like to have those?

Senator METZENBAUM. Yes; I certainly would.

Mr. CUTLER. Mr. Smith—

Senator METZENBAUM. You both have different figures, do you not, on this subject?

Mr. SMITH. Senator, we would estimate under the plan that Mr. Cutler revealed to you, that approximately 1,040 acres would need to be acquired, both in the Mineral King Valley, but down in along the highway as well.

Our estimates of cost to start part of those lands would be \$3.7 million. The patented claims within the valley itself would be a little over \$200,000 for a little over 100 acres.

Senator HANSEN. Would you yield for just a second? When was that appraisal made?

Mr. SMITH. This appraisal was made in the fall of 1977. It was based on comparative values that were on at that time.

Senator ABOUREZK. I just tried to read this; most of the contract is unreadable, and we need a copy because of the Xeroxing, so if we could have a copy that is readable, we would appreciate it. If you would send it up to the committee today, we would like to send it over to the Library of Congress and have the lawyers over there give us their appraisal of it. We would also like to have your lawyers, the Interior Solicitor, and whoever else you want to ask.

I couldn't read it all, but I don't see anything that requires anything beyond the planning permit.

Mr. HERBST. Our assumption is that if a plan is not approved, the contract is null and void, but that is an assumption and we will ask the question of the Solicitor's office.

Senator ABOUREZK. All right.

Senator METZENBAUM. Has Walt Disney Productions made any claim that the contract is or is not to be fulfilled? Would they have any claim?

Mr. CUTLER. No; they have not.

Senator METZENBAUM. They have not?

Mr. CUTLER. That is right, Senator.

Mr. HERBST. Not to our knowledge, either, Senator.

Senator METZENBAUM. Thank you.

Senator ABOUREZK. Mr. Herbst, what are the Park Service plans for public use of Mineral King should it become part of the park?

Mr. HERBST. Mr. Chairman, the Park Service has identified in a general way at this time a number of alternatives that could take place. One option would be to recommend most of the valley as wilderness with park provided in the Silver City area for trailheads and camping. Another option would be to continue the present level of development and use, but there would be some upgrading of the present campsites and provisions made for control parking that now takes place indiscriminantly in the valley. A third option would be to provide some facilities that will increase the visitor use to some degree, including winter use such as cross-country skiing. Under that option the campgrounds would be expanded to about a hundred sites, parking would be again controlled, and perhaps a hostel would be provided in the Silver City area. We would also consider the options of various levels of downhill skiing together with their environmental impact, and submit that to public comment.

Senator ABOUREZK. Would the National Park Service, if you decide to go into skiing, provide ski tows and facilities for downhill skiing?

Mr. WHALEN. Mr. Chairman, if that is the result of the public meetings that we would hold on the alternative for downhill skiing, and the results of those meetings indicated that we should provide it, then we would have to provide the appropriate tows and so forth in order to accomplish it, but hopefully in a more diminished way than it is at the present time composed.

Senator ABOUREZK. What would the Park Service do to the existing leases and private lands in the valley?

Mr. WHALEN. What we propose to do with the existing leases would be to extend them for an additional 5 years. This would give us time to go through the proper planning and then be in a position to come back to our appropriations committees for funds for whatever the plan would show needs to be done.

Presently, the leases are all due to expire on the 31st of December of this year.

Senator ABOUREZK. I don't have any further questions.

Senator METZENBAUM. Mr. Chairman, I have a comment I would like to make. I would like to ask you, Mr. Cutler, about this question of damages. It does concern me, this question of liability. I have before me a clause which reads as follows:

This permit will automatically terminate with the issuance of the permits described in Clause 17 as amended hereby, and will in any event terminate on September 2, 1971, or 90 days after the expiration of any preliminary injunction ordered by the Court as of the result of the Sierra Club, whichever is later.

But is the Sierra Club against Hickel case terminated?

Mr. CUTLER. To the best of my knowledge, it is.

Senator METZENBAUM. Under that clause, has the permit not then terminated?

Mr. CUTLER. It has been amended so it is in force.

Senator METZENBAUM. I don't find any documentation here that is written after—

Senator ABOUREZK. Perhaps you could show him that and he could show you the amendment on that. Would you come up here?

Mr. SMITH. It is correct; this No. 5 does say that. However, the permit has been amended a number of times since then. There are subsequent amendments, to my memory, that did extend the permit.

Senator ABOUREZK. They are not included in this copy.

Mr. SMITH. Apparently not included in this copy. We will make sure they are available to the committee.

Senator ABOUREZK. We would like to have the total contract when you bring it up to us. We would appreciate that.

Mr. SMITH. We will provide that today.

Senator ABOUREZK. Senator Metzenbaum or Hansen?

Senator HANSEN. I am not certain that I understand you precisely, Mr. Whalen, when you responded to a question about downhill skiing, but basically, is there not set forth a pretty clear declaration of policy in the Organic Act by which the Park Service was created?

Mr. WHALEN. Senator, it is not in the Organic Act. It has been a policy of the National Park Service, an administrative policy not to develop any new ski areas in our existing parks. With the particular situation that we find ourselves in here, as a result of the large number of people in California that would like to see a ski area developed, we feel that it only fair to include that as one of the alternatives and to take it before the public in a very honest way and have everyone have the opportunity to comment on it before a final decision is made.

Senator HANSEN. What would be your recommendation as Director of the National Park Service?

Mr. WHALEN. Today?

Senator HANSEN. Or and day—today.

Mr. WHALEN. I would have to say at this stage of the game that I would have to consider that as one of the alternatives. I could not make a recommendation today until such time as we had some public comment on it.

Senator HANSEN. You are saying that you don't have the basic feeling, basic convictions about what?

Mr. WHALEN. My feelings are very strong as far as a high intensive use, as heavy ski development in that area as has been proposed, and I feel that a downhill skiing alternative could be considered, but one which is a lot less than the proposal that has been before us by the Disney Corp.

Senator HANSEN. Are you saying that a limited amount of downhill skiing would be less objectional than high intensity?

Mr. WHALEN. That is correct.

Senator HANSEN. But does that disturb you as the person charged with administration park policy to contemplate the lesser of two possible objections, or is this not an objection in your opinion?

Mr. WHALEN. It does not disturb me to put it out as an alternative and to have the chance to look at it.

Senator HANSEN. I understand or I think I do, the procedures that you may go through in developing an EIS. I am not asking that question; I want to know what your personal feelings are and what your recommendation will be as Director of the National Park Service.

Mr. WHALEN. Senator, I cannot tell you today what my recommendation will be until that process takes place. My personal feelings are that at the time, there should be, if we have skiing in there, a minimal level, and it would nowhere be as large as the proposal that is before us. That is my personal impression.

Senator HANSEN. I get the feeling you are still quantifying things that you take or that you regard as objectionable. Maybe I am misreading what you are saying, but it seems to me you are not being as forthright as I think you could be, and I wish you would be more.

Mr. WHALEN. Senator I am trying to be as forthright as possible because the one thing—

Senator HANSEN. What do you mean as possible?

Mr. WHALEN. I am going to explain that. The restrictions I feel as the Director of the National Park Service are that I have the responsibility to listen to what the public has to say as far as the area is concerned and then make my final decision, and we haven't had that opportunity.

Senator HANSEN. I have no more questions.

Senator ABOUREZK. Well, I would like to thank all of you for your appearance and your testimony.

Mr. HERBST. Thank you very much, Mr. Chairman.

Mr. CUTLER. Thank you, sir.

Senator ABOUREZK. The next witness is Joe Beeman, Director of the Washington Office for the State of California.

Can you tell us what Mr. Johnson is for and what he is against?

STATEMENT OF JOSIAH H. BEEMAN, DIRECTOR, WASHINGTON OFFICE, STATE OF CALIFORNIA, ACCOMPANIED BY NOEL GOULD, ASSISTANT DIRECTOR FOR RESOURCES

Mr. BEEMAN. I will try and be as brief and concise as possible, Senator. I am appearing today on behalf of the Governor and the Resources Agency of the State of California. We strongly support the addition of the Mineral King to the Sequoia National Park. Further, in recognition of the impact this act will have on recreation and resource use both within the immediate area and throughout the State, we request the State be allowed to actively participate in the planning and the management of the park, Mineral King.

The State's position is based on the following rationale. First, we believe that Mineral King is a part of Sequoia National Park topographically, geographically, and ecologically. Surrounded by the Sequoias, Mineral King is literally the heart of the park and has been separated from it only by lines on a map. S. 88 seeks to bring the map to reality.

Second, while lines on a map cannot change Mineral King's essential placement in Sequoia National Park, the development of a high-impact, energy-intensive, year-round resort in the valley would damage the environment in Mineral King and would damage other areas of the park, the recently designated Golden Trout Wilderness, and adjacent mountains and valleys.

In the Clean Air Act Amendments of 1977, Congress mandated that national parks and wildernesses be protected with the strictest possible classification under the Clean Air Act amendments. Sequoia National Park is a mandatory class I area. We believe that emissions from vehicular traffic and activities associated with a resort of the kind that has been proposed for the Mineral King Valley would significantly degrade the air quality in the Sequoia National Park in contravention of the intent of Congress under the Clean Air Act amendments.

The California Air Resources Board has already determined widespread air pollution damage to vegetation in the southern Sierra Nevada as well as to agricultural crops in the San Joaquin Valley. In 1976, smog destroyed crops having an estimated value of over \$43 million as Congressman Krebs mentioned earlier. The U.S. Forest Service, forestry insect and disease management staff, has determined continued injury and steady decline in southern Sierra Nevada forests at current levels of air pollution.

It is clear in our opinion that substantially increased vehicle traffic to, within, and from Mineral King would increase oxident damage to vegetation. If the giant sequoia is particularly susceptible to damage and not capable of adaptation, the ramifications of increased vehicle traffic would threaten the very resource which led to the creation of Sequoia National Park.

Third, careful planning and management of the resources within an expanded Sequoia National Park can lead to the expansion of both winter and summer recreation opportunities. S. 88 provides for the development of a park management plan by the Secretary of the Interior. The State, with its knowledge of recreation needs and resources use both within the Sequoia National Park and throughout the State, is willing to serve as an active partner in the design of the management plan. The House bill provides that the Secretary develop the plan in cooperation with the State of California and we request this language be added to the Senate bill.

Three specific considerations must be reviewed within the management plan: The skiing potential within Mineral King and California, the conservation of the park's wildlife and recreation qualities, and the mitigation of any adverse conditions that may result from improved access to the park.

In response to demands for additional ski areas, I am hopeful that the committee will provide for a study to evaluate potential cross-country and downhill ski development in the park and in the State. The results of such a study will ensure that environmentally sound winter recreation can be provided and it will ease future conflicts on siting winter recreation areas in California. In keeping with environmentally sound development, we would suggest an amendment be made to the provision for the management plan that would require the plan to be consistent with the policies of the National Park Service with regard to development.

The wildlife resources of Mineral King are also a key ingredient in its values as an addition to the national park. The rich diversity of wildlife in the valley is a result of the proper management of the area as a wildlife refuge. Care must now be taken in determining visitor use and proper siting of facilities to continue this preservation of the wildlife there. Responsive wildlife management must continue as well, however. The deer in Mineral King could become a problem by becoming overabundant and their habitat and their health could be seriously impaired. There is an obvious need for a carrying capacity study to insure the preservation of the area's wildlife and recreation resources.

In response to this need, the State of California would propose an amendment that provides for the joint development and approval of a wildlife conservation plan for the park by the State and Secretary of Interior.

Increased visitor use may also require improved access to the expanded park. While the State supports giving the Secretary of the Interior responsibility for such improvements, the fragile soil conditions within the park area and particularly within the Kaweah River corridor require that extreme care be taken in any access development. In response, the State would propose that S. 88 include a provision that with regard to routes of access to and within the Mineral King Valley, the Secretary shall consider and take such measures as are necessary to protect against the effects of siltation on the park's ecosystem.

Finally, I want to express the Governor's and our own personal appreciation to Senator Cranston and this committee for acting to preserve the Golden Trout Wilderness Area earlier this year. The addition of Mineral King Valley to Sequoia National Park—again, an act to bring the map to reality—is as important to the preservation of the nationally significant southern Sierra Nevada. The State of California looks forward to an active partnership with the National Park Service that will provide and protect year-round recreation opportunities for all of our citizens desiring to use this national resource.

Mr. Chairman, I would like to submit our full statement for the record.

Senator ABOUREZK. Thank you very much.

It is my understanding that the previous California administrations have supported ski development for Mineral King. Why has this administration changed that position?

Mr. BEEMAN. I think it would be fair to say, Mr. Chairman, that we are not opposed to skiing, per se, in the proposed addition to the Sequoia National Park of Mineral King, but rather than believe that there ought to be a study that would insure that interrecreation can take place. We are not opposed to interrecreation or skiing, per se, but believe that it should be consistent with the park needs, and that this is a matter that requires study.

Senator HANSEN. Mr. Beeman, on page 5 of your statement, I don't believe you read this part, in the first full paragraph on page 5, about halfway down, I find these words:

It should provide a program for the management of fish and wildlife resources and insure protection of the ecosystem and adjacent to the Mineral King, including the reduction of the deer population when and if necessary.

My question is, Presently is that an area where deer hunting is permitted?

Mr. BEEMAN. Yes, it is and I will ask my colleague—

Mr. GOULD. The Sequoia National Game Refuge is presently designated there. There is a deer population that uses the Mineral King Valley as a summer range and it migrates across the park during the winter. There is inaccessible hunting on the winter ridges, but in the summer there is hunting now going on under a controlled plan that reduces the herd by about 38 deer each year.

Senator HANSEN. In Mineral King Valley?

Mr. GOULD. In Mineral King Valley.

Senator ABOUREZK. Thank you very much, Mr. Beeman.

Mr. BEEMAN. Thank you, Senator.

[The prepared statement of Mr. Johnson follows:]

STATEMENT OF HUEY JOHNSON, SECRETARY FOR RESOURCES, STATE OF CALIFORNIA¹

Mr. Chairman and members of the committee, on behalf of Governor Edmund G. Brown, Jr. and the California Resources Agency, I am pleased to present the State's views on the future of Mineral King Valley, presently designated the Sequoia National Game Refuge.

As the Governor and I have stated in previous correspondence to Senator Alan Cranston, and to Congressman John Krebs, author of the companion proposal in the House, we strongly support the addition of Mineral King to Sequoia National Park. Further, in recognition of the impact this action will have on recreation and resource use both within the immediate area and throughout the State, we request the State be allowed to actively participate in the planning and management of Mineral King.

The State's position is based on the following rationale: First, Mineral King Valley is a part of Sequoia National Park—topographically, geologically and ecologically. Surrounded by the towering and ancient Sequoias, Mineral King is literally the heart of the Park and has been separated from it only by lines on a map. S. 88 seeks to bring the map to reality. Mineral King's high glacial cirques, alpine lakes, meadows, old growth forests and rich diversity of wildlife will be admirable additions to the Park.

Second, while lines on a map cannot change Mineral King's essential place within Sequoia National Park, the development of a high-impact, energy-intensive year-round resort in the Valley would damage the environment in Mineral King and would damage other areas of the Park, the recently designated Golden Trout Wilderness, and adjacent mountains and valleys.

In approving the "Prevention of Significant Deterioration" portion of the 1977 Clean Air Amendments (PL 95-95, Sections 160-169), Congress mandated that national parks and wildernesses be protected with the strictest possible classification under the Clean Air Act Amendments. Sequoia National Park is a mandatory Class I Area. We believe that emissions from vehicular traffic and activities associated with a resort of the kind that has been proposed for the Mineral King Valley would significantly degrade the air quality in the Sequoia National Park in contravention of the intent of Congress under the Clean Air Act Amendments.

The California Air Resources Board has already determined widespread air pollution damage to vegetation in the Southern Sierra Nevada as well as to agricultural crops in the San Joaquin Valley. In 1976, smog destroyed crops having an estimated value of over \$43 million. The U.S. Forest Service Forestry Insect and Disease Management Staff, has determined continued injury and steady decline in Southern Sierra Nevada forest at current levels of air pollution.

It is clear that substantially increased vehicle traffic to, within, and from Mineral King would increase oxidant damage to vegetation. If the Giant Sequoia is particularly susceptible to damage and not capable of adaptation, the ramifications of increased vehicle traffic would threaten the very resource which led to the creation of Sequoia National Park.

Third, careful planning and management of the resources within an expanded Sequoia National Park can lead to the expansion of both winter and summer recreation opportunities. S. 88 provides for the development of a park management plan by the Secretary of the Interior. The State, with its knowledge of recreation needs and resource use both within the Sequoia National Park and throughout the State, is willing to serve as an active partner in the design of the management plan. The House bill provides that the Secretary develop the plan in cooperation with the State of California and we request this language be added to the Senate bill.

Three specific considerations must be reviewed within the management plan: the skiing potential within Mineral King and California, the conservation of the Park's wildlife and recreation qualities, and the mitigation of any adverse conditions that may result from improved access to the Park.

¹ Delivered by Josiah H. Beeman, Director, Washington Office, State of California, accompanied by Noel Gould, Assistant Director for Resources, April 28, 1978.

SKIING POTENTIAL

In response to demands for additional ski areas, I am hopeful that the Committee will provide for a study to evaluate potential cross country and downhill ski development in the Park and in the State. The results of such a study will ensure that environmentally sound winter recreation can be provided and it will ease future conflicts on siting winter recreation areas in California. In keeping with environmentally sound development, I suggest an amendment be made to the provision for the management plan that would require the plan to be consistent with the policies of the National Park Service with regard to development.

WILDLIFE CONSERVATION

The wildlife resources of Mineral King are also a key ingredient in its values as an addition to the National Park. The rich diversity of wildlife in the Valley is a result of the proper management of the area as a wildlife refuge. Care must now be taken in determining visitor use and proper siting of facilities to continue this preservation. However, responsive wildlife management must continue as well. The deer in Mineral King could become a problem by becoming overabundant and their habitat and their health could be seriously impaired. There is an obvious need for a carrying capacity study to ensure the preservation of the area's wildlife and recreation resources.

In response to this need, I propose an amendment that provides for the joint development and approval of a wildlife conservation plan for the park by the State and Secretary of the Interior. This plan should address a program to make the area available to the greatest number of people without adversely affecting the area's environment, wildlife and recreational uses. It should provide a program for the management of fish and wildlife resources that ensures protection of the ecosystem in and adjacent to Mineral King, including the reduction of the deer population when and if necessary. I have attached additional information on the need for State participation in the wildlife management programs and the suggested amendment.

Increased visitor use may also require improved access to the expanded Park. While the State supports giving the Secretary of the Interior responsibility for such improvements, the fragile soil conditions within the Park area and particularly within the Kaweah River corridor require that extreme care be taken in any access development. In response, I propose that S. 88 include a provision that with regard to routes of access to and within the Mineral King Valley, the Secretary shall consider and take such measures as are necessary to protect against the effects of siltation on the Park's ecosystem.

Finally, I want to express the Governor's and my own personal appreciation to Senator Cranston and this Committee for acting to preserve the Golden Trout Wilderness area earlier this year. The addition of Mineral King Valley to Sequoia National Park—again, an act to bring the map to reality—is as important to the preservation of the nationally significant Southern Sierra Nevada. The State of California looks forward to an active partnership with the National Park Service in developing and implementing a Mineral King management plan that will provide and protect year-round recreation opportunities for all of our citizens desiring to use this national resource.

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, Calif., February 14, 1978.

Hon. JOHN H. KREBS,
Member of Congress,
Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN KREBS: I support the addition of Mineral King to Sequoia National Park.

Mineral King is a natural area of great beauty and it will make an admirable addition to the National Park System.

The State of California is concerned about how Mineral King will be managed once it becomes a National Park and Huey Johnson, Secretary for the Resources Agency, has written to you describing the amendments we would like you to include in your bill. I urge you to adopt these amendments to allow the State of California to actively participate in the planning and management of Mineral King.

Sincerely,

EDMUND G. BROWN, Jr.,
Governor.

THE RESOURCES AGENCY OF CALIFORNIA,
Sacramento, Calif., February 17, 1978.

Hon. JOHN KREBS,
Representative, U.S. Congress,
Cannon Building,
Washington, D.C.

DEAR CONGRESSMAN KREBS: Confirming our discussion, with your acceptance of our amendments to allow the State of California to share with the Secretary of Interior the responsibility for preparing and implementing a management plan for the Mineral King area, we can support your HR 1771 to add Mineral King to the Sequoia National Park.

Mineral King is an area of such beauty and natural quality that it should be preserved in the National Park System. Its high glacial cirques, alpine lakes, meadows, old growth forests and rich diversity of wildlife will be an admirable addition to the National Park System.

Without proper planning, human visitation to the Mineral King area in the summer could be a problem to wildlife. There is an obvious need for a carrying capacity study to (1) determine the visitor capacity to ensure preservation of the area's wildlife and recreation qualities, and (2) to make the area available to the greatest number of people without adversely affecting the environment.

The wildlife resources of Mineral King are a key ingredient in its value as an addition to the National Park. However, without proper management, deer in Mineral King could also become a problem by becoming overabundant and damaging the ecosystem of the park and the quality of the park visitor's experience.

In order to prevent such damage, the Secretary for Interior should be authorized to enter into agreements with the State of California, whenever it is deemed necessary for reducing the deer population to a level consistent with the carrying capacity of the deer range.

To ensure active State participation in the management of Mineral King and to ensure that the natural resources of Mineral King are properly managed, the following amendments should be made to HR 1771:

Page 1—Insert: a bill: To protect the ecosystem of the Sequoia National Park and the area commonly known as Mineral King Valley and presently designated as the Sequoia National Game Refuge in the State of California by adding said area to such park, to provide for certain planning respecting the management of such addition, and for other purposes.

Page 7 insert: Section 6(a): after the word "Secretary": "in cooperation with the State of California"

Add: Section 6(b) (1): after the word "individuals.": "Except in emergencies, rules and regulations issued prior to, during, or after the preparation of the comprehensive management plan required by this Section shall be put into effect only after consultation with the State of California."

Page 8—New Section 6(b) (4): In preparing the comprehensive management plan required by this Section, the Secretary and the State of California shall devise, from technical information and other pertinent data assembled or produced by necessary field studies or investigations conducted jointly by the technical and administrative personnel of the agencies involved, and recommend to the Secretary and the State for their joint approval, a program to insure the permanent conservation of wildlife within the Park established by this Act. Such program shall include, but is not limited to, the consideration of management programs for wildlife species and the allowance for the controlled reduction of wildlife at the discretion of the Secretary.

In addition to these amendments, we recommend the following language be included in an amendment regarding roads of access: "with regard to roads of access to and within the Park, the Secretary shall consider the protection against the effects of siltation on the Park's ecosystem."

I urge you to adopt these amendments.

Confirming our discussion regarding potential new ski areas, especially their size and logic of their location, I am hopeful you can support a study to evaluate logical ski development in California, both down hill and cross country. This would ease future conflict on siting.

Sincerely,

HUEY D. JOHNSON,
Secretary for Resources.

STATE OF CALIFORNIA, THE RESOURCES AGENCY, DEPARTMENT OF
FISH AND GAME

NEED FOR STATE PARTICIPATION IN WILDLIFE MANAGEMENT PROGRAM FOR MINERAL
KING

Much of the land in California, in fact over 46 percent, is owned and managed by the Federal Government. Consequently the quality of life in California, both now and in the future, is directly affected by the quality of the management of these vast federal holdings. Therefore, the State of California has a keen interest in how the federal lands in California are managed and the State is particularly concerned about the management of Mineral King. One way of assuring that California's interests are addressed is to include the State as a partner in developing the park management plan for Mineral King.

The management plan for Mineral King must ensure full consideration of the wildlife resources of the area and the habitat that supports them. The wildlife resources of Mineral King are a key ingredient in its value as an addition to Sequoia National Park. However, without proper management, the wildlife resources could be adversely impacted by inadequate control of visitor use, development of recreational facilities in key wildlife habitats and even deer could become a problem by becoming overabundant and damaging the ecosystem of the park and the quality of the park visitor's experience.

The California Department of Fish and Game is particularly concerned about the way deer are managed within Mineral King. Mineral King provides summer range and fawning habitat critical to the health and survival of the deer herd. Summer range can be easily damaged from overutilization by deer. A balance must be maintained between the number of deer using the area and the available forage, or habitat degradation will occur. Deer migrating through the Mineral King to the winter ranges to the west also place a burden on available forage. The winter ranges are another key element in the maintenance of the health of this deer herd and deer numbers must also be kept in balance with available forage on these winter ranges.

A brief review of the past management of the Mineral King deer herd will be useful in understanding the overall issue. Public Law 465, 69th Congress, July 3, 1926, called "An Act to Revise the Boundary of Sequoia National Park," added certain lands to Sequoia National Park. It excluded about 16,000 acres of the Mineral King Basin. In order to protect the wildlife resources of the basin in the same manner as in the surrounding park, the area was made a National Game Refuge (Section 6 of Act). The purpose of the act was to prevent hunting, trapping, killing, or capturing of wildlife except under such regulations as the U.S. Forest Service deems necessary.

Hunting had been permitted in the Mineral King area up to 1925. With establishment of the refuge, hunting stopped in 1926. The deer population in Mineral King rapidly increased to the point where it was damaging the summer range in Mineral King and surrounding areas. The deer herd was in jeopardy because of over population. In 1950 the Fish and Game Commission and the U.S. Forest Service recognized the poor condition of the herd and the overutilization of the habitat. The Commission authorized a special hunt that was sanctioned by the U.S. Forest Service. The first hunt, in 1950, provided 677 deer. Subsequent special hunts provided fewer deer. Beginning in 1967 the area was open to hunting during the regular buck season. The kill has been stable for the last ten years, averaging 38 deer per year.

Through proper management, this herd has been kept at a level consistent with good range conditions. The population totalled about 350 animals in 1972. The herd exhibits excellent production as evidenced by high fawn survival and the large number of young animals in the take. In general, this herd and its ranges are now in a healthy condition. However, recent evidence indicates that the population is now about 1,300. Without the ability to control animal numbers, habitat damage could occur again in the immediate future. This would lead to poor herd condition and the same type of problem that occurred prior to 1950.

The best method of controlling deer numbers is through hunting, because it provides for the utilization of the excess animals and it provides an outdoor recreational experience. The Mineral King area is the best area to hunt deer from this herd. The area is surrounded on three sides by Sequoia National Park and wilderness on the remaining side. Deer cannot be hunted in the existing park and the wilderness area is not very accessible. Hunting on the winter ranges west

of Mineral King is extremely difficult because of poor access and rugged terrain. Therefore, the opportunity to hunt deer in Mineral King is essential to proper management of the area.

Past experiences in California with wildlife management in National Parks show that the Park Service is reluctant to act quickly to control animal numbers and that hunting isn't considered appropriate. When a situation of overabundance of deer developed in Yosemite National Park in the mid-1960's, hunters were not used to help reduce the population and the reductions were accomplished by Park Service personnel.

Some people are concerned that animal reduction is incompatible with National Park objectives. They fear that permitting hunting in Mineral King, after it is added to Sequoia National Park, would be a precedent that could lead ultimately to hunting being allowed in the remainder of Sequoia National Park and in other national parks in California. However, Mineral King is a special case and its history proves that deer population control is necessary and that hunting is compatible with the use of the area by other recreationists. Hunting in national parks is not a new concept. The Act (16 USC 5673c) that established Grand Teton National Park allows elk hunting by deputized rangers, who in practice are members of the general public deputized to carry out the special hunt. The same method could be used in Mineral King to allow hunting. Deer are a resource of the State and the public should share in the utilization of this resource. A management plan for Mineral King should recognize this and not be bound by a "no hunting" policy.

The management plan for Mineral King should address (1) a program to make the area available to the greatest number of people without adversely affecting the environment, (2) the control of visitor use to ensure preservation of the area's wildlife and recreation qualities, and (3) a program for the management of fish and wildlife resources that ensures protection of the ecosystem in and adjacent to Mineral King, including the reduction of the deer population when and if necessary.

Senator ABOUREZK. We have a panel of witnesses representing the downhill skiers: Cal Conniff, executive director, National Ski Association; Ralph Des Roches, Ski Industries America; Don G. Simpson, vice president, U.S. Ski Association; and Ed Gehle, president, Far West Ski Association.

Are all four here?

I would like to welcome all of you to this committee. We appreciate your appearing to present your views on this legislation, and I will leave it to you to determine who leads off.

STATEMENT OF CAL CONNIFF, EXECUTIVE DIRECTOR, NATIONAL SKI ASSOCIATION; ACCOMPANIED BY RALPH DES ROCHES, EXECUTIVE VICE PRESIDENT, SKI INDUSTRIES AMERICA; DON SIMPSON, VICE PRESIDENT, U.S. SKI ASSOCIATION AND ED GEHLE, PRESIDENT, FAR WEST SKI ASSOCIATION

Mr. CONNIFF. Mr. Chairman, members of the subcommittee, I appreciate the opportunity to be here today. My name is Cal Conniff; I am the executive director of the National Ski Areas Association. The National Ski Areas Association is a nonprofit, membership corporation, composed of 529 ski area operators and approximately 144 associated members who are manufacturers and suppliers of ski area equipment.

Briefly, S. 88 proposes the transfer of the administration of Mineral King to the U.S. Forest Service to the National Park Service. With directions to the Secretary of the Interior, to develop a management plan taking into consideration the needs for additional recreational areas.

We briefly wish to offer three matters for your consideration. The first is that the U.S. Forest Service has already developed an outstanding plan for Mineral King to achieve balance between preservation of wilderness values and compatibility with organized, diversified, year-around recreational use.

It should be noted moreover, that the Forest Service is a pioneer among Federal Agencies in the designation of lands for wilderness preservation, and also in cooperative management with the private enterprise, in the development of Alpine skiing facilities in the United States. The record speaks for itself in vindicating the professional management by the U.S. Forest Service of the public lands for our purposes. The arguments essentially raised against Forest Service Management of public lands under its administration for outdoor recreation is the amount of acreage designated as wilderness. It is this argument we respectfully submit, that is at issue in the dispute over the future of Mineral King. This argument surely will not be resolved by transferring jurisdiction of the area from one agency to another of the executive departments. The Congress in the final analysis under the 1964 Wilderness Act, must decide how much of Mineral King is to be managed as wilderness and how much is to be managed to meet the more formal diversified outdoor recreation needs of the Nation in especially those of the people of southern California.

Second, I recently completed a study of competition of the ski industry by Leventhal and Horwath for the U.S. Forest Service. It was concluded that the industry is competitive throughout the United States, with a possible exception of southern California. S. 88, if enacted in its present form, will, in fact, preclude the development of downhill skiing facilities at Mineral King, thus further frustrating the efforts of Forest Service and the ski industry to provide for quality skiing at a competitive private enterprise environment.

Third, the development of recreational facilities on public lands by congressional policy has traditionally been a joint Federal-private enterprise, for both the Forest Service and the Park Service. Consistent with this longstanding policy and at the instigation of the Forest Service, Walt Disney Productions has expended hundreds of thousands of dollars in cooperation with Federal planners to design an environmentally sound program for controlled development for public facilities in Mineral King.

In his letter of March 30, 1978, to Mr. Udall, chairman of the House Interior and Insular Affairs Committee, Mr. Walker, president of Walt Disney Productions requested an opportunity to address the full committee concerning the alternatives to H.R. 1771, companion legislation to S. 88. I understand that similar requests have been made to some of the members of the subcommittee. Apparently, the restraints for action at this time in the 95th Congress will not allow Disney this opportunity to be heard.

Senator ABOUREZK. Wait a minute. What is that again? That who has asked for what?

Mr. CONNIEF. The Walt Disney Co. has requested that their proposal be fully heard by the full committee on this issue. That request was made to Mr. Udall.

Senator ABOUREZK. How about the Senate? I thought you said it was under the Senate. The request was made to the Senate.

Mr. CONNIFF. I believe that request has been made to the Senate. Senator ABOUREZK. I don't know about it and the staff of the subcommittee didn't know about it.

Mr. CONNIFF. Then I will defer to the people from the Walt Disney Co. when they testify on this.

Senator ABOUREZK. They are here today to testify.

Mr. CONNIFF. As an industry, we believe that this is most regrettable. Disney has put 13 years of planning effort and close to \$1 million into this program. Not a single new ski area has been developed in the United States on public lands in more than 5 years. Without private funding, it is highly doubtful that any more areas will be developed. In light of the serious policy implications of S. 88, we urge the subcommittee to defer action on this bill until all parties have an opportunity to present the alternatives for your consideration.

We respectfully suggest that the limited time available is not adequate to such objective consideration, and we would be pleased to answer any questions you may have. Thank you, sir.

Senator ABOUREZK. Mr. Conniff, who are the members of the National Ski Association? It has not been made clear to me.

Mr. CONNIFF. The ski area operators through the United States, Senator.

Senator ABOUREZK. Is Disney a member of that?

Mr. CONNIFF. Yes, they are.

Senator ABOUREZK. Who is next then on this panel?

Mr. DES ROCHEs. Mr. Des Roches.

Senator ABOUREZK. Who are the members of Ski Industries America?

STATEMENT OF RALPH DES ROCHEs, EXECUTIVE VICE PRESIDENT, SKI INDUSTRIES AMERICA

Mr. DES ROCHEs. That is a good question. You helped me a whole lot when you asked me not to read my statement because I speak better off the cuff. I am executive vice president of Ski Industries America. Ski Industries America is the National Trade Association of the manufacturers, importers, and distributors of apparel, equipment, footwear, and accessories for the sport of snow skiing. We have 219 members. They vary from cottage type, one-man operations to divisions of giant corporations, international and national.

We support the development of Mineral King for the simple reason that there are not enough ski areas in California. Five percent of the population in North America skis, give or take a fraction. There are a million skiers in California, and 40 ski areas. In the State of Maine, where I come from, there are some. In the State of Maine, there are 34 ski areas, and there are less than a million people. In the State of New Hampshire, there are 72 ski areas, 900,000 people. I think I have made my point. There are 40 ski areas in California. There are 49 million acres of public land in California; 15,000 acres are being used for ski areas. That is 3,000, that is three tenths—excuse me, I will have to read that. That is three ten thousands of 1 percent of the land in California is being used for skiing.

Senator ABOUREZK. How much of that is actual ski area and how much is flat lands?

Mr. DES ROCHEs. But there is only 15,000 areas, acres, in California being used for skiing.

Senator ABOUREZK. How much is eligible to be used for skiing, though?

Mr. DES ROCHEs. California—

Mr. SIMPSON. I will get into that.

Senator ABOUREZK. The figures you are citing are like saying Cliff Hansen got a 100-percent ADA rating; it is meaningless.

Senator HANSEN. I wouldn't be meaningless to me.

Senator ABOUREZK. You mean you don't support the American Dairy Association.

Senator HANSEN. I make no statement.

Mr. DES ROCHEs. Somebody will dig me out of that hole.

Senator ABOUREZK. We will take you out.

Mr. DES ROCHEs. It is very difficult for the people of California to go skiing. It is 7 hours from Los Angeles to Mammoth, and this is what we are all talking about. There are not enough ski areas in California for the people that go skiing, and we are just asking for a little bit.

Senator HANSEN. Parts of Death Valley would be eligible if it would have snowed but it hasn't snowed lately, I understand.

Mr. DES ROCHEs. If it is not tied up in the wilderness. There is discretionary income involved here and people should spend it the way they want to spend it and it shouldn't be too difficult to spend, and there are jobs that can be created. Generally ski areas are in depressed areas, to start with.

I have only been in one business, the ski business. I ran a ski area for 18 years, and I know from what I speak, and I think the people of California wouldn't be here fighting for another place to go skiing where there is less effort involved, and the skiers in California, if they were not a hearty group, would give it up and try something else, really. Winter is here to stay, and we have to make the most of it. Californians need to have skiing facilities so that all may participate and enjoy the great snow that falls on their mountains.

Ski Industries America supports those who wish to cultivate the immense recreational potential that exists in Mineral King Valley. Thank you very much for this opportunity.

Senator ABOUREZK. Thank you. That was good testimony, and I am glad that you didn't read it. Who would like to go next?

STATEMENT OF DON G. SIMPSON, VICE PRESIDENT, U.S. SKI ASSOCIATION

Mr. SIMPSON. Thank you, Mr. Chairman I am Don Simpson; I am vice president for Republican Affairs of the U.S. Ski Association.

Senator ABOUREZK. What is that organization?

Mr. SIMPSON. The U.S. Ski Association is the only organized association that represents the skier in the United States. It has nine divisions.

Senator ABOUREZK. Skiers themselves?

Mr. SIMPSON. Skiers themselves. We have some hundred thousand members.

Senator ABOUREZK. Can I get into the Far West Ski Association? That is an affiliate of yours?

Mr. GEHLE. It is the largest of the nine divisions, like a subsidiary.
Mr. SIMPSON. I am also vice president of public affairs for Far West Ski Association.

Senator ABOUREZK. For the Far West, how many members does the U.S. Ski Association have?

Mr. SIMPSON. In excess of a hundred thousand.

Senator ABOUREZK. And do they pay annual dues?

Mr. SIMPSON. Yes.

Senator ABOUREZK. How much?

Mr. SIMPSON. They pay their dues to their divisions and \$1 of this goes to the U.S. Ski Association.

Senator ABOUREZK. What are the divisions?

Mr. SIMPSON. They vary.

Mr. GEHLE. Vary from 8 to 10.

Senator ABOUREZK. Dollars a year?

Mr. SIMPSON. I am here as an official representative of the U.S. Ski Association but I am also a long-time member of the Sierra Club and a supporter of the Sierra Club in most cases. In this instance, I think they made a mistake when they blocked the development in 1969, and I think they are wrong in opposing the development now. I think everybody agrees that there is not enough public lands to serve everybody's needs and desires, so you have to somehow strike a balance between all these demands, and that is what we are talking about today, is to try to strike some kind of a balance. I am going to take my clue from Doc, and you have my written statement, and I will wing it from there.

I think that it is safe to say that we all have equal rights to those public lands. No one segment of the society should have more rights than some other segment. And what we are interested in and I am interested in is to balance, if we can, come to some kind of a balance in southern California, that is reasonable, and I enjoy both things. I utilize the parks and wilderness in the summer; I utilize the ski areas in the winter, and I am a downhill skier, and I am a cross-country skier too. I like the solitude as much as anyone else.

The problem we face here in southern California is what is equitable for southern California. Doc mentioned there are 40 ski areas in California. He forgot to mention there is only one existing major ski area that serves southern California. That is Mammoth, which is on the other side of the Sierra as from Mineral King. It is very difficult to get to it from the Central Valley, and it is a long distance from the major population, which is the Los Angeles-San Diego Basin, in the area down there, and central California, where I am from, is Bakersfield, just south of Mineral King. It is very difficult to get there.

Congress just recently added almost 400,000 acres to the wilderness system, and you have been told about that. There are the potential ski areas. When you did that, you made the choice in saying that that was the better use for that land in the ski area. You wiped out the only possible major—other major ski area that would be available for southern California skiers. Somebody has mentioned some other areas by name—the Sherman Pass, Peppermint, Jordan, and Sherwin Bowl. I am personally acquainted with each one of those areas. I have hiked on them, I have been on them, and I can assure you that if you developed—first of all, Sherwin Bowl is adjacent to Mammoth and that is an area that is already difficult to get to. It is a long drive from southern

California, and it would just be an extension of the Mammoth area in essence.

The other three, if you put them all together, develop them to their full potential; it would be about one tenth of what we would have at Mineral King if it were developed according to the plan, and it would only be available at a very limited part of the year because the elevation is lower. The snowfall is marginal in many instances, so it is very doubtful that you would ever find any private enterprise that would be willing to risk the funds that would be necessary to develop those areas, even to their full potential. So simply what they boil down to now is a case if you deny Mineral King as a winter sports development, you are saying to the southern California winter sports enthusiast that he does not have the right to use the southern Sierra Nevada Mountains for winter recreation.

Now, it has been implied, although not stated precisely, that there is going to be a great deal of damage to Mineral King if this development is allowed. The only damage that would occur could be that there would be some lifts that would be built, and they would be on the west side of the valley; they would not be on the east side of the valley, which is the entrance to the park in the back country.

The increased uses that so much has been said about would be in the winter time. The summer use would be approximately the same as it is today. There is a heavy use in the summer. You said you would like to come. I hope you come in the summer on a holiday, Fourth of July, for example, and see the tremendous number of people, cars, pollution that is going on in this valley today.

Senator ABOUREZK. Can I just stop you there? I guess the way that you phrase your opposition to this legislation is not exactly the way I would phrase it. What you are saying to those people is, to skiers, that they are not entitled to ski. Well, in a sense, that is right, but you are leaving out part of it. You are also saying that the real purpose of the National Park Service is to try to preserve as much as possible; lands that they are really reserving for general public enjoyment, and, of course, there are a million skiers in California, right? Is that what you said?

Mr. SIMPSON. Over that.

Senator ABOUREZK. I don't think it is a matter of life or death as to when they get to ski or not, to be very honest with you. I think it is fine if they want to spend their money skiing. That is wonderful. I have to say that if in my own mind, and I am sure the rest of the committee would make their judgment the same way, there is much more benefit to the general public in not allowing massive skiing development there, I would have to go that way in spite of the facts that I might be saying to the skiers, well, we are not going to let you ski there. To me, that doesn't make sense to say, well, we are going to deprive somebody of being able to ski. But it would be easy to say, all right, why don't you just fly on to Aspen or St. Moritz in Switzerland or Jackson Hole in Wyoming and go up there and pay a little extra on your ticket. So, in other words, I just want to kind of rephrase the way you were saying it.

In a sense, you are cutting them off from skiing. The second thing I want to say is that when you talk about summer development there or summer activities, that it would not change anything. Now, let me just

pose this sort of question to you. You have a private developer such as Disney or anybody else who would build a very expensive lodge, souvenir shop, whatever else they are going to build, and they are going to sit there, and they are naturally concerned about their balance sheet, right, and they are going to say, all right, what are we going to do to make money in the summer so we can keep our help on and keep paying the insurance payments and the land amortization and so on, and they are going to think of something to do up there in the summertime that will increase the traffic, won't they, to be very honest?

Mr. SIMPSON. May I respond to that specific question, sir?

Senator ABOUREZK. Yes, I would like you to.

Mr. SIMPSON. The plan that has been proposed is a limited plan. It is not the massive—the word massive disturbs me. It is a limited plan. The plan would use less than 30 acres for the fixed facilities that would be there. It is also proposed that the number of people who would be allowed into the valley, beyond the end of the road, that would be allowed to use that would be limited to approximately the same number of people that are in there on the peak days today, this summer.

Senator ABOUREZK. How much does Disney anticipate spending?

Mr. SIMPSON. You will have to ask them.

Senator ABOUREZK. Can I ask them? Who are the Disney representatives here? How much do you anticipate spending?

Mr. NUNIS. At this particular time, I can't give you a specific figure. It would be in the range of \$50 to \$80 million.

Senator ABOUREZK. How many people per year do you anticipate coming in?

Mr. NUNIS. I would prefer to wait until I give my statement, if I may, Mr. Chairman.

Senator ABOUREZK. For purposes of this discussion, can you give us—

Mr. NUNIS. The first year, 700,000 visitors, development plan is 780,000.

Senator ABOUREZK. Per year?

Mr. NUNIS. Yes, sir.

Mr. SIMPSON. I think the point I am trying to make and maybe I am not doing it very well is that when we talk about damage, damage occurs in the summer, when people are on the grounds. In the winter, there is a blanket of snow that protects the environment from the people. There is only summer use now. That is only a very small portion of the year, a few months in the year in the winter. Only the very hearty people can get in there. They can go in by helicopter if they have lots of money or they can hike 20 some odd miles along grade and not very many people are capable or willing or interested in doing that, so what we are saying is that in the winter, nobody uses, literally nobody uses the area, and in the summer, you do have heavy use and you will continue to have heavy use whether it is in the park or under the Forest Service jurisdiction.

So under the plan, as I understand it, the summer use will be limited; there will be limited use in the summer so that it does not damage the environment and then the additional use, large numbers

we are talking about, will be the people that will use it in the winter. That is where the increased numbers come from.

I made my other statement that the—you were out of the room when I made a statement leading up to this point of denying the winter user. The Golden Trout Wilderness area eliminated any other real potential area that would be of any consequence.

Senator ABOUREZK. For skiing?

Mr. SIMPSON. Which means that for the southern California, central California skier, or winter user—not just skier, winter user—there are all kinds of uses. Mineral King is the last and only thing that is left. These others that were mentioned are very minimal, marginal areas, they will not establish anything, so once Mineral King is gone, it is gone, as far as central and southern California is concerned.

Just a couple of other quick points, air pollution was mentioned. Again, the summer, the air pollution into the valley in the summer under the plan would be actually reduced because the access would be by, to a great extent, by bus rather than automobile, the road would be improved so the car would spend less time on the road. The increased traffic would be winter traffic when the traffic is gone anyhow, and that is not when we have the heavy crop damage, if there is such heavy crop damage. Incidentally, that is subject to a great deal of debate and the facts are not clear on that.

If it goes into the park and if, as Senator Cranston has mentioned, some skiing is allowed or winter sports is allowed, the winter road has to be built. You cannot have any winter access without having the road built; it doesn't matter who develops it. If there is any winter use, the road would have to be built, so the last point I would like to make is to illustrate to you what we are talking about—equity.

Let's assume this represents the total State of California in area. This part here represents that portion that is owned by the Federal Government. This part here represents that portion, which is in wilderness, parks, primitive, wild rivers, et cetera.

Mr. GEHLE. Are you going to give some acreage?

Mr. SIMPSON. Total area, 100 million acres.

Senator ABOUREZK. For the whole statements?

Mr. SIMPSON. 49 million in Federal ownership, around 23 million in parks, et cetera, et cetera.

Senator ABOUREZK. I see why we spend a lot of time with California legislation.

Mr. SIMPSON. There is a red dot that represents the existing ski area; maybe you can see it, maybe you cannot. If all other potential areas, including those that we lost under the Golden Trout Wilderness, there is another little red dot that would represent that. Now, equity is what we really think is the issue here and with the Mineral King, you are in reality saying, southern California winter user, go to Colorado, or go to Wyoming, which I frequently do, and enjoy it a great deal.

I believe I will stop with that. I have taken enough of your time; it is a long trip from California. This is my first time I have ever done this sort of thing, so I am a little nervous, to say the least. Thank you very much.

Senator ABOUREZK. Thank you.

Ed Gehle is the one that is left.

STATEMENT OF ED GEHLE, PRESIDENT, FAR WEST SKI ASSOCIATION

Mr. GEHLE. Thank you, Senator Abourezk and Senator Hansen. I really appreciate the opportunity to be here and represent the Far West Ski Association.

Senator ABOUREZK. Before you continue, there has been a lot of talk about Wyoming ski areas. There is one in South Dakota, and the least you could do in honor of the chairman of the committee is mention it once in a while.

Mr. GEHLE. We had to move 6,000 people by charter aircraft out of the Far West, and we would like to put you on the schedule next year.

Senator HANSEN. May I say to our chairman that Cherry Peak is so well known—

Senator ABOUREZK. It is Terry Peak, not Cherry Peak. It is so well known he didn't know the name.

Senator HANSEN. He didn't speak distinctly. I was trying to help you out.

Mr. GEHLE. My people said I probably ought to read my statement because when I don't I really get excited and emotional and wave my arms.

Senator ABOUREZK. It might be better that way.

Mr. GEHLE. I am going to submit my written statement, and I will step aside and make some parenthetical comments to review some of the statements that have gone earlier. I can't let them go.

I am Ed Gehle, president of Far West Ski Association. By the way, I should point out that both Donna and I are unpaid volunteers, as are all the members of the Far West Ski Association and the U.S. Ski Association. We do work for a living.

I thank you for the opportunity to speak in opposition to S. 88 on behalf of the 28,000 members of the Far West Ski Association. Far West is one of the nine divisions of the U.S. Ski Association, which is the national governing body of skiing in the United States and holds the sanction from the International Ski Federation for this country.

Our membership is part of a national organization called USSA. That is about 100,000 members. At this point, I want to step aside from my comments and bring in some examples or some exhibits. One of our members appeared at the House committee a while back to speak in behalf of the skiers of southern California and was pretty unceremoniously told she represented no one but herself because she had no proxies and had no right to represent anyone other than herself, and so to speak to that, I would like to show you something here. We are talking about public input and I am bringing in some public input with me.

Senator ABOUREZK. Did you bring a box of snow?

Mr. GEHLE. These are proxies signed by skiers and nonskiers from all over the United States, not just members of the U.S. Ski Association. There is tens of thousands of them. There are signatures on them. As a result of a telegram to Senator Hatakawa and Senator Cranston, they gathered them in the Mammoth Mountains this weekend from people waiting in towlines; there is a snowflake right there. It looks like they were written with gloves on by the way. Probably was, but what this says is:

Dear Senator Hayakawa, we are counting on you. We are all standing in long lift lines in California on April 22 and 23 and we are depending on your help to stop S. 88. Help us at Mineral King. Don't let them lock up our skiing.

There are several thousand signatures that were gotten this weekend. These proxies, which I do carry made out to Far West Ski Association, say the following:

I hereby authorize and appoint Ed Gehle and the Far West Ski Association to speak for me as my representative in Washington, in opposition to H.R. 886 or in opposition to any other bill before the House of Representatives or Senate of the United States, which seeks to delay or prevent the development of a ski resort in Mineral King. It is my desire to have this area developed as a year-around recreational area with skiing permitted.

Now, with that established, I wish to present comments specifically related to the Mineral King issue and equitable recreational access to public lands in California.

As you have been informed, Mineral King abuts Sequoia National Park on three sides and it has been described as both unique and fragile, among other descriptive terms and phrases. Mineral King is, indeed, unique by the way. The California man said it was just a line on the map. There are 12,000 foot lines that prevent you from getting anywhere else in Sequoia into this park other than this. It is certainly not just lines and it doesn't naturally follow to round out the park and include this thing. There are natural boundaries, and they are 12,000 feet high, so it doesn't naturally fall into the park.

Since the mid-1920's it has been acclaimed by native and European experts alike as superb and incomparable in terms of winter recreation potential. Some of the experts who have thus described Mineral King are members of the same Sierra Club which 12 years ago abandoned its position of support for development of the area.

At the time, we are talking about an area in southern California, and in the opposition to the San Gregorio, they said go ski at Mineral King. That is your alternative. Well, here we are now talking about Mineral King as the alternative that was supplied, and we are being told to go to another alternative. We are getting tired of being put off.

Mineral King is described as a hanging valley as if it were the only such phenomena to be found. In fact, however, a look at a map of the surrounding area will disclose at least a couple dozen similar formations all within the adjacent Kings Canyon-Sequoia National Park and most of them within 50 miles hiking distance.

But while Mineral King is just one of many similar valleys in the eyes of the nonskier, it is the last, and I emphasize the last, hope of southern California skiers for an adequate winter recreation. I use the word winter recreation rather than skiing facility within driving range to meet the growing needs. I have to drive 8 hours from Santa Barbara.

Not just any valley will do for skiing. In attempting to name alternatives, not even the Sierra Club could offer more than four possible sites, all unsuitable for development. For further background on our contention that Mineral King is our last hope, I submit our publication, just so you will know what we are up against, for the record.

I would like to cite a couple of examples out of here if I may, Senator. We have talked about alternative sites; one was mentioned, Jordan Peak, one of the seven potential ski sites precluded by the recently

passed wilderness and now prohibited. Mitchell Peak lies on the Sequoia National Park boundary, an interesting alternative in light of the Sierra Club's open suggestion to development.

Slate Mountain included in area development, is prohibited pending finding. Sherman Peak, east facing the slope, a prime ski site, to preserve the slope and terrain, can accommodate only four lifts and \$1 million is required to upgrade the road. There is no power anywhere near the site. The development potential is submarginal, so the alternatives aren't very alternative.

There is a point, I think, I would like to comment on, Congressman Krebs' agricultural damage comment. Here is what we feel the truth is—significant increase? Millions of losses? Three-quarters of a billion cars cross the San Joaquin Valley each year. Full development of Mineral King would add less than two-tenths of 1 percent to that traffic figure. Between 1970 and 1976, State and Federal reports show that cotton, the major crop, yield per acre increased 28 percent during the same increasing traffic time.

Original yield increased from 244 boxes per acre to 260 boxes, all of which occurred in the farming communities, peripheral to the freeway system, so it would appear the crops thrived on the smog. The October 1976 air quality study quote by the Sierra Club is superseded by an October 1977 study, which we quote. smog is common and widespread in much of southern Sierra, Nevada, but the presence of ozone is not causing significant forest widespread damage. I will stop there.

When you determine the fate of Mineral King, we ask you to remember the plight of southern California recreationalists.

The only other major ski resort within driving range of Los Angeles is Mammoth Mountain, a long 7-hour drive, even longer if you live in Santa Maria. By car from us lodging facilities in Mammoth Mountain were sold out for 10 of 17 weekends this winter even with that drive. So great is the demand for skiing at Mammoth, that Dave McCoy, owner of Mammoth and the one person with the most to lose if Mineral King is developed, is 100 percent behind the fight for development of another competing ski area. And he is one of the top signatures on this list gotten this weekend, and the directors of the ski slope are in full support of Mineral King, which would be a competing area.

Within 2 hours driving time of Los Angeles are 10 small ski resorts, mom and pop operations. Skiers must purchase lift ticket reservations in advance from agencies such as Ticketron outlets. I happen to know 1 year ago lift lines started forming at midnight and 2 a.m. prior to a day of skiing and people that would drive 3 or 4 hours would get there to find they were sold out, and turn around and go home.

Snow Valley, one of those local areas, was totally sold out of lift tickets on 13 weekends this winter. At Mountain High, the operator reports that they repeatedly sold out of rental equipment by 10 a.m. on weekends, and that between lift ticket lines and equipment lines, some skiers didn't even get into the lift lines until 12 noon.

I think the point is that southern California, as the Forest Service and this report that Cal Conniff mentioned, has certainly demanded that far-out strip supply. It is not a normal competitive situation, and bears looking into should particular regulation take place because there is no supply-and-demand curve.

The situation can only worsen. Between 1973 and 1976, skiing grew in popularity by 43 percent. The 1960 Olympics were at Squaw Valley and it has become one of the fastest growing sports in the country and received one of the Presidential Fitness Awards in the U.S. Olympic team.

In that same amount of time, no new ski areas were built in California. During the just ending season, California areas reported that as many as 80 percent of the skiers in their ski school were first time skiers. If Congress locks skiers out of Mineral King, the quality of ski experience open to these citizens will continue to deteriorate. Already, overcrowding on California ski slopes has forced the State legislature to enact hit-and-run legislation covering accidents on ski slopes.

But while there is a grievous need for winter recreation in southern California, skiers are willing to compromise on Mineral King. A compromise, incidentally isn't, as I guess my own personal opinion, the Park Service saying possibly limited to downhill. It is not even a compromise. We have supported legislation which would designate portions of the valley as wilderness and provide for environmentally sound ski development in the remainder. A copy of draft legislation proposing such a compromise is attached to my testimony. This is a bill that would create what we consider an economically and environmentally sound ski area in the Mineral King Valley. As skiers, the members of the Far West Ski Association can only ask you to remember that we are environmentalists too. The opportunity to enjoy the winter environment contributes significantly to our love of the sport. We are no less interested in the environmental protection of the Mineral King Valley than the Sierra Club.

We are convinced, however, that an environmentally sound ski area can be built. The approval of the environmental impact statements supports our belief. In fact, again stepping aside, we are convinced if the Disney people were allowed to develop Mineral King, it would become an international model of how skiing the environment in an economically sound area can be done. It would be something for any ski area in the world to implement. We would like to see that model done in California.

Another thing I think I should mention, Senator Abourezk—when you were mentioning this would be catering to just skiers, I am sure the Disney people, when they describe their plan, will tell you how year-round use is planned and how all ages and the handicapped and a lot of other people who cannot now have the Alpine experience, would be allowed to do so by this area.

You are not just catering to skiers. It is not just winter recreation, but a lot of people will be allowed to get up there and get out of the city that can't possibly think of it now, that physically aren't able, which this area would serve. It would be affordable to an Alpine experience for handicapped, minorities, et cetera. I think that should be emphasized.

Another thing I just can't go without mentioning, too, Senator, is that as we create these massive wilderness areas like the Golden Trout and others, I think there has been in this last year over a million acres put into the wilderness classification in the Western States. By the act, you have these great masses, I could use the map, of wilderness, and I think I am fairly physically able to have done a lot of backpacking;

if you stop and think about it, if you come to Mineral King, you will see you can't backpack or hike any faster than the least able of your group.

If it is a family outing, it is the slowest walking child, for instance. The whole thing, to summarize that, you have hundreds of thousands of acres, and most people will never penetrate beyond the fringe of it, so I question who is it we are setting this aside for. I can't buy this, that it is for our children, our children's children because the only people that will ever see the middle or any of the core is someone that has the whole summer off and can afford the time, the money, the physical capability to go on long treks, and I don't know anyone that has time and money to go on month-long treks. That is not the average citizen when in reality, the fringe is probably all that would ever be penetrated by anyone.

I will finish. Let's decide the fate of Mineral King on the facts, not emotional pleas for preservation. Certainly in the 49 million acres of public land in California, including over 3 million acres of wilderness and national parks, there is room for development of the most outstanding ski site in North America.

Thank you very much for listening. I really appreciate you being here and it is my first time here.

Senator ABOUREZK. I would like to thank you all very much for an excellent presentation. We appreciate your appearance.

[The prepared statements of Mr. Conniff, Mr. Des Roches, Mr. Simpson, and Mr. Gehle follow:]

STATEMENT OF CAL CONNIFF, EXECUTIVE
DIRECTOR, NATIONAL SKI AREAS ASSOCIATION,
INC., 61 SOUTH MAIN, P.O. BOX 83, WEST
HARTFORD, CONNECTICUT, IN CONNECTION
WITH THE CONSIDERATION OF S.88 BY THE
PARKS AND RECREATION SUBCOMMITTEE OF THE
SENATE ENERGY AND NATURAL RESOURCES
COMMITTEE, APRIL 28, 1978

The National Ski Areas Association, Inc. is a non-profit membership corporation, composed of 529 ski area operators and approximately 144 associate members who are manufacturers and suppliers of ski area equipment.

Briefly, S.88 proposes to transfer the administration of Mineral King from the United States Forest Service to the National Park Service with directions to the Secretary of the Interior to develop a Management Plan taking into consideration the need for additional recreation areas.

We wish to offer three matters for your consideration:

First, the U.S. Forest Service has already developed an outstanding plan for Mineral King to achieve balance between preservation of wilderness values and compatible, organized, diversified year-round recreational use. It should be noted, moreover, that the Forest Service is the pioneer among federal agencies in the designation of lands for wilderness preservation and, also, in cooperative management with private enterprise in the development of Alpine skiing facilities in the United States. The record speaks for itself in vindicating the professional management by the U.S. Forest Service of the public lands for the above purposes.

The argument consistently raised against Forest Service management of public lands under its administration for outdoor recreation is the amount of acreage designated as wilderness. And, it is this argument, we respectfully submit, that is at issue in the dispute over the future of Mineral King. This argument surely will not be resolved by transferring jurisdiction of the area from one agency to another of the Executive Department. The Congress, in the final analysis, under the 1964 Wilderness Act must decide how much of Mineral King is to be managed as wilderness and how much is to be managed to meet the more formal, diversified outdoor recreation needs of the nation, and especially those of the people of Southern California.

The National Park Service put the Congress on notice in its testimony at the hearings in the House of Representatives that down-hill skiing would not be an element of its recreation plan for the valley. We recognize that the Congress can override this bureaucratic policy decision. There is little to encourage us, however, that this will be done. For example, the U.S. Forest Service has completed detailed, professional studies and plans for the management of Mineral King. Yet, to the best of our knowledge, none of these studies, done at great cost to the taxpayers, have received the slightest consideration by the Congress.

Second, in a recently completed study of competition in the ski industry by Levanthol & Horwath for the U.S.

Forest Service, it was concluded that the industry was competitive throughout the United States, with the possible exception of Southern California.

S.88, if enacted in its present form, will, in fact, preclude the development of down-hill skiing facilities at Mineral King, thus, further frustrating the efforts of the Forest Service and the skiing industry to provide for quality skiing in a competitive, private enterprise environment.

Third, the development of recreation facilities on public lands -- by Congressional policy -- has, traditionally been a joint federal-private enterprise for both the Forest Service and the Park Service. Consistent with this long-standing policy -- and at the instigation of the Forest Service -- Walt Disney Productions has expended hundreds of thousands of dollars, in cooperation with federal planners, to design an environmentally sound program for controlled private development for public use facilities in Mineral King.

In his letter of March 30, 1978, to the Honorable Morris Udall, Chairman of the House Interior and Insular Affairs Committee, Mr. Card Walker, President and Chief Executive Officer of Walt Disney Productions, requested an opportunity to address the full committee concerning the alternatives to H.R. 1771 - companion legislation to S.88. I understand that similar requests have been made to some of the members of this Subcommittee. Apparently, the time

restraints for action at this time in the 95th Congress will not allow Disney this opportunity to be heard. As an industry we believe this is most regrettable. Disney has put 13 years of planning effort and close to one million dollars into this program. Not a single new ski area has been developed in the United States on public lands in more than five years. Without private funding, it is highly doubtful that any more areas will be developed.

In light of the serious policy implications of S.88, we urge the Subcommittee to defer action on this bill until all parties have an opportunity to present the alternatives for your consideration. We respectfully suggest that the limited time now available is not adequate to such objective consideration. I shall be pleased to try to answer any questions you may have.

Thank you.



SKI INDUSTRIES AMERICA 1 Newbury Street / P.O. Box 2270, Peabody, Mass. 01960 • (617) 535-5740
DOC DES ROCHES, Executive Vice President

STATEMENT OF SKI INDUSTRIES AMERICA REGARDING
CONSIDERATION OF S.88 BY THE PARKS & RECREATION
SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL
RESOURCES COMMITTEE.

APRIL 28, 1978

HONORABLE COMMITTEE MEMBERS:

MR. CHAIRMAN:

MY NAME IS DOC DES ROCHES.

I AM EXECUTIVE VICE PRESIDENT OF SKI INDUSTRIES AMERICA.

SKI INDUSTRIES AMERICA IS A NATIONAL TRADE ASSOCIATION
FOR THE MANUFACTURERS, IMPORTERS, AND DISTRIBUTORS OF
APPAREL, EQUIPMENT, FOOTWEAR AND ACCESSORIES FOR THE
SPORT OF SNOW SKIING. OUR ASSOCIATION OF 219 MEMBER
COMPANIES REPRESENTS APPROXIMATELY 95% OF ALL SKI
MERCHANDISE SOLD IN THE UNITED STATES. OUR FIRMS VARY
FROM ONE-MAN COTTAGE-TYPE BUSINESSES TO MILLION DOLLAR
DIVISIONS OF LARGE UNITED STATES AND INTERNATIONAL
CORPORATIONS. SKIING IS A MULTI-BILLION DOLLAR INDUSTRY.

THE MEMBERSHIP OF SKI INDUSTRIES AMERICA SUPPORTS THE
DEVELOPMENT OF MINERAL KING AS A SKI AREA BECAUSE OF THE
NEED FOR WINTER RECREATION FOR THE 20 MILLION PEOPLE WHO
RESIDE IN CALIFORNIA, A MILLION OF WHOM PARTICIPATE IN
ALPINE AND CROSS-COUNTRY SKIING.

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GENERAL COUNSEL
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Boston, Ma.

OF THE 49 MILLION ACRES OF PUBLIC LAND IN CALIFORNIA, ONLY 15,000 ACRES IN THE STATE ARE USED FOR WINTER RECREATION, INCLUDING SKIING. SKI AREAS SUCH AS THE PROPOSED MINERAL KING DEVELOPMENT CREATE MANY JOBS AND BROADEN THE TAX BASE FOR THE LOCAL COMMUNITY. SMALL BUSINESSES, SUCH AS GAS STATIONS, LAUNDROMATS, RESTAURANTS, MOTELS, ALL THRIVE FROM YEAR-ROUND RECREATIONAL BUSINESS.

IN THE STATE OF CALIFORNIA AT PRESENT ARE 40 SKI AREAS SERVING 20 MILLION PEOPLE. IN THE STATE OF NEW HAMPSHIRE THERE ARE 72 SKI AREAS; IN THE STATE OF MAINE THERE ARE 34 SKI AREAS; IN THE STATE OF NEW YORK THERE ARE 98 SKI AREAS; IN THE STATE OF PENNSYLVANIA THERE ARE 45 SKI AREAS; IN THE STATE OF VERMONT THERE ARE 41 SKI AREAS. IT WOULD SEEM THAT CALIFORNIA, BEING THE MOST POPULOUS STATE IN AMERICA, WOULD HAVE A REASONABLE AMOUNT OF SKI AREAS TO SERVE THE POPULATION, AND 40 IS NOT ENOUGH.

THE HORRENDOUS CONDITIONS THAT THE CALIFORNIA SKIER FACES TO ENJOY HIS SPORT WOULD BE VERY DISCOURAGING IF SKIERS WERE NOT A HARDY GROUP. HAVING TO MAKE A RESERVATION FAR IN ADVANCE TO BUY A LIFT TICKET, TO DRIVE MANY MILES AND MANY HOURS TO A SKI AREA, AND THEN HAVING TO WAIT AN EXCESSIVE PERIOD OF TIME IN A LIFT LINE TO ENJOY A RUN DOWN THE MOUNTAIN DOES NOT IN MY MIND SEEM EQUITABLE WITH SKI FACILITIES IN OTHER SECTIONS

OF THE COUNTRY. THE SKIERS OF SOUTHERN CALIFORNIA ESPECIALLY, HAVE HAD TO MAKE EXTRA EFFORTS TO GET TO SKI AREAS TO ENJOY A WINTER RECREATIONAL EXPERIENCE.

THE MINERAL KING PROPOSAL HAS BEEN IN PUBLIC DISCUSSION FOR MANY YEARS. AN ENVIRONMENTAL IMPACT STATEMENT HAS BEEN WRITTEN, AND IT CONCLUDED THAT THE ADVERSE ENVIRONMENTAL IMPACTS WOULD BE MINIMAL.

THE SKIERS OF CALIFORNIA ARE NOT ASKING FOR MUCH IN COMPARISON TO THE SIZE OF THE TOTAL AREA OF PUBLIC LAND. SKI INDUSTRIES AMERICA BELIEVES THAT CALIFORNIANS DESERVE A HIGHER QUALITY SKIING EXPERIENCE. MINERAL KING WOULD ACHIEVE THAT GOAL.

MANY AMERICANS NOW HAVE THE TIME, THE DISCRETIONARY INCOME AND THE DESIRE TO MAKE THEIR LIVES MORE MEANINGFUL. PARTICIPATION IN OUTDOOR SPORTS IS ONE WAY WE ALL CAN DEVELOP OUR LIVES MORE FULLY.

WINTER IS HERE TO STAY, LET'S USE IT. THE PEOPLE OF CALIFORNIA HAVE THEIR MAGNIFICENT BEACHES TO GO TO IN THE SUMMERTIME. CALIFORNIANS NEED THIS EXPANSION OF SKIING FACILITIES SO THAT ALL MAY PARTICIPATE AND ENJOY THE GREAT SNOWS THAT FALL ON THE MOUNTAINS.

SKI INDUSTRIES AMERICA SUPPORTS THOSE WHO WISH TO CULTIVATE THE IMMENSE RECREATIONAL POTENTIAL THAT EXISTS IN MINERAL KING VALLEY.

RESPECTFULLY SUBMITTED.

* * * *

TESTIMONY BEFORE COMMITTEE ON
ENERGY & NATURAL RESOURCES - BILL S. 88
APRIL 23, 1978
BY DON G. SIMPSON

GENTLEMEN:

I AM HERE TODAY NOT ONLY AS AN OFFICIAL REPRESENTATIVE OF THE UNITED STATES SKI ASSOCIATION BUT AS A LONG TIME MEMBER AND SUPPORTER OF THE SIERRA CLUB. I HAVE BEEN AN ACTIVE PARTICIPANT IN THE WORK OF BOTH ORGANIZATIONS FOR MANY YEARS, WHERE THE GOALS OR ASPIRATIONS OF THE TWO ORGANIZATIONS CONFLICT, I DON'T BELIEVE EITHER ONE OR THE OTHER IS ALWAYS CORRECT AND THE OTHER IS ALWAYS WRONG. USUALLY THERE IS ALWAYS MERIT IN THE STAND TAKEN BY EACH. THE PROBLEM IN EACH CASE IS TO DETERMINE WHICH POSITION WILL BEST SERVE THE PUBLIC BOTH AS TO THE IMMEDIATE NEED BUT ALSO IN THE LONG TERM, SUCH IS THE CASE WITH THE ISSUE BEFORE YOU TODAY.

FOR MANY YEARS THERE HAS BEEN INCREASING PRESSURE ON THE PUBLIC LANDS BY A GREAT VARIETY OF USERS. THEY RANGE FROM THE MOST BENIGN AS REPRESENTED BY THE SIERRA CLUB IN ITS PUSH FOR MORE WILDERNESS TO THE OPPOSITE AS REPRESENTED BY THE TIMBER AND MINING INTERESTS. I BELIEVE WE CAN ALL AGREE THERE IS INSUFFICIENT PUBLIC LAND AVAILABLE TO SERVE ALL THE POTENTIAL USERS IN THE MANNER EACH WOULD WISH.

THE PROBLEM WE ARE ALL FACED WITH THEN IS HOW TO STRIKE A BALANCE THAT WILL PROVIDE REASONABLE EQUITY. THIS IS EXTREMELY DIFFICULT GIVEN THE VARIETY OF CLAIMS BEING MADE AND THE CRITERIA EACH WOULD EMPLOY IN ARRIVING AT THEIR CONCLUSIONS.

THE PROBLEM YOU ARE FACING TODAY IS WHAT USE SOME 16,000 ACRES IN THE SOUTHERN SIERRA NEVADA MOUNTAIN RANGE IN CALIFORNIA, KNOWN AS THE MINERAL KING VALLEY, IS TO BE PUT.

UNTIL 1969 THE SIERRA CLUB PROPOSED IT BE DEVELOPED AS A YEAR AROUND RECREATIONAL AREA WHICH WOULD INCLUDE WINTER SPORTS DEVELOPMENT. IN 1969 AFTER A SPECIFIC PROPOSAL FOR THAT DEVELOPMENT WAS APPROVED BY THE FOREST SERVICE, THEY CHANGED THEIR POSITION AND OPPOSED IT. THE UNITED STATES SKI ASSOCIATION HAS CONSISTENTLY SUPPORTED THE WINTER SPORTS DEVELOPMENT.

THE BILL WHICH YOUR COMMITTEE IS CONSIDERING DOES NOT SPEAK SPECIFICALLY TO THE QUESTION OF WINTER SPORTS DEVELOPMENT OF MINERAL KING; HOWEVER, THAT IS REALLY THE ISSUE BEING CONSIDERED HERE TODAY. IF THE BILL IS PASSED INTO LAW THERE IS NO QUESTION MINERAL KING WILL REMAIN BASICALLY AS IT IS TODAY WITHOUT DEVELOPMENT FOR EITHER WINTER SPORTS OR ADDITIONAL SUMMER ACTIVITY. NUMEROUS SPECIFIC STATEMENTS BY OFFICIALS IN THE UNITED STATES PARKS DEPARTMENT AND THE TRENDS WHICH HAVE DEVELOPED IN THE MANAGEMENT OF NATIONAL PARKS IN RECENT YEARS AMPLY SUPPORT THIS CONCLUSION.

TO MAKE YOUR DECISION REGARDING THIS BILL, IT IS IMPERATIVE THAT CERTAIN FACTS BE CONSIDERED.

POPULATION IN CALIFORNIA HAS BEEN INCREASING STEADILY SINCE THE END OF WORLD WAR II. THE DEMAND FOR USE OF PUBLIC LANDS HAS INCREASED PROPORTIONATELY. MORE AND MORE ARE SEEKING THE SOLITUDE OF THE MOUNTAINS UNDISTURBED BY MECHANIZATION OF ANY KIND. SIMULTANEOUSLY, MORE AND MORE ARE SEEKING TO UTILIZE THE SAME PUBLIC LANDS FOR THEIR ENJOYMENT WHICH REQUIRES THE USE OF VARIOUS MECHANICAL DEVICES.

SINCE THOSE PUBLIC LANDS ARE OWNED EQUALLY BY ALL THE CITIZENS OF THIS COUNTRY, THEY ALL SHOULD HAVE THE RIGHT TO AN EQUITABLE PORTION OF THE PUBLIC LANDS TO ACCOMMODATE THE USE WHICH GIVES THEM PLEASURE.

WHAT IS THE SITUATION NOW IN CALIFORNIA, MORE SPECIFICALLY IN SOUTHERN CALIFORNIA, AND HOW DOES MINERAL KING FIT IN THE OVERALL PICTURE?

FIRST, IT SHOULD BE MADE VERY CLEAR THAT MINERAL KING IS NOT AND CANNOT BE CONSIDERED A CANDIDATE FOR WILDERNESS. THE SIERRA CLUB DOES NOT MAKE ANY CLAIM IN THAT RESPECT AND THE UNITED STATES SKI ASSOCIATION AGREES.

MINERAL KING IS A BEAUTIFUL VALLEY WHICH HAS BEEN DEVELOPED WITH A ROAD, MINES, STORES AND CABINS THROUGH THE YEARS. ALL EXCEPT THE OPERATION OF MINES THEMSELVES ARE STILL THERE. IT IS HEAVILY USED IN THE SUMMER, IN FACT IT IS NOW BECOMING OVER USED. IT IS USED NOT AT ALL IN THE LATE FALL, WINTER AND EARLY SPRING WHEN THE ROAD BECOMES IMPASSIBLE. DEVELOPMENT AS PROPOSED WOULD CAUSE SOME CHANGE IN THE APPEARANCE OF PORTIONS OF THE VALLEY. THE UNITED STATES SKI ASSOCIATION DOES NOT DENY THIS. AT THE SAME TIME, RESPONSIBLE ELEMENTS OF THE SIERRA CLUB DO NOT SUBSCRIBE TO THE IRREPRESSIBLE STATEMENTS THAT IT WOULD BECOME A NEON-LIGHTED DISNEYLAND.

RECENT ADDITIONS TO THE WILDERNESS SYSTEM WERE PASSED BY THIS CONGRESS WHEN THE GOLDEN TROUT WILDERNESS AREA WAS INCLUDED IN THE ENDANGERED AMERICAN WILDERNESS ACT. THAT ADDED MORE THAN 300,000 ACRES ADJACENT TO MINERAL KING ON THE SOUTH. THIS AREA INCLUDED THE LAST 4 POTENTIAL SITES FOR WINTER SPORTS DEVELOPMENT THAT HAD THE POSSIBILITY OF SERVING ANY SIGNIFICANT SEGMENT OF THE PUBLIC WHICH ENJOYS THOSE ACTIVITIES.

THOSE OF US WHO ENJOY THE WILDERNESS EXPERIENCE RECENTLY HAVE THUS BEEN PROVIDED WITH A SIGNIFICANT PORTION OF THE REMAINING PUBLIC LAND IN THIS AREA. ON THE OTHER HAND, THOSE WHO ENJOY WINTER SPORTS HAVE BEEN DENIED THE POTENTIAL OF ADDITIONAL SITES TO ACCOMMODATE THEIR NEEDS. CONGRESS FELT THAT WAS AN EQUITABLE EXCHANGE. HAVING MADE THAT DECISION, YOU ARE NOW DELIBERATING WHETHER A SIMILAR DECISION SHOULD BE MADE FOR THE 16,000 ACRE MINERAL KING VALLEY.

I FEEL THAT, ON BALANCE, YOU SHOULD IN THIS INSTANCE, GIVE THE GREATER WEIGHT TO THE NEEDS OF THOSE WHO HAVE BEEN DENIED USE OF ADDITIONAL PUBLIC LANDS FOR THE PAST 10 YEARS OR MORE. IF MINERAL KING IS TRANSFERRED TO PARKS STATUS AS PROPOSED BY THIS BILL YOU ARE SAYING IN EFFECT THAT THE PUBLIC ONLY HAS THE RIGHT TO ENJOY IT FOR A FEW MONTHS IN THE SUMMER. THE WINTER USER MUST LOOK ELSEWHERE. SUCH A DECISION MIGHT BE REASONABLE IF THERE WERE OTHER AREAS AVAILABLE FOR THAT WINTER USER EITHER EXISTING OR POTENTIAL. THE SAD FACT IS, HOWEVER, THAT FOR THE CENTRAL AND SOUTHERN CALIFORNIA WINTER USER, THOSE ALTERNATES DO NOT EXIST NOR CAN THEY EVER EXIST. MINERAL KING IS THE ONLY, AND I EMPHASIZE, THE ONLY REMAINING AREA IN THE SOUTHERN SIERRAS THAT HAS THE NECESSARY PHYSICAL FEATURES FOR UTILIZATION AS A WINTER RECREATION AREA.

YOU MAY HAVE BEEN TOLD OF OTHER POTENTIAL AREAS FOR DEVELOPMENT. I CAN ASSURE YOU FROM PERSONAL KNOWLEDGE THAT NONE OF THESE CAN EVEN BEGIN TO EQUAL THE MINERAL KING POTENTIAL. IN FACT, IF THEY WERE ALL DEVELOPED TO THEIR FULL CAPACITY THEY WOULD ONLY SERVE A FRACTION OF THOSE THAT WOULD BE BENEFITTED BY MINERAL KING AND THEN ONLY FOR MUCH SHORTER SEASON EACH YEAR.

THUS, THE WINTER USER HAS 3 CHOICES, (1) UTILIZE EXISTING AREAS

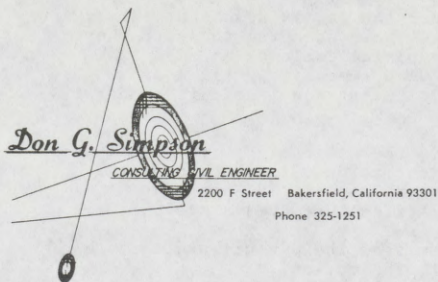
WHICH ARE ALREADY SO OVERCROWDED THEY ARE VIRTUALLY UNENDURABLE
(2) TRAVEL TO OTHER STATES WHERE CONDITIONS ARE NOT YET QUITE
SO BAD OR (3) GIVE UP WINTER RECREATION.

MUCH TALK HAS BEEN HEARD ABOUT THE POTENTIAL DAMAGE TO
MINERAL KING WHICH WOULD RESULT FROM DEVELOPMENT AS PROPOSED.
I BELIEVE SOME FACTS ABOUT THAT SHOULD BE MADE CLEAR.

1. DAMAGE OCCURS TO AN AREA PRIMARILY DO TO THE SUMMER USER.
IN THE WINTER THERE IS A PROTECTIVE BLANKET OF SNOW FROM
2' TO 10' OR MORE DEEP WHICH SEPARATES THE USER FROM THE
LAND.
2. MINERAL KING NOW IS BEING USED BY AN INCREASING NUMBER OF
PEOPLE IN THE SUMMER WHO ARE ALREADY INFLECTING CONSIDERABLE
DAMAGE. THIS WILL NOT CHANGE IF DEVELOPMENT IS DENIED.
SOME TYPE OF CONTROL MUST BE ENLISTED IN THE NEAR FUTURE
REGARDLESS OF WHETHER IT IS ALLOWED TO BE DEVELOPED FOR
WINTER USE.
3. THAT CONTROL WILL BE EITHER THE FOREST SERVICE OR PARKS
SERVICE AND THE COST WILL BE BORNE BY THE PUBLIC. ON THE
OTHER HAD, IF IT WERE DEVELOPED, THE COST WOULD BE BORNE
BY THE USER.
4. DAMAGE TO THE ENVIRONMENT IN THE SUMMER WOULD DECREASE IF
IT WERE DEVELOPED SINCE FACILITIES TO PROTECT THE ENVIRONMENT
WOULD BE INSTALLED. THESE WOULD INCLUDE MAINTAINED CAMPGROUNDS,
SANITATION FACILITIES, DESIGNATED PARKING AREAS, MAINTAINED
HIKING TRAILS, EATING FACILITIES, ETC. NONE OF WHICH PRESENTLY
EXIST.
5. UNDER THE TERMS OF THE PROPOSED DEVELOPMENT, THE NUMBER OF
SUMMER USERS OF THE VALLEY ITSELF WOULD BE LIMITED TO APPROXI-
MATELY THE SAME MAXIMUM THAT ARE NOW THERE BUT ARE ALMOST
TOTALLY UNCONTROLLED.

6. DEVELOPMENT WOULD RESULT IN MAKING THE SAME AREA AVAILABLE FOR ENJOYMENT OF A LARGE SEGMENT OF THE PUBLIC NOW LOCKED OUT BY NATURE WHEN THE ROAD IS NORMALLY IMPASSIBLE FROM LATE FALL TO EARLY SUMMER.

IN CONCLUSION, I WOULD LIKE TO ILLUSTRATE WHAT I HONESTLY FEEL IS A REAL INEQUITY IN ACCESS TO PUBLIC LANDS IN CALIFORNIA. THIS WOULD BE SLIGHTLY ALLEVIATED IF THIS BILL IS NOT PASSED AND THE MINERAL KING DEVELOPMENT WERE PERMITTED TO GO FORWARD.



MAY 8 3 44 PM '78

May 2, 1978

Senator Abourezk, Chairman
 Subcommittee on Energy and Natural Resources
 United States Senate
 Senate Office Building
 Washington, D.C. 20510

Dear Senator Abourezk:

At your Subcommittee hearing April 28, 1978 on S. 88 (Mineral King) the question was raised as to whether the government might have some financial liability to the Disney Corporation if the development permit is not issued. Some of the back-ground not covered at the hearing with which I am familiar and which bears on the question may be helpful to you.

The original agreement provided that as a condition of issuance of the development permit, the Disney Corporation was required to prepare a satisfactory master development plan and arrange for the construction of an all-weather access road. Both of those requirements were completed in 1969 and the government was prepared to issue the development permit at that time. I have personally seen the approved master plan. The California Division of Highways had completed the construction plans for the highway, begun the field staking and was prepared to advertise for bids for its construction.

The actual issuance of the permit by the government was prevented by the granting of a temporary restraining order by the Federal District Court in San Francisco in response to the filing of a suit by the Sierra Club. The Sierra Club's contention was that the government would be acting illegally if the development permit were issued. The Appellate Court's unanimous opinion was that the legal issues raised by the suit were without merit and by a 2 to 1 majority ruled that the Sierra Club did not have standing to sue.

The Supreme Court did not consider the legal issues but only ruled that the Sierra Club did not have standing to sue. They did, however, outline how the complaint could be amended to give them standing. The Sierra Club immediately filed an amended complaint and the District Court continued its temporary injunction.

During this time, Congress passed the National Environmental Policy Act which required the preparation of an Environmental Impact Statement. This EIS was completed in 1975 and has languished in the Department of Agriculture ever since.

Last year the District Court dismissed the lawsuit and the temporary injunction for lack of prosecution.

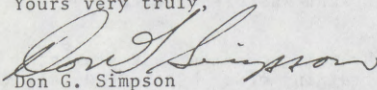
To my knowledge, nothing which transpired to prevent the issuance of the development permit has ever been due to any action or inaction by the Disney Corporation. They have steadfastly held to the position that they were ready to proceed with the development at any time the needed permit was issued. They have expressed a willingness to modify the originally approved master plan; however, that does not alter the fact that except for the filing of the suit by the Sierra Club, the development permit would have been issued in 1969 since Disney had then performed all it was required to do in accordance with the agreement.

I believe it would serve the government well not to take any further action on S. 88 or H.R. 1771 until this question is resolved. After almost 10 years of delay, it would seem a few more months which might prevent a potential suit against the government might be the prudent course to follow.

I apologize for not using proper legal terminology but, as you can see from my letterhead, I am not an attorney. However, I have been very close to this issue since its inception in 1965 and am vitally concerned that all the facts be considered.

Again, I wish to thank you for allowing me to testify before your Committee and will look forward with great anticipation to your visit to Mineral King so you can determine first hand the merits of our arguments in favor of the proposed development.

Yours very truly,


Don G. Simpson

DGS:lg

cc: Committee on Interior and Insular Affairs
Committee on Energy and Natural Resources

STATEMENT OF ED GEHLE, PRESIDENT
FAR WEST SKI ASSOCIATION
3325 WILSHIRE BOULEVARD, ROOM 1340,
LOS ANGELES, CALIFORNIA 90010
IN CONNECTION WITH CONSIDERATION
OF S.88 BY THE SUBCOMMITTEE ON PARKS
AND RECREATION OF THE SENATE ENERGY
AND NATURAL RESOURCES, APRIL 28, 1978

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM
ED GEHLE, PRESIDENT OF FAR WEST SKI ASSOCIATION. I THANK
YOU FOR THE OPPORTUNITY TO SPEAK IN OPPOSITION TO S. 88 ON
BEHALF OF THE 28,000 MEMBERS OF THE FAR WEST SKI ASSOCIATION.

FAR WEST IS ONE OF NINE DIVISIONS OF THE UNITED
STATES SKI ASSOCIATION AND OUR MEMBERSHIP IS A PART OF THE
NATIONAL TOTAL OF 100,000 MEMBERS.

I WISH TO PRESENT COMMENTS SPECIFICALLY RELATED TO
THE MINERAL KING ISSUE AND EQUITABLE RECREATIONAL ACCESS TO
PUBLIC LANDS IN CALIFORNIA.

AS YOU HAVE BEEN INFORMED, MINERAL KING ABUTS SEQUOIA
NATIONAL PARK ON THREE SIDES AND IT HAS BEEN DESCRIBED AS BOTH
UNIQUE AND FRAGILE, AMONG OTHER DESCRIPTIVE TERMS AND PHRASES.
MINERAL KING IS, INDEED, UNIQUE. SINCE THE MID-1920'S IT HAS

BEEN ACCLAIMED BY NATIVE AND EUROPEAN EXPERTS ALIKE AS "SUPERB" AND "INCOMPARABLE" IN TERMS OF WINTER RECREATION POTENTIAL. SOME OF THE EXPERTS WHO HAVE THUS DESCRIBED MINERAL KING ARE MEMBERS OF THE SAME SIERRA CLUB WHICH TWELVE YEARS AGO ABANDONED ITS POSITION OF SUPPORT FOR DEVELOPMENT OF THE AREA.

MINERAL KING IS DESCRIBED AS A "HANGING VALLEY" AS IF IT WERE THE ONLY SUCH PHENOMENA TO BE FOUND. IN FACT, HOWEVER, A LOOK AT A MAP OF THE SURROUNDING AREA WILL DISCLOSE AT LEAST A COUPLE DOZEN SIMILAR FORMATIONS ALL WITHIN THE ADJACENT KINGS CANYON-SEQUOIA NATIONAL PARK AND MOST OF THEM WITHIN 50 MILES HIKING DISTANCE.

BUT WHILE MINERAL KING IS JUST ONE OF MANY SIMILAR VALLEYS IN THE EYES OF THE NON-SKIER, IT IS THE LAST HOPE OF SOUTHERN CALIFORNIA SKIERS FOR AN ADEQUATE SKI FACILITY WITHIN DRIVING RANGE TO MEET THEIR GROWING NEEDS.

NOT JUST ANY VALLEY WILL DO FOR SKIING. IN ATTEMPTING TO NAME ALTERNATIVES, NOT EVEN THE SIERRA CLUB COULD OFFER MORE THAN FOUR POSSIBLE SITES, ALL UNSUITABLE FOR DEVELOPMENT. FOR FURTHER BACKGROUND ON OUR CONTENTION THAT MINERAL KING IS OUR LAST HOPE, I SUBMIT OUR PUBLICATION, "JUST SO YOU'LL KNOW WHAT WE'RE UP AGAINST" FOR THE RECORD.

WHEN YOU DETERMINE THE FATE OF MINERAL KING, WE ASK YOU TO REMEMBER THE PLIGHT OF SOUTHERN CALIFORNIA RECREATIONALISTS.

THE ONLY OTHER MAJOR SKI RESORT WITHIN DRIVING RANGE OF LOS ANGELES IS MAMMOTH MOUNTAIN, A LONG SEVEN-HOUR BUS RIDE AWAY. LODGING FACILITIES IN MAMMOTH MOUNTAIN WERE SOLD OUT FOR TEN OF SEVENTEEN WEEKENDS THIS WINTER. SO GREAT IS THE DEMAND FOR SKIING AT MAMMOTH, THAT DAVE MCCOY, OWNER OF MAMMOTH AND THE ONE PERSON WITH THE MOST TO LOSE IF MINERAL KING IS DEVELOPED, IS 100 % BEHIND THE FIGHT FOR DEVELOPMENT OF ANOTHER COMPETING SKI AREA.

WITHIN TWO HOURS DRIVING TIME OF LOS ANGELES ARE TEN SMALL SKI RESORTS. SKIERS MUST PURCHASE LIFT TICKET RESERVATIONS IN ADVANCE FROM AGENCIES SUCH AS TICKETRON OUTLETS. SNOW VALLEY, ONE OF THOSE LOCAL AREAS, WAS TOTALLY SOLD OUT OF LIFT TICKETS ON THIRTEEN WEEKENDS THIS WINTER. AT MOUNTAIN HIGH, THE OPERATOR REPORTS THAT THEY REPEATEDLY SOLD OUT OF RENTAL EQUIPMENT BY 10 A.M. ON WEEKENDS, AND THAT BETWEEN LIFT TICKET LINES AND EQUIPMENT LINES, SOME SKIERS DIDN'T EVEN GET INTO THE LIFT LINES UNTIL 12 NOON.

THE SITUATION CAN ONLY WORSEN. BETWEEN 1973 AND 1976, SKIING GREW IN POPULARITY BY 43 %. IN THAT SAME AMOUNT OF TIME, NO NEW SKI AREAS WERE BUILT IN CALIFORNIA. DURING THE JUST ENDING SEASON, CALIFORNIA AREAS REPORTED THAT AS MANY AS 80 % OF THE SKIERS IN THEIR SKI SCHOOLS WERE FIRST TIME SKIERS. IF CONGRESS LOCKS SKIERS OUT OF MINERAL KING THE QUALITY OF SKI EXPERIENCE OPEN TO THESE CITIZENS WILL CONTINUE TO DETERIORATE. ALREADY, OVERCROWDING ON CALIFORNIA SKI SLOPES HAS FORCED THE STATE

LEGISLATURE TO ENACT HIT-AND-RUN LEGISLATION COVERING ACCIDENTS
ON SKI SLOPES.

BUT WHILE THERE IS A GRIEVOUS NEED FOR MORE SKIING IN
SOUTHERN CALIFORNIA, SKIERS ARE WILLING TO COMPROMISE ON
MINERAL KING. WE HAVE SUPPORTED LEGISLATION WHICH WOULD DESIGNATE
PORTIONS OF THE VALLEY AS WILDERNESS AND PROVIDE FOR ENVIRON-
MENTALLY SOUND SKI DEVELOPMENT IN THE REMAINDER. A COPY
OF DRAFT LEGISLATION PROPOSING SUCH A COMPROMISE IS ATTACHED
TO MY TESTIMONY.

AS SKIERS, THE MEMBERS OF THE FAR WEST SKI ASSOCIATION
CAN ONLY ASK YOU TO REMEMBER THAT WE ARE ENVIRONMENTALISTS
TOO. THE OPPORTUNITY TO ENJOY THE WINTER ENVIRONMENT CONTRIBUTES
SIGNIFICANTLY TO OUR LOVE OF THE SPORT. WE ARE NO LESS INTERESTED
IN THE ENVIRONMENTAL PROTECTION OF THE MINERAL KING VALLEY
THAN THE SIERRA CLUB.

WE ARE CONVINCED, HOWEVER, THAT AN ENVIRONMENTALLY
SOUND SKI AREA CAN BE BUILT. THE APPROVAL OF THE ENVIRONMENTAL
IMPACT STATEMENTS SUPPORTS OUR BELIEF.

LET'S DECIDE THE FATE OF MINERAL KING ON THE FACTS, NOT
EMOTIONAL PLEASE FOR PRESERVATION. CERTAINLY IN THE 49 MILLION
ACRES OF PUBLIC LAND IN CALIFORNIA, INCLUDING OVER 3 MILLION
ACRES OF WILDERNESS AND NATIONAL PARKS, THERE IS ROOM FOR
DEVELOPMENT OF THE MOST OUTSTANDING SKI SITE IN NORTH AMERICA.

THANK YOU FOR LISTENING. I WOULD BE HAPPY TO ANSWER
ANY QUESTIONS YOU MAY HAVE.

* * * * *

A BILL

To designate as wilderness certain lands within Sequoia and Kings Canyon National Parks and within Sequoia National Forest, and to specify certain uses in the area known as Mineral King within Sequoia National Forest, all in the State of California, and for other purposes.

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

(1) California, the most populated state, and more particularly the megalopolis of Southern California with twelve (12) million people, sorely needs more classified outdoor recreation outlets within reasonable travel distances in the forms of both undeveloped recreation areas and developed year-round recreation sites;

(2) most of the Southern Sierra Nevada is in public ownership and administered by several Federal agencies. Congress recognizes that the public interest is best served by interagency coordination in public land management to provide the public with a full spectrum of recreation pursuits and experiences regardless of jurisdictional boundaries;

(3) the economies of mountain counties heavily impacted by Federal land ownership reflect a need for coordinated recognition of practical resource management decisions which will affect local employment, revenues, and continuous resource productivity

(4) a sizeable portion of the Southern Sierra Nevada is suitable for and should be designated as wilderness to preserve these areas for posterity and to provide continuity in the wilderness experience along the north-south axis of the Sierra Nevada;

(5) the Mineral King Valley area has outstanding potential for year-round recreational opportunities as proven by past use, years of environmental study, and present demand for further recreational development;

(6) the administering agencies are eminently versed in managing their respective lands under the laws and policies set forth by Congress and the administrations, that suitable protection of wilderness is assured, and that developed recreation facilities can be provided which will produce significant social and economic benefits with minimal adverse environmental impacts;

(7) certain highly developed public recreation facilities, such as ski lifts and resorts, are best built and operated by private enterprise under permitted Federal controls, providing a better state and county tax base as well as land use fees to the Federal Government;

(8) because of the extensive governmental and contractual studies already made of the year-long recreation development project in the Mineral King Valley and transportation corridor, construction shall proceed without further administrative or judicial delay or impediment.

To accomplish this purpose, it is the intent of the Congress to exercise its constitutional powers to the fullest extent in the authorizations and directions herein made and in limiting judicial review of the actions pursuant thereto.

PURPOSES

SEC. 2. It is the purpose of this Act to: (1) enhance the ecological values and public enjoyment by classifying and preserving as wilderness certain public lands in the Southern Sierra Nevada; (2) provide orderly public recreational development of Mineral King.

DESIGNATION OF WILDERNESS AREAS

SEC. 3. (a) In furtherance of the purpose of the Wilderness Act (78 Stat. 890), the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System and are depicted on a map entitled "Southern Sierra Nevada Mountains Omnibus Wilderness - Proposed," dated February, 1978.

(1) certain lands in the Sequoia National Forest, on the south and west facing slopes of the area known as Mineral King, which comprise approximately seven thousand acres.

(2) As soon as practicable after this Act takes effect, a detailed map and legal description of each wilderness designated by this Act shall be filed with the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives and each such map and description shall have the same force and effect as if included in this Act: Provided, however, that correction of clerical

and typographical errors in each such legal description and map may be made. A map and legal description of each National Forest wilderness shall be on file and available for public inspection in the Offices of the Chief, Regional Forester, and Sequoia Forest Supervisor, Forest Service, Department of Agriculture and a map and legal description of each National Park wilderness shall be on file and available for public inspection in the Offices of the Director, Regional Director, and Superintendent of Sequoia and Kings Canyon National Parks, Park Service, Department of the Interior.

(d) Wilderness designated by this Act shall be administered in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

YEAR-ROUND RECREATION DEVELOPMENT

SEC. 4. (a) The Secretary of Agriculture, through the U.S. Forest Service, is authorized to issue a Term Special Use Permit to Walt Disney Productions, Incorporated, for a period of 30 years and an acreage not to exceed 6,000 acres for the purpose of developing and operating year-round public recreation, transportation, and service facilities in and to the Mineral King area.

The issuance of this permit is contingent on submission by Walt Disney Productions and Forest Service approval of a revised Master Development Plan for Mineral King. This Plan will provide for:

1. peak summer visitation not to exceed 4,000 people at one time.
2. peak winter visitation not to exceed 8,000 to 10,000 people at one time.
3. aerial lifts, surface lifts, and tows shall be designed and installed to at least accomodate and insure safe vertical transportation for the maximum number of skiers allowed in the permit.
4. overnight lodging capacity not to exceed 3,000 persons.
5. out-door recreation facilities that will conform with recreation pursuits suitable to a mountain environment.
6. bussing service for 60% or more of the visitors.

(b) The actions taken pursuant to this Act which relate to the construction and completion of the developed recreation area and transportation system, and to the applications filed in connection therewith necessary to the operation of the recreation area, as generally described in the February 26, 1976 Final Environmental Statement of the Department of Agriculture, shall be taken without further action under the National Environmental Policy Act of 1969, relevant Congressional environmental acts and Department regulation. Actions of the Federal officers concerning the issuance of the necessary rights-of-way, permits, leases, and other authorizations for construction and initial operation of said developments in support of the developed recreation area shall not be subject to judicial review under any law except that claims alleging the invalidity of this section may be brought within sixty days following

enactment of this law, and claims alleging that an action will deny rights under the Constitution of the United States, or that the action is beyond the scope of authority conferred by this Act, may be brought within sixty days following the date of such action. A claim shall be barred unless a complaint is filed within the time specified. Any such complaint shall be filed in a United States district court, and such court shall have exclusive jurisdiction to determine such proceeding in accordance with the procedures hereinafter provided, and no other court of the United States, of any State, territory, or possession of the United States, or of the District of Columbia, shall have jurisdiction of any such claim whether in a proceeding instituted prior to or on or after sixty days following enactment of this law. Any such proceeding shall be assigned for hearing at the earliest possible date, and shall be expedited in every way by such court. Such court shall not have jurisdiction to grant any injunctive relief against the issuance of any right-of-way, permit, lease, or other authorization pursuant to this section except in conjunction with a final judgment entered in a case involving a claim filed pursuant to this section. Any review of an interlocutory or final judgment, decree, or order of such district court may be had only upon direct appeal to the Supreme Court of the United States.

The Secretary of Agriculture and the other Federal officers and agencies are authorized at any time when necessary to protect the public interest, pursuant to the authority of this section and in accordance with its provisions, to amend or modify any right-of-way, permit, lease, or other authorization issued under its existing authorities (Pub. L. 93-153, Title II, § 203, Nov. 16, 1973, 87 Stat. 584).

(c) In accordance with sound wildlife management practices, the present program will continue in the Sequoia National Game Refuge subject to modifications deemed necessary to improve wildlife management practices and to insure compatibility with the purpose set forth in Sec. 2.

LAND AND PROPERTY ADJUSTMENT

SEC. 5. (a) Effective on enactment, there is hereby vested in the United States the right to acquire all real property within the boundaries of the Mineral King portion of Sequoia National Forest, except real property owned by the State of California or a political subdivision thereof and except as provided in paragraph (c) of this subsection. The Secretary of Agriculture and the Secretary of the Interior shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom.

(b) The United States will pay just compensation to the owner of any real property taken by paragraph (a) of this section. Such compensation shall be paid either: (A) by the Secretary of the Treasury from money appropriated from the Land and Water Conservation Fund, including money appropriated to the Fund pursuant to section 4601-7 of title 16 U.S.C., upon certification to him by the Secretary of Agriculture or the Secretary of the Interior of the agreed negotiated value of such property, or the valuation of the property awarded by judgment including interest at the rate of 6 per centum per annum from the date of taking the property to

the date of payment therefor; (B) by the Secretary of Agriculture or Secretary of the Interior, if the owner of the land concurs, with any federally owned property available to him for purposes of exchange; (C) by any one or combination of Secretaries named in this subsection using any combination of such money or Federally-owned property. Any action against the United States for the recovery of just compensation for the land and interest therein taken by the United States by this subsection shall be brought in the Court of Claims as provided in Title 28, section 1491.

(c) This section shall apply when the Secretary of Agriculture or Secretary of the Interior gives notice to the owner after enactment of the application of this section. The district court of the United States for that district in which such ownerships are located shall have jurisdiction to hear and determine any action brought by any person having an interest therein for damages occurring by reason of application of this section.

(1) The owner of improved property on the date of its acquisition by the Secretary of Agriculture or Secretary of the Interior under subsection (a), as a condition of such acquisition, may retain for himself and his heirs and assigns a right of use and occupancy of the improved property for a specified period as determined by the respective Secretary. Unless the property is wholly or partially donated to the United States, the respective Secretary shall pay the owner the fair market value of the property on the date of acquisition. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purpose of this Act, and it shall terminate by operation of law

upon the respective Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of the property.

(2) "Improved property" defined.

The term "improved property," as used in this section, means a detached building, the construction of which was begun before enactment of this legislation, together with so much of the land on which the building is situated, the said land being in the same ownership as the building, as the Secretary shall designate to be reasonably necessary for the use of the building, together with any structures accessory to the building which are situated on the land so designated.

(d) All lands acquired under the provision of this section shall become National Forest lands.

ACCESS CORRIDOR

SEC. 6. (a) Within one year of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture will designate the location and authorize construction across their respective jurisdictions of a suitable two-lane roadway and adjacent utility corridor to provide all-weather vehicle access and utility service from State Highway 198 to the Mineral King Valley.

(b) To carry out the purposes of this section, the Secretary of Agriculture may acquire non-federal lands or interests in lands by donation, purchase, condemnation, exchange or such other means as he may deem to be in the public interest: Provided, That lands and interests in lands acquired as rights-of-way for said access road and utility corridor shall not exceed an average of one

hundred acres per mile. Rights-of-way and entrance and administrative sites acquired pursuant to this authority shall be administered pursuant to such special regulations as the Secretary may promulgate in furtherance of the purposes of this section.

(c) There are hereby authorized to be appropriated sums to the Secretary of Agriculture to pay for the cost of road construction, but not to exceed \$40,000,000, for corridor acquisition and road and related facility construction. In connection therewith, the Secretary may enter into contracts or agreements with a State or other political subdivision thereof as he deems advisable for construction and maintenance.

(d) The Secretary of Agriculture may construct, reconstruct, improve, and maintain upon the lands or interests in lands acquired pursuant to this section, or otherwise in Government ownership, an access road, including necessary bridges and other structures and utilities as necessary.

(e) Cooperation of states, counties, or other local subdivisions, may be accepted but shall not be required by the Secretary of Transportation.

(f) Funds available for forest highways shall be available for adjacent vehicular parking areas and for sanitary, water, and fire control facilities, connected with the roadway.

ECONOMIC TRANSITION ASSISTANCE

SEC. 7. There is hereby authorized to be appropriated sums as may be necessary, but not to exceed \$2,000,000, for Federal Grant Assistance to communities, existing at the time of enactment within a direct 20 mile westerly distance from the Mineral King Valley, directly impacted

by the Mineral King development, to permit the construction of water and sewer facilities to promote efficient and orderly growth within these communities.

MINERAL WITHDRAWAL

SEC. 8. Subject to valid existing rights, lands in Mineral King are hereby withdrawn from all forms of appropriation under the mining laws and from operation of mineral leasing laws including, in both cases, all amendments thereto.

AIR QUALITY

SEC. 9. Notwithstanding any provision of the Clean Air Act, as amended, 42 U.S.C. 1857 et seq., nor any standard or plan adopted pursuant to that Act, the Secretary of Agriculture and Secretary of the Interior may authorize the construction of a road through the access corridor and of such related facilities at Mineral King and the terminus at the State Highway 198 as the Secretaries consider necessary to provide for motor vehicle transportation to and from the Mineral King recreation development. In locating and designing the road and related facilities, the Secretaries shall consult with the Administrator of the Environmental Protection Agency, the State of California, and the cities and counties in or near which such facilities are located in order to reduce, to the extent practicable, the impact of road use on the ambient air quality of the immediate and surrounding area.

AVALANCHE CONTROL

SEC. 10. To insure public safety during the snow season, notwithstanding any other law, avalanche control procedures, including the use

of explosives will be permitted on slopes of the East Fork Kaweah River drainage.

EFFECT ON EXISTING RIGHTS

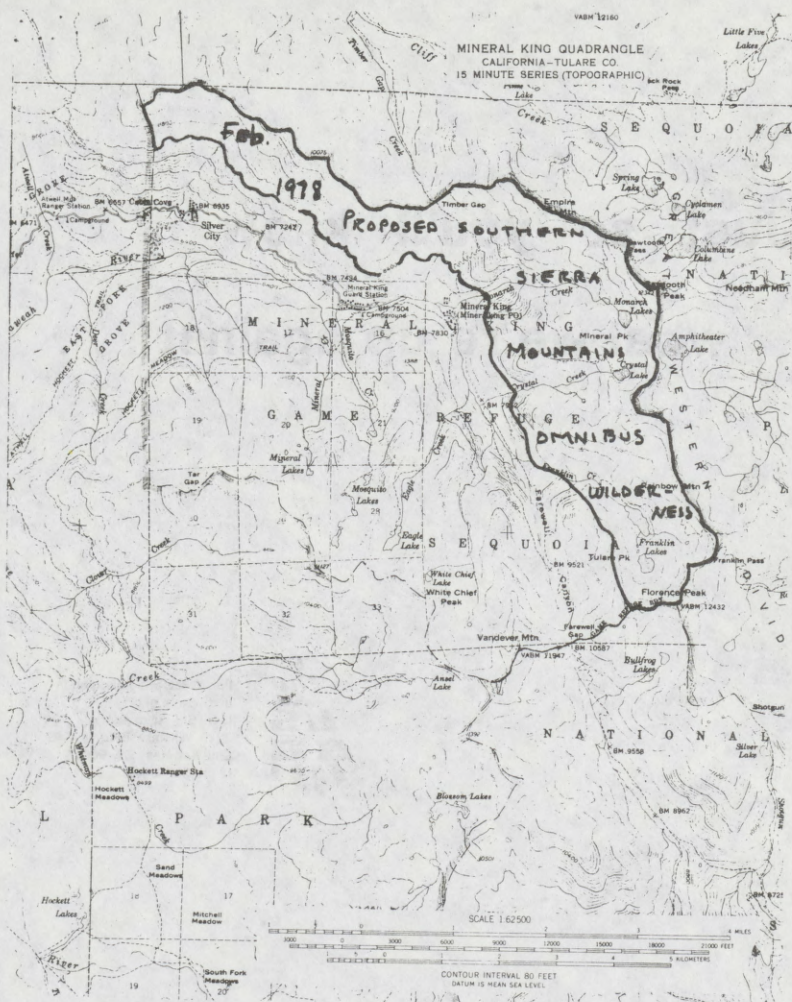
SEC. 11. Nothing in this Act shall be construed to supersede, repeal, modify, or impair the jurisdiction of the Federal Power Commission under the Federal Power Act (41 Stat. 1063), as amended.

SEC. 12. (a) Notwithstanding any provisions of this Act, in the event of conflict with or inconsistency between this Act and prior Acts dealing with this area and subject, the provisions of this Act shall prevail.

(b) All withdrawals, reservations, classificaiton, and designations in effect as of the date of approval of this Act shall remain in full force and effect until modified under the provisions of this Act or other applicable law.

SEVERABILITY

SEC. 13. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.



**Just so you'll know
what we're up against . . .**



Far West Ski Association
a division of
U.S. Ski Association
3325 Wilshire Blvd. #1340
Los Angeles, CA 90010
(213) 387-2145

The Sierra Club says . . .

Quotations from the Mineral King Task Force Congressional Packet

“ **ALTERNATIVE SITES ARE AVAILABLE.** The following alternatives, three of which are south of Mineral King, and two of which have already been recommended by the Forest Service for development, are all located in the Sequoia National Forest:

Jordan Peak
Slate Mt./Peppermint

Mitchell Peak
Sherman Peak ” ”

“ “ In 1974, for example, the U.S. Forest Service recorded 206,400 visitor days of use (in Mineral King Valley) by picnickers, hikers, lake and stream fishermen, campers, backpackers, and horseback riders.

Developing Mineral King into an urban resort for the primary benefit of a single special interest group, the southern California downhill ski enthusiast would be a monumental sacrifice to other recreational users. ” ”

“ “ The latest plan described in the Final Environmental Impact Statement, although scaled down from earlier proposals still calls for overnight accommodations for 2,500 visitors, 18 ski lifts, and a 2,200 car multi-level parking facility. ” ”

“ “ Mineral King, “a pristine sub-alpine valley scarcely more than two miles long and a quarter mile wide lies rimmed with towering peaks rising above the valley floor to heights of over 12,000 feet.”

Mineral King lies in the heart of this grandure, separated (from Sequoia National Park) only by man-drawn lines. ” ”

“ “ The additional traffic projected for the Mineral King project (estimated in hundreds of thousands of vehicles annually) would undoubtedly significantly increase emissions of pollutants in the San Joaquin valley.

Current levels of air pollution are costing millions of dollars in agricultural losses annually in the San Joaquin valley. ” ”

But the facts are . . .

JORDAN PEAK: One of **seven** potential ski sites precluded by the recently passed Golden Trout Wilderness. **DEVELOPMENT PROHIBITED.**

MITCHELL PEAK: Lies exactly on the Sequoia National Park boundary, an interesting alternative in light of the Sierra Club's opposition to Mineral King. **DEVELOPMENT PROHIBITED.**

SLATE MTN./PEPPERMINT: Included in RARE II roadless area. **DEVELOPMENT PROHIBITED PENDING RARE II FINDINGS.**

SHERMAN PEAK: East facing slopes (prime ski sites are north facing to preserve snowpack). Terrain to accommodate only 4 lifts. One million dollars required to upgrade road. No power anywhere near the site. **DEVELOPMENT POTENTIAL SUB-MARGINAL.**

SURPRISED THE SIERRA CLUB WOULD OFFER SUCH UNACCEPTABLE ALTERNATIVES? WE'RE NOT.

During hearings in 1965 on a proposed southern California ski resort at San Geronia, the Sierra Club urged skiers to support designation of that area as wilderness and push for development of Mineral King. **Sadly we fell for the alternatives play then, but never again.**

A MONUMENTAL SACRIFICE? Over three million acres of public land in California are preserved as Wilderness Areas and National Parks. The 10,000 acres in Mineral King Valley skiers would like to see allocated for winter use can **hardly** be termed a monumental sacrifice. Besides, those 206,400 visitors won't be locked out of Mineral King in the summer. They will, however, have to share the valley with other citizens whose age and physical handicaps don't currently permit them to enjoy the recreational potential of Mineral King Valley.

SKIERS ARE WILLING TO COMPROMISE FOR HALF: The actual latest development plan, embodied in proposed legislation, calls for only 8,000 to 10,000 skiers and 10 ski lifts, with 60% of the visitors to be transported into the valley by bus. The ski potential of Mineral King is so unique that Walt Disney Productions is willing to develop the site, acclaimed for half a century as the finest potential ski site in North America, to only **half** its full capacity.

Those "man-made boundaries" are the rims of those 12,000 foot peaks. And that "pristine valley" currently sports about 50 cabins, mail service, a general store, a gas station and designated parking for about 250 cars, although upwards of 400 cars have been counted on busy summer weekends.

SIGNIFICANT INCREASE? MILLIONS IN LOSSES? Three-quarters of a **billion** cars cross the San Joaquin Valley each year. Full development of Mineral King would add **less** than two tenths of one per cent (0.2%) to that traffic figure.

Between 1970 and 1976, state and federal reports show that cotton (a major crop) yields per acre **increased** 28%. Orange yields **increased** from 244 boxes per acre to 260 boxes, all of which occurred in the farming communities peripheral to the freeway system and access to Mineral King.

The October 1976 Air Quality study quoted by the Sierra Club was superceded by a October 1977 study. We quote: "Smog symptoms are common and widespread in much of the Southern Sierra Nevada, but the presence of ozone is **not causing significant forest-wide damage.**" A copy of the new report was sent to Sierra Club headquarters by registered mail. It was returned unaccepted.

And furthermore . . .

The presentation of distortions such as the following.

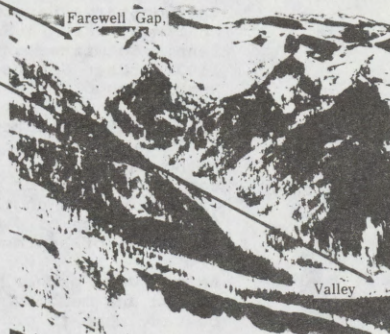
to the United States Congress is inexcusable.

“ From the Mineral King Information Sheet (Addendum to Congressional Packet) of the Sierra Club.
-MINERAL KING IS NOT A PRIME SKI AREA. Although the topography of Mineral King may afford a good downhill ski potential, the following comparative snowfall figures, compiled by the California Department of Water Resources, indicate that the Mineral King snowpack is not much better than that of Southern California mountains:

	MK	Mammoth
1959 April 1	9.9	70.6
1960 April 3	23.8	64.2
1961 April 5	3.3	76.7
1963 April 3	14.8	90.8
1966 March 29	23.1	81.3

THESE ARE THE UNDISTORTED FACTS

Date	Mineral King 8000' elevation	Farewell Gap 9000' elevation
	(Inches)	(Inches)
3/2/59	33.8	66.6
4/1/59	9.0	49.0
3/5/60	47.0	68.5
4/4/60	24.0	54.6
4/5/61	3.3	38.9
3/6/61	12.8	49.0
3/1/62	82.8	112.5
3/31/62	77.1	111.4
2/27/63	8.9	43.2
4/3/63	14.8	69.2
2/27/64	22.3	39.0
3/31/64	35.1	58.8
3/1/65	46.1	75.0
4/5/65	44.9	88.0
2/1/66	55.9	86.7
2/27/66	49.1	84.7
3/29/66	23.1	66.7



As you will note, the figures the Sierra Club quotes as applying to Mineral King are readings from the floor of the Mineral King Valley. Compare the snow depths with those of Farewell Gap, where the skiing will actually take place. Also note that their discriminatory selection of statistics included the listing of very late winter readings only, when the prime ski season is in January and February.

LET'S DECIDE THE FATE OF MINERAL KING ON THE FACTS

It's a sorry state of affairs when the U.S. Congress is supplied with such obviously distorted information such as this. We will be happy to provide documentation for all statistics cited, because we sincerely believe the FACTS SUPPORT OUR CONTINUED BELIEF IN AN ENVIRONMENTALLY SOUND, URGENTLY NEEDED, SKI AREA DEVELOPMENT IN MINERAL KING VALLEY.

**PLEASE SUPPORT
EQUITY IN ACCESS TO PUBLIC LAND**



FWSA

FAR WEST SKI ASSOCIATION

3325 Wilshire Boulevard, Suite 1340
Los Angeles, California 90010
(213) 387-2145

May 8, 1978

The Honorable James Abourezk
United States Senator
Chairman, Parks & Recreation Subcommittee
Senate Committee on Energy & Natural Resources
1105 Dirksen Senate Office Bldg.
Washington D. C. 20510

Dear Senator Abourezk;

Although addressed to Senator Hayakawa, the enclosed copies of pages of signatures and addresses will be of interest as another expression of opposition to the specifics of S.88 and companion legislation in the House of Representatives.

As you very properly suggested, a visit to the area by you and members of your Subcommittee appears to be very much in order. First and foremost the myth concerning alternative sites can be put to rest and with a finality the suggestion requires and deserves.

We won't suggest that our development proposal is letter perfect, but we do strongly recommend that it comes closer to the mark than S. 88 and companion legislation in the House; the compromise development proposal which Secretary Cutler has never been able to introduce; or anything which the National Park Service might reluctantly write into a management plan.

We are ready, willing and more than able to assist in making your potential visit to Mineral King worthwhile and will cooperate to the fullest with whomever you might designate to take the lead in making arrangements.

Sincerely,

Ed Goble, President

Dear Senator Hayakawa:

We are counting on you. We are all standing in long lift lines in California on April 22nd and 23rd, and we're depending on your help to stop S88. Help us open Mineral King, don't let them lock up our skiing.

[illegible]

Dear Senator Hayakawa;

* We are counting on you. We are all standing in long lift lines in California on April 22nd and 23rd, and we're depending on your help to stop S88. Help us open Mineral King, don't let them lock up our skiing.

[illegible]

We are counting on you. We are all standing in long lift lines in California on April 22nd and 23rd, and we're depending on your help to stop S88. Help us open Mineral King, don't let them lock up our skiing.

[illegible]

Miss Anne Spencer, St. LINDA SIMS

Chief E. W. Young, Davis W. Cemetery 16172 Roseville Ca 95678

P. E. Zeller, Forest St. 44826 Richmond Fremont

W. J. Johnson, Box 1, 111 8945 Ca.

Anders, Box 7661, Clyde, Idaho Ca 83430

Donna Clark, 12020 43, Carmel, California Ca 95011

Senator HANSEN. Mr. Chairman, I was going to suggest that I observe the presence of George Hartzog in the audience, a former director of the National Park Service, and I think a person who has had some rather close relationships as well with skiing. I was going to suggest that he might be called to the witness table at this time in order to help me clarify some issues that are in my mind, but I know you have other commitments, and if it would meet with your approval, I would hope that he might follow the Disney representatives who are scheduled next.

Senator ABOUREZK. Actually, Mr. Jerome Waldie and Mr. John Modin are scheduled before Disney. What I would like—I have to leave at 12:30. Senator Hansen will chair the hearing after I leave. I have a noon luncheon meeting, and as chairman of the committee, you can call anybody you please.

Senator HANSEN. I will keep that in mind.

Senator ABOUREZK. Including my friend, George Hartzog. We might yet if we can get through the other witnesses first. So I again express my thanks to this panel.

I would like to ask John Modin, Mineral King Task Force, and Jerome Waldie representing Friends of the Earth, to present their testimony and following them, we need the Disney Production representation.

Who would like to lead off?

Mr. WALDIE. I will go ahead. Senator, I presume that the instruction about including the statements in their entirety applies to us?

Senator ABOUREZK. It applies to everybody. Very few people have listened to that instruction to date, and that is why we are running overtime.

STATEMENT OF JEROME WALDIE, FRIENDS OF THE EARTH

Mr. WALDIE. I am appearing here wearing two hats—one as a representative of Friends of the Earth, but in the other cap, as it is, as a Member some time ago of the Congress to introduce, I guess the first bill to move Mineral King Valley into Sequoia National Park. That was 8, 9, 10 years ago, and I was bemused by Senator Hayakawa's position that the subject was being considered with unseemly haste and urgency. It seems to me that 10 or 12 years of contemplation would be enough for the nation's most deliberative body, and I would hope that you do proceed as you are doing with these matters.

I was up in Mineral King, a backpacking experience, about 8 years ago. A year or so after I had introduced the bill because I thought since there had been so little interest in the bill, that Disney would succeed in taking over the property and that that would be the end of Mineral King, and I wanted to see it and I wanted my son to see it—my sons, both of them, prior to what I consider to be the desecration of that valley, given the plans that Disney had proposed for it.

We spent 10 days backpacking the valley, and left, and went back again this year, celebrating what seemed to me to be the conclusion of this long struggle and, in fact, Disney and the Park Service were not going to succeed in their efforts to turn over that valley to commercial exploitation, and we were unable—it was in the month of October—

to get into the valley itself because the road, the access road, was covered by snow and impassable.

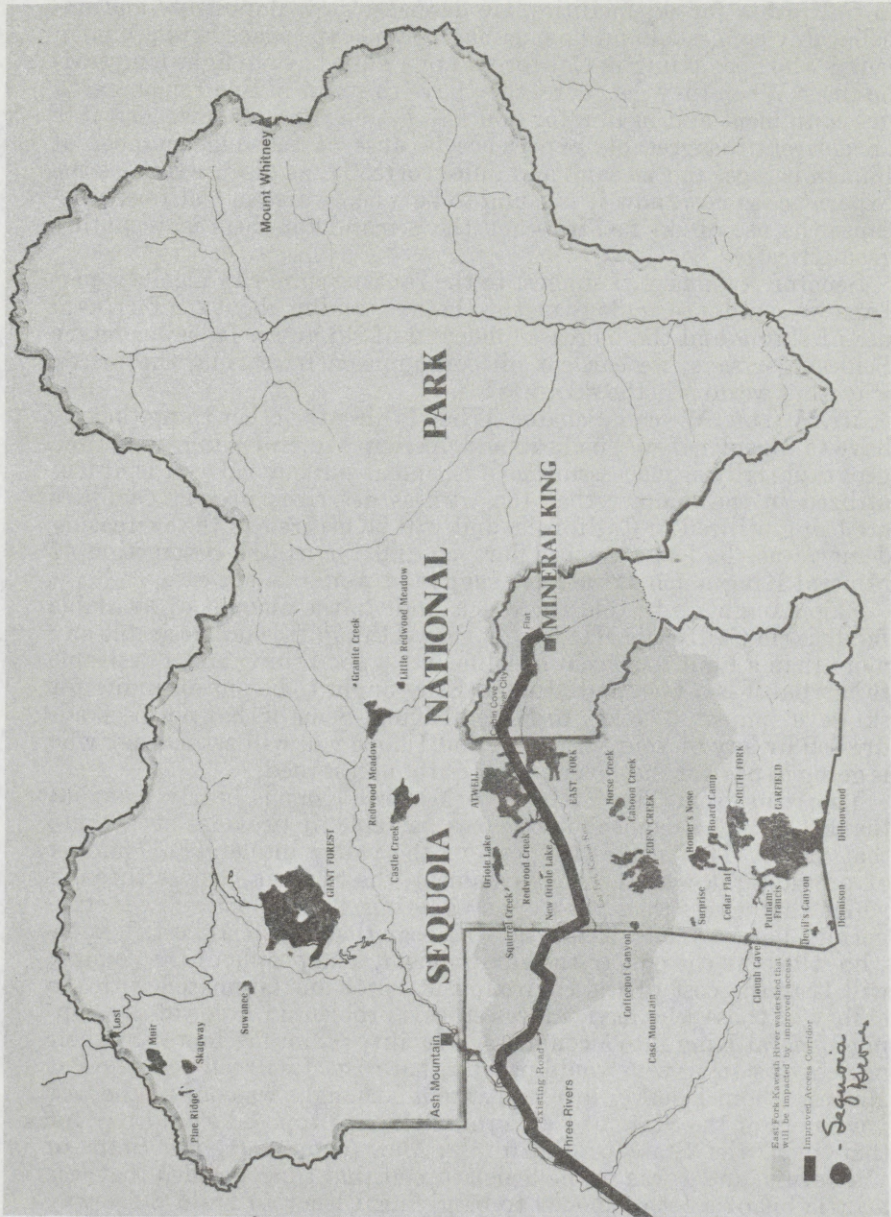
Instead we went about 15 or 20 miles further into Sequoia National Park and selected a 5-day backpack trip. I mention that only because when you or members of the committee go out to Mineral King, Senator, I hope you will take the necessary time; it is a limited time to go further beyond Three Rivers, which is the beginning of the access road into Mineral King. Go right beyond Three Rivers to the entrance of Mammoth or to Sequoia National Park.

There is very accessible—very close to the road, a giant forest of sequoias, and the sequoia is part of a problem of this proposal, and it is one that I think you will only understand if you see a sequoia tree. If you have not seen it, you can have it described to you until hell freezes over, but you will never understand the enormity of the experience of seeing a giant sequoia tree.

You will see that in the giant forest. I want to introduce for your consideration and for the record a map that has designated on it the locations of sequoia roads that will be impacted upon by the proposal embodied in the legislation before you and Senator, with your permission, I would like to include this map in the record.

Senator ABOUTREZK. Without objection.

[The map follows:]



Mr. WALDIE. The key I think to this whole problem is best described by your last witness, Mr. Gehle, the president of Far West Ski Association. I think perhaps unintentionally at least, I am sure he did not intend it, he made as strong a case as could be made for the enactment of this legislation. He described the situation of demand and supply

in California for ski facilities. He described how impossibly and unbelievably congested and how damaging the experience is to a human being who goes skiing in California now. They have to fight long traffic lines. When they get there, they have to stand in line for hours, to get equipment and in line for hours to get on the ski slopes, and it is an entirely disagreeable experience because of the huge number of human beings, and he said, and quite correctly, as disagreeable as the experience is now, now it is going to be much worse in California because the use of ski facilities and the demand for them is escalating geometrically.

Senator ABOUREZK. I suggest to the ranking minority member, perhaps we could use analogy on this, he was talking about the increased use of skiing and the increased demand of ski areas. If, as Secretary Schlesinger says, we can cut oil consumption by raising the prices, why can't we do it in the ski areas?

Mr. WALDIE. We can, Senator. What I think the other thing that we have to consider if we go ahead and open up Mineral King, as limited geographically as inaccessible as it is, and as surrounded as it is, if it is utilized in the manner that the witness describes present facilities are being utilized in California, and will be utilized in the increasing demoral use he has described for you and for us, the destruction of Mineral King much as we have suggested would be the case.

Skiers ought to be told there is a limit to the amount of available facilities in California. That is not a good thing. It is not desirable any more than a limit to 20 cent gasoline was a good thing and a desirable thing, but it is a fact, and Mineral King ought to be put off limits for ski development. The key to Mineral King, Senator, has not been addressed by any of your witnesses, and I hope you will ask Disney who is going to pay for the development of the access road.

The road from Three Rivers to Mineral King is barely passable, thank God. The moment it becomes passable, it provides access into that valley. That makes the load of the valley intolerable. The cost of providing access to the environment, the Sequoia Groves through which that access road passes, is staggering, the economic cost is staggering. I have yet to hear who will bear that financial cost. I know who will bear the cost to the environment. The people of the country will bear the cost of the environment, but I am fascinated with the ability of those who have addressed this problem in favor of developing Mineral King into a commercial facility; I am fascinated by their neglect of stating who would pay for that road. I will tell you who Pat Brown, whom I dearly love and whom I thought was one of the best governors of the State of California, who he proposed would pay for that—you, the State of California. But fortunately, the State of California, and I was in the legislature at that time, decided that was a little bit of a lot of money to be giving Disney to build a freeway into his private resort.

The question still has not been answered, and I hope you will ask that question when the Disney people are up here.

Senator ABOUREZK. I will if I can get to him.

Mr. WALDIE. In conclusion, I trust that you will give the kind of careful care and consideration you indicated in this hearing, and I appreciate your tolerance.

Senator ABOUREZK. Thank you very much.

[The prepared statement of Mr. Waldie follows:]

STATEMENT OF JEROME R. WALDIE, FRIENDS OF THE EARTH

Mr. Chairman and Members of the Subcommittee, it is a pleasure to be here with you today representing Friends of the Earth, a nationwide conservation group—and also representing myself, as a Californian and a concerned American.

I speak of my own concern because during my tenure in the House of Representatives I wrote a bill very similar to the one you are now considering. That was in 1973. Congress moves with deliberate speed; sometimes rather too deliberate.

The idea of including Mineral King Valley in the Sequoia National Park is not a new one. It was suggested when Sequoia National Park was established in 1890. Then, however, there were small mines operating in the valley, which gave it its name. The mines have long been closed; the call for including the valley in the park that surrounds it on three sides has been repeated thousands of times since.

As you know, there was little urgency about park status for Mineral King until a decade or so ago. Until then, it might as well have been a national park; there were a few cabins, a small store, and a pack station. Use was fairly light, owing partly to the 25-mile, twisting access road from Three Rivers.

Then the Disney Corporation came along and everything changed. All of a sudden, Mineral King became a cipher in the expansion plans of Disney.

A large all-year resort was proposed, with a new, quick-access road, a dozen or more ski lifts, hotels, parking lots, restaurants—all the trappings of the twentieth-century luxury retreat. This, more effectively than a dirt road, would cut the general public out of the opportunity to visit and enjoy Mineral King: the resort proposed by Disney would have been excessively expensive to visit. And, it would have required public money to "improve" the road to the necessary standard—a government subsidy of a private, monopoly enterprise.

The proposal as originally put forth was a palpable disaster—it would have brought about two-thirds as many people as visit Yosemite Valley into a valley a fraction its size. Since those days, we have seen a slow evolution of scaled-down plans issuing from the stubborn Disney outfit.

But scaled-down is not good enough. Scaled-out is the only thing that will do.

As Dave Brower, FOE's president, wrote in his introduction to *Gentle Wilderness, The Sierra Nevada*, "Neither California nor the rest of America is rich enough to lose any more of the Gentle Wilderness, or poor enough to need to." Mineral King Valley is not, strictly speaking, wilderness, with its few remaining cabins, but it's the next best thing: A near-pristine, magnificent subalpine valley, the headwaters of many clear and beautiful streams, the home of a wide variety of wild animals and birds. It is one of the prime taking-off points for self-powered recreation.

There are not very many opportunities like the one Mineral King presents left, very few indeed so close to concentrations of population. And still, even in this age of progressively enlightened attitudes toward wild lands, the wilderness lands and near-wilderness lands are being cut over, paved over, and built on.

It is time to call a halt to such activity—or the threat of such activity—at Mineral King.

Senator Cranston's and Congressman Kreh's efforts will bring about that desirable conclusion.

Senator ABOUREZK. George Hartzog, I want to put him on because he had another commitment he has got to get to. If I can give him 5 minutes, you can stay seated.

George, Cliff Hansen twisted my arm.

Senator HANSEN. Let me say that in view of Mr. Hartzog's extensive background and interest in this subject, it occurred to me that it might be helpful to the committee to ask him if he would like to share with us any comments or observations he might have about this legislation.

His expertise, and he is reknowned as a very successful Director of the National Park Service, is well known. His interest in sports including skiing is well known, and I just thought that drawing upon this unusual combination of interests and experience, we might gather some ideas that would be helpful.

It was with that thought in mind that I suggested that you be called from the audience to give us the benefit of whatever feelings or comments you might have.

**STATEMENT OF GEORGE W. HARTZOG, FORMER DIRECTOR,
NATIONAL PARK SERVICE¹**

Mr. HARTZOG. Thank you, Mr. Chairman. I find this a unique situation.

I came not to testify on this bill, Mr. Chairman, but to answer any questions which you or Senator Hansen may have. I will share with you my involvement in the Mineral King Valley area and the question while I was Director of the National Park Service.

I went out and looked at Mineral King Valley, and I commend the chairman and you, Senator, for your stated objective to go out and look at it. I think this is one of the real things about this legislation that has not been treated by the Congress, and that is to afford the members of the committees of the House as well as the Senate an opportunity to go on the ground and see the resource, and to talk with those people out there and to examine the alternatives.

The Forest Service has spent over a decade with highly professional, competent people preparing plans for the development and use of Mineral King Valley. I reviewed those plans on the ground before the Forest Service. I am impressed by the sensitivity of them. I have certainly been impressed by the sensitivity of the plan.

At that time I agreed with the development of downhill skiing in Mineral King Valley. I still subscribe to that viewpoint, and I believe that until this committee does have an opportunity to review the resource on the ground and come to some conclusion, that it is premature to consider this legislation because as a matter of fact, if you transfer the jurisdiction of this land from the Forest Service to the Park Service, you have made the defacto wilderness because I cannot comprehend the Park Service is going to change its policies to allow any extensive or even any modest downhill skiing development.

The last one that I am aware of was in Rocky Mountain National Park and that was 1956, and I believe that just in the last 2 or 3 years we have spent something in excess of three-quarters of a million to eliminate it, so I can't imagine that being a viable alternative in the management plan they develop.

Senator HANSEN. Well, I thank you very much for your observations. Mr. Hartzog, you have touched upon some concerns I have, in a very forthright fashion, and I appreciate your candor. I have no questions. Let me say that, though, I do not know precisely what Chairman Abourezk' intentions might be. I should think it would not be inappropriate since he has—he is back now.

Will the hearing record be open in order to permit additional comments?

Senator ABOUREZK. It will for 2 weeks.

Senator HANSEN. Thank you very much. I have no questions.

Senator ABOUREZK. Thank you, George.

Mr. Modin.

¹ COMMITTEE NOTE.—Mr. Hartzog is currently a member of the Washington law firm of Ragan & Mason and is retained by, among others, the National Ski Areas Association.

STATEMENT OF JOHN C. MODIN, COCHAIRMAN, MINERAL TASK FORCE

Mr. MODIN. Mr. Chairman, my name is John Modin. I reside in El Dorado Hills, Calif., and I am cochairman of the Mineral King Task Force, an entity of the Sierra Club that was established in October of 1976.

And I will have a few comments taken from my written testimony, and the map here is available for referral.

Since 1891 when John Muir first recommended expansion of Sequoia National Park to include Mineral King, various groups and individuals have promoted the transfer of Mineral King Valley from Sequoia National Forest to Sequoia National Park to insure its permanent preservation. But today the valley and its environs remain part of Sequoia National Forest, literally surrounded by the National Park to which it logically belongs.

The national park caliber of Mineral King and the ever increasing need to preserve our few remaining superlative regions from the urbanizing influence of intensified recreation are points taken from my written testimony that I would like to present today.

The illustrated brochure prepared by the task force for members of this committee and the photographic enlargements on display in this hearing room illustrate the national park caliber of Mineral King and Sequoia National Park and, Mr. Chairman, if you take a moment to look at the map, you can see the Mineral King area does drain into Sequoia National Park, and any activity in that valley could pose a potential hazard to the sequoia trees and the ecosystems within the national park. So it is an ecological portion of the park.

During the past decade, the priceless national resources of Mineral King have been depleted not by mining and raising water and power developers, but by an awesome year-round recreational complex proposed by the U.S. Forest Service that would devastate the unique and outstanding scenic annual qualities of Mineral King Valley, and undermine the fundamental purpose for which Sequoia National Park was established, to protect for future generations the natural character of the mountain region.

Although currently shelved, this proposal can become immediately existent by administrative decision. The geographic character proximity of Mineral King Valley to Sequoia Park and Golden Trout Wilderness mandate enactment of a land-use policy consistent with the purpose of protecting this resource. Any large recreational complex is clearly not consistent with this intent as to the current game refuge status of Mineral King established to protect and maintain the area as a refuge for wild animals.

Excessive development would result in increases in air, water and noise pollution within the surrounding park wildlife. The Sequoia National Game Refuge would be displaced, and the visual quality of Mineral King-Sequoia Park degraded. The urbanized environment would destroy for thousands the natural quality of Mineral King and Sequoia Park.

Alternative sites for large downhill skiing facilities are available, and could be constructed without impacting the prime resource of Sequoia National Park. Slate Mountain, an area being evaluated by the

U.S. Forest Service for the 6,000 downhill skiers, is located south of Sequoia Park and closer and more accessible to southern California skiers than Mineral King. The access is already available from the southwest and east, and private holdings are available for development. Additionally, there is access to Slate Mountain from the east to avoid passing through any portion of the San Joaquin Valley where air pollution would degrade agricultural production.

The U.S. Forest Service has maintained through the years of conservation that there is an ever increasing need for expanded winter recreational opportunities in southern California, and that a massive recreation complex in Mineral King would serve that need. The time has come. We must question the wisdom of developing our natural resources to satisfy the demands of special interests without first considering the impact on our environment. It has become increasingly evident there will always be those who demand more, regardless of the environmental consequences. In southern California, these demands have resulted in an environment where for many life is intolerable. The attitude that we must provide, without regard to the adverse impact, has largely led to the Mineral King controversy. It is an attitude that is past.

As populations increase, the urban influence on environment grows, recreation is increasingly a disparity for the solitude of the quiet mountain landscape, not for a massive recreational complex which could destroy the priceless heritage that Mineral King affords here in southern California, and the incredible pollution and congestion in this pristine place where thousands of Californians now come to enjoy solitude and closeness to nature. It is place that must be safe. Mineral King's richest treasure is naturalness and a variety of natural experiences free from the urban frenzy of nearby southern California. In 1974, for example, the U.S. Forest Service recorded over 200,000 visitors' days of use by picnickers, hikers, lake and stream fishermen, and horseback riders. The advantages of a massive resort complex to these recreational lists would be small, the financial burden for many would be prohibitive, and the experiences offered contradictory to those being sought.

As you all know, on Mineral King the ideologies of the U.S. Forest Service to develop a recreational complex can be quelled by transferring jurisdiction to the National Park Service. The National Park Service recreational opportunity consistent with the national character of this region will be provided. Camping, hiking, fishing, horseback riding and mountain climbing will continue to exist. During winter, crosscountry skiing and snowshoeing provide an outstanding recreational experience for those seeking the quiet solitude of winter wonderland. Not to transfer Mineral King to the National Park Service will result in a continuing effort by the U.S. Forest Service to develop a resort complex until under a politically sympathetic administration, it becomes reality. Only by transferring Mineral King to the National Park Service, where recreational alternatives can be explored, can we avoid this eventuality.

Upon enactment of this legislation, the Park Service must prepare and present for public reviews 5 development options from no development and management as a wilderness to an all-year recreational facility serving that 4,000 downhill skiers per day.

The fundamental guideline in this planning process will emphasize protection of wilderness and natural resources and to provide for its use in a manner that will leave them substantially unimpaired for future generations.

Thank you, Mr. Chairman.

Thank you very much.

[The prepared statement of Mr. Modin follows:]

STATEMENT OF JOHN C. MODIN, COCHAIRMAN, MINERAL KING TASK FORCE

Mr. Chairman, my name is John C. Modin. I reside in El Dorado Hills, California. I am co-chairman of the Mineral King Task Force an entity of the Sierra Club established in October 1976. In large measure support for the Task Force in its efforts to afford permanent protection for Mineral King has come from approximately 40,000 petition signers supporting the transfer of Mineral King to the National Park System.

Since 1891 when John Muir first recommended expansion of Sequoia National Park to include Mineral King, various groups and individuals have promoted the transfer of Mineral King valley from Sequoia National Forest to Sequoia National Park to insure its permanent preservation. But today the valley and its environs remain part of Sequoia National Forest, literally surrounded by the National Park to which it logically belongs. The national park caliber of Mineral King and the ever increasing need to preserve our few remaining superlative regions from the urbanizing influence of intensified recreation are points taken from my written testimony that I would like to present today.

The illustrated brochure prepared by the Task Force for members of this Committee, and the photographic enlargements on display in this hearing room illustrate the national park caliber of Mineral King.

HISTORY

Since 1891 when Colonel George Stewart and John Muir recommended expansion of Sequoia National Park, various groups and individuals have promoted the transfer of Mineral King valley from Sequoia National Forest to Sequoia National Park to insure its permanent preservation. These efforts to date have met with little success, and today the valley and its environs remain part of Sequoia National Forest, literally surrounded by the National Park to which it logically belongs.

When Congress created Sequoia National Park on September 25, 1890, Mineral King would have been included, had it not fallen victim to a mining boom during the 1870's. Fortunately the valley and surrounding glacial basins relinquished little of the gold, silver, lead and copper so eagerly sought by the early miners and by 1890 the boom was only a memory. Scarred by this early mining activity and by the aversion of federal agencies to "lock up" potential mineral bearing lands, the precious national heritage of Mineral King was left gerrymandered outside the newly established Park.

Efforts to incorporate Mineral King into Sequoia National Park began in 1894 when John Muir published a plea for park expansion including Mineral King. This effort gained momentum and in 1911 California Senator Frank Flint introduced legislation that would spearhead a long legislative struggle for Park expansion. Holding true through the ensuing years the U.S. Forest Service at committee hearings in 1920 and again in 1926 argued that although mining activities in Mineral King will, "never amount to anything," it was wrong in principle to place mineral lands in a park, and emphatically would agree only to the transfer of entirely rugged and mountainous country, of no commercial value, to the east and west of Mineral King. The U.S. Forest Service maintained that Mineral King must be eliminated so that there might be no interference with mining in that section.

In 1922 the National Park Service, supported by conservationists, agreed to a compromise, omitting about 260,000 acres from the proposed expansion, including Mineral King. On July 4, 1926, under the charismatic influence of Stephen Mather, director of the National Park Service, Sequoia Park was enlarged around but not including Mineral King.

Agreement to the compromise must be understood in the context of legislative history. At stake were magnificent scenic areas east of the existing Park — the Kern River Canyon, Mt. Whitney, and the Kings River Canyon. Here opposition to park status was formidable. Local grazing interests, irrigation districts and Los Angeles County seeking water and power development in the Kings Canyon, fought vigorously to prevent enlargement of the Park. To conservationists the sacrifice of Mineral King, though geographically illogical, was vastly overshadowed by the victory in the Kern Kaweah regions and by the loss of Kings Canyon. The resulting 1926 legislation left Mineral King an enclave of unprotected U.S. Forest Service land nearly surrounded by the newly expanded Park.



Mineral King, originally excluded from Sequoia National Park in 1926 because of mining interests active in the area at that time.

CURRENT STATUS - ALTERNATIVE SITES

Today the priceless natural resources of Mineral King are again being threatened — not by mining and grazing interests or water and power developers, but by an awesome year-round recreational complex, proposed by the U.S. Forest Service, that would devastate the unique and outstanding scenic and natural qualities of Mineral King, and undermine the fundamental purpose for which Sequoia National Park was established; to protect for future generations the natural character of a superlative mountain region. Although currently shelved, this proposal could become immediately extant by administrative decision.

The geographical juxtaposition of Mineral King, Sequoia National Park and the Golden Trout Wilderness mandate enactment of a land use policy in Mineral King consistent with that purpose. Any large recreational complex is clearly not consistent with this intent or with the current National Game Refuge status of Mineral King, established to protect and maintain the area as a refuge for wild animals.

Extensive development would result in unacceptable increases in air, water, and noise pollution within the surrounding Park. Wildlife within the Sequoia National Game Refuge would be displaced, not protected, and the visual quality both in Mineral King and in Sequoia Park would be seriously degraded. The newly urbanized environment would destroy for thousands the superb natural qualities Mineral King, Sequoia Park, and the newly established Golden Trout Wilderness currently afford.

Alternative sites for large scale downhill skiing facilities are available in the southern Sierra and could be constructed without impacting the prime resources of a national park. It might be pointed out that the downhill ski attributes of Mineral King may be little better than alternative downhill sites in Sequoia National Forest. Although topography may afford good downhill potential, a 20-year average of water content of snowpack at Mineral King is discouraging when compared with Mammoth mountain (in the northern Sierra); 42.0" at Mammoth and 20.6" at Mineral King. The facts are inescapable, consistently heavy snowfalls do not occur in southern California mountains, including Mineral King.

Slate Mountain and Sherman Pass are located south of Sequoia Park and even closer and more accessible to the southern California ski demand than Mineral King, and have already been evaluated by the U.S. Forest Service for potential development. Mitchell Peak, located north of Sequoia Park, could be developed to serve both northern and southern California skiers.

IMPACT OF A LARGE SCALE DEVELOPMENT ON AIR QUALITY IN THE SAN JOAQUIN AIR BASIN AND SOUTHERN SIERRA NEVADA

The State of California Air Resources Board (ARB) has recently released an informational report (October 1976) detailing widespread air pollution injury to both crops and sensitive forest trees in the San Joaquin valley and southern Sierra Nevada.

The report states that air pollution damage has been recognized on agricultural crops in the San Joaquin valley since 1960 but that the 1976 smog season marks for the first time **widespread** air pollution injury to agricultural crops on the San Joaquin valley floor. A wide variety of crops are involved, including cotton, alfalfa, grapes, beans and okra. A minimum estimate of 1% loss to susceptible crops in the San Joaquin Air Basin would result in more than 32 million dollars annually based on 1975 receipts. The losses to forests are more difficult to assess since forests are managed for multiple uses; however, the impact of even a 1% reduction in timber production would have a serious impact on the California economy.

The ARB report states that to contain losses at 1% requires **improvement** of existing air quality and **prevention** of further increases in emissions.

In the Sierra Nevada, air pollution injury to forest trees in both Sierra and Sequoia National Forests and in Sequoia-Kings Canyon National Parks has been reported to be widespread. In 1974 the U.S. Forest Service undertook a survey and reported air pollution injury throughout the ponderosa and mixed-conifer forests from the Kings river to Mineral King. The U.S. Forest Service reports that in addition to air pollution injury to Ponderosa pines, sensitive Jeffery pines, Sugar pines, White fir, and Black oaks are showing symptoms in widespread areas of both Sequoia National Forest and Sequoia-Kings Canyon National Parks.

Later U.S. Forest Service surveys found Ponderosa pine stands on Milk Ranch Peak more greatly affected than any yet discovered in the Sierra Nevada. Milk Ranch Peak, on the boundary of Sequoia National Park, is within two miles of the transportation corridor into Mineral King!

The prognosis made by the U.S. Forest Service, Forest Insect and Disease Management Staff, is for continued injury and stand decline in southern Sierra Nevada forests at current levels of air pollution and increasing injury and accelerated stand decline if air pollution increases. Tens of thousands of acres are affected now and there is an increased damage potential for future years.

Ironically, this prognosis was made by the U.S. Forest Service, the agency adamantly promoting a large recreational complex in the Mineral King valley. The additional traffic projected for a large scale project would undoubtedly significantly increase emissions of pollutants in both the San Joaquin valley and the southern Sierra Nevada, and would result regardless of the transportation mode selected through the transportation corridor from Hammond to Mineral King.

Current levels of air pollution are costing millions of dollars in agricultural losses annually in the San Joaquin valley. There is a declining inventory of marketable timber on our national forests resulting from existing levels of air pollution, and our priceless forests within our National Parks are being threatened. We cannot afford, aesthetically or economically, the macabre consequences of a development that would contribute significantly to an already critical air quality problem in the San Joaquin Air Basin. The unrelenting insistence by the U.S. Forest Service to develop a large resort complex and risk further degradation of air quality in the San Joaquin Air Basin can be obviated by transferring jurisdiction to the National Park Service.

WHY NATIONAL PARK?

Mineral King is part of a grand and awesome sweep of mountain terrain; a 40-mile-long granite ridge called the Great Western Divide of the Sierra Nevada. Here a pristine sub-alpine valley scarcely more than two miles long and a quarter mile wide lies rimmed with towering peaks rising above the valley floor to heights of over 12,000 feet. Six streams originating in glacial basins far above timber line cascade into the valley and join to form the east fork of the Kaweah river, which flows slowly through flower-filled meadows and groves of aspen and cottonwood trees before plunging abruptly into the precipitous canyon of the Kaweah to the west.

Sequoia National Park encompasses much of this towering landscape, preserving groves of earth's largest living things, the sequoias, forests of fir and pine and 100 million-year-old peaks. Mineral King lies in the heart of this grandure, separated only by man-drawn lines.

But, Mineral King possesses many of the qualities of the surrounding Park, including some unique to itself. The highly colored and scenic metamorphic geology, long ago eroded away in most other areas of the Sierra Nevada, strikingly contrasts underlying granitic intrusions in Mineral King. The three largest known Foxtail pines can be found near Timber Gap only a short walk from the valley floor, and numerous alpine lakes nestled in high glacial cirques invite fishermen and sightseers alike to lofty retreats, most often through virgin forests of Red and White fir which adorn the surrounding mountains. Here thousands of hikers, campers, picnickers, fishermen, mountaineers and others can find and enjoy quiet solitude and a truly magnificent experience. There are only a few areas of our country where one can find such a rich diversity of wildlife, flora, virgin forests and an awesome mountain panorama in so small an area. Once developed into a large recreational complex the very attributes that now attract thousands would be lost and in their place would be the noise, congestion and pollution from which so many seek reprieve.

A recently completed feasibility report, prepared by the Western Region of the National Park Service, states that "... Mineral King is logically classed as a 'natural area'; therefore intensive use development of that location would not be within the realm of the National Park Service administrative policies for management of natural areas. . . ." Such is sound evidence of this agency's intention to preserve the natural integrity of this region.

Upon enactment of this legislation, the Park Service must prepare and present for public review five developmental options ranging from no development and management as wilderness, to an all-year recreational facility serving up to 4,000 downhill skiers per day. The fundamental guideline in this planning process will emphasize the protection of wildlife and the regions superlative natural resources, and to provide for their use in a manner that will leave them substantially unimpaired for future generations.

AN ISSUE IN AN ERA OF LIMITS

The U.S. Forest Service has maintained through the years of controversy that there is an ever-increasing need for expanded winter recreational opportunities in southern California and that a massive recreational complex in Mineral King would best serve that need.

The time has come when we must question the wisdom of developing our natural resources to satisfy the demands of special interests without first considering the impact on our environment. It has become increasingly evident that there will always be those who demand more: more water, more power, more freeways, more dams. In southern California these insatiable demands for more have resulted in an environment where for many life is intolerable.

The attitude that we must provide for these demands, without regard to the adverse impact on environmental quality is largely what has led to the Mineral King controversy. It's an attitude of an era that has passed. As populations increase and the urban influence on our environment grows, recreationists will increasingly despair for the solitude of an alpine valley and a quiet mountain landscape, not for a massive recreational complex which would destroy forever, the priceless heritage Mineral King currently affords.

Here, near southern California and its incredible pollution and congestion, is a pristine place — a place where thousands of Californians now come to enjoy solitude and a closeness to nature. It's a place that must be saved from the ever-increasing blight of California's encroaching urban environment. Mineral King's richest treasure, and it has many, is its naturalness and its offering to thousands, a variety of natural experiences free from the urban frenzy of nearby southern California. In 1974, for example, the U.S. Forest Service recorded 206,400 visitor days of use by picnickers, hikers, lake and stream fishermen, campers, backpackers, and horseback riders. The advantages of a massive resort complex to these recreationists would be small indeed, the financial burden for many prohibitive, and the experiences offered, contradictory to those being sought.

The assault on Mineral King by the administrative ideologies of the U.S. Forest Service to develop a mammoth recreational complex can best be quelled by transferring jurisdiction of Mineral King from the U.S. Forest Service (Dept. of Agriculture) to the National Park Service (Dept. of the Interior). Administered by the National Park Service, recreational opportunities consistent with the natural character of this region will be provided. Camping, hiking, fishing, horseback riding and mountaineering would continue to be popular during summer. During winter, cross country skiing, tobogganing and snowshoeing would provide an outstanding recreational experience for those seeking the quiet solitude of a winter wonderland.

Failure to transfer Mineral King to the National Park Service will result in a continuing effort by the U.S. Forest Service to develop a resort complex until, under a politically sympathetic administration, it becomes reality. Only by transferring Mineral King to the National Park Service, where tenable recreational alternatives can be explored, can we avoid this eventuality.

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Senator ABOUREZK. Messrs. Richard Nunis and Ronald Cayo. Mr. Nunis is executive vice president of Disneyland, and Mr. Cayo is vice president of Walt Disney Productions.

STATEMENT OF RICHARD NUNIS, EXECUTIVE VICE PRESIDENT OF DISNEYLAND; ACCOMPANIED BY RONALD CAYO, VICE PRESIDENT OF WALT DISNEY PRODUCTIONS

Mr. NUNIS. Thank you, Mr. Chairman. In order to serve time, I will speak on behalf of our company, and we will submit our written statement to your committee.

I have been very fortunate. I have worked most of my adult life for Walt Disney Corp, and I knew Walt very well. I was with him prior to the opening of Disneyland in 1955, and spent time at the Winter Olympics in 1966 when he was responsible for the pageantry.

Walt got excited at that time about doing what he thought was going to be a ski area. We researched ski areas and found that it wasn't too good a business, so I asked Walt, I said, "Do you mind if I ask a question?" He said, "No." I said, "We researched ski areas and we find only 2 percent of them make money. If you don't get snow at Christmas, they lose money. I just want to know why you want to do one."

He said, "First of all, it is not going to be a ski area. It will be a year-round recreation area for families, and it is simple. I think there is a great need in the State of California for family recreation, year-round."

Well, I believed in that ever since. Allow me to interject here that before the word environmental became a household term, Walt Disney stood for the preservation of natural resources and uplifting the dignity of people by presenting them with the highest standards of outdoor recreation and it was in this spirit that Walt Disney envisioned the development of Mineral King, and our company is dedicated to carry on that philosophy.

Senator ABOUREZK. Mr. Nunis, you still call it Walt Disney Productions. Mr. Disney passed on 3 or 4 years ago.

Mr. NUNIS. 1966, sir.

Senator ABOUREZK. Twelve years ago?

Mr. NUNIS. Yes, sir.

Senator ABOUREZK. And does his family still own stock in the company, or it is all dispersed, now?

Mr. NUNIS. No, sir. His family and the Roy Disney family still own a substantial amount of stock in our company, but we are on the New York Stock Exchange, and we are predominantly a public company.

Senator ABOUREZK. Thank you.

Mr. NUNIS. Our involvement with Mineral King began in early 1965 when the U.S. Forest Service, acting under a mandate from the U.S. Congress to provide multiple use management of the National Forest lands under their jurisdiction, recognized the growing need for additional outdoor recreational opportunities for the people of California and the Western United States.

After some 20 years of study at Mineral King, the Forest Service issued a prospectus in March of 1965 calling for competitive bids from private enterprise to provide year-round recreational facilities at Mineral King. In November of that same year the Sierra Club en-

dorsed the concept of development at Mineral King and characterized it as a "vastly superior" area to serve southern California.

In January of 1966, our proposal for Mineral King was selected from among six bidders, and we were awarded a preliminary planning permit. This action taken by the Forest Service in issuing the permit was consistent with a policy which they have followed at some 84 other Forest Service areas throughout the United States. This traditional relationship called for a joint venture of private capital to provide needed facilities on public lands. In fact, at this period of time, we entered into a working relationship with the Federal Government.

The Forest Service, working hand in hand with Disney, the Walt Disney Productions' plan for year-round outdoor recreational facilities for Mineral King in January of 1969. The State of California—contrary to some of the statements that have been made here today—the State of California recognized the need for additional recreation facilities and [funded] the money to provide for construction of an access road into the Mineral King area. The Sierra Club then, in that same period of time, reversed its earlier position and challenged the authority of the Forest Service to issue permits to us. They obtained a temporary injunction which caused all further activities to be halted.

Still the Disney Co. stood by the Government at considerable expense and in the fact of unwarranted attacks against our company's reputation and image. Throughout our 13-year history with Mineral King, the project has been endorsed by three Presidents, two Governors, the California Legislature and the Board of Supervisors of Tulare County—the county in which Mineral King is located.

Through 13 years of frustration and a great deal of expense, we now face Senate bill 88—our company opposes this legislation for the following reasons:

1. Federal lands in California account for approximately one-half of California's 100 million acres. Inasmuch as the Federal Government control one-half of the land in the State, it has a major responsibility to provide recreational facilities for residents as well as to visitors to California. Senate bill 88 has the practical effect of banning needed recreational facilities from Mineral King.

2. Today, very little public land is devoted to needed recreation. In California, within a 100-mile radius of Mineral King, there are 2½ million acres of public lands that are classified as wilderness or roadless areas.

Winter recreation is growing and there is growth in the State of California, but there is also a tremendous need for summer recreation. Our mountain recreation areas are very, very heavily congested in the summer and as you will see, even Mineral King.

Our company has developed a substantial reputation throughout the world for providing the finest in family recreational facilities, along with a longstanding commitment to educating the public about the value of wildlife and our natural environment.

When the Mineral King project goes forward, it would be our wish to enhance that reputation by helping to establish new standards for master planning and public service in our role as permittee on national forest lands.

Every State has the same basic problem, a problem of need for jobs. This project will unquestionably benefit the economically dis-

advantaged areas surrounding Mineral King. The following are the projected economic impacts: Peak construction labor force—800-900 people; employees, opening: Summer employees—800 people; winter employees—900 people. The development plan: Summer—1,100 jobs for people; winter—1,300 jobs. Our opening gross apparently is projected to be \$11 million annually. Development plan apparently is estimated to be \$16 million annually, additional off-site guest spending in the immediate area, \$25 million, in the opening years.

We truly want to make Mineral King a model for year-round mountain recreational areas for families while at the same time extending the needed protection to our environment. We believe that the potential for Mineral King as a controlled development without harm to the environment or destruction of the wilderness exists, and that this outstanding natural resource should be made accessible in a sensible manner to the people of the State of California and the United States. We sympathize with those people who say my mountain or my lake, but we also believe we must respond to the theme of this is our land. As we move toward the 1980's, we must face up to the facts that we are in a leisure revolution, where people, families, need recreational areas as a retreat from the asphalt, and the small homes of today.

There is a critical, yes, critical need for family recreation. The best and proven way to develop these areas is through a proper working of government and private enterprise, and that is what Mineral King can be. Mineral King can be a living example of how government and private industry can work together to provide needed recreation for families. We have an environmentally sound track record of our company, acknowledged around the world. We would like to work with the government for progress in family recreation. We have said many times that a picture really says a thousand words, so since you all haven't had a chance to be in a Mineral King area, I would like to show you just a few pictures of the area.

This is a typical picture on a weekend, where it has already been mentioned there are a large number of people in the valley floor, during the summer months, so we maintain that the pollution, it is already there. Our studies have shown in the past histories and not recent ones, I am talking about years past, that in the summertime that river runs through that beautiful valley, it was actually polluted.

Senator ABOUREZK. Is that a photograph?

Mr. NUNIS. That is a photograph of the Monarch Creek area where there are cars parked during the summer months.

Senator ABOUREZK. What do they do?

Mr. NUNIS. They backpack, they fish, they swim in the upper lakes, the immediate area, and we have never taken any counts, but we have been told there are somewhere between 2,000, 3,000, to 5,000 people on certain peak days, particularly around the Fourth of July, but I don't know that for a fact because we have never actually taken any counts.

The next picture is extremely important—this area is an absolutely magnificent area during the winter. I think any environmentalist will tell you there is no problem with the environment during the winter because this area is covered with about 96 inches of snow, and that is on an average. It goes way up above that, and our description is really above the timber line, so we will not be cutting trees substantially

because the area is cleared as it snows in this picture. Here is another example of Monarch Creek looking up toward the valley and as you can see, the area is already open for skiing and there are people going up there now and do ski by helicopter. This picture gives you a good illustration of the study areas the Forest Service mentioned this morning; that is 16,000 acres. I would like to point out, though, that we are only going to develop in Monarch Creek; this ridge which encompasses about 20 acres, that green circle at the bottom of the valley, so I wouldn't exactly call that desecrating the area.

I would like to show you a picture because the first thing we will do when we do the project, we will clean up the dump. Today, Senator Hayakawa, I believe, was the first one to suggest it, and I think after that there were other people that suggested it, and we wholeheartedly concur that if it is in order, Mr. Chairman, we would like to recommend that your subcommittee consider that the entire Senate committee take a field trip study this summer, and that we have a meeting right in the valley floor. We would be very happy to show you our project and what we are talking about.

Senator Cranston, whom I know and I consider him a very fine Senator in the State of California, but unfortunately the figures that he was using today were 1969 figures. He quoted 21½ million visitors. That is not true, and I am sorry that he didn't have the information and I guess I will have to assume that responsibility. But our figures now are substantially reduced because in working with the Forest Service we agreed that our first pass at the project was probably too big, so we now have reduced that and we are talking about at the capacity, as far as a yearly capacity of visitors, 700,000 in the opening phase, and 780,000 in the full development plan.

This would generate down, on a daily basis, in the wintertime. We would have an average daily attendance of 6,200 people in the non-winter period which would be the offices on in the summer, in the village areas in the valley, 3,400 and in working cooperation, and this was the figure given to us by the Forest Service, 1,500 or 2,000 would be allowed to go out of the village into the high country.

Senator HANSEN. If I could interrupt. In order to help, in an effort to help set the record straight, I think what Senator Cranston said was the original Forest Service plan called for 18 ski lifts, six campgrounds, and this development would allow for 2,785,000 visitors per year.

Mr. NUNIS. That was correct in 1969.

Senator HANSEN. I just wanted to say that I don't know that he, or at least I, don't infer from this that he was saying that would be the number of visitors that are now under the reduced plan.

Mr. NUNIS. Yes, sir.

Senator ABOUREZK. May I ask first of all, the question that has been suggested here by a number of witnesses, who would pay for the access road should your development be completed?

Mr. NUNIS. In 1969, Mr. Chairman, the Government at that time thought there was a great need and it was going to be funded by the State. That would be one of our responsibilities to work out the details as far as how the road would be funded.

Senator ABOUREZK. You can't say today who will fund it?

Mr. NUNIS. No, sir, I cannot. We have not been working on the project actively due to all the litigation over the years.

Senator ABOUREZK. Can we say that Disney Co. would fund it?

Mr. NUNIS. No, sir, we cannot say that.

Senator ABOUREZK. Would it be more likely the State of California?

Mr. NUNIS. Yes, sir, the county and State, and as was mentioned today by, I believe the Park Service people, that they face up to the fact in reality, that that area if it is going to be utilized properly, whatever way, that a road would be required.

The present road is a very dangerous situation. However, as you can see by that one picture, many, many people make that dangerous trip up that highway.

Senator ABOUREZK. But it is kind of a dilemma. If the State is against the project, they are not likely to fund the road, Disney is not planning to fund the road, and I don't think the Federal Government—maybe they could—I don't know, maybe the Forest Service could.

Mr. CAYO. Senator, if I may add some comments to that. The legislation once passed in the State of California to fund that road, that legislation is still on the books, although the moneys have been used for other road purposes in the interim. We would have to go back and determine the exact status of that situation with the State.

The reason those moneys were used elsewhere was because of the lawsuit which precluded going ahead with the development. One of the plans we have been considering with Dr. Cutler and the Forest Service provided for Forest Service funding of that road. That is another possible alternative. Other things to be explored, Senator, would be the possibility of a toll road. We also believe that we could demonstrate—

Senator ABOUREZK. Toll road built by the Federal Government?

Mr. CAYO. For example, this is without studying—possibly the county, let's take a revenue bond situation, setting a toll to pay the interest and principal on that bond, that is a possibility.

Senator ABOUREZK. So if you had a toll it is a possibility that there seems to be, you have got a problem if you had a toll road, you would essentially restrict access then to the general public to an area owned and controlled by the Government. If somebody wanted to come and didn't want to pay, they had to pay for gas and so on, but didn't want to pay the toll on the road that would be, that would essentially restrict them so you would have a further restriction.

Mr. NUNIS. Mr. Chairman, it was a working mining area and has a great history, and that is one of the things we try to get across in summer activities, but in 1878 the road was built based on being a toll road, the original road.

Senator ABOUREZK. A hundred years ago?

Mr. NUNIS. Yes, sir, 1878.

Senator ABOUREZK. That is before the Forest Service took it over?

Mr. NUNIS. Yes, sir.

Senator ABOUREZK. Can I ask another question? How do you interpret the contract you have with the Forest Service, the one we were struggling with this morning? Do you think that obligates the Government to allow you to go ahead, or are there further steps to be taken?

Mr. CAYO. Senator, I have a complete copy here and it is legible, and I would offer it to the committee. It has nine amendments, sir, and the ninth amendment calls for the issuance of a 30-year permit upon the happening of certain events.

Senator ABOUREZK. What are those?

Mr. CAYO. Approval of the final plan, 30 days having elapsed since the filing of final environmental impact statement.

Senator ABOUREZK. Will all nine of those conditions have to be fulfilled before the contract goes into full force?

Mr. CAYO. As I read this.

Senator ABOUREZK. Do you have one of your lawyers with you?

Mr. CAYO. I happen to be a lawyer, also.

Senator ABOUREZK. Go ahead.

Mr. CAYO. We feel there is an obligation; we feel there is an obligation running from the U.S. Forest Service to Disney.

Senator ABOUREZK. What provision of the contract? That is what I want to know, what is the obligation, where is it stated in the contract?

Mr. CAYO. The obligation is for the Forest Service to issue the 30-year permit to allow the development to proceed.

Senator ABOUREZK. Where is it stated in the contract for them to issue that 30-year permit?

Mr. CAYO. Well, it is stated in amendment No. 9, Senator.

Senator ABOUREZK. Would you read that?

Mr. CAYO. A 30-year-term special use permit covering not to exceed 80 acres, and a supplemental annual special use permit will be issued to the permittee upon the completion of the following requirements.

Senator ABOUREZK. What are the following requirements? You haven't done anything yet. You don't have any binding agreements yet. What are the requirements that should be fulfilled?

Mr. CAYO. One, Senator, would be the approval of the final plans.

Senator ABOUREZK. By the Forest Service?

Mr. CAYO. Yes, sir.

Senator ABOUREZK. And is there anything that would force the Forest Service to approve those plans? In other words, it is totally in their discretion?

Mr. CAYO. I believe it would be in their discretion, yes, sir.

Senator ABOUREZK. There is nothing you read in that agreement that would require them to approve that?

Mr. CAYO. No, sir.

Senator ABOUREZK. Your reading of that agreement is that they have discretion, they don't have to show cause as to why they would disapprove?

Mr. CAYO. I would read this as they would have to exhibit good faith in their reasons for rejecting the plan.

Senator ABOUREZK. Where is that?

Mr. CAYO. It is not shown here.

Senator ABOUREZK. There is no requirement. It is not in written contract, right?

Mr. CAYO. Well, there may be a force of law working here in terms of how the parties—

Senator ABOUREZK. Just a minute. When I went to law school, when I practiced law, anything outside of a written contract was null and

void. If you had a written contract, that is it, period, stop, unless there was fraud involved of some sort. You are not alleging fraud on the part of the Government?

Mr. CAYO. No, absolutely not. Absolutely not.

Senator ABOUREZK. At this time?

Mr. CAYO. Nor am I about to say we are going to file a lawsuit against the Forest Service, although Dr. Cutler gave us credibility for that. I think what I am saying here is that we, in good faith, entered into this with the Forest Service. I was in good faith, and we spent approximately \$1.2 million and while this didn't exactly say that they must do it, we think that if you follow the history of this, there is a significant obligation, whether it is legal totally or morally or whatever, we do feel that.

Senator ABOUREZK. You are not suggesting that you have been led to believe by the Government or any agency thereof, that they would give you that permit to develop the thing after you finished planning it. That isn't a written contract, didn't it stop short of that point and say go ahead and draw up your plans and we will talk about it further?

Mr. CAYO. You are absolutely correct.

Senator ABOUREZK. You took your chances in essence when you agreed to that; is that correct?

Mr. CAYO. Senator, we took chances, yes, but we believe that we could fulfill the development requirements of the Forest Service, with the Forest Service acting in good faith and reviewing our plans. There was always that possibility we couldn't come to a meeting of the minds, but we felt back in 1965 when we first got into that working together we could achieve an approved development. Now if the Forest Service today should turn around and deny a permit because of the administration's policy, support of 1971, I would raise a serious question as to whether that is the type of discretion that they should be allowed to exercise.

Senator HANSEN. I can help quite a bit here between you lawyers because I am not one, but it does seem to me that if I understand you correctly, if Disney has invested \$1.2 million in this project already, I should think that that investment and the time that has expired since you became interested, certainly would imply that clear conviction on your part that if you lived up to other terms in the contract and fulfilled all of those things that you were supposed to do, and in good faith the Government were to proceed in a similar like fashion, that you might reasonably expect that sometime that you would be issued the 30-year permit or whatever it is that is the point or the goal toward which you are striving. Is that not a reasonable assumption?

Mr. CAYO. I agree with you totally, Senator. We did have that expectation, and that in our expenditures of money, it was with the ultimate purpose of reaching an agreed upon development to allow us to go forward.

Senator HANSEN. I said that because I always hesitate to try to quote someone precisely because I can't do that very well, but I thought one of Senator Abourezk's questions were nothing has yet been done, and it would seem to me that I know if I invested \$1.2 million, I would say something has been done.

Senator ABOUREZK. But I mean the contract didn't say that if you invested any amount of money you are entitled to a permit, does it?

Mr. CAYO. No, sir.

Senator ABOUREZK. Were you led to believe that you would get a permit by the expenditure of any amount of money?

Mr. CAYO. We had to spend money—

Senator ABOUREZK. Answer my question.

Mr. CAYO. To develop a plan which we felt would be approved working with the Forest Service—

Senator ABOUREZK. Why did you feel it would be approved?

Mr. CAYO. Our working relationship.

Senator ABOUREZK. Who said that?

Mr. CAYO. Senator, I don't know if anyone said it in particular. It is a relationship that developed. We worked very closely with various members of the Forest Service. I am not suggesting here, Senator, that there is cold, hard language that says you must deliver the permit to Disney and if you don't you are going to have to pay Disney dollars. I am not suggesting that at all. What I am suggesting is that the permit was to be issued upon the approved plans, we spent money to develop those plans, the Forest Service endorses our plans, and for external reasons it has nothing forward.

That is the reason the permit is not issued.

Senator ABOUREZK. Has the Forest Service endorsed your plan?

Mr. CAYO. Senator, they issued a final environmental impact statement which contemplated our plan.

Senator ABOUREZK. Have they endorsed it?

Mr. CAYO. I believe that statement, final environmental impact statement, constitutes an endorsement.

Senator ABOUREZK. It is an environmental impact statement. That is the compliance.

Mr. CAYO. They selected our plan as the proper alternative for the—

Senator ABOUREZK. That was done 10 years ago.

Mr. CAYO. No, sir, that was issued in 1976.

Senator ABOUREZK. Two years ago and they selected yours, but have they given, according to the contract, final approval?

Mr. CAYO. I don't know. You mean in the contract terms, they have not issued the permit, so obviously they haven't taken that next step. Of course, this pending legislation has changed that.

Senator ABOUREZK. Slowed that down.

Mr. CAYO. And also the suit with the Sierra Club, while it is no longer—the judge questioned the lack of prosecution and the Forest Service and the Sierra Club agreed to a dismissal of that without prejudice, with the understanding that the lawsuit would be reinstated as between the two of them if and when a permit was issued.

Senator ABOUREZK. What I am trying to arrive at, and I think you understand what I am trying to get at, is there any kind of a legal obligation on the part of the Federal Government or its agency to give you a permit? Do you know of any legal obligation and what, if so, is that legal obligation? You can't put what you call a special relationship or the understanding that you have with the Forest Service itself, because of your working relationship, before the judge and get anything on that. I am well aware of that and I think you are, too.

What is the obligation of the Federal Government to give you that permit if they don't want to?

Mr. CARO. I would assume, Senator, that there would be no obligation under those circumstances. I have got to assume that again, that the reason they don't give us the permit is because they don't agree with our plan, or they feel we didn't live up to what we were supposed to do. We would question, I would question the right of the Federal Government for reason beyond what was contemplated in this agreement to say we are not going to issue it to you.

Now legislation, of course, can change that situation, no question about that.

Senator ABOUREZK. OK. I want to find out about the kind of plan you have for the area.

Mr. NUNIS. Mr. Chairman, in the wintertime the skiing will be the primary activity. In the summertime, we plan to have hiking, rock climbing, wilderness trips, family camping, survival trips, fishing. We think there is a great opportunity here to do a conservation center, and working in cooperation with the Forest Service to tell our young people of the need for conservation.

Senator ABOUREZK. Can I interrupt you for a brief minute? You are going to build hotels, lodges, condominiums, what?

Mr. NUNIS. It is not a real estate development. We do plan to build a village in Monarch Creek which will encompass about 20 acres.

Senator ABOUREZK. What will be in the village?

Mr. NUNIS. Rooms, 500 rooms.

Senator ABOUREZK. Hotel rooms?

Mr. NUNIS. Yes, sir, but this will be what we call detached lodging, it will not be one large hotel. Our feeling is we want to keep it more natural in a natural setting, taking into consideration some of the original architecture of that area. Not a Swiss Tirolean, and I would like to make it very clear we do not plan to build a Disneyland on top of the mountain. We are in the recreation business in the State of Florida, we have a campground that is over 800 spaces, it was awarded last year, an award for being the finest campground in the country. So we are in the recreation business in a very big way in the State of Florida, and I would invite anyone down there to see what we have done environmentally.

Senator ABOUREZK. Can I interrupt you once again? When you say you are going to have rock climbing and conservation, will those be activities that you will charge people for? If somebody wants to go rock climbing, is there an admission fee?

Mr. NUNIS. We have our own travel company. We are very big on package plans, so what we do, you take a vacation, people like to have the convenience of having a package plan, it is built into one cost, which includes air travel or bus travel, so that all of those activities will be part of a total package.

Some individual activities, if somebody wanted to come up there and look at the village, we believe many people will, there would be no charge for that. Individual activities like a conservation tour, where we would have a guide, there would be a charge for that.

Senator ABOUREZK. But that would be included in your package?

Mr. NUNIS. Yes, sir, we would incorporate all that in the package plans.

Senator ABOUTREZK. If somebody who like, for example, didn't fly in and buy a package plan, if somebody drove up and wanted to go on a rock climb or something, they would have to pay an individual for that?

Mr. NUNIS. With a guided tour, yes, sir, but not on an individual basis. That is what the Forest Service said, they will allow 1,500, or 2,000 people to go out of the valley which would be past the village into the high country and there would be no charge for that because that would be an individual activity which is going on right now.

Senator ABOUTREZK. Well, that is generally what I wanted to ask. I want to thank you. I have to leave. Senator Hansen will chair the hearings and continue the questioning. I express my thanks to all witnesses for appearing.

Mr. NUNIS. I would like to make one other point. The comment about pollution has come up. I would like to indicate that our new plan does plan to bus 60 percent of the guests on a peak day into the valley. The parking lot has been reduced. I think the figure this morning was stated, 2,000 spaces.

Our parking lot we have cut in half to 1,000 spaces, so 60 percent of the guests on a peak day would be bused into the area. And I would like to close by saying that Mineral King can, without any question, be one of the finest year-round recreational areas for families in the world.

It is located 235, 230 miles from Los Angeles, which is a very heavily metropolitan area, and it is truly the last opportunity for that heavily populated area to experience a new year-round recreation area which is a close distance.

We believe strongly that it would be a great tragedy for the people of the State of California and the people of our country, if Walt Disney's dream for Mineral King is not allowed to become a reality, and our company, if we are allowed in the future to do the project, we are dedicated to carry on the philosophies of Walt Disney, and quite honestly, if I hadn't known him, I don't think I would be working as hard as I am right now.

I appreciate your time and interest and it has been a pleasure meeting with the subcommittee. Thank you.

Senator HANSEN [presiding]. Thank you very much.

Before the witnesses leave the table, just let me ask that a letter with a heading on it, the Department of Agriculture, Office of the Secretary, with the notation advanced copy, 1-8-78, addressed to Hon. Morris K. Udall, chairman of the Committee on Interior and Insular Affairs, House of Representatives, be included in the record.

[The letter follows:]

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., January 18, 1978.

HON. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 1771 and H.R. 1772, identical bills "To enlarge the Sequoia National Park in the State of California by adding to such Park the Mineral King Valley area, to provide for certain planning respecting the management of such addition, and for other purposes."

The Department of Agriculture recommends that H.R. 1771 and H.R. 1772 not be enacted, and that the Administration's proposed substitute bill be enacted in lieu thereof.

H.R. 1771 and H.R. 1772 would enlarge the Sequoia National Park, California, by adding about 15,600 acres in the Mineral King Valley that are now part of the Sequoia National Forest. Administrative responsibility for the Mineral King area would be transferred from the Secretary of Agriculture to the Secretary of the Interior, who would be required to submit to Congress a comprehensive management plan for the area. Full public participation during development of the plan would be required. Section 6 of the Act of July 3, 1926, providing for management of the Sequoia National Game Refuge, would be repealed and the area would be managed in accordance with the policies for the Sequoia National Park.

The Mineral King area is now administered in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215, 16 U.S.C. 528-531), the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976, and other applicable laws relating to the National Forest System. In addition, the Sequoia National Game Refuge is administered under provisions of section 6 of the Act of July 3, 1926 (44 Stat. 821, as amended; 16 U.S.C. 688).

Mineral King is within the Sequoia National Forest and the Sierra Nevada Mountains of central California about 230 miles northeast of Los Angeles and about 270 miles southeast of San Francisco, in the headwaters of the East Fork of the Kaweah River. The Mineral King is about 2 miles long, narrows down to a width of $\frac{1}{4}$ miles, and includes eight alpine basins. The Valley is slightly more than 7,000 feet above sea level. Surrounding lands rise to more than 12,000 feet. There are several hundred acres of private land, some of which are occupied by summer recreation residences, an old store, post office, resort, and other improvements associated with the old mining town of Mineral King. About 60 summer recreation residences exist, under permit, on National Forest land. A "summer only" road now serves developments in the Valley.

Mineral King has exception high potential for developed winter sports recreation. In 1965, the Forest Service invited bids for development and operation of a winter-summer recreation complex at Mineral King. The planning permit was awarded to Walt Disney Productions in 1966, and a master development plan was submitted by them in 1969. The Master Plan was approved by the Forest Service in 1969. The Draft Environmental Statement for the planned venture was issued in 1974, and a Final Environmental Statement was issued in 1976. Implementation of the favored alternatives has been delayed due to substantial public controversy and opposition to the scale and sophistication of the development being proposed.

A new proposal has been formulated to increase emphasis on the wilderness attributes of the area and scale down the year-round recreational developments envisioned. This proposal recognizes both the development opportunities as well as the outstanding natural values of the area and provides for the following:

I. Mineral King Wilderness of 10,900 acres to include the unique ecological values represented by the lakes and alpine vegetation association, the deer fawn-ing areas, and the caves.

II. Adjacent Mineral King Area and Access Corridor of 5,500 acres of which 5,100 acres are for year-round recreation and 400 acres for an access corridor to facilitate exclusive bus transportation of wilderness and recreation users from Oak Grove to Monarch Creek.

A. Winter use by a maximum of 6,000 persons at one time (PAOT) will be facilitated by development of 10 ski lifts to Cirques 1 and 2, Mineral Bowl, and Mosquito Bowl and base facilities at Faculty Flat and Silver City.

B. Summer use by a maximum of 4,000 PAOT will be facilitated by development of two improved campgrounds with a 250 PAOT capacity, eight primitive campgrounds with a 430 PAOT capacity, and 10 additional miles of trail. Summer activities will feature camping, hiking, fishing, swimming, and nature study. Deer and bear hunting in season will also be available.

C. Access Corridor will feature public auto access to Oak Grove and controlled bus-only-transport from Oak Grove to Silver City and Monarch Creek. This will require reconstruction of the two-way road from Hammond to Oak Grove, realignment and reconstruction of the road from Oak Grove to Monarch Creek, and year-round maintenance of both roads.

These proposed developments would accommodate about 590,000 visitors annually. Estimated costs are:

Land acquisition-----	\$3,700,000
Recreation development facilities-----	55,088,000
Roads, buses, and bus terminals-----	20,900,000
 Total project costs-----	 \$79,688,000

Of the total costs, \$60,000,000 will be borne by a permittee investment. We believe this investment will give a prudent operator an opportunity for a reasonable profit. We estimate ski lift fees of \$9.00 and bus transportation fees of \$3.50.

We believe this proposal is within the scope of the alternatives considered in the Final Environmental Statement and would provide significant benefits with less negative impact than the previously selected alternatives.

Our proposed substitute bill, which is enclosed, would allow for the implementation of this proposal by designating a portion of the Mineral King area as wilderness and providing necessary authority to develop the recreation facilities on adjacent lands. We recommend adoption of the enclosed proposed substitute bill.

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

Sincerely,

Senator HANSEN. I call attention next to page 2 of that letter, and I read from the first full paragraph which says:

Mineral King has exceptionally high potential for developed winter sports recreation. In 1963 the Forest Service invited bids for development and operation of a winter-summer recreation complex at Mineral King. The planning permit was awarded to Walt Disney Productions in 1966 and the master development plan was submitted by them in 1969. The master plan was approved by the Forest Service in 1969. The draft environmental statement for the planned venture was issued in 1974, and the final environmental statement was issued in 1976. Implementation of favored alternatives has been delayed due to substantial public controversy and opposition to the scale and sophistication of development being proposed.

For whatever contribution this may make to a clarification of the earlier issue that was raised as to the relationship and the status of the Disney Productions and Forest Service and/or Park Service, I would hope this may help somewhat.

To clarify, and the entire letter, a copy of which I have is unsigned, will be included in the record. Thank you very much.

Mr. NUNIS. Thank you, sir.

[The prepared statement of Mr. Nunis follows:]

STATEMENT OF RICHARD NUNIS, EXECUTIVE VICE PRESIDENT FOR DISNEYLAND

Mr. Chairman, my name is Dick Nunis, I am Executive Vice President for Disneyland, Walt Disney World and Outdoor Recreation, Burbank, California, and I reside in Southern California.

We are pleased to have the opportunity to appear before your committee to state our company's history, involvement and present position on Mineral King.

I have been privileged to have known and worked closely with Walt Disney all of my adult life. I was with Walt Disney in 1960 at the winter olympic games when he came up with the idea of using the experience we had gained at Disneyland to set a new level of standards for a year-round mountain recreational area for families. Allow me to interject here that long before the word "environmental" became a household term, Walt Disney stood for the preservation of natural resources and the uplifting and dignity of people by presenting them with the highest standards of outdoor recreation and it was in this spirit that Walt Disney envisioned the development of Mineral King.

Our involvement with Mineral King began in early 1965 when the U.S. Forest Service, acting under a mandate from the United States Congress to provide multiple use management of the National Forest lands under their jurisdiction,

recognized the growing need for additional outdoor recreational opportunities for the people of California and the Western United States. After some twenty years of study at Mineral King, the Forest Service issued a prospectus in March of 1965 calling for competitive bids from private enterprise to provide year-round recreational facilities at Mineral King. In November of that same year the Sierra Club endorsed the concept of development at Mineral King and characterized it as a "vastly superior" area to serve Southern California.

In January 1966, our proposal for Mineral King was selected from among six bidders, and we were awarded a preliminary planning permit. This action taken by the Forest Service in issuing the permit was consistent with a policy which they have followed at some 84 other Forest Service areas throughout the United States. This traditional relationship called for a joint venture of private capital to provide needed facilities on public lands. In fact, at this period of time, we entered into a working partnership with the Federal Government.

The Forest Service working hand in hand with Disney approved the Walt Disney Productions plan for year-round outdoor recreational facilities for Mineral King in January of 1969. The State of California recognized the need for additional recreational facilities and funded monies to provide for construction of an access road into Mineral King.

The Sierra Club then reversed its earlier position and challenged the authority of the Forest Service to issue permits to us. They obtained a temporary injunction which caused all further activities to be halted.

Still the Disney Company stood by the government at considerable expense and in the face of unwarranted attacks against our company's reputation and image. Throughout our 13 year history with Mineral King the project has been endorsed by three Presidents, two Governors, the California Legislature, and the Board of Supervisors of Tulare County—the county in which Mineral King is located.

Through 13 years of frustration and expense we now face Senate Bill 88—our company opposes this legislation for the following reasons:

1. Federal lands in California account for approximately one-half of California's 100 million acres. Inasmuch as the Federal Government controls one-half of the land in the state, it has a major responsibility to provide recreational facilities for residents as well as to visitors to California. Senate Bill 88 has the practical effect of banning needed recreational facilities from Mineral King.

2. Today, very little public land is devoted to needed recreation. In California, within a 100-mile radius of Mineral King, more than 2.5 million acres of public lands have been classified as wilderness or roadless areas in National Forests, National Parks, and National Monuments. Yet, statewide, less than 15,000 acres of National Forest lands have been allocated to winter recreation.

3. Winter recreation has experienced an annual growth rate of 15 percent since 1955. By 1985, the demand for Southern California skier days will double from 1.6 million to 3.4 million. Yet there has been no new ski area built in California since 1971 and there is no evidence that any such area will be developed in the near future. There is also a great need for additional summer recreational areas. Therefore, the key issue at stake today is really the balanced management and use of public lands—the designation of certain highly qualified areas for recreational development.

4. Our company has developed a substantial reputation throughout the world for providing the finest in family recreational facilities, along with a long-standing commitment to educating the public about the value of wildlife and our natural environment. When the Mineral King project goes forward, it would be our wish to enhance that reputation by helping to establish new standards for master planning and public service in our role as permittee on National Forest Lands.

This project would unquestionably benefit the economically disadvantaged area surrounding Mineral King. The following are the projected economic impacts:

Peak Construction Labor Force—800-900 people.

Total Gross Construction Payroll—\$50 million for four years.

Employees opening: Summer—800 people, winter—900 people.

Development plan: Summer—1,100 people, winter—1,300 people.

Opening Gross Payroll—\$11 million annually.

Development Plan Payroll—\$16 million annually.

Additional off-site guest spending in immediate area—\$25 million in opening years.

We want to make Mineral King a model for year-round mountain recreational areas for families while at the same time extending the needed protection to our environment. We believe that the potential for Mineral King as a controlled development without harm to the environment or destruction of the wilderness exists, and that this outstanding natural resource should be made accessible in a sensible manner to the people of California and the United States.

We sympathize with those who feel that these are my mountains, or this is my lake. But we must respond to the theme of "This is our land".

As we move towards the 1980's we must face up to the facts that:

We are in a leisure revolution where people need recreational areas as a retreat from the asphalt and small homes of today's life.

There is a critical . . . yes, critical need for family recreation areas.

The best and proven way to develop these areas is through a proper working of government and private enterprise.

We have an environmentally sound track record acknowledged around the world. We would like to work with the government for progress in family recreation.

Mineral King can be one of the finest year-round recreational areas for families in the world. It would be a great tragedy for the people of the State of California and the people of our country if Walt Disney's dream for Mineral King is not allowed to become a reality.

Thank you for your attention and consideration to this important issue.

Senator HANSEN. Next we will hear from Mr. Richard H. Smith, representing the private property owners.

Mr. Smith, please come forward.

STATEMENT OF RICHARD H. SMITH

Mr. SMITH. Senator, my name is Richard H. Smith and I represent approximately 60 people who own private property inside the areas proposed to be part of this park. I am going to respectfully submit my written testimony. I would like to just comment on a couple of things that I haven't covered in the written testimony.

Senator HANSEN. Your entire written statement will be included in the record and would you like to have included a list of the persons you represent here today?

Mr. SMITH. Yes; I would like to have the list of people.

Senator HANSEN. Without objection, the two shall be included.

Mr. SMITH. I would like to just call the Senator's attention to the map which is on the last page of my written testimony. It is an indication of the area involved here. It is in the Silver City area, it comprises approximately 640 acres. We have basically two positions that I would like to propound to the committee, sort of an either/or situation. The people who own the majority of this land, over 500 acres, we would be less than candid if we didn't say that we would love to be able to develop that to financial advantage, and this is in the hands of the Congress when this bill comes to pass, so I wanted to say that in that regard, we don't believe that a careful and qualified development that would meet ecological needs is necessarily bad or impossible.

We do, however, have a second position, and that is if the bill passes, we are rather concerned about the language as far as the protection of the private property owners is concerned.

I would like at this point to say that when this bill was being heard in the House, we were most appreciative of the kindness and understanding of Congressman Krebs and Congressman Burton who listened to our concern. Our problem basically is that we are being taxed out of existence, in simple terms in tax just a small portion of

this property, on which I happen to know some statistics. I represent a trust company who is trustee for three children of Walter Wells, who is deceased and who have an interest in this Silver City property, and the most that we can develop on an average year in rentals for people who sell a little milk and fresh groceries to the backpackers is \$1,500 a year in income off of this small segment of the property that we own there, and our annual real estate taxes are running right at about \$7,500. We are going in the hole every year. We would like to either be able to develop or sell it, so if the bill passes, we would like to ask that the Government acquire this and to this end, the House has been most helpful and receptive; and we are not coming before this committee to complain of any bad treatment in the House. Quite the contrary, but we are worrywarts, and we probably just don't understand the legislative process well enough, but specifically, on page 5 of this bill, line 9 and 10, the gist of the comment E there in the bill is that if there is an undue hardship being suffered, then the individual owning the property can petition to the Secretary to have the land purchased, and the Secretary will give prompt and careful consideration.

Now, as a legally trained person, I don't think, I don't know and I don't think with all due respect to everybody in the room, I don't know if anybody could tell me what undue hardship is. I think it is a standard boiler plate term, but I would respectfully request that consideration be given to eliminating it in this instance, because there is no need for it. We are not really asking a favor. If the park owns all the land around us, we ought to be able to say, hey, won't you please consider buying this at the fair market price, because hardship, I represent a lot of people who are just average middle-class people, I can't honestly say they are poor, they certainly are not rich, and what is hardship? I don't know, but we would be a lot more comfortable if this language were amended.

Second, I would like to point out the dollar amount in the authorization. I would like to second the Secretary from the Park Service, it is really grossly inadequate, Senator. I think we have got enough timber on that land to be equal in value to the purchase price authorized in the bill of a \$1½ million, and I think I would respectfully submit that the rocks and dirt also have a value plus there are approximately 28 cabins that also would have to be purchased, so we would respectfully submit that perhaps the valuation is not adequate in the bill on the last page, line 13.

I would like to express my appreciation to the committee for hearing me. I won't belabor or impose on your time. I know you are tired of sitting, but I thank you very much for allowing me to bring these two points to your attention. If I could make just one other comment, then I would like to close: We do own the land in free simple absolute. In walking around and talking to people, I find that there is a general disbelief, but we do, the people I represent, do have a fee simple absolute title and second, we are not short-time speculators. The two families that I represent, the Wells family and the Jones family, have owned their land for over 4 years. The cabin owners have owned their land for anywhere from 25 to 30 years, and nobody that I am representing rushed up there and bought land when they heard Disney was going to build, and now we are asking you to bail

us out. That simply is not the situation. We have had it for a long, long time and it is going to be taken by this bill, so we are just asking that consideration be given to the total circumstance.

Thank you, Senator.

Senator HANSEN. Thank you, Mr. Smith. One question: It is my understanding that the administration recommends on page 8 of the bill, line 13, an updated amount, which is a reflection of a more recent appraisal, strike the figure \$1.5 million, and insert in lieu thereof the figure \$5.2 million. Now I know that with inflation being rampant as it is, and for those unaware of it, even the President is observing that these days; is that figure adequate at the present moment in your opinion?

Mr. SMITH. Senator, I would say that it is within the ball park. I am not certain that it is adequate. I think it may have been added, about last year or the year before, it is certainly a reasonable figure and it is close.

Senator HANSEN. At least it would be far more nearly than is the figure \$1.5 million.

Mr. SMITH. Yes, sir, it would, in my judgment.

Senator HANSEN. On page 5 under section 4-E, do you have some specific acquisition language that you might suggest, if you would like to? You need not do that now. The hearing record will be kept open for 2 weeks and it might be more convenient for you to make that recommendation.

Mr. SMITH. I do have some specific language, and I would suggest that we simply in line 9, after the word "is", eliminate the rest of that sentence, and substitute the words "no longer desired by said individual," and if you would like, I will read into the record the entire sentence.

Senator HANSEN. That is fine if you would like to, but I think I understand. You would strike, in line 9 on page 5, all of the language after the word "is," and insert in lieu thereof, say that one more time.

Mr. SMITH. Yes, sir, insert in lieu thereof, "no longer desired by said individual."

Senator HANSEN. Thank you very much. I have no further questions. I appreciate your presence.

Mr. SMITH. Thank you very much. I have no further questions. I appreciate your presence.

Mr. SMITH. Thank you for your time.

[The prepared statement of Mr. Smith follows:]

STATEMENT OF RICHARD H. SMITH

Mr. Chairman and Members of the Committee, I am Richard H. Smith and I represent 59 private landowners in the Silver City area of Mineral King. For your convenience and information, these land holdings are circled in red on the small map accompanying this testimony. Specifically, I represent 42 cabin owners, the shareholders of the Kaweah Han Forest Reserve Corporation, Mrs. Margaret A. Seaborn, and 9 beneficiaries of the Walter Wells and the Robert E. Jones Testamentary Trusts.

These people own a total of 640 acres of land inside the area which is proposed in this Bill to become a part of the National Parks.

These landowners are deeply concerned with the ecological and environmental considerations for this area and have no desire to see its natural beauty harmed or threatened. Speaking for those individuals who own 550 of the 640 acres, we would like to state for the record that we believe in the multiple-use concept for public lands and we believe further that this concept can be carefully im-

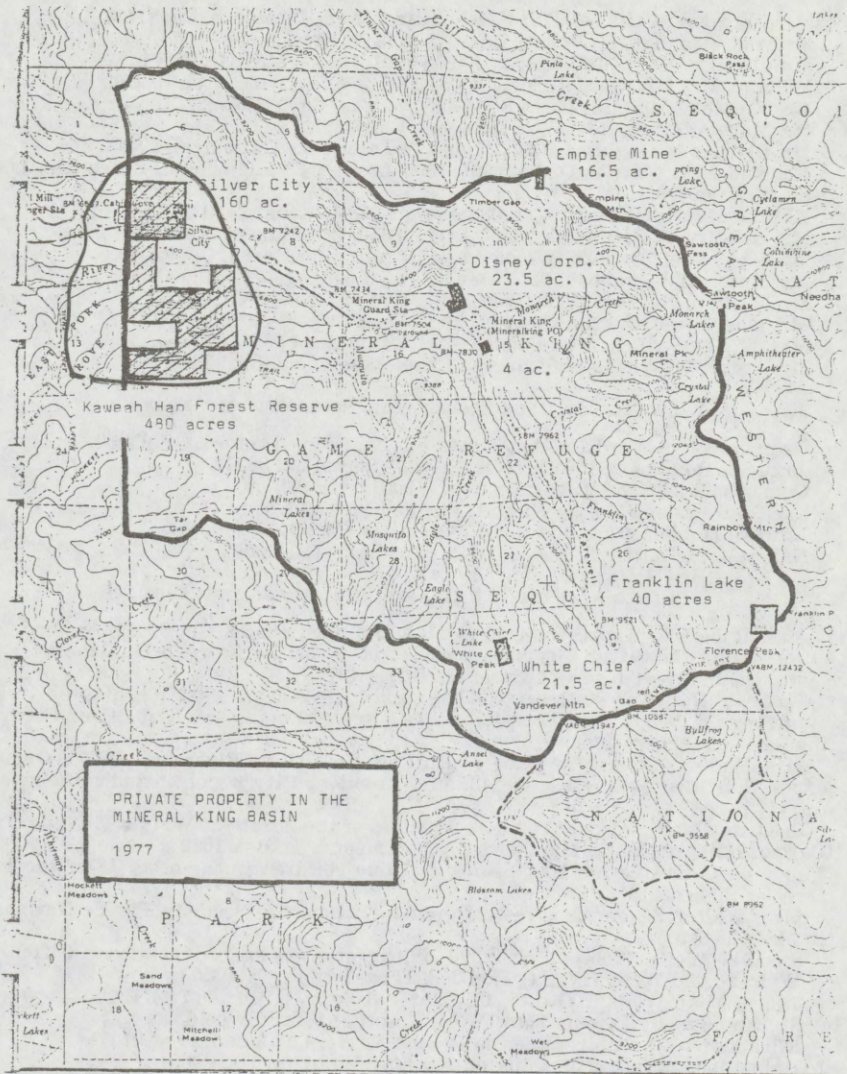
plemented with adequate protection to the environment. We believe that much of the testimony presented on this Bill, when it was heard before the House Subcommittee on October 27, emphasized ecological hard which could not and would not come to pass under a responsible and Government-supervised plan of development. We are, therefore, as a first position, not in favor of this Bill since we believe that in its implementation, it would call for unnecessary interference with private property rights and would unreasonably restrict public enjoyment of this beautiful natural resource.

As a secondary position however, we would urge the members of this Committee to give this Bill careful attention. In the event that this Bill is enacted into law, the private property owners deserve to have their interests adequately protected. The authors of the Bill have given consideration to this matter and the private property owners appreciate the provisions of the Bill which would allow the cabin owners to continue some usage of their cabins after the Bill has passed. However, it is felt that the language of the Bill is rather vague and indefinite. Perhaps this is necessarily so, but it does not add to the peace of mind of those individuals who are landowners.

The other great danger is that the children of Walter Wells and Robert Jones, who are beneficiaries of trusts created for them, and the shareholders in the Kaweah Han Corporation, are in a very real danger of being taxed out of existence by property taxes while being unable to either develop or sell the land. In the event that this Bill passes, it is urged that, for the protection of these people who own approximately 550 acres of the land affected by the Bill, that they be given protection, either in the language of the Bill, or by appropriate congressional supervision, in the form of some assurance that this Bill will not leave them in a position of being held hostage. We have previously asked that if the Bill passes, the land owned by the Wells and Jones Trusts, and the Keweah Han Corporation, be immediately acquired by the Park Service, either by eminent domain, by legislative taking, or by negotiated sale. The landowners are at a tremendous disadvantage in dealing with an entity that possesses the resources and power of the United States Government. Furthermore, a private citizen cannot force the Government to take his land since this is optional with the Government. If this Bill passes, we would assert that as a practical matter, this amounts to a constructive taking of this property and therefore, those owners who no longer desire to hold their property should be able to sell it to the Government.

We appreciate the helpfulness and the sincere desire to do a good job that is exemplified by the authors of this Bill. We realize that the issues are not simple and that this Committee has a difficult task. We would ask that, whatever the decision of the Committee in this matter, that the Committee keep in mind the fact that the private landowners have acquired this land many, many years ago. The Wells and Jones families have held this land since before the turn of the century. There are deep emotional roots to the land and the Committee, it is hoped, will do justice to all the people including the private landowners.

Thank you.



SILVER CITY CABIN OWNERS

- Mr. and Mrs. W. F. Chandler, 714 Highland Ave., Visalia, Ca. 93277.
 Mr. and Mrs. A. W. Clark, Jr., 18411 Fisher Dr., Visalia, Ca. 93227.
 Mr. and Mrs. Thomas A. Condon, Box 10530, South Lake Tahoe, Ca. 95731.
 Mrs. Ione Crumly, 624 Redwood Dr., Visalia, Ca. 93277.
 Mr. and Mrs. Howard Davis, 1516 Kaweah Ave., Visalia, Ca. 93277.
 Mr. and Mrs. Roy Lee Davis, 3559 Road 212, Woodlake, Ca. 93286.
 Mr. and Mrs. Leland Edwards, 18430 Avenue 314, Visalia, Ca., 93277.
 Mr. Michael A. Faraday, 290 Lilliana Dr., Palm Springs, Ca. 92262.
 Mr. and Mrs. Harold D. Foreman, 2700 W. Country Lane, Visalia, Ca. 93277.
 Mr. and Mrs. G. H. Prescott, P.O. Box 612, Cayucos, Ca. 93430.
 Lt. Comdr. Don Simmons, Naval Flight Demonstration Squadron, N.A.S. Pensacola, Fla. 32508.

Mrs. Wendell A. Hubbell, 731 S. Michillinda Ave., Pasadena, Ca. 91107.
 Mr. and Mrs. Ted Huffaker, Box 575, Three Rivers, Ca. 93271.
 Mr. and Mrs. W. C. McCallister, 908 Lyndale St., Tulare, Ca. 93274.
 Mr. and Mrs. W. G. McGrew, 12508 Colony Ave., Tulare, Ca. 93274.
 Mrs. Grace E. McLain, 32096 Road 168, Visalia, Ca. 93277.
 Mr. Marvin Myers, Box 457, Firebaugh, Ca. 93622.
 Mr. Charles D. Oughton, R.R. 2, Box 112, Interlocken, Michigan 49643.
 Mr. and Mrs. Charles O. Penwell, 1595 Los Osos Valley Road, Space 34A Los Osos, Ca. 93401.
 Mr. and Mrs. Irvin Shiffert, 12033 Avenue 274, Visalia, Ca. 93277.
 Mr. and Mrs. B. S. Gowett, 22500 Avenue 340, Woodlake, Ca. 93286.
 Mr. B. F. Voelzow, 3957 Warner Ave. Huntington Beach, Ca. 92649.
 Ms. Rosemary Kennedy, 3257 Dewitt Dr., Los Angeles, Ca. 90068.
 Mr. William H. Potts, 7800 Greenridge Way, Fair Oaks, Ca. 95628.
 Mr. and Mrs. Frank Lawhorn, 1620 College Ave., Visalia, Ca. 93277.
 Mrs. E. Ray Schlick, Mrs. Bob Stewart, 33300 Road 162, Ivanhoe, Ca.
 Mr. Archer H. Warne, 4801 Surrey Lane, Bakersfield, Ca. 93309.

OWNERS OF UNDEVELOPED LOTS IN SILVER CITY AREA

Grunwald, Crawford and Associates, 802 N. Irwin, Hanford, Ca. 93230.
 Jamie L. Robertson, 1505 W. Noble Ave., Visalia, Ca. 93277.
 Comer A. Robertson, 1817 Cain Ave., Visalia, Ca. 93277.
 Carl L. Damsen, 4119 W. Walnut, Visalia, Ca. 93277.
 Edward Holden, etc. 38114 Road 132, Cutler, Ca. 93615.
 Nancy M. McCallister, P.O. Box 357, Woodlake, Ca. 93286.

OTHER PROPERTY OWNERS IN THE SILVER CITY AREA

Mrs. Robert L. Andresen, 4245 Beulah Dr., La Canada, Ca. 91011, owner of 7 acres within the Silver City area and Secretary of the Kaweah Han Forest Reserve which owns 480 acres adjacent to Silver City.

Kaweah Han Forest Reserve, Dale Jones, President, 5802 Washington Ave., Whittier, Ca. 90601. The Forest Reserve owns 480 acres south of Silver City. A family held corporation.

Mrs. Walter J. Seaborn, 44254 South Fork Dr., Three Rivers, Ca. 93271, Owner of an undivided $\frac{1}{2}$ interest in 143 acres at Silver City which includes the small resort there.

Security Pacific National Bank as Trustees of the Estate of Walter T. Wells, Jr., Care of Richard Smith, Mgr., Trust Department, P.O. Box 1632, Fresno, Ca. 93717. The bank is trustee for Mrs. Seaborn's three children in the other $\frac{1}{2}$ of the 143 acres at Silver City.

Mrs. Walter Seaborn's three children for whom the Security Pacific National Bank is Trustee:

Susanne Wells Bachtold, N. 12020 Whitehouse, Spokane, Washington 99208.
 Walter Todd Wells III, P.O. Box 203, Three Rivers, Ca. 93271.
 James Allan Wells, P.O. Box 113, Three Rivers, California 93271.
 Stockholders in Kaweah Han Forest Reserve (A family held Corp.):
 Elizabeth Wells Andresen, 4245 Beulah Drive, La Canada, Ca. 91011.
 Dale Jones, 5802 S. Washington Avenue, Whittier, Ca. 90601.
 Marsha Jones Fry, 360 East 46th Street, Eugene, Oregon 97405.
 Joyce Jones Millikan, 4216 Amau Street, Honolulu, Hawaii 96816.
 Wendy Jones Archer, 1950 Buck Street, Eugene, Oregon 97405.
 Susanne Wells Bachtold, Walter Todd Wells, III, James Allan Wells.

Senator HANSEN. Our final witness will be Mr. Robert Harrell, representing the Tulare County Board of Supervisors.

STATEMENT OF ROBERT HARRELL, REPRESENTING THE TULARE COUNTY BOARD OF SUPERVISORS

Mr. HARRELL. Mr. Chairman, I want to thank you very much for the opportunity, and it is very nice to be in the anchor position. It is very interesting to have all these various comments made about the area in which we have lived for so many years.

My family has been engaged in farming in Tulare County since 1850. I am currently engaged in farming. I grow alfalfa and cotton, some of these crops that Congressman Krebs alluded to. I am a Tulare County Supervisor and have occupied that position for 10 years, and I am speaking to you today on behalf of that body. The Mineral King area is a vital area and an asset to Tulare County, the State of California, and to our Nation. The board of supervisors has long supported the development of this area to its fullest potential and we present to you at this time, a current resolution from that board dated April 25, 1978, and we are also presenting a copy of our letter dated April 12, 1977, that was mailed to each Member of Congress expressing our position on the Mineral King issue.

We oppose any legislation to place the Mineral King in the national park system, or to give it wilderness status for the following reasons: One, more than 50 percent of the land in our county is in Federal holdings at this time, and many thousands of acres recently have been placed in designated wilderness areas. Two, the decision of the circuit court of appeals in the case of the *Sierra Club v. Hickie*, which deals with the Mineral King project, stated that it is reasonable to make Mineral King available to all citizens, rather than having it available only to a small select group. We will adhere to that finding. The county of Tulare has been a party to the Mineral King litigation, as an amicus curiae for many years and we are committed to see the litigation through to its completion. We would like to point out to this committee that we are the only public entity in California, who spent public funds on behalf of this project. We feel that the environmental impact review filed by the Forest Service is a valid and viable one. The proponents of Senator Cranston's bill and Congressman Krebs' bill, raise the issue of the Mineral King project should be devoted because of the air pollution that it would incur because of increased traffic flow into our county. We do not support this position. Currently we have in excess of 2½ million visitors per year to the Sequoia National Park which is in the county of Tulare. They all arrive by bus and all travel the breadth of our county to reach Sequoia Park. These cars emit pollution.

We don't seek the closure of Sequoia National Park, yet the opponent of the Mineral King project feels that the emission of cars coming to this area are valid reasons to deny this project. We resent this type of reasoning. Congress has the authority to control car emissions. You can legislate such standards as you see fit, but a recreational project we feel such as Mineral King should not be negated because of car emissions. We feel that the development of Mineral King would create some 2,500 new positions in our county. In our area, the current unemployment rate is 9 percent. The economic impact would be significant to an area that is dependent upon the vague rise of foreign economy. The county of Tulare is a leader in our State in land unit management. We are pledged to strict zoning and all development would be done under conditional use permits which would be subject to public hearings, environmental impact reviews, and constant, local review. When the Mineral King project was proposed 8 or 9 years ago, the county of Tulare immediately imposed strict land-use zoning on the road into the area. In the areas surrounding the Mineral King

area, we implemented a holding zone which would permit no development of any kind without seeking conditional use permits.

We do not seek the type of development as occurred in other ski areas. We feel this must be tastefully done and the environment must be preserved and we are committed to that. The Mineral King area in our opinion is not a pristine wilderness area as it has been spoken here today. Over a hundred years ago, this was the summer retreat for over 5,000 families that stayed there through the hot summer. It was an organized community with its own Council of Governments. There was an extensive silver mining boom in the area, as well as timber incurred there. There exists, as has been testified today, private holdings of lands in the Mineral King area in the adjacent area of Silver City.

You will be hearing, have heard from representatives of that land. The county of Tulare finds itself in an unique position. The county of Tulare has two able Congressmen representing it here in Washington. Congressman Ketchum who favors the development. Congressman Ketchum represents the southern part of our county. Congressman Krebs, who represents the northern part of the county, has introduced House bill 1771 and favors the Cranston bill, Senate bill 88.

We feel that these particular bills would place Mineral King and would effectively create and curtail any development of the Mineral King area. Both the gentlemen, both these Congressmen, feel that they are representing the views of their constituents in this bill. That is the primary reason why I was sent here today, to personally appear before you.

It is the opinion of the board of supervisors that there is a mistaken belief. We feel that Congressman Krebs does not represent the majority view of the citizens of Tulare County. We don't feel that there is a split view on this subject in our county. Several years ago all of the citizens, the range, the farm bureau, and all the chamber of commerces sent resolutions to Congress for an approval of the development of the Mineral King area. The Fresno County Board of Supervisors passed a similar resolution and at that time Congressman Krebs was a member of that board. To this date, there has not been a single citizen or organization in the county of Tulare that has repudiated its support of the Mineral King project. The Board of Supervisors at Tulare County twice, twice a month meets with city representatives, and I have personally met weekly with the city officials, the cities in my district. There has never been a breach or lack of support at this time for the development of Mineral King. On this basis, we tell you that all of the citizens in our county feel the Mineral King project should be developed.

We thank you for the opportunity for appearing and we seek your help in proposing and seeing the development of the Mineral King area. I don't know if you want to ask me questions about the road or any other questions that have been raised.

Senator HANSEN. Thank you very much, Mr. Harrell. On behalf of Chairman Abourezk, may I ask you this question: Is a county bond issue to finance the access road a viable option from the county's point of view?

Mr. HARRELL. Yes; we do. There have been many discussions on how we reach this particular project. It has been discussed—monorails, trams, that type of thing. There has been discussed busing systems, but all of those discussions—private money has been available for the purchasing and financing of revenue bonds. You had a gentleman here who represented the government of California. He did not represent the legislature of California and it is our understanding, and understanding of the people I represent in Tulare County, the State of California still has in trust ample funds to develop a road to the Mineral King area. There is also a \$3 million offer of economic opportunity grant and we feel that is still available. We want to point out that the Sequoia National Park charges an entrance fee to get into the park. That is another way that this particular development could be handled. I don't see the financing of the road as a stumbling block. We don't call it a false hearing, but we do feel that it is an issue that should be looked at and we feel it can be resolved.

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

[The prepared statement of Mr. Harrell follows:]

STATEMENT OF ROBERT HARRELL, REPRESENTING THE TULARE COUNTY BOARD OF SUPERVISORS

My name is Robert Harrell and I reside at 510 Lombard Court, Visalia, California. I am a Tulare County supervisor and I am speaking to you today on behalf of that body.

The Mineral King area is a vital asset to Tulare County, the State of California and our nation. The Board of Supervisors has long supported the development of this area to its full potential and we present to you at this time a current resolution from that Board dated April 25th, 1978. We also present to you a copy of our letter dated April 12, 1977, that was mailed to each member of Congress expressing our position on the Mineral King issue.

We oppose any legislation to place Mineral King in the National Park System or to give it "Wilderness" status for the following reasons:

1. More than 50 percent of the land in our County is in Federal holdings at this time and many thousands of acres have been designated Wilderness areas.
2. The decision of the Circuit Court of Appeals in the case of *Sierra Club v. Hickel*, which deals with the Mineral King project, stated that it is reasonable to make Mineral King available to all citizens rather than having it available only to a small select group. We will adhere to that finding. The county of Tulare has been a party to the Mineral King litigation as an *amicus curiae* for many years, and we are committed to see the litigation thru to its completion. We are the only public entity in California to have spent public funds in behalf of this project.

3. We feel that the Environmental Impact Review filed by the Forest Service is a valid and viable one.

4. The proponents of Congressman Krebs' bill raises the issue that the Mineral King project should be defeated because of air pollution that would occur because of increased traffic flow into our County. We do not support this position. Currently we have in excess of two and a half million visitors per year to Sequoia National Park. They all arrive by bus and automobile and travel the breadth of our county to reach Sequoia Park. These cars all emit pollutants. We do not seek the closure of Sequoia National Park. Yet the opponents of Mineral King project feel that the emissions of cars coming to this area, are valid reasons to deny this project. We resent this type of reasoning. Congress has the authority to control car emissions. You can legislate such standards as you see fit, but a recreational project such as Mineral King should not be negated because of car emissions.

5. The development of Mineral King would mean some 2500 new jobs in our County, and our area currently has an unemployment rates of 9%.

6. The economic impact would be significant to an area that is dependent upon the vagaries of a farm income economy.

7. The County of Tulare is a leader in our State in Land Use Management. We are pledged to strict zoning and all development would be done under conditional use permits which would be subject to public hearings, Environmental Impact Reviews, and constant local review.

We thank you for the opportunity to appear and seek your support for the development of the Mineral King project and the defeat of this bill.

Thank you.

COUNTY OF TULARE,
BOARD OF SUPERVISORS,
Visalia, Calif., April 12, 1977.

CONGRESSMAN,
*House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN: Through the years, there have been many misstatements and misrepresentations made about the proposed Mineral King recreational area to be built by Walt Disney Productions in the Sierra Nevada Mountains in Tulare County, California. In order to eliminate such misunderstandings, this letter is written to every member of the United States Congress from the Board of Supervisors of Tulare County.

The Tulare County Board of Supervisors are solidly back of the building of the Mineral King Recreational area by Walt Disney Productions on land under the supervision and control of the United States Forest Service.

Further, if a straw vote were taken today, we feel confident that the majority of the people in Tulare County as well as the people of California would also be in favor of the development of this recreational complex for not only the people of California but the whole of the United States.

The environmental impact study has been completed and printed and filed and is highly favorable to the development.

The litigation of the Federal Courts has been held up pending the completion of the environmental impact report. Now that the report is completed, we trust that the litigation can be expedited.

The many jobs that would be generated for the unemployed of our County would be very beneficial to the economy of the State of California and the impact of the use of such a recreational area such as proposed would further enhance the general economy. It would also provide much needed recreational opportunities for thousands that would use it.

Any legislation to place Mineral King in the National Park System or to give it "Wilderness" designation, would negate any real possibility of any such development and the Board of Supervisors urge that such legislation be defeated.

Respectfully yours,

DONALD M. HILLMAN,
Chairman.

BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA

In the Matter of) RESOLUTION
Opposition to H. R. 1771) NO. 78-1056

WHEREAS, hearings are currently being held by Congressional Committees on H. R. 1771 which would include within the boundaries of Sequoia National Park the area known as Mineral King which is located in Tulare County, California; and

WHEREAS, the United States Forest Service, in conformance with their Master Plan for Multiple Land Use Development of Forest Service Lands, has awarded Walt Disney Productions a planning permit to prepare for the development of an all-year public recreation facility at Mineral King; and

WHEREAS, the proposed Mineral King recreation project is a truly unique arrangement in the development of public recreation in that the National Park Service, Forest Service, the County of Tulare and private enterprise will all be cooperating to meet the urgent demand of recreational usage, not only for the people of Tulare County, but the State of California and United States as well; and

WHEREAS, the Sierra Club has actively opposed the proposed Mineral King recreation project and the project has been held up for a number of years by the case of Sierra Club v. Morton (formerly Hickel) which has been before the United States Supreme Court on the issue of standing to sue and is now pending in the United States District Court for the Northern District of California; and

WHEREAS, the Environmental Impact Reports on the Mineral King project prepared by the Forest Service will insure that the recreation project is developed in a way that will fully protect

1 the environment and ecology of the area; and

2 WHEREAS, at the present time, the main uses of Mineral King
3 are by approximately 60 families who have cabins and cottages in
4 the rather small valley on Forest Service permits; by hikers and
5 backpackers who use the Valley for vehicle parking while hiking
6 in the back country outside of the Mineral King area; by a vast
7 number of tourists who drive into Mineral King every year
8 primarily on a day-use basis; by campers in several small camp-
9 grounds; and by several small recreation oriented businesses in
10 the area; and

11 WHEREAS, there is presently a pressing need in California
12 for increased year-round recreational areas such as the proposed
13 Mineral King recreation project and, being located about equi-
14 distant from San Francisco and Los Angeles metropolitan centers,
15 Mineral King is perfectly situated to help meet these recreational
16 needs; and

17 WHEREAS, the County of Tulare is an economically depressed
18 area with high unemployment, particularly among minority groups,
19 and a tax base too small to meet its growing requirements for
20 public services, and the development of the Mineral King area can
21 help to alleviate the County's depressed economic conditions
22 and to mitigate the tax revenue losses associated with the
23 County's very active land conservation program under the
24 California Land Conservation Act of 1965 (California Government
25 Code section 51200 et seq.); and

26 WHEREAS, more than half of the land in Tulare County is
27 owned by the Federal Government and, therefore, produces almost
28 no revenue to help support the costs of government in Tulare
29 County; and

30 WHEREAS, in addition to the many safeguards under Federal
31 and State law for controlling and protecting the Mineral King
32 recreation project, and the access thereto, the County of Tulare

1 has adopted, and will continue to update, appropriate General
 2 Plan and zoning controls so that the development can be made in
 3 a way most beneficial to all concerned and without any adverse
 4 effects on the environment or on adjoining properties and minimize
 5 speculative development in the entire area; and

6 WHEREAS, the primary argument of those who support the idea
 7 of adding Mineral King to the National Park, in order to stop the
 8 proposed recreational development, is that recreational develop-
 9 ment will significantly increase air pollution, but the very
 10 competent and thorough Environmental Impact Report of the Forest
 11 Service does not furnish any basis for such "scare tactics"; and

12 WHEREAS, it would be more reasonable to further regulate
 13 vehicle emissions, if that were a problem, rather than to
 14 deprive the citizens of the outstanding recreational facility
 15 proposed for Mineral King;

16 NOW, THEREFORE, BE IT RESOLVED that this Board of Supervisors
 17 of the County of Tulare does hereby earnestly and strenuously
 18 oppose the adoption of H. R. 1771. This Board also opposes any
 19 other similar legislation intended to place the Mineral King area
 20 in Sequoia National Park so as to make it virtually impossible
 21 to develop the great recreational potential of the Mineral King
 22 area.

23 The foregoing resolution was adopted upon motion of
 24 Supervisor Harrell, seconded by Supervisor Muller, at a regular
 25 meeting on this 25th day of April, 1978, by the following vote:

26 AYES:

27 Charles L. Smith
 28 Richard L. Harrell
 29 Robert E. Harrell
 30 Fred Barlow
 31 Frederick J. Muller
 32

Senator HANSEN. I have no further questions. Are there other witnesses who would like to be heard?

[No response.]

The hearing record as was announced earlier, will be kept open for 2 weeks time, and the hearing will be recessed subject to the call of the Chair.

[Whereupon, at 1:12 p.m., the hearing was adjourned, subject to the call of the Chair.]

APPENDIX

ADDITIONAL STATEMENTS AND COMMUNICATIONS SUBMITTED FOR THE RECORD

STATEMENT OF HON. WILLIAM M. KETCHUM, A U.S. REPRESENTATIVE FROM THE
STATE OF CALIFORNIA

Mr. Chairman and Members of the Senate Parks and Recreation Subcommittee, I greatly appreciate this opportunity to express my deep concern over the two pieces of legislation now before you.

From the outset I would like to make it quite clear that I am unconditionally opposed to the provisions of H.R. 1771. I further would like to point out that although Mineral King is not contained within my district, it does literally border the 18th District which I represent to the South and to the East. While I recognize that the issue of Mineral King is of consequential importance to all Californians, the decision which this Subcommittee makes on the fate of the valley has a very special and more vital significance to the people of my district and to the people of the 17th District.

I need not elaborate on the provisions of the legislation. Briefly, S. 88 transfers jurisdiction of Mineral King from the U.S. Forest Service to the National Park Service. The measure also directs the Secretary of the Interior to develop a management plan with specific emphasis in considering the need for additional recreational areas.

Despite the ostensible provisions of this bill to cover all the angles of preservation and recreation, the motive for such a piece of legislation is quite evident. By transferring jurisdiction from the U.S. Forest Service to the National Park Service, greater restrictions can be placed on people living in the area and elsewhere who wish to ski, hunt, fish, or pursue other recreational activities in the valley. Furthermore, the development of Mineral King as a year round recreational center by Walt Disney Productions will most probably terminate. Just compensation for a \$1.5 million investment by Walt Disney Productions after entering into a mutual agreement of good faith with the Federal Government is shaky at best.

Through the continued adept management of Mineral King by the U.S. Forest Service, I am convinced that any negative impact on the environment can be minimized and that the aspirations of California's recreationalists can be achieved as well. Any of you who have had the opportunity to read over the highlights of the Department's 600 page Mineral King Final Environmental Statement can certainly attest to the proficiency and thoroughness of these professionals. Furthermore, I firmly believe that Assistant Secretary of Agriculture Rupert Cutler's long personal and professional association as well as expert handling of Mineral King is exemplary.

I do not want to dismiss the very qualified managerial potential of the National Park Service. The Park Service's estimable professionalism speaks for itself. The fact remains, however, that the Congress cannot be lulled into a sense of false security that the Department of Interior will be incorporating this or that proposal in its overall management plan. For nearly ten years the U.S. Forest Service has had to face a series of litigations. What assurance is there that the National Park Service will not be facing the same court fights for the next ten years while the recreational needs of the people are thrown to the side?

The bottom line is whether this Congress will remain responsive to the comprehensive recreational and environmental needs of Southern Californians. Should the House and Senate agree to the jurisdictional transfer of Mineral King, an area

which already borders a recently designated wilderness of over 300,000 acres, then the Congress will have effectively tied the hands of the Federal Government. As a consequence urban and rural dwellers of Southern California will have been denied the opportunity to enjoy the potential benefits of a Mineral King.

The issue is now centered squarely on your shoulders to decide with it what you will. I only ask that you fully take into consideration all that I have relayed to you on behalf of myself and the majority of people who are most directly affected by your decisions.

Thank you.

CEDAR VETERINARY HOSPITAL, INC.,
Fresno, Calif., April 25, 1978.

SENATOR HENRY M. JACKSON,
*Chairman, Committee on Energy and Natural Resources, Senate Office Building,
Washington, D.C.*

DEAR SENATOR JACKSON: I am very sorry, but circumstances do not permit me to testify in person, before your committee, on behalf of S. 88. However, I do request that this written testimony, regarding the Sequoia National Park Enlargement Act of 1977, be made a part of the official hearing record.

To begin, I have lived and worked in Fresno since 1953. I have practiced veterinary medicine here for the last seventeen years, and I also farm a quarter-section of land east of Fresno, irrigated by ground water. I, my wife and three children, take an active part in community affairs. And, we have a sincere and continuing interest and concern in the utilization of our natural resources and in the preservation of a healthful environment. Our activities include, among other things, a great deal of outdoor recreation, and we take great delight and pleasure in visiting and enjoying the National Forest and Park lands in the Sierra, Nevada range of mountains on the eastern side of the San Joaquin Valley in California. We are avid skiers, hikers, fishermen, photographers, and use our off-road vehicle where permitted, and sail our boat on some of the high-Sierra lakes.

We love these mountains and the place where we live.

In recent years, I have become increasingly concerned as to the effects burgeoning population growth will have on the quality of life in the San Joaquin Valley. It is obvious that resources here, while extensive, are limited, including the water, air, and land. The recent severe drought condition and state and federal water and air study commissions have pointedly brought about recognition of the foregoing resource limitations, to government agencies at all levels and to the general public. Official reports document that in the San Joaquin Valley, natural aquifer levels are falling faster than replenishment, and that field crops, orchards, and conifer forests in the timber belt east of the valley are suffering severely and with economic consequence from the effects of air pollution.

Geographically, the San Joaquin Valley is a large basin, prone to prolonged air inversion, which traps pollution in the valley air for long periods of time. Automobile exhaust is foremost in contributing to the air contamination, and the valley has the potential for the most serious air quality problem in the nation. Also, water quality has been lowered in parts of the valley from nitrate contamination and increased salinity levels, making drinking water and irrigation water less desirable and safe for human consumption and for watering crops.

It is no secret that the San Joaquin Valley is the foremost producer of agricultural crops, not only in the United States, but in the entire world. Abuse of the air, land, and water resource, that permits this high production, could eventually have significant deleterious effects to both the health and economic well-being on the residents of this valley.

Notwithstanding the precarious balance of natural elements now endangered in the San Joaquin Valley, as noted above, we now have the severe threat of additional degradation to our resources. That is, by the way a gigantic ski and recreational development proposed by the U.S. Forest Service in the Mineral King Valley, Sequoia National Forest, on the eastern side of the San Joaquin Valley. Forest Service plans, in conjunction with the Disney Corporation, will attract masses of people and automobiles to an important agricultural area, already burdened from the influence of normal population and development pressures.

Furthermore, large scale development of Mineral King will destroy an important and valuable natural resource of striking, natural beauty. Mineral King is a tiny alpine valley, surrounded by towering peaks, 12,000 feet in elevation. The slopes are marked by the course of cascading streams, various coverings of pine, juniper, aspen, flowers and grasses, while other areas reflect multi-

hued stone, sculpted by glaciers. The soils of the valley are easily eroded, as I have observed while hiking there at the major trailhead to the many alpine lakes and the more remote Sierra Crest. A delicate eco-system supports a very wide array of animal and plant life. The fragile environment of Mineral King could not survive the assault a massive ski resort development would impose.

Also, Mineral King has been accessible to all people, regardless of economic status, but according to cost projections I have seen, only the more affluent would be able to afford the expense of the facilities to be offered by Disney. Enjoyment of this beautiful place should be open, equally to all people to take part in outdoor recreational activities of the sort already available at Mineral King.

There is the matter, furthermore, of approximately twenty-six miles of roadway improvements required by Disney, at over one million dollars per mile from public funds. It is simply wrong for public money to be spent for an access road to Mineral King, to benefit a private corporation!

The magnificent natural beauty of the Mineral King Valley should be left natural. Development of Mineral King as proposed by the Forest Service would be a tragic mistake. Mineral King needs protection from the desecration a massive ski development would cause to the area. For many years this beautiful valley has deteriorated under heavy use and less than adequate maintenance under the Forest Service. The care desperately needs to be upgraded, and this can be accomplished with National Park Service control and management.

Therefore, I respectfully submit that S. 88 is a logical choice to be granted Mineral King. To include Mineral King into the Sequoia National Park is consistent with good and sensible land-use planning.

I very strongly urge that your committee act quickly and favorably on this bill. Its passage into law by the Congress will benefit both present and future generations of Americans, whom are becoming increasingly more dependent on the wise use of natural resources.

Very respectfully yours,

Dr. PAUL M. DEAUVILLE.

NATIONAL CATTLEMEN'S ASSOCIATION,
Denver, Colo., May 5, 1978.

Hon. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: Enclosed is a statement on bill S. 88 concerning Sequoia National Park.

It would be appreciated if this statement could be inserted into the subcommittee's respective hearing.

Thank you for your attention to this matter.

Sincerely,

RONALD A. MICHIELI,
*Director, Government Affairs,
Land and Natural Resources.*

Enclosures.

JOINT STATEMENT OF THE NATIONAL CATTLEMEN'S ASSOCIATION, PUBLIC LANDS COUNCIL, NATIONAL WOOL GROWERS ASSOCIATION, APRIL 28, 1978

Mr. Chairman, my name is Ronald A. Michieli and I am Director of Government Affairs for Land and Natural Resources of the National Cattlemen's Association and Executive Director of the Public Lands Council.

I am presenting these comments as a joint statement of these organizations and in behalf of the National Wool Growers Association.

The NCA is the national spokesman for all segments of the nation's beef cattle industry—including breeders, producers, and feeders. It represents approximately 280,000 professional cattlemen in the United States and includes individual members as well as affiliated organizations.

The Public Lands Council represents livestock producers on the public lands in the West and the National Woolgrowers Association represents 90,000 sheep and lamb producers.

No livestock grazing occurs in the Mineral King Valley area. Our interest in this legislation is one of principle.

This legislation, as introduced, has implications far greater than the area or people directly involved. We urge members of this committee to carefully consider these implications before acting on this measure. Approval of this legis-

lation would be a message to our industry and to many other public land users and interests and we think you should consider whether you really want to give such a message.

It is important to put the issue in context. Forest Service operations are governed by a number of laws including the Multiple Use-Sustained Yield Act, National Forest Management Act, Forest and Rangeland Renewable Resources Planning Act and, of course, the National Environmental Policy Act.

These laws impose a responsibility on the Forest Service to try to assure that the lands under their jurisdiction equitably serve the needs of all user interests and not just a single use.

As livestockmen, we do not always agree with every landuse and planning decision made by the Forest Service. However, there are procedures to allow us and other interested parties to comment on proposals. Conflicts and differences of opinion are inevitable but we recognize decisions have to be made and compromises and accommodations accepted.

The multiple use principle does cause our members who use the public lands for livestock grazing extra efforts and extra expenses and sometimes does mean that we must modify or relinquish grazing.

But we strongly support the multiple use concept because we believe it is in the best interests of all public land users and in the best interests of the entire public. We support it because of the credibility of the Forest Service and of the processes, legislated by Congress, for resolving multiple use issues and conflicts.

That is why we are disturbed by this bill. Its proponents make no bones about it being an "anti" bill—one aimed at stopping the proposed Mineral King Recreational Development rather than a carefully studied attempt to improve a national park. This bill comes before you only after those who are opposed to this project failed to make their case through normal channels and in the courts.

The Mineral King Recreation Development proposal is not a precipitous one. The Mineral King area has been under consideration as a winter sports area for 30 years and this project was first proposed over 12 years ago. It has been reviewed and studied exhaustively and, I understand, revised several times. There have been many opportunities for public comments and the Environmental Impact Statement on it was favorable.

I do not intend to go into the merits or demerits of the proposed project itself. There is another point which is important and that has to do with whether Congress should abrogate in this matter the multiple use concept and the procedures which were properly followed by the Forest Service as mandated by law.

Federally owned lands should serve many purposes including recreation. Skiing and camping is as valid a recreational pursuit as backpacking and certainly more popular:

In California there are over three million acres in wilderness areas and national parks. Five potential ski areas were lost by designation of the 300,000 Golden Trout Wilderness adjacent to the Mineral King area. Presently, the Forest Service and the Bureau of Land Management are studying millions of additional acres which might be made wilderness. More and more federal land is being designated as single or non-use areas.

The question arises how much more is necessary to satisfy the relatively few people who would enjoy a single use benefit? How much wilderness or single use public lands do we need in the United States?

Some groups avidly support the multiple use concept when it serves their goals. Now, however, when the Forest Service proposes, after a long and detailed study, that here is an ideal and limited area to help take care of the recreational desires of certain taxpayers, one segment decides that its love for multiple use does not extend to this particular multiple use.

If this legislation is approved, not on the grounds of any positive merit (the Park Service has no plans for this area) but simply to block a proposed project, then we and the land management agencies are being told that multiple use, RPA and the NEPA processes are OK as long as the results are favorable to a particularly vociferous segment of our society. Other groups in essence would be told that they do not have equal rights to use of the public lands.

We are concerned that approval of this legislation would decrease the credibility of the aforementioned processes and of the Forest Service itself. If it is felt that the laws governing the Forest Service and the National Environmental Policy Act are deficient, then perhaps these laws should be revised. Enactment of this proposal would be a signal to other interests to use similar political means to achieve their ends rather than responsibly working within the Admin-

istrative System to present facts and argument and being willing to accept the need for reasonable compromise and accommodation.

I earnestly urge you not to establish a precedence which we may all regret later.

STATEMENT OF UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA

The United Brotherhood of Carpenters and Joiners of America welcomes this opportunity to repeat for the record our opposition to S. 88, the Mineral King Bill.

The legislation is not an attempt of a positive nature to place a pristine area in national park status. It is not a bill that arose naturally from a broad cross-section of local public sentiment as something essential to community needs.

This committee and the Congress should hold no illusions as to the motivations behind the introduction of this bill. The sole purpose of this bill is to prevent the construction of a large ski and recreational complex in Tulare County, California known as the Mineral King project.

Its introduction does not reflect the sentiments of the majority of citizens in Tulare County. What this bill does reflect is the imposed views of a narrow group of self-appointed elitists who know that they have been anointed by God to make their views public law, no matter what the rest of the community may think.

The major myth being spread by the supporters of park status for Mineral King is that full development does not enjoy popular local support. The simple fact is that the very reverse is true.

We challenge the proponents of this bill to match the cross-section of community organizations who desire the construction of the Mineral King recreational facilities.

They include, in addition to we in organized labor, the Tulare County Board of Supervisors, the Tulare County Chamber of Commerce and the United States Ski Association. Moreover, we would refer the committee to the testimony of the skiing representatives as to the uniqueness of the Mineral King topography and the genuine need by skiers all over California and the west for this project.

By way of example of the kind of local support for full construction of Mineral King, we wish to place in the record with this statement the names of over 2,000 residents who support our position. It should be noted that these names were signed to petitions in little over a month at the time of the introduction of this bill.

For the workers we represent and all workers this project will be a much needed boost. Construction of the new road will take 2 years and approximately 64 man years of work. The resort development is expected to take 3 years to build, generating 200 man-years of work per year.

This alone translates into approximately 580 construction jobs at the peak of construction or up to 25 percent of all construction workers in the county.

In addition, over 500 temporary and 50 permanent housing units will be needed during construction. Finally, some 600 full-time jobs will be created upon completion. For Tulare County this development will mean more than twice as much additional revenue coming in as opposed to cost extended. Property tax revenues alone expected to rise by \$900,000.

In conclusion, except for the limited group of self-appointed "no-growth ever" advocates who can never be satisfied, the development of Mineral King would be the single greatest boon to this region in 30 years.

The workers, the taxpayers, the business community, the need for recreation by all citizens; every segment of the community will benefit if this project can be completed.

This project has been delayed far too long. We urge this committee to see through this bill for what it really represents, and to reject it.

STATEMENT OF NANCY J. INGALSBBE, DIRECTOR OF AFFILIATIONS, BALBOA SKI CLUB, VICE PRESIDENT AREA DEVELOPMENT, ORANGE COUNCIL FWSA, VICE PRESIDENT, ORANGE COUNTY SKI CLUB, ASSISTANT ADMINISTRATOR PUBLIC AFFAIRS, FWSA

Mr. Chairman and members of the Senate Parks and Recreation Subcommittee, my name is Nancy Ingalsbee, and I am here today representing the skiers of Southern California.

In October of last year, when I testified before the House Subcommittee on National Parks and Insular Affairs, I made the same statement. Congressman Burton remarked, however, that I could make that statement but as far as the committee knew, I only represented one person, myself.

Today I back up my statement of representation. I have brought with me thousands upon thousands of valid, signed proxies from skiers all over the United States, authorizing and appointing me as their spokesman.

The words I shall speak today come from the hearts and souls of thousands of frustrated, concerned and troubled skiers.

We are adamantly, unequivocally and unalterably opposed to S. 88.

This unfair legislation seeks to lock up yet another bit of land belonging to all California taxpayers, for the benefit of a small elite minority.

The gross inequities being perpetuated upon the American people in the name of environmentalism should be exposed. In 1892 when the Sierra Club was formed they had a very fine purpose and high ideals. But somewhere along the way those high ideals have turned into a fanatical obsession with the power structure of the Sierra Club to stop all development, lock up all available lands into wilderness, and deny reality.

It is really quite difficult to understand what the Sierra Club feels should be done with this interloper in our universe called Man. People are a natural resource too, and we should be channeling our energies learning how to live in peaceful, nondamaging coexistence with our environment.

Every environmental question raised by the Sierra Club regarding development of Mineral King has been answered satisfactorily. They asked that Disney's development plan be carefully studied. It was. They asked to be allowed to speak in opposition. They were. They requested permission to supply written documents to support their claims. It was given.

And they lost their case! The Final Environmental Statement finally and overwhelmingly repudiated their claims. The conclusion—Mineral King can be developed using Disney's plan with minimal impact.

So what are we fighting over? What does the Sierra Club really want? Environmentally sound development, or just no development, no matter how wisely planned. Mary Ann Erickson, Southern California Representative for the Sierra Club answered that question on a television program with me last September. She stated the objective of the Club was not to just stop development of Mineral King, but to prevent "any future ski area development in California at all" period.

So when they say to you "We just don't want them to harm poor pristine Mineral King, we want them to go to Jordan Peak, or elsewhere", don't be misled. They are only trying to head us off at the pass again, and we just aren't buying it.

What really disturbs we skiers is that the Sierra Club opposition against development of Mineral King is based on distortions and misstatements of facts, and outright prevarications. The written document presented to each of you previously this week by the Far West Ski Association clearly points some of these out.

We skiers are sick of the false image the Sierra Club have tried to create that we are rapists of the wilderness; that they are the only people who care about our resources. Let me tell you, we care! Skiers are environmentalists too, and we do not understand why a group who should be our friends have become our enemy.

But the fact is the Sierra Club has declared war on skiers, and on any other group who tries to assert their rightful claim to portions of California's natural resources.

We strongly feel there is room in Mineral King for us both. We will gladly share with the backpackers, and in fact, a large percentage of skiers are backpackers themselves. Our intention is to take nothing from them, but merely to enjoy the beauty of Mineral King together.

The skiers who have sent me here today ask you to take a long hard look at the facts yourself before you make your decision on this legislation.

Today California, which has a total land mass of 100 million acres, has 2.31 million acres devoted to wilderness and national parks, while only 15,000 acres are set aside for all other forms of developed recreation, of which skiing is only a part. One percent of the total land in the United States is in wilderness, but a whopping 10 percent of that total is in California.

The last ski area to be allowed to be built was in 1971. From 1971 until 1977, 718,340 acres were added to wilderness in California. In the beginning months of 1978 approximately 400,000 additional acres were legislated into wilderness. But we are still back with our little 15,000 acres. Where is equity in access?

Clearly, a reappraisal of land use allocation in California is called for.

Mineral King is vitally important to the skiers of Southern California. It is the only remaining mountain left capable of alpine skiing. All others have been locked into wilderness. Mineral King is a 5 hour drive from the Los Angeles/Orange County area, as opposed to a 7 hour drive to Mammoth Mountain, our only major Southern California resort. (One resort for Southern California, the largest skier market in the world).

The local Southern California mountains have a few ski areas but because of their low altitude they have at short snowfall season, and their terrain is aimed toward the beginning skier.

However, even with these drawbacks, the crowds have been so huge in the last few years that this year skiing by reservation was initiated. Tickets are bought far in advance through Ticketron. Gone forever is our ability to look up, see fresh snow, and lightheartedly load up the skis for a day of good, clean, wholesome, family oriented fun. As a mother of 3 teenagers who enjoy skiing together as a family, I resent this.

I spent a weekend at Mammoth Mountain two weeks ago. A totally frustrating weekend. Sunday was the kind of day skiers dream about—blue skies, bright sunshine, and fresh powder. I was on a lift the minute they opened at 8 a.m. in anticipation of a beautiful day.

It was not to be. I spent from 8 in the morning until 3 in the afternoon on the slopes, without even stopping for lunch. Instead of skiing however, I simply stood in one lift line after another, long interminable, endless lift lines. My lift ticket which I have here today has 7 punches representing 7 runs. The minimum wait that day was 43 minutes, and most waits were well over one hour. And that for the dubious privilege of skiing 10 minutes down a dangerously crowded slope. So dangerously crowded that California has been forced to enact skier hit and run legislation. How I long for the old days of as little as 4 years ago when 14 runs represented a nice relaxing morning of skiing. When you didn't get off the lift and have to skillfully avoid 30 or 40 people adjusting their poles and skis before starting down the mountain. When skiing was a gentle communing with nature and not a fearful heart pounding exercise in collision avoidance.

My skiers have sent me here today to ask you to help us in our battle for Mineral King. To make a decision for equity in access to all users. These are our mountains too, not just the Sierra Clubs.

They have also instructed me to make it clear that however distressing it is to us that we must fight for this development, fight we will, and we will do so with determination, but fairly, with reasoned arguments and straight facts. We will not distort snow survey statistics, nor will we suggest alternate wilderness areas that are unavailable.

We feel there is room in our mountains, and in Mineral King in particular, for us all. Our intention is to take nothing from anyone, but merely to share the beauty of Mineral King together. But we will never falter in our quest for this area. We have fought too long, cared too much, believed too deeply in equity in access, in our right to share this tiny piece of real estate. And we shall not stop until we break the ribbon at the grand opening of Mineral King.

STATEMENT OF ROBERT A. GEORGINE, PRESIDENT, BUILDING AND CONSTRUCTION
TRADES DEPARTMENT, AFL-CIO

Mr. Chairman and members of the committee, my name is Robert A. Georgine. I am President of the Building and Construction Trades Department, AFL-CIO, which represents more than 4 million construction craftsmen throughout the United States. I am here today on behalf of our membership to express the Department's opposition to the passage of Senate bill 88. In our view, passage of Senate bill 88 would effectively eliminate the possibility of needed jobs for hundreds of construction tradesmen and more importantly would represent once again, the triumph of no growth advocates and environmental overkill.

It may interest you to learn how this bill came to our Department's attention. As many of you may know, the Building Trades Department held its National Legislative Conference in Washington last week. During this Conference we considered the ramifications of Congressional action on the ability of our members to find gainful employment. In speaking to our affiliated union representatives at the Conference last week, I called upon management and the academic community to unite with labor in an effort to combat "the growing dictatorship of the regulators." I stated that the "no growth advocates" have tied up industry in a sea

of red tape and often "frivolous litigation" leading the nation "down the path so costly and misguided that they threaten our very standard of living."

My remarks prompted the members of our California delegation to tell me about the Mineral King project. In their view, and in mine, following my own investigation, Mineral King emerges as a classic example of administrative delay combined with frivolous litigation which has resulted in the loss of hundreds of jobs for unemployed building tradesmen and the loss of a quality recreational area for the citizens of California and the other Western States. Thus, in a very real sense Mineral King has a two-fold importance to our Department. First, in and of itself, it represents the opportunity for employment for our members in an area of the country where unemployment among building tradesmen is excessively high. Secondly, it dramatically symbolizes what our membership regards as the legacy of the "no growth advocates."

In considering the ramifications of passage of S. 88 I would ask the members of this Subcommittee to pay particular attention to the following points:

(a) *The need for the facility.*—In 1965, after some 17 years of study, the United States Forest Service concluded that there was a need for year-round recreational facilities in the Mineral King area. As I am sure the members of this Subcommittee are well aware, winter recreation, has enjoyed an annual growth rate since 1955 of approximately 15 percent per year. Yet, since 1971, no new ski area in the State of California has been constructed. Indeed, no new area can now be made available until the winter of 1981. The California Parks and Recreation Information System indicates that outdoor recreational demands, year-round, in the State of California alone, will double between 1960 and 1980. In short, there is a compelling need for a quality year-round recreational facility located in this area of the State of California.

That this need existed was not simply the conclusion of the United States Forest Service. The Forest Service conclusion has been supported by four National Administrations and by the two previous California Governors.

(b) *No Need for Additional Study.*—In response to a prospectus issued by the Forest Service in 1965 calling for competitive bids from private enterprise to provide these needed year-round recreational facilities, Walt Disney Productions was awarded a preliminary planning permit from among six bidders. With regard to the selection of Walt Disney Productions I would only note that it is an organization which has achieved a world-wide reputation for producing premier quality family resorts in an environmentally sensitive manner. Our Department has reviewed the various environmental studies filed by the Forest Service and we would suggest that such a review be undertaken by the staff of this Subcommittee. We believe that the Forest Service and the Disney organization has conceived a plan of development which will both protect the environment and maximize the recreational qualities inherent in the area. Equally important, we believe that such a review will indicate beyond any doubt to the members of this Committee that one aspect of the proposed legislation is completely unnecessary and counter-productive. Obviously, the aspects which I refer to is the section in the proposed legislation which calls for an additional two year period of study. As I noted previously, prior to 1965 the area had been studied for 17 years. Now, 13 years later, the area has been "studied" for a cumulative period of 30 years.

(c) *Position of the National Park Service.*—A second aspect of the proposed legislation which militates in favor of its defeat is the proposal to transfer jurisdiction of the area from the Forest Service to the National Park Service and the Department of the Interior. Our review of the comparative "track record" of these two agencies regarding the development of recreational areas indicates that the transfer of Mineral King to the National Park Service would effectively consign the proposed developments to bureaucratic oblivion. The past history of the National Park Service demonstrates their consistent opposition to projects of this nature, particularly where the project involves alpine skiing. Indeed, the position of the Department of the Interior has already been made quite clear in a statement by Assistant Secretary Robert Herbst, commenting upon this proposed legislation when he stated that his Department was opposed to the Mineral King development and in fact the Department's position was that there should be "no development".¹

(d) *The Real Result of S. 88.*—The net result of this legislation will be to deprive the people, particularly of Southern California of a needed recreational facility. The time, effort and expense already dedicated to this proposed development by the Government and private industry, will be rendered a useless expen-

¹ Statement of Assistant Secretary Herbst, *San Francisco Chronicle*, November 24, 1977.

diture. The result will be that rather than taking a minute portion of this vast area of natural wilderness, Mineral King only encompasses 15,000 acres out of a total of 2.5 million acres in the Sequoia National Forest, and converting this small parcel of land into a needed recreational facility, Congress will mandate two additional years of study leading to a result that has already been preordained—no development.

The only winner that emerges from this result is perhaps a segment of the no growth—environmental movement, in this instance symbolized by the Sierra Club. For it was the Sierra Club that beginning in 1969, after supporting the development of the Mineral King project and specifically the Disney concept of the project from 1965 until 1969, initiated litigation against the Forest Service which held the project in a state of judicial limbo from 1969 until March of 1977 when the Sierra Club's lawsuit was finally dismissed for "lack of prosecution." Perhaps this organization can consider a victory.

On the other hand, the real losers, if this legislation is allowed to pass, are the people in the region who would not only benefit from the opportunities for increased employment but would have the opportunity to improve the quality of their own life through reasonable access to a quality year-round resort.

From my Department's particular perspective, we can identify a group of victims very easily. They are the members of the Building Trades in California who will have lost hundreds of jobs and thousands of dollars in income. They have already suffered a real loss as a result of the 13 year delay. This project is projected to employ 800-900 construction workers. Its total gross construction payroll over four years will be \$50 million. In addition, once construction is completed, the area would provide permanent jobs for 1,100 workers in the summer and 1,300 in the winter. At the present time in the areas immediately surrounding the Mineral King region, general unemployment ranges between 7.7 percent and 10.4 percent—the unemployment among Building Tradesmen is significantly higher, approximately 15 percent.

In closing, I wish to call the Committee's attention to the recent comments of President Carter and members of his Administration concerning inflation and unemployment. In the recent anti-inflation statement, the President noted that "we must cut the inflationary costs which private industry bears as a result of Government regulation." He directed the regulatory agencies under his control to "minimize the adverse economic consequences of their action." He spoke of the need to eliminate unnecessary regulations and to "insure that future regulations not impose unnecessary costs on the American economy."

The President's remarks were closely followed by an interview with Robert Strauss, the President's Special Counsel, concentrating on the inflation problem. In the Washington Post last week, during our own legislative conference. During this interview Mr. Strauss made a point that was not lost on our conferees when he stated that there were some regulations and enforcement policies that added significantly to the cost of production but did not achieve major environmental benefits. Mr. Chairman, in my Department's view you have before you a clear cut example of unnecessary delay and escalation of costs brought on by needless environmental opposition and unnecessary bureaucratic delay. We in the Building Trades do not ask that the environmental arguments be ignored, we only request that the arguments of other elements in our society be heard. We believe from the President's statement and particularly the statements of Mr. Strauss, that perhaps his point is sinking in among our national leaders. We believe that your consideration of S. 88 provides a perfect opportunity for the Congress, as well as the Administration, to demonstrate by your action in defeating this Bill the strength of your rhetoric and the commitment by you, our national leaders, to improve employment opportunities and cut the inflationary costs engendered by unnecessary and ill-advised environmental delay.

Mr. Chairman, I urge the defeat of this Bill.

I thank you for listening and for your consideration.

SKIERS TO KEEP MINERAL KING NATURAL,
Los Angeles, Calif., April 24, 1978.

HON. ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: Enclosed is testimony in support of S. 88 to make Mineral King part of Sequoia National Park from Skiers to Keep Mineral King Natural and The Ecology Task Force of the Southern California Council of

Churches. We had planned to have a representative at the hearing before the Committee on Energy and Natural Resources to make this presentation Friday, April 28. Since it is not possible to get on the agenda, we appreciate your willingness to make this testimony available to the committee members.

Sincerely,

JEAN KOCH.

STATEMENT OF SKIERS TO KEEP MINERAL KING NATURAL

Presented by Skiers To Keep Mineral King Natural and The Ecology Task Force of the Southern California Council of Churches.

Skiers To Keep Mineral King Natural and The Ecology Task Force of the Southern California Council of Churches urge passage of S-88 for the following reasons:

1. Mineral King is a national game refuge where the wildlife should be protected.

2. Mineral King is a very fragile, primitive area that needs special protection to preserve its unique scenic values.

3. Construction of an improved road to serve a private commercial development at Mineral King is not in accordance with Department of Interior regulations and it will cause added soil erosion and could damage the giant sequoia trees at Atwell's Mill.

4. The back country of Sequoia Park and the Kern Plateau should be protected from over-use.

5. The snow conditions at Mineral King are not compatible with the needs for an Alpine ski facility.

There are a number of myths about the concept of preserving certain areas of unique beauty in parks and wildernesses.

1. The myth that putting an area such as Mineral King in Sequoia Park will "lock it away" for the use of only a few people. Mineral King is used and enjoyed by many people at present and the numbers of people who use it each year continue to grow. In 1976 the following visitor days were logged by the Forest Service there.

Overnight -----	14, 800	Information center-----	600
Hiking -----	26, 150	Horse Back Riding-----	1, 500
Picnicking -----	400	Back Packing-----	24, 400
Lake fishing-----	13, 700	Stream fishing-----	4, 400
Camping -----	8, 700	Cabin Use-----	9, 000

Traditionally, we have preserved things of unique beauty and value so that they may be enjoyed in the future as well as the present. A rare and beautiful painting is put in a museum where it can be preserved and guarded against injury, but where people can come and enjoy it. Our national parks and wilderness areas are the museum, if you will, where we preserve our places of unique scenic beauty so they may be enjoyed now and in the future. This is not "locking these areas away" just as the museum is not locking away its treasures.

2. The myth that only a few hardy souls can enjoy an area such as Mineral King. People of all ages enjoy Mineral King, from pre-schoolers on their first camping trip, to 7 year-olds carrying their first sleeping bags on a back pack hike, to those in their 80's. A handicapped person may not be able to hike the trails, but he can ride a horse or simply relax in the quiet of this lovely valley. True, the person whose idea of pleasure is to stay in a luxury hotel and be transported to a mountain top via gondola lift will find little pleasure at Mineral King, but there are already luxury hotels and gondola lifts. There aren't any more Mineral Kings.

3. The myth that a scaled down development can serve the demands for more ski facilities and at the same time, preserve the valley and its surrounding wilderness-type land. As soon as the bull dozers push through a highway and the ski trails are blasted through the forest, Mineral King will have joined the ranks of Vail, Colorado and Mammoth, California and other areas where cities have sprung up and the environment has changed. There will be no turning back. For part of the uniqueness of Mineral King is its isolation from civilization.

4. The myth that we have vast areas of wilderness-type land; that we do not need any more. Right now our national parks in California are having to ration the use of the back country to protect it from over-use. Only a limited number of people are allowed to enter each day.

Mineral King was designated a National Game Refuge by congressional action in 1926. It was not included in Sequoia Park at that time because of a number of active mines in the area. Congress, at that time realized the Park-like quality of Mineral King, but due to the mines, it could not include it in the Park. For this reason, Mineral King was made a national game refuge, which was to be managed in much the same manner as the Park lands. The mines are no longer active so this is no longer an obstacle to making Mineral King part of the Park. The multiple use policy which the Forest Service administers lands under its jurisdiction does not offer the protection that Congress intended for Mineral King. The Park Service, on the other hand, seeks to preserve and protect the lands under its jurisdiction for the enjoyment of present and future generations. According to the California Department of Fish and Game, if the proposed development, which the Forest Service has enthusiastically supported, is built, "All resident species (of wildlife) will be reduced in numbers." The habitat of a number of rare and endangered birds and animals will be rendered useless because of such a development. These include the rare wolverine and California bighorn sheep. The development could also infringe on the habitat of three endangered species: the California condor, the American peregrine falcon and the southern bald eagle.

In addition to damage to the habitat of rare and endangered birds and animals, the development would displace three rare plants, which are found in the valley and along the road. These are *Castilleja culbertsonii*, *Phacelia orogenes* and *Brodiaea insignis* (Jepson) Neihaus.

According to the EIS, road construction and improvement will also cause environmental damage. This will permanently remove 59 acres of vegetation. Since the road will cut through a grove of sequoia trees, only specimen trees will be spared and presumably, smaller ones will be cut.

Lodging and parking and service areas will account for a loss of 87 more acres of vegetation. Ski lifts and runs will mean that trees will be cut on 218 additional acres. 60 percent of the lift lines will be cut through semi-dense stands of trees. The landscape along the road will also be marred by the electric lines which will bring power to the resort. According to the EIS, the lines will parallel the road and will be buried only when "feasible."

According to the Forest Service, Mineral King has a very high rate of erosion, yet there will be significant additional erosion if the area is developed according to the present plan. The new road will result in a two-thirds increase in the amount of disturbed cut and fill slopes; that is a two-thirds increase in exposure of highly erodible, decomposed granite. In the construction of lift lines, if helicopters are used for trail clearing and lift replacement, soil erosion will increase by 20 percent over its current value. If tractor logging and tower replacement are used, sediment increase will be 40 percent over the current value. An additional 10 percent bank erosion will take place during the first year after construction, decreasing annually for 5 years. All this sediment will shorten the life of Kaweah Lake at Three Rivers.

The air quality at Mineral King will be affected because of the sharp increase of cars on the road. Dr. Wayne T. Williams, a plant pathologist and specialist in the effects of air pollution impact on vegetation and ecosystems was employed by the Forest Service from December 1973 until July, 1976 to do a survey of the Sierra Nevada forests for smog damage. He found that one of the areas most seriously affected by smog-caused disease was the East Fork of the Kaweah River, including the mouth of the Mineral King Valley where Jeffrey Pines had typical oxidant air pollution disease symptoms. The survey crew observed extensive damage to ponderosa pine, white fir and sugar pine along the course of the East Fork of the Kaweah and found it to be the worst smog-damaged place in the Sierra Nevada. Present plans to not call for the construction of a cog-assisted railway as the access method, as this would be more costly for the developer; 2,500 cars are expected on the improved road on busy days. At present, 250-300 cars enter the valley per day. Even with a further scaled-down development, the same number of skiers are expected by the developer, but it is expected that 65 percent of the visitors will come to the valley by bus instead of private car. However this will not lessen the smog problem in the San Joaquin valley, as people will come as far as Three Rivers in their private cars.

The project will use most of the water in the valley, returning 90 percent of it to the stream. Even though most of the water will be returned, 114,000 gallons of water per day will be consumed. This is 114,000 gallons of water per day that California agriculture will lose.

As skiers, we are concerned with snow at Mineral King. Unfortunately the snow on the west side of the Sierras is not as light and dry as it is on the east side. Oftentimes, it is heavy, wet and icy. The problem of a reliable snow supply is also more serious than it is on the east side. Often there is not enough snow for a large ski resort. Mineral King simply does not get the quality and quantity of snow found in the Rockies or at Mammoth. In addition, at Mineral King there is a serious problem with avalanches during heavy periods of snow. The cost in dollars and in destruction of the environment to control the avalanches would be monumental. Mr. David Beck, an avalanche control expert spent three winters at Mineral King in the 1960's working on avalanche control measures, and was unable to accomplish a satisfactory result. Included at the end of this testimony are two papers, one showing the comparison of snow depths at Mineral King and at Mammoth, the other describing the effects of the disastrous avalanches at Mineral King in 1969. The comparison of snowfall data done by the State of California; Department of Water Resources shows that in most winters Mineral King gets much less than half the amount of snow recorded at Mammoth and very little more than ski areas in the San Gabriel mountains.

The surrounding back country of Sequoia Park and the Kern Plateau must also be considered. The new Golden Trout Wilderness area will be contiguous with the southern border of Mineral King. Mineral King is the end of the road and is a trail head for people going into this back country. The back country of the Little Kern is not protected from over-use by a permit system as is the Park back-country. It would be a mistake to allow a city, such as the planned development will be, within 4 miles of such a wilderness area.

We are living in an era of limits and shortages. We find we must conserve and share the dwindling resources we have. Just as with other finite resources, our primitive and wilderness-type areas are also shrinking, while ever greater demands are being put on them. It would seem that we cannot possibly satisfy the demands of every special interest group and still have the environment survive. It is simplistic for us to think we can meet all these demands. One solution might be the rationing of the use of ski facilities, just as the use of the back country is rationed to back packers. When we are dealing with finite resources, it is vitally important that we make right decisions. We feel Park status will give Mineral King the protection it deserves so that it may be enjoyed by the present and future generations.

COMPARISON OF SNOWFALL AT MINERAL KING AND MAMMOTH

The first and foremost prerequisite for a financially successful ski resort is an abundant and reliable supply of snow. An examination of the snowfall in Mineral King in the last ten years raises serious doubts whether the quantity in low snowfall years is enough to sustain a profitable operation.

Below are compared the snowpack at Mineral King with that at Mammoth Pass, which is the closest measurement station to the resort at Mammoth. Both stations correspond in elevation and exposure to the beginning of the ski runs. The numbers are taken from the State of California: Dept. of Water Resources Bulletin No. 120 (1959-1968) "Water Conditions in California". Of the ten year sample I have displayed the five years of lower snowfall, measured on or near April 1 (this being the date for which the most complete data is available).

SNOW DEPTH IN INCHES

Date	Mineral King	Mammoth
April 1, 1959	9.9	70.6
April 3, 1960	23.8	64.2
April 5, 1961	3.3	76.7
April 3, 1963	14.8	90.8
March 29, 1966	23.1	81.3

A month earlier in 1961 (March 6) there was only 12.8 inches snowpack! Considering that the snow pack on the steep slopes is probably less than that on the valley floor it is doubtful if skiing would have been possible in 1961.

Comparing the twenty year averages on April 1 of the water content of the snowpack (this is the figure the DWR choses to average) also gives a feeling for the quality of the resort. Mammoth Pass has a figure of 42.0", Mineral King has

20.6". This should be compared to the figure for local Southern Calif. resorts. At the Islip No. 4 snow survey station in the San Gabriel Mountains the number is 16.2", suggesting that perhaps Mineral King would be little better than existing southland resorts.

RALPH M. DeVRIES.

UPLAND, CALIF., May 21, 1969.

EDITOR,
Los Angeles Times,
Los Angeles, Calif.

DEAR SIR: In the May 21 edition of the Times, an article was published, evidently a release by the Forest Service, reporting the destruction of nine cabins in Mineral King Valley by heavy snow and avalanches. It further reported that such an avalanche killed Randy Kletka in his cabin there in February but then goes on to say that none of the slides was at the site of the proposed Alpine Village to be built by Walt Disney Enterprises.

I believe that this was a deliberate attempt on the part of the Forest Service to mislead the public. The Forest Service did not mention that another Disney employee, Wally Ballinger, was buried in another cabin by the same avalanche and dug himself out after four hours, nor that other Disney employees were saved because they had left for the three-day Washington's Birthday weekend.

I had snowshoed into the valley two days before and had an opportunity to see some of the previous avalanches. Randy Kletka told me at that time that with a prior warm rain, the valley had shook and rumbled all day long with avalanches coming down everywhere. These were evidently minor compared to those occurring subsequently.

Avalanches in the valley are not unique to this winter of heavy snowfall. Records going back to the 1800s, when attempts were made to mine the area, report extensive damage and death from such occurrences. This is to be expected, for the valley is narrow with steep slopes going up on all sides.

I am reporting this because the Forest Service and Disney Enterprises are proposing to build a major ski resort there and the State plans to commit in excess of \$25,000,000 to build a road to service the resort. They expect to pack 1.7 million visitors per year into the valley, the number that causes serious overcrowding in Yosemite, an area seven times as large. Even if it were not a mistake to destroy a lovely valley by such a development, it would surely be unwise to subject the public to such risks.

It is hoped that this information will provide a sufficient stimulus for your newspaper to investigate the motives for the release of this misleading information by the Forest Service and the advisability of continuing with the project.

Very truly yours,

LYAL ASAY, M.D.

Enclosure.

SNOW CRUSHES 9 MINERAL KING CABINS

Nine mountain cabins in Mineral King Valley have been crushed by heavy snow or avalanches, the U.S. Forest Service reported. An avalanche last February trapped Randy Kletka, 26, Hesperia, in his cabin, causing him to suffocate. None of the slides was at the site of the proposed Alpine village to be built by Walt Disney Enterprises.

FRESNO AUDUBON SOCIETY,
Clovis, Calif., April 21, 1978.

HON. ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: This letter, written on behalf of the Fresno Audubon Society, Tulare County Audubon Society, Kern Audubon Society, and the National Audubon Society, is to inform you that the National Audubon Society and its three San Joaquin Valley chapters wholeheartedly support S. 88, a bill seeking to add Mineral King to Sequoia National Park. Our members are grateful to you and your staff for the work you have done to ensure that one of California's greatest natural areas receives the protection it lawfully deserves. Recently, several groups have joined forces to attract renewed attention to Mineral King and the potential for development there. These groups have even made Mineral King into a political issue by courting political candidates who

support the proposed development of Mineral King, hailing it as a cure-all for high taxes, unemployment, and welfare problems. We have been involved (as you too have been) with the Mineral King issue long enough to realize that the proposed development would cause irreparable environmental damage, its completion is fraught with serious economic obstacles, that it would set a wasteful example at a time when energy conservation is imperative, and that a bad precedent would be established for the use of public lands in what is technically a "game refuge".

In the Fall of 1977 I submitted the attached testimony before a House subcommittee which held a hearing on John Krebs' Mineral King bill, H.R. 1771. Our groups felt strongly enough about Mineral King to raise money to send me east so that their views could be heard. I was honored to speak for them and was impressed with the interest and concern shown by the members of that subcommittee. I also visited your office and presented your staff people with a copy of this testimony. The comments made in that testimony are still valid and reflect the feelings of our organizations on the future of Mineral King. We wish to have the attached testimony entered into the record when hearings are held on your bill. We are as interested with the outcome of the Senate hearings as we were with those held in the House; we simply could not afford to send somebody to speak for us again so the written testimony will have to serve as our sincere expression of concern for Mineral King and its wildlife and for the success of your bill.

We enthusiastically lend our heartfelt support to the passage of S. 88 and to the eventual inclusion of Mineral King into Sequoia National Park! We look forward to the time when our groups will have the opportunity to provide constructive suggestions and data during the preparation of the Mineral King Management plan. Thank you for the opportunity to present this testimony during these important hearings on S. 88.

Sincerely,

ROBERT B. HANSEN, *Vice President.*

STATEMENT OF ROBERT B. HANSEN, VICE PRESIDENT, FRESNO AUDUBON SOCIETY

Mr. Chairman, members of this subcommittee, thank you for this opportunity to testify during these important hearings on H.R. 1771.

I am Robert B. Hansen of the Fresno Audubon Society (representing Fresno Audubon Society, Tulare County Audubon Society and Kern Audubon Society). I am a recognized authority on the birds of central California, and have conducted seven annual summer bird censuses at Mineral King for the Fresno Audubon Society. I graduated from California State University at Fresno in 1977 with a B.A. degree in environmental biology. As a result of my work with biologists at the Point Reyes Bird Observatory, I have published several breeding bird surveys and have obtained State and Federal bird banding permits. Much of the following testimony is the result of research (including banding operations) which I conducted at Mineral King.

Since the mid 1960's, Fresno Audubon Society has taken an active interest in the future of Mineral King. We realize that Mineral King is a fragile ecosystem which is threatened with imprudent development. As a result of our concern, the members of Fresno Audubon Society voted in 1976 to support inclusion of Mineral King in a national park, and we now strongly support H.R. 1771, which seeks to add Mineral King to Sequoia National Park.

We are thus opposed to the Disney development, scaled down or otherwise, because of the unavoidable damage to the physical environment and irreversible wildlife losses which the proposed development would cause. Our organization analyzed the Mineral King final environmental statement and made an evaluation which expresses our opposition to development at Mineral King (please refer to attachment).

For the following reasons, we recommend that Mineral King be added to Sequoia National Park:

The flora and fauna of Mineral King have never been adequately studied. There is no way to assess at the present time the potential impact of premature development on the natural resources of Mineral King.

Except for studies on deer and bear, the amount of ecological research dealing with habitat requirements, behavior, population dynamics, and potential human impact on the wildlife of Mineral King is far too limited for anyone to make a statement like that printed on page 182 of the final environmental statement "impacts to birds as a group are not considered to be significant." We can-

not accept this statement. There is probably no individual or agency that has studied the birds of Mineral King more extensively than has the Fresno Audubon Society. Members of our chapter and the neighboring Tulare County Audubon Society have conducted annual summer bird counts at Mineral King since 1969. Even with the data we have compiled, it would be presumptuous and unscientific to conclude, as did the Forest Service, that the impact of the proposed Disney development on the birds of Mineral King would be insignificant. Because our volunteer census participants are unable to conduct lengthy summer bird studies at Mineral King, it has not been our aim to produce quantitative statistics on individual special or populations. Rather, our approach is to observe and document the qualitative aspects of the Mineral King ecosystem's avifauna, and in doing so we have so far identified nearly 100 bird species.

In its discussion of the birds of Mineral King, the final environmental statement concentrated only on the status of those few species which are officially designated endangered by the California Department of Fish and Game. There is no question that the populations of all animals on this list need protection and careful monitoring, but by limiting its comments to such birds as the peregrine falcon, southern bald eagle, and California condor, which were never more than rare and infrequent visitors to Mineral King, the final environmental statement has ignored and diminished the significance of the less publicized species which really constitute Mineral King's avifauna.

In the central Sierra Nevada there is no similar sized ecosystem which boasts the variety of bird species one can encounter at Mineral King. The small geographical size of Mineral King (15,000 acres) belies its variety of habitats and extreme elevational changes (from less than 6,000 to over 12,000 feet). Mineral King's summer bird list includes nearly 100 species, an extraordinary species richness which makes Mineral King unique in California. To observe all of the species which are found at Mineral King, one would normally have to cover a much larger area, but the nature of its topography and the quality of its different habitats makes Mineral King a very desirable and ecologically diverse environment for the following birds:

Goshawk*, sharp-shinned hawk, cooper's hawk, red-tailed hawk*, golden eagle*, prairie falcon, American kestrel*, blue grouse*, mountain quail*, spotted sandpiper*, band-tailed pigeon*, rock dove*, mourning dove*, pygmy owl*, spotted owl*, poor-will, black swift, vaux's swift, white-throated swift, Anna's hummingbird, rufous hummingbird, Allen's hummingbird, calliope hummingbird*, common flicker*, pileated woodpecker*, red-breasted sapsucker*, williamson's sapsucker, hairy woodpecker*, downy woodpecker*, nuttall's woodpecker, white-headed woodpecker*, western kingbird, black phoebe*, willow flycatcher*, Hammond's flycatcher*, Dusky flycatcher*, western flycatcher*, western wood pewee*, olive-sided flycatcher*, violet-green swallow*, Steller's jay*, common raven*, pinyon jay, Clark's nutcracker*, mountain chickadee*, bushtit, white-breasted nuthatch*, red-breasted nuthatch*.

Brown creeper*, dipper*, house wren*, winter wren*, rock wren*, American robin*, hermit thrush*, Swainson's thrush, western bluebird, mountain bluebird*, Townsend's solitaire*, golden-crowned kinglet*, ruby-crowned kinglet*, phainopepla, solitary vireo*, warbling vireo*, orange-crowned warbler*, Nashville warbler*, yellow warbler*, yellow-rumped warbler*, black-throated gray warbler, Townsend's warbler, hermit warbler*, MacGillivray's warbler*, Wilson's warbler*, red-winged blackbird*, Brewer's blackbird*, brown-headed cowbird*, western tanager*, black-headed grosbeak*, Lazuli bunting*, evening grosbeak*, purple finch*, Cassin's finch*, gray-crowned rosy finch*, pine siskin*, lesser goldfinch*, green-tailed towhee*, lark sparrow, rufous-crowned*, dark-eyed junco*, gray-headed junco*, chipping sparrow*, white-crowned sparrow*, fox sparrow*, Lincoln's sparrow*, song sparrow*.

The above list includes birds recorded within Mineral King only; it does not include those species which occur along the "transportation corridor" from Three Rivers to Cabin Cove. Those species marked with (*) are known to breed in the Mineral King area. The presence of over 70 species of breeding birds at Mineral King is unrivaled in the Sierras.

The gray-headed junco, found breeding at Mineral King in 1974, has never been recorded as a breeding bird anywhere else in the Sierras. The relatively undisturbed nature of Mineral King's environment probably accounts for this occurrence.

Golden eagles, goshawks, spotted owls, and pileated woodpeckers are found at Mineral King. All are rare birds with a low tolerance for disturbance associated with human encroachment. As many as three immature golden eagles and three

immature goshawks have been sighted in a single day at Mineral King. These observations suggest that present numbers of those two species are healthy and that good reproduction is still possible in Mineral King. Breeding of the spotted owl near Silver City (site of the proposed ten acre development in the Disney proposal) is further evidence that people pressure has not yet reached the point where such wild, seclusive species as these are affected negatively. The presence of all four is a strong argument for inclusion of Mineral King in Sequoia National Park. At least these animals would be afforded the protection from development that they would probably forfeit in Sequoia National Forest.

Gray-crowned rosy finches, tame but seldom encountered residents of the high elevation Alpine snowfields, occur in unusually high concentrations near the proposed ski bowls at Mineral King. Over 100 were seen at Farewell Gap in August 1977. Such a flock would not likely be encountered again once the proposed ski slope "grooming" destroys the natural rock formations that have been available for nesting and cover. Their habitat would be even further disturbed by construction and the subsequent influx of winter recreation seekers (5,000 to 20,000 people at one time (PAOT) according to the final environmental statement).

In August 1976, over 600 individual birds of nearly 25 species were involved in a diurnal southern migration wave at Farewell Gap in Mineral King. Migration waves, common phenomena in the Eastern United States, are almost unknown in the West. This kind of mass bird movement is very rare in the Sierras (David Gaines personal communication) during the fall but a knowledge of Mineral King can help explain the existence of this local spectacle. Mineral King Valley is oriented in an approximately North-South direction with Farewell Gap as a high altitude (10,587 feet) southern terminus. After stopping to feed and rest in the lower reaches of the western and northern portions of Mineral King, southbound migrants are forced to move to a higher elevation to get out of Mineral King Valley. The ridges on the East and West side of Farewell Canyon funnel these migrants right through Farewell Gap. Nowhere else in the Sierras has such a migration "funnel" of this magnitude been discovered. Mineral King serves then as a vital staging area (a place to rest and feed before continuing migration) for tens of thousands of migratory birds each year.

Mineral King would be part of Sequoia National Park today, but when the park was established in 1890, Mineral King was excluded on the basis of a few mining claims. The mines were unproductive, but Mineral King is still administered by the United States Forest Service.

The Forest Service seems to be committed to some form of large-scale recreational development. On page 252 of the Mineral King final environmental statement, the Forest Service assigned a high significance rating to the need for expansion of Alpine recreation opportunities "other values listed are considered secondary to the above." As long as Mineral King is under the jurisdiction of the Forest Service, the flora and fauna of the Mineral King area will be endangered.

The National Park Systems philosophy of preservation would be more likely to protect the beauties and values of Mineral King, for it does not stress the consumptive aspects of the Forest Service's multiple-use policy. "Placing this feasibility report, "would ensure that the high standards of environmental planning common to that agency would be imposed to maintain the integrity of Sequoia National Park. . . . On its own merits and through its association with Sequoia National Park, Mineral King qualifies for national park status."

We realize that inclusion in the National Park System does not preclude developments consistent with national park policy, but we are pleased to note that this bill provides for full public participation during the preparation of a comprehensive Mineral King management plan. The Forest Service never sought such public input. According to Richard Curry, a legislative liaison man for the Park Service, whatever development might go into Mineral King under national park jurisdiction, "would have to be compatible with the fact that the area is surrounded by backcountry wilderness."

The vegetation at Mineral King is rich in variety. Its mosaic-like composition creates an unusually large amount of ecotone or "edge effect." ecotones, where two or more different habitats come in contact, provide food and shelter for a greater variety of animals than could be found in any equal sized parcel of a homogenous habitat (such as brush or fir forest). The variety of plant species and associations present at Mineral King is much higher than in most parts of the Sierra Nevada because of the extreme elevation changes and varied topography (from valley to granite peaks) which exist within this relatively small area.

The Riparian (streamside) vegetation and associated meadows of Mineral King are of critical importance to much of the Montane wildlife. The number of species of birds associated with riparian woodland is larger than any other (California) formation (Miller 1951). In California, Riparian habitat in the Sierras is the last haven for several species of birds like willow flycatcher and yellow warbler, which have been nearly exterminated from their former range in the central valley and Sierra foothills. This fragile, formerly widespread habitat is practically absent from areas where heavy use by visitors during summer months has destroyed the vegetation. According to Disney's proposal, the number of people at one time (1,400 to 12,000 PAOT) at Mineral King during the summer would place immense pressures on the Riparian habitat in Mineral King Valley. Birds of this streamside plant association such as spotted sandpiper, downy woodpecker, and the increasingly rare willow flycatcher and yellow warbler would be threatened by any significant increase in human activity within their habitat.

Mineral King's meadows are as unique and important as its Riparian habitat. They are among the few remaining meadows in the Sierras which have not been heavily grazed. Mountain Meadows support health populations of pocket gophers, whose subterranean burrows help carry surface water runoff down to the water table, thus helping to prevent floods when the Sierra snowpack melts each spring. The abundant summer wildflowers which grow in the meadows are a vital food source for thousands of migrating hummingbirds from June until early September. Like Riparian habitat, the meadows of Mineral King are fragile areas which can be easily destroyed by the significantly increased visitor use, which would accompany development.

The above discoveries, results of observations from our annual bird counts, present overwhelming evidence of the unique nature of Mineral King. There is no other site in the Sierra Nevadas where such diverse wildlife exists in so small an area. Its importance as a major migratory pathway is immense. All the qualities mentioned support our conviction that Mineral King is not only worthy of national park status, but that it must be made a part of the Sequoia National Park if such qualities are to persist for future generations to enjoy.

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PRELIMINARY EVALUATION OF THE FINAL ENVIRONMENTAL STATEMENT, MINERAL KING

The Mineral King Final Environmental Statement fails to recognize the effect of the proposed Disney development on the flora and fauna of the area. There is no way that 2,785,600 visitor days, plus Disney staff, can be added to the use in this small area without serious damage. On Page 182, the report states that there will be no significant effect to the various species of plants and animals that inhabit the area. For the following reasons we can not accept this statement:

1. With the Disney development the projected visitor use/acre at Mineral King will be over twenty times heavier than at Yosemite.

Yosemite: The park has 786,659 acres. During the last five years it had approximately 34,275,000 visitor days. This gives a yearly average visitor days of 6,855,000. At Yosemite there would be over eight average annual visitor days/acre.

Mineral King: The area includes less than 16,000 acres. With the Disney development the projection is for 2,785,600 visitor days. The projection for Mineral King would be over 174 average annual visitor days/acre, or over 20 times heavier use than at Yosemite.

It is generally acknowledged that Yosemite is over-used, and the National Park Service is in the process of developing restrictions on public use that will reduce the environment damage that is being caused by this heavy use.

If the average annual visitor days/acre at Mineral King will be twenty times greater than at Yosemite, then the over-use will be much more severe. The Final Environmental Statement, Mineral King does not acknowledge this or deal with the obvious problems of over-use. Rather the projection is for a highly developed, virtually urban experience in an alpine environment of severely limited space.

2. The extensive developments planned will be incompatible with the purpose of the Sequoia National Game Refuge.

The Sequoia National Game Refuge was established in 1926. Section 6 of Public Law 69-465 sets the Mineral King area aside to protect birds and game or other wild animals. It protects from trespass the game which exist thereon. It restricts other uses that are not in conformity with the primary purposes for which the game refuge was established.

The heavy development planned will cause damage to wildlife and game species, and thus is clearly illegal according to above law. In addition, the heavy development will have a devastating impact upon the flora and fauna generally.

3. The Mineral King Deer Herd will suffer a significant impact.

Current usages in the valley have driven deer out of prime habitat up into marginal areas along the mountainsides.

The vast developments proposed will conflict directly with the prime habitat necessary for fawning. The major hotel development will be within the historic prime fawning areas. The plan claims that humans will be kept away from the fawning areas during the months of May and June, but does not specify how. The critical fawning period runs from the last part of June into the first of August. No provisions are made to protect these critical areas during this period. It will be impossible to keep humans away because of the vast increase of visitor/day pressure, the projection of new trails, camping grounds and recreation areas, the disruption of the physical environment for the construction of ski runs, thus destroying the actual physical conditions necessary for successful fawning, the construction of trams to restaurants at the top of the mountain, with many people being expected to walk back down through prime deer habitat. The human traffic and noise are known factors in driving deer out of their range.

The report does not recognize the importance of the valley floor and adjacent slopes as fawning areas. One estimate from the California Department of Fish and Game is that as much as 89% of the fawning area will be lost.

A secondary effect is that parts of the winter range near Oak Flat is on private land subject to development for overflow crowds. Thus the winter range, which is restricted in size is subject to severe damage.

The town of Three Rivers will be greatly increased in population, which means that there will be a corresponding increase of pressure on the adjacent winter deer population by poachers, dogs, etc. But there are no provisions for increased or adequate law enforcement to protect the wildlife.

The Final Environmental Statement provides no solution for the control of the deer herd. Bow and arrow hunting is inadequate, rifle too dangerous. The winter range will be damaged, blocked from public access, or beyond reach in the park, so no control of the herds will be possible there.

4. The bear population will be significantly affected—large numbers attracted and killed.

Bear are a game species protected by law in the Sequoia National Game Refuge. There is no known way to prevent conflict between bear and humans without killing bear or limiting human use. Trapping and moving does not work. Bear that have lost their fear of and depend on humans for food will either return to the site or seek out another human habitation. Eventually the bear must be killed to protect property and to save humans from harm.

5. Many other species of plants, mammals, birds, invertebrates, amphibians, and reptiles will be significantly affected.

Sufficient information is not available to know how much damage will be done to most species of the flora and fauna by adding 2,780,000 user days per year to this small refuge.

With the exception of deer and bear, there are no known adequate studies of the wildlife species in Mineral King to show how such massive developments would affect them.

The Final Environmental Statement says on page 182, that there would be no significant effect on these many species, but it provides no facts, refers to no documentation, because there is none available. There is no known research to support most of the generalizations about wildlife in the Final Environmental Statement.

Pages in Final Environmental Statement where statements are in question or where the report has failed to bring out wildlife problems: 22, 25, 27, 29, 32, 33, 81, 82, 84, 87, 88, 89, 145, 175, 178, 179, 181, 182, 184, 185, 186, 195, 210, 211, 225, 230, 271, and 273.

6. The air quality in the valley and in the adjacent San Joaquin Valley will be severely damaged.

The increase of traffic for the increased visitor days will be severe with the corresponding pollution of air.

Damage to plant and tree life on the west slope of the Sierra Nevada is already a recorded fact, and it will be increased.

Damage to agriculture in the San Joaquin Valley will be increased. The San Joaquin Valley is one of the worst potential smog areas in the world. It has no adequate natural avenues for the dispersal of smog.

7. Water quality protection has not been adequately prepared for and the consequent deterioration of water quality will affect wildlife as well as the projected visitors.

It is not clear that sufficient waste disposal facilities have been planned either for the sites in the valley or for Three Rivers. Soil moisture and weather conditions at the site need further study to determine whether they can handle leach-field systems.

A case in point is that several camping areas in Yosemite had to be closed this year because of lack of water; another is that Crater Lake was restricted because of waste-disposal contamination of water supplies. Neither Yosemite nor Crater Lake have the visitor per day pressure projected for Mineral King.

AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., April 20, 1978.

HON. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation, Senate Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: Have learned from the subcommittee staff that the agenda for hearings on the Mineral King bill (S. 88) is so full that further witnessess are being discouraged. I had hoped to appear on April 28 and present the enclosed statement. However, if it is more convenient to the Committee, I submit it for the record and will not testify in person.

Sincerely,

WILLIAM E. TOWELL,
Executive Vice President.

Enclosure.

STATEMENT OF WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT, THE AMERICAN FORESTRY ASSOCIATION

Mr. Chairman and members of the Committee, I am William E. Towell, Executive Vice President of The American Forestry Association, a citizen conservation organization of 80,000 members and 103 years of involvement in natural conservation policy. I appear in opposition to S. 88 or any other proposals to transfer Mineral King from the jurisdiction of the U.S. Forest Service to the National Park Service.

In our opinion, transfer of jurisdiction from one federal land management agency to another is a poor way to resolve a management decision. The basic question is whether or not to permit a recreational ski development proposed by the Forest Service. There has been no mismanagement of Mineral King. The only threat of deterioration is the private in-holdings and the environmental impacts of their use. Recreational development could proceed under Park Service administration the same as under the Forest Service. Hunting, of course, would be prohibited under Park status, but this has not been a problem. Why, then, transfer ownership? It could become a dangerous precedent in any situation where preservation advocates differ with the multiple use concept.

Mineral King is not an outstanding natural attraction. Portions of the valley floor are today a rural slum due to private in-holdings and unregulated public use. It was originally left outside the National Park boundaries because of conflicting mineral development and other uses. Private in-holdings should be acquired irrespective of Park Service or Forest Service jurisdiction. There are ever-increasing demands to create new National Parks from the National Forest System. P.L. 94-458 requires the Secretary of the Interior to recommend each year twelve new areas which have potential for inclusion in the National Park System. The first report already includes Mineral King and two other areas presently in the National Forest System and subsequent recommendations are certain to focus increasingly on the National Forests. Our concern is the trend and the precedent that passage of S. 88 would signify.

Congress can make whatever policy it wishes for our public lands and it is then the responsibility of the agencies to carry out that policy. Any of the existing land management agencies (NPS, USFS, BSW&W, OR DOD) should be capable of carrying out policy directives of the Congress. It is not necessary to transfer land and jurisdiction from one agency to another to change management objectives. We feel very strongly that such a transfer in the case of Mineral King is neither necessary nor in the best interests of total public use and benefits.

It has become rather obvious that the Administration will not support the ski development proposed by Disney Productions. This, in our opinion, is regrettable, because seldom will there be a similar opportunity to develop quality recreational use of a type greatly in demand and with such a minimal environmental impact. Mineral King basin has been described as one of the best natural snow basins in the United States. Disney is noted for quality and ski use is a much sought-after outdoor recreational need in this area. With the enormous sums being spent by the federal government to provide wholesome outdoor recreation, here was one opportunity to let private capital foot the bill. But, that appears to be a dead issue.

We oppose S. 88, and urge that the bill not be enacted.

THE KERN PLATEAU ASSOCIATION, INC.,
Kernville, Calif., April 16, 1978.

Senator HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

SIR: Our organization was represented at Congressional subcommittee hearings on (HR 1771), Mineral King. Please insert this letter in the hearing file as our statement on the companion bill, (S. No. 88).

Mineral King is situated adjacent to the areas of our primary concern, upper drainages of the Kern and Little Kern rivers. We strongly support both National Park status and total protection of the natural environment for Mineral King.

It seems that the faith we place in our government has been turned against us for many years by the U.S. Forest Service. You would think that the Forest Service would respect and revere the great beauty and fragility of Mineral King's environment. However they have never seen fit to fully acknowledge this in their efforts to promote commercial exploitation of Mineral King. We feel that the National Park Service is an agency that can do a first class job of preserving this superb landscape.

We have gone on record as favoring development of a modest winter recreational area on Forest Service land, in the Slate Mountain roadless area 25 miles south of Mineral King. We feel that the accessibility to an improved highway, availability of nearby private properties, and meeting the winter employment needs of seasonal forest industry employees in the area make Slate Mountain a more acceptable candidate for a downhill ski development than Mineral King. I should add that it is an area of lesser environmental sensitivity, and a ski area there would have a lesser effect on the air quality in Tulare County than a development in Mineral King.

Thank You,

R. H. DOODY, Vice President.

RICHARD KOCH M.D.,
Los Angeles, Calif., April 24, 1978.

TOM WILLIAMS,
Senate Subcommittee on Parks and Recreation, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. WILLIAMS: Enclosed is testimony on S. 88 to make Mineral King part of Sequoia Park, which will be heard by the Committee on Energy and Natural Resources on Friday, April 28. I hope this has arrived in time for it to be included in the record of the hearing.

Sincerely,

JEAN KOCH.

STATEMENT OF JEAN KOCH

I trust that, although I was not able to get on the agenda to present this testimony personally, it will be made part of the record of the hearing. I am in support of S-88 and urge this committee to pass the bill.

My qualifications to speak on this bill are that I have been spending my vacations at Mineral King since the 1930's, so I know the valley well. I have backpacked each summer since 1967, using Mineral King as a starting point, and have hiked some 900 miles in the Mineral King area and the surrounding back country of Sequoia Park during that time. I have been cross-country skiing into the Mineral King valley several times each winter since 1971, so I am familiar with the snow conditions at Mineral King. I am also an Alpine skier, having skied at many of the resorts in the Rockies and in California, so I know the effect a ski resort has on a primitive area. And I have been privileged to own a cabin at Mineral King for the past 20 years.

The Mineral King valley is a fragile, unspoiled area where the snow conditions and precipitous ridges are not adaptable for Alpine skiing. I do feel that the valley could be used by cross-country skiers and snow mountaineers in the winter. Primitive shelters such as those available at Silver City (three miles from Mineral King) could provide a place for skiers to sleep and cook after skiing into the valley. I believe it would be a mistake to improve and widen the road or to keep it plowed in the winter. Mineral King is too fragile to support large crowds of people. Cross country skiers and snow mountaineers do not need the type of accommodations that Alpine skiers need, nor do they need an improved and plowed road, for they can reach their destination on foot. This type of use is compatible with the fragility of the valley.

I would hope that the wording of the bill be changed to read that the cabins at Mineral King are "compatible with the purposes of this act" and that they shall remain for the lifetime of the owner or for 25 years, whichever is longer. If this is not possible, I still favor including Mineral King in the Park. The important thing is that Mineral King be preserved for the enjoyment of future generations, as well as the present.

Thank you,

LYAL ASAY, M.D.,
Fontana, Calif., April 24, 1978.

Mr. TOM WILLIAMS,
Senate Subcommittee on Parks and Recreation, Dirksen Senate Office Building,
Washington, D.C.

DEAR MR. WILLIAMS: It is requested that the accompanying testimony become part of the record supporting the addition of Mineral King to Sequoia National Park as specified in Senate Bill 88.

Thank you.

Sincerely,

LYAL ASAY, M.D.

Mineral King is a spectacularly beautiful valley surrounded by mountains ranging up to 12,500 feet, which enclose 8 basins with high Alpine lakes. Numerous streams descend from these lakes and springs, and from the East Fork of the Kaweah River as it cascades through the Mineral King valley. Beyond the enclosing mountains in every direction except for a ribbon of land that connects Mineral King with the national forest to the south, trails lead out into the pristine beauty of Sequoia National Park. Mineral King thus sits almost totally enclosed by the Park, and like a dagger projecting from the south, would, if developed as envisioned by the Forest Service and the Disney corporation, strike at the very heart of Sequoia National Park. Even the country to the south, including the Little Kern drainage system, the Kern River and the Kern Plateau is of Park quality. To date, it is not as well known as the Park to the north and is not as intensively traveled. Although Forest Service neglect has left it extremely littered, improved management, as practiced by the Park Service, could remedy this situation. I would urge, not only Mineral King, but this area to the south be included in any bill to expand Sequoia National Park.

Every year for 20 years during its vibrant springs and gentle summers, through the golden autumns and during the sparkling snow-covered winters, I have driven the winding narrow road up the East Fork of the Kaweah River. In the winter, the snows require that one change from an automobile to a pair of skis or snow shoes before reaching one's destination. Never have I considered the road to pose a problem of access. Never have I felt it necessary for the tax payers of the rest of the country to subsidize my pleasure, as is the case of those who demand that government build a highspeed highway or a publicly financed monorail at great expense to service a private resort. Three primary means of access to this resort have been proposed. The first, a new hi-speed highway financed by highway tax funds at undetermined expense. The second, a monorail, and the third, a com-

bination of the two. The first would surely cost in excess of fifty million dollars badly needed for highways elsewhere. The second would be tax exempt and be financed by municipal bonds, the earnings of which are also tax exempt. The net loss in taxes which is, in effect, a subsidy for the project, would be considerable. My son, Michael R. Asay, who is an economist at the University of Southern California, has calculated this subsidy to be in excess of \$50 million. (a letter of explanation is attached)

Given these circumstances, if the recreationists who are pressing for the development of Mineral King had to pay the total cost of using the convention center ski resort, it is not likely that the project would be economically attractive.

An additional cost which society must bear is that of environmental degradation. Not only would be fragile terrain be extensively damaged by blasting, bulldozing, tree felling, stream channeling, and water degradation due to silting and sewage pollution of the crystal clear waters, but air quality, which is rapidly deteriorating in the great central valley will surely deteriorate further by the attraction of many, many more vehicles. The Air Resources Board of the state of California has just reported that the great central valley of California shows the worst trend in the state, with maximum levels of oxidants having increased from 0.15 parts per million parts air to 0.22 parts per million from 1971 to 1976. 0.08 parts per million, roughly $\frac{1}{2}$ of that level is considered unhealthy. Crop damage in the valley due to smog in 1976 was estimated at \$32 million. Surely the administrators of the United States Department of Agriculture are acting irresponsibly, as they continue to promote developments such as the Mineral King project that can only be more harmful to agriculture. They should stop.

The Forest Service, in its brochure published in 1969 promoting the Mineral King development, describes the proposed village as one of contemporary design to replace the decaying mining town. Although existing cabins blend unobtrusively into the landscape and do retain many historic qualities, any semblance of decay need be attributed to the Forest Service policies. First, only one-year leases are being issued, thus discouraging cabin improvements. Second, a total inadequate use fee of less than \$100.00 per year is charged. The net result is that those individuals who make little use of their cabins have little incentive to sell to others who would use them more. This policy results in a lower utilization rate. I have demanded, without success, in the past, that the Forest Service improve its management procedures and collect a use fee commensurate with the value of the land. If these two procedures were instituted, the decaying process of which they complain would be immediately corrected and additional revenue would be realized. Even at this time, since the Forest Service limits use of the camp grounds to the summer months, the cabins allow the major portion of visitor days. Many record in excess of 300 visitor days per cabin per year, and almost all would if Forest Service procedures were corrected.

Throughout this century, Mineral King offered an opportunity for renewal of spirit to the many hundreds of thousands who have wished to take advantage of its streams and lakes for fishing, its flora and fauna for nature studies, its opportunities for seclusion, its vistas for exhilaration, and its trails for hiking and back packing in the valley and far beyond to the Sequoia wilderness. The price of admission has been the willingness to expend the time and effort to get there. It has remained a gem to be protected as a priceless natural treasure. It should not be ravaged in the name of progress and profit. I ask this committee and ultimately the full congress to look with favor on its addition to Sequoia National Park where it has the greatest chance of survival forever.

Thank you.

LYAL ASAY, M.D.

Huntington, Beach, Calif., August 10, 1975.

EDITOR,
*Los Angeles Times, Times-Mirror Square,
Los Angeles, Calif.*

DEAR SIR: Over the past several years there has been considerable debate between environmentalists and the U.S. Forest Service over the desirability of developing the Mineral King area as a ski resort. One important aspect of the debate which has been completely overlooked is the substantial, implicit, government subsidy the project will receive as currently planned. Given that the development will cater to middle-upper to upper income classes, subsidizing the recreational demands of this group would seem difficult to justify indeed.

The subsidy arises out of the splitting of responsibilities for development of the various portions of the project between the developer (Walt Disney Productions) and various government agencies. While Disney will build the village, ski runs, lifts and supportive systems within the Mineral King Valley, the county of Tulare will be responsible for installing a transportation system whose sole purpose is to serve the project. At this time, the preferred system consists of a 6.6 mile improved two lane highway to be built in conjunction with a 13.3 mile electric cog assisted railway. The total cost of the system is some \$57 million (1973) which is to be financed by tax exempt county revenue bonds. On the surface, this type of financing would appear to impose no cost on the public as the receipts from passenger fares would pay the interest and principal on the bonds. However, the tax exempt features of the bonds have the effect of reducing the tax collections of the Federal Government and, in order to maintain a given level of collections, everyone else must pay higher tax rates (see, for example, P. M. Stern's "The Great Treasury Raid"). In the case under consideration here, the subsidy amounts to somewhere between \$1.1 and \$3.6 million annually or a total subsidy (present value) for the life of the bonds of between \$17 and \$52 million given current interest and tax rates. Additionally, various Federal and State government agencies will be required to foot the bill for some of the measures necessary to minimize the environmental degradation of the area. This, of course, is a use of public funds although no estimate of the magnitudes involved can as yet be made.

The beneficiaries of the Mineral King project are the recreationalists who will be using the area. Given their socio-economic status, it seems rather absurd not to charge these people the full cost of the services provided. Why not let Disney provide all the services, float his own bonds and charge the users a price sufficient to cover all the costs? Under these conditions, however, it is very likely that the project will not appear economically feasible; the \$57 million required for the transportation system alone is more than Disney had planned spending on the entire project and given the low or negative return on this system, it would reduce the overall profitability of the project to an unacceptable level.

If, with all the costs included, Disney can not make a normal profit, it is a direct indication that the Mineral King project is not socially desirable; the value of the services received by the recreationalists (as reflected in the price they are willing to pay) is less than the total costs of providing the service and the project should not be undertaken. As an analogous example, take the case where motorists are only willing to pay \$8,000 for Cadillacs but G.M. has to incur costs of \$10,000 to build them. Obviously G.M. would not build Cadillacs under these conditions. However, if the government picks up \$2,000 of the tab, building Cadillacs would seem feasible. In short, the Mineral King project only appears feasible because of government subsidization. Disney will be quite willing to develop profitable portions of the project if the government develops the associated unprofitable portions. Social desirability however requires that the entire project be profitable.

Sincerely,

MICHAEL R. ASAY,
Economist.

WASHINGTON, D.C., May 2, 1978.

HON. JAMES ABOUREZK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: I attended the hearing on S. 88—to add Mineral King to Sequoia National Park—which the Senate Energy and Natural Resources Subcommittee on Parks and Recreation held on April 28, 1978. I am a Californian, and I have spent time in Mineral King on several separate occasions. I have actively followed and been involved in the Mineral King issue for the past seven years, since my first visit there. I would like the following comments to be included in the official record on S. 88.

I personally believe that the issues raised on Mineral King all revolve around one central question: are we going to build an all-weather access road into Mineral King Valley? It is obvious that unless the road is built there will be no Disney development and practically no winter recreation at all. If the decision is made to permit the Disney development, on any scale, then the all-weather access road must also be approved.

The building of this road raises many conflicts and questions which were not addressed by its proponents. At the hearing, Disney representatives described a

scaled-down, environmentally sound development with limited access so as not to overburden the small, fragile Mineral King Valley. Once an all-weather road is built, how will access be limited? Who will decide who can come to Mineral King and who cannot? My suspicion is that if, in fact, access is limited, those who buy Disney vacation packages or stay in Disney accommodations will be allowed in and those who don't may never get to see Mineral King at all.

A second major contention of the proponents of the development in Mineral King is that this is the last and final hope for additional downhill skiing facilities in southern California. Representatives from the skiing industries and organizations complain that now southern Californians must drive seven hours to ski. They complain that traffic is heavy, roads are clogged, and skiing facilities are always crowded. They are right. I have seen ski areas in California on a winter weekend, and I have sat stewing in endless traffic on Friday and/or Sunday nights on the roads to ski resorts. And I am positive that should an all-weather road be built into Mineral King, the same situation would be repeated there. We should know by now that if you build a road, people will use it. Mineral King would become another Mammoth Mountain. Limited access would be a joke, as would limited use. Furthermore, I do not believe that Mineral King is the very last area in the entire southern Sierra range which could provide downhill skiing facilities. But even if it were, I do not think that is sufficient reason to destroy the Mineral King Valley, and the building of the road would pound the nails into the coffin as far as the Mineral King Valley is concerned. The satellite developments and heavy traffic which would surely result would bring the urbanization people are trying to escape to Mineral King, as has happened at Lake Tahoe, Aspen Taos, and the list goes on . . .

I am not against skiing or jobs, as some would picture S. 88 proponents. But this is a day and age of limited resources, and, as Jerome Waldie said, not everyone can have everything they desire. It would seem to me that several smaller ski areas closer to population centers would provide needed recreation and jobs without exacting the heavy environmental price of the proposed Disney development. A smaller ski area would cause less adverse impact upon the land, traffic would be disbursed, and if people didn't have to drive as far (Mineral King is 230 miles from L.A.), they could conserve gasoline as well.

Lastly, I would like to know exactly who will pay to build this road into Mineral King? Disney Productions has already made it clear they won't undertake this project which could cost \$30 million. Who will pay to maintain it all year long, particularly during winter when the area is covered with an average of 96 inches of snow (according to Mr. Nunis)? It is outrageous to expect Californians alone, or the American populace as a whole, to pay for a road that would be used by a small, well-to-do minority that wants another winter playground. Nor do I think the public is obligated to build a road so that a private company can reap profit from public lands, even if Disney Productions has already spent \$1.2 million on the project. The Forest Service is obligated to the best interests of the American people, not Walt Disney Productions.

I firmly believe that the Disney development and the accompanying all-weather access road would destroy Mineral King as we know it today. This beautiful valley is precious and unique and is deserving of protection in Sequoia National Park. It is one of the natural treasures of all Americans including those yet unborn. We protect our cultural heritage in museums. It is no less fitting that we protect what is left of our rapidly disappearing natural heritage in our National Parks.

Sincerely,

ADELA AWNER.

PORTERVILLE AREA ENVIRONMENTAL COUNCIL,
Porterville, Calif., April 24, 1978.

HON. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: The Porterville Area Environmental Council (of Tulare County California wherein Mineral King Valley is located) urges inclusion of Mineral King in the national park system as part of Sequoia National Park.

1. The massive development proposed by the Disney Corporation and the United States Forest Service for this beautiful alpine valley would be a disaster to the valley due to the sheer impact of numbers and the elaborate facilities needed to serve their needs, far beyond even those related to skiing.

2. Impact would not be limited to the valley but would extend up the slopes and far into adjacent wilderness areas.

3. Planned summer use would be particularly destructive to the fragile plant life, soil and wildlife.

4. A resort would probably limit access by back-packers and hikers who now drive to the valley and hike out from there to the wilderness surrounding the valley. Low and middle income people would have to spend money on any special transportation used into the valley and compete with resort users for wilderness permits.

5. The resort would almost certainly press for expansion by creating a need and then using it as justification for expansion.

6. The large volume of traffic would bring increased pollution to the San Joaquin Valley affecting both health and agriculture. The prevailing winds blow pollution south and east against the foothills. Mineral King Valley, facing the direction of these winds, would get a generous portion of this pollution.

7. Either building a new access road or improving the existing one represents a great investment in itself. Keeping it open and maintained year round would be a continuing burden on the taxpayers of this state and county, besides the environmental damage that would be inevitable in road cuts and widening.

8. Mineral King is surrounded on three sides by Sequoia National Park. Including it in the park would represent a logical squaring up of park boundaries. Yet it would be compatible with the adjacent wilderness area of Sequoia National Forest in the south.

9. The mission of the National Park Service is more in line with what is needed for Mineral King. It is concerned with preservation and protection whereas the Forest Service, while having increased responsibilities in this regard, is primarily devoted to production.

Although the Tulare County Supervisors and chambers of commerce support the ski resort idea, there is no broad base of support in the county. In fact, the Visalia Times Delta, the daily newspaper nearest Mineral King and situated in the county seat, conducted a poll which showed a majority opposed to development.

We urge inclusion of Mineral King in Sequoia National Park.

Sincerely,

R. H. CHAMBERLAIN,
Chairman.

TULARE COUNTY AUDUBON SOCIETY,
Porterville, Calif., April 24, 1978.

Senator ALAN CRANSTON,
*Senate Office Building,
Washington, D.C.*

Senator CRANSTON: The Tulare County Audubon Society supports the placement of Mineral King in Sequoia National Park. Support comes by way of unanimous vote by the Board of Directors and at a general membership meeting.

Please refer to the House testimony of Robert Hansen. Rob represented us at the hearings on Congressman Kreh's bill. His testimony summarizes our involvement in Mineral King and represents our suggestions and point of view.

Kindly enter this letter in the hearing record.

Sincerely,

ROBERT A. BARNES,
Liaison Officer.

SELMA, CALIF., April 28, 1978.

HON. HENRY M. JACKSON,
*Chairman, Senate Committee on Energy and Natural Resources,
Washington, D.C.*

MR. CHAIRMAN: The following are my comments on S. 88, a bill to add Mineral King to Sequoia National Park. I would appreciate inclusion of these comments in the record of the hearing which is being held today.

I strongly support inclusion of Mineral King within the national park, and therefore I support S. 88 in its present form.

I have visited Mineral King numerous times over the years, and have hiked and backpacked many of its trails. I have been impressed by its exceptional beauty, and especially by its uniqueness. Although I have backpacked extensively through the Sierra Nevada for the past 26 years, I have never found another

alpine valley which resembles Mineral King—it is truly one of a kind. Its particular combination of topography, geology, flora, and fauna is not to be found elsewhere in the Sierra Nevada. The testimony of others will elaborate on various aspects of this uniqueness, so I shall not go into detail. Suffice it to say that Mineral King's unique features, combined in exceptional beauty, make the area highly deserving of national park status.

While it might, in theory, be possible to preserve Mineral King "unimpaired for the enjoyment of future generations" under U.S. Forest Service jurisdiction, long experience has demonstrated quite convincingly that it simply would not happen. Over a period of many years local Forest Service administrators repeatedly have stated that they are mandated to develop their lands, unlike national park lands which are to be preserved. Since the Forest Service perceives their role—in all areas and at all times—as being grossly different from that of the National Park Service, it is apparent that the two agencies cannot be expected to manage a single ecological unit, such as the watershed of the Kaweah River's east fork, in a harmonious manner. There would inevitably be conflicts, with one agency managing with one set of goals in mind while the other agency is managing for a different set of goals.

Mineral King is naturally a part of Sequoia National Park, forming as it does the final headwaters of the Kaweah River's east fork and being surrounded on three sides by the National Park. In the interests of sound, rational land management planning and administration, it should be placed under the jurisdiction of the National Park Service.

To this end I strongly urge passage of S. 88. I further urge that you not adopt any weakening amendments which might bypass or nullify established Park Service planning procedures. Thank you.

Sincerely,

GEORGE W. WHITMORE.

THREE RIVERS, CALIF., April 25, 1978.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I understand that the Committee on Energy and Natural Resources will be conducting hearing on your bill, S. 88, to transfer Mineral King Valley to National Park Service jurisdiction. I also understand that the committee agenda has been closed. Therefore, I wish to ask you to try to add the following personal statement to the hearing record if that is possible.

I believe that Mineral King Valley should be made a part of Sequoia National Park. The reasons for this belief are many, and I have documented them in some detail in Appendix M of the Forest Service's Mineral King Final Environmental Statement of February 26, 1976. Here I wish to note the major adverse impacts of Forest Service/Disney type development of Mineral King on the community of Three Rivers. These impacts are of special concern to me as a resident of Three Rivers and as an official involved in the provision of public services and facilities to the area by the Three Rivers Community Services District.

The impacts of intensive development of Mineral King Valley on the community of Three Rivers would include explosive growth, and associated economic, social, and land use problems. The predicted doubling (at least) of the population of Three Rivers in three to four years would place an intolerable strain on public services, which would have to be built rapidly at great expense to the present community. The financial resources and bonding limit of the Services District would be greatly exceeded. In addition, low, moderate, and fixed income residents of the community would be displaced as taxes and prices rose. There would also be a complete, and unwanted, change in the character of the community.

I feel that the Forest Service (and Disney Enterprises) have been totally insensitive to the serious problems that would face Three Rivers. Although the Forest Service mentions many of the impacts on Three Rivers it states that few, if any, of the impacts are adverse and that there are no negative impacts on local government so no mitigation measures are required.

Nevertheless, I have been told by reputable engineers that it would cost at least \$50 million to provide the public services to handle the growth induced by intensive development of Mineral King. Three Rivers cannot come up with that kind of money, even with maximum State and Federal grants. Studies of other impacted communities have shown that a growth rate of 5 percent is about as much as a small community can comfortably absorb; in an unplanned situation

a growth rate of 10 percent disrupts local service capabilities, along with the housing and labor market. (Boom Town Growth Management, John S. Gilmore and Mark K. Duff, Westview Press, Boulder, Colorado, 1975)

Three Rivers has no plan for managed development. Speculators pushing for Mineral King development has consistently stymied and sabotaged attempts to prepare a general plan for Three Rivers. But the prospective broad community objectives for such a plan do show that a majority of the residents do not want the type of community that would result from intensive development of Mineral King.

Thus, I feel it would be in the best interests of the community to have Mineral King valley transferred to the Park Service and restricted to low intensity use that would generate little or no impact on Three Rivers. Forest Service proposals for scaled-down development seem only to open the door for expanded development at a later date.

For over 13 years Three Rivers has been hustled by land speculators, realtors, and others seeking to make a large private profit from Mineral King development. They even objected very strongly to a request from the Three Rivers Community Services District for consideration for federal impact funding proportional to the degree of impact on Three Rivers, no matter who developed Mineral King. Private profit is O.K.; public profit is not. Indeed, I have documented evidence that two of the commercial speculators who attempted to foist an environmentally damaging recreational vehicle park on Three Rivers are the President of the Far West Ski Association and one of his vice-presidents.

Favorable action of S. 88 will bring a measure of peace to Three Rivers, and permit the community to plan for the kind of plan it wants to become.

Cordially,

ROGER GYMER.

DESOMOUNT CLUB,
April 24, 1978.

Hon. Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: The Desomount Club desires to have their written testimony included as a part of the Senate Hearings on S. 88 before the Energy and Natural Resources Committee.

We earnestly support the transfer of Mineral King to the National Park System—Sequoia in the interests of both preserving this invaluable natural resource for all time from the onslaughts of commercial developers and to conserve energy/resources to better applications and utilization. Mineral King should remain as is—without the interfering plans of the Forest Service combined with the large corporations attempting alliances with our legislators to destroy this remaining American alpine area.

Thank you for your assistance in this matter in which Desomount essentially has previously taken a position stand many times. Our position remains similar as those presented in the successful defeats of the San Geronio Wilderness Area hearings as published in H.R. 6891 Serial No. 89-36.

Sincerely,

GEORGE A. PETERS.

OFFICIAL POSITION STATEMENT OF THE DESOMOUNT CLUB ON S. 88

Therefore be it resolved, That the Desomount Club is in favor of S. 88 (H. 4354) transferring Mineral King from the U.S. Dept. Agr./Forest Service to the U.S. Dept. of Interior/National Parks—Sequoia. The Desomount Club does not approve of any amendments or changes aimed at permitting study or installation of commercial ski/resort complexes at Mineral King and environs.

Discussion.—During the past twelve years the Desomount Club has carefully studied the threatening impacts of commercialized skiing under the auspices of the U.S. Department of Agriculture—Forest Service. Our volunteer, non-vested interest members, officers, and Board Members have devoted hours, days, weeks, and years pouring through publications, studying various reports, attempting to keep up with diverse public and corporate statements, trying to attend meetings and hearings and finally wading through so called Environmental Impact Statements as issued by the USDA-FS. The latter carefully avoids the key issue—the disastrous destructive effects of a large commercial enterprise at Mineral King!

We now hear at the last minute of a Senate Hearing for this Friday, April 28, 1978 which is scheduled without sufficient notices for and severely restricting public testimony. We understand the Disney Corporation and the Far West Ski Association are to be afforded carefully and generously funded time for testimony by their professionals in hopes to get a last minute foot in the door for commercial developments. This is in direct contrast to the overwhelming public positions against wilderness, wild game refuge or national park exploitations as has been attempted at these Mineral King precedent setting, prior hearings.

We appreciate and fully understand the stake for another Disneyland/Disney World corporate venture to assure high gate receipts to maintain in profitable operation—but certainly not within the small confines of a delicate, pristine alpine valley and its environs standing at the terminus of a narrow dead-end road. We are opposed to the alliance of a tax supported federal department and a large corporation attempting the takeover of public lands.

Desomount remains in opposition to the destructive impacts of yet another Squaw Valley, Sun Valley, etc. project and favors immediate transfer from the gross mismanagement of the USDA-FS to the USDI-NP for the Mineral King area with no provisions for ski or resort complexes associated with the transfer.

EVELYN GAYMAN,
Conservation Chairman.
GEORGE PETERS,
Outdoor Chairman.

SOUTHERN CALIFORNIA EDISON Co.,
Washington, D.C., April 27, 1978.

Hon. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reference to the Subcommittee on Parks and Recreation's consideration of S. 88, a bill to enlarge the Sequoia National Park to include the Mineral King Valley.

The Southern California Edison Company is the licensee for FERC Project No. 298, known as the Keweah Project. Portions of this hydroelectric project lie within the present boundaries of the Sequoia National Park and are operated under provisions of a permit granted to the Company by the Secretary of the Interior pursuant to the Company by the Secretary of the Interior pursuant to P.L. 93-522 of December 14, 1974. Another portion of the project extends into the Mineral King Valley and includes four small lakes which are used as flow regulators.

At the time P.L. 93-522 was being considered in 1974, the four small lakes were not included in the Act because they were then within the boundaries of the Sequoia National Forest and under the jurisdiction of the Department of Agriculture. Inclusion of the Mineral King Valley within the Park was not then contemplated.

The authority of the FERC to issue a hydroelectric license (16 USC 797(c)) covers the right of the Commission to license projects on those lands under the jurisdiction of the Department of Agriculture (Forest Service). However, a different provision of the Federal Power Act (16 USC 797(a)), and under the Act of July 3, 1926 (44 Stat. 820) which revised the then boundaries of the Sequoia National Park, no power project is to be permitted on land under the jurisdiction of the National Park Service "without the specific authority of the Congress."

Thus, enactment of the bill into law as introduced would result in inclusion into the Park of the four small lakes in the Valley without specific authority and in violation of the Act of July 3, 1926. The National Park Service has recognized the anomaly which is created by expanding the boundaries of Sequoia National Park to include the Mineral King Valley with the four small lakes referred to. The Park Service has recommended the following amendment to the Committee on Interior and Insular Affairs of the House of Representatives as being necessary to grant authority to the Secretary of the Interior to issue a permit covering these lands added by the expansion of the boundaries and the change of federal management jurisdiction:

"The Act of December 14, 1974 (88 Stat. 1660) is amended by adding a new Section 5 as follows:

'Section 5. Notwithstanding any other provision of law, and federally owned lands incorporated within the boundaries of Sequoia National Park subsequent to the date of enactment of this Act, which entail project works, developments, lands, or facilities which are components of Federal Power Commission Project Number 298, shall be subject to all provisions of this Act.'

We respectfully urge the Subcommittee to include this amendment in the Mineral King legislation and request that this letter be made part of the hearing record on S. 88.

Cordially,

ALAN M. NEDRY.

LOS ANGELES, CALIF., April 27, 1978.

HON. JAMES ABOUREZK,
Chairman, Senate Subcommittee on Parks and Recreation, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR ABOUREZK: In my letter of 17 April I requested an opportunity to give testimony during the subcommittee hearing on S-88 scheduled for 28 April. As I find I am not able to be present at the hearing, I respectfully request that the contents of this letter be regarded as the message I would have conveyed at the hearing, and made part of the public record.

The Federal Government has a virtual monopoly on our nation's mountain tops. In reality, these mountains are a God-given resource, like all other physical features of the planet earth. The Federal Government is steward of this resource and is not only required to protect it, but also, by law, obliged to utilize it—where practicable and with wisdom—in ways beneficial to the public.

From my understanding of the workings of the U.S. Government, merit of the National Forest Service proposal for the development of Mineral King should first be determined by the Executive branch, with checks and balances provided by Federal Courts through a review of cases brought by any who wish to challenge the proposal.

Although Congress certainly has the right to enact laws as it sees fit in the best interest of the American people, it would seem wise and advisable for the merit of the Mineral King project to first be determined by the other two branches of government. To do otherwise is tantamount to circumventing the laws of the land, which Congress enacted previously. Among these is the Environmental Policy Act of 1969 which enabled participation in proposed actions by all concerned parties/agencies/institutions, both public and private. I would remind you that this Act specifically defines man and his needs as part of the environment. Further, concern for the natural environment requires that an Environmental Impact Statement be prepared in order to place in evidence that essential information needed to protect flora and fauna, and to enable informed judgments to be made regarding the relative benefits and possible losses that might be incurred through the action contemplated. Such precautions and protective measures are crucial to assure that the integrity of our people and our planet are preserved. Consequently, I believe that Congress should defer consideration of the future of Mineral King until such time as the merit of the proposed development for Mineral King is fully known and understood. Subsequent to that time, if Congress believes the final definition of the proposed development is not in the best interests of the country, or environment, it certainly can act to accomplish an end which it deems most desirable. For Congress to enact S-88 at this time, is simply premature.

Regarding public needs, we all know the virtues of physical challenge and/or the spiritual rewards, perception and learning experience that can be gained from a quality recreational experience. It contributes mightily to the quality of our lives. In modern times, such recreational experiences often provide the renewal of spirit, adventure and outlook so important to a healthy and vibrant populace. Such an experience with nature is our touchstone with reality, and not only is it important, and essential, to observe nature's grandeur to restore our perspective, but also to place foremost in our minds the respect she commands and deserves.

The National Forest Service has proposed development of Mineral King into a year-round mountain recreation resort to serve, in part, the recreational needs of Southern Californians. Fully one-third of the population of California—the most populace state in the nation—resides in Los Angeles County. Its population

is 7 million persons. As a point of reference, Los Angeles County's population is equal to the combined populations of the following ten major American cities: Detroit, Washington, Cleveland, Indianapolis, Milwaukee, Boston, New Orleans, Denver, Atlanta and Miami. (Based on 1970 census). At present, the people of Los Angeles County have very limited recreational opportunities, especially in mountain areas.

I began this message speaking about mountains as a natural resource, and in that regard I would like to bring to your attention another fundamental point. Precipitation when it occurs in mountains is in the form of snow; when it occurs over the oceans, it is liquid. In any event, it is water—a fundamental element of life, a resource. Provided no undue environmental damage is caused, I do not feel Congress has any more right to deny public access to snow for the purpose of skiing, than it has the right to deny public access to the oceans for fishing, swimming, boating, etc. In short, the mountains belong to the people, and where possibly they should be reserved for use in the best interest of the people.

Regarding the desirability of wilderness, I have these comments to make. As part of the Omnibus Wilderness Act enacted by Congress earlier this year, 1,026 million acres in eight western states were classified wilderness. Of this figure, 388,000 acres (or 38%) are in California—including an area of 306,000 acres in the Sierra Mountains known as the Golden Trout Wilderness. With these recent additions, federal lands in California classified wilderness now total 2.3 million acres. Of the nation's entire inventory of wilderness, 10% of these lands are located in California. In passing, it should also be noted that Congress added 48,000 acres to Redwood National Park this year. (The National Park Service administers more than 4.3 million acres in California).

In deliberating on S-88, the Senate should consider the following question: Shall access to federal lands be limited to the relatively few who have the time and stamina to backpack to their destinations, or should certain federal lands with exceptional recreation potential be developed for the benefit of a relatively large number of citizens—young children to oldsters, and everyone in-between—who desire a quality recreational experience, but have neither the desire nor inclination, or perhaps ability, to backpack?

Finally, it is clear that the time has come when government must institute a balanced approach to recreation and conservation. In the case of the National Forest Service proposal for development of Mineral King, I personally see no conflict in these interests.

Respectfully,

CHARLES A. BAKER,
Concerned Citizen.

VISALIA, CALIF., May 6, 1978.

Re: Mineral King Valley, Tulare County, Calif.

HON. JAMES ABOUREZK,
*Dirksen Senate Office Building,
Washington, D.C.*

DEAR SENATOR ABOUREZK: The Mineral King Valley in Tulare County, Calif. should be made a part of the Sequoia National Park. Mr. Robert Harrell, a member of the Tulare County Board of Supervisors who recently traveled to Washington, D.C. to present a contrary view, for the most part represents people of special interests such as skiers and speculators. Representative John Krebs has stated that he doubts if Harrell speaks for the majority of Tulare County voters.

Many people in this area, probably most, want Mineral King put into Sequoia National Park for several reasons including:

1. They do not want to have the \$30,000,000.00 road construction costs plus annual maintenance expenses added to their taxes, particularly if Tulare County is a depressed county as Mr. Harrell says.
2. They want Mineral King to be available to everyone, not to just the affluent vacationers and ski buffs.
3. They want Sequoia National Park enlarged because it is already over used. Back country visitors must now make reservations far in advance.
4. They do not want to see the wild life preserve of the Mineral King Valley and the alpine beauty of the area destroyed.
5. They know that physically Mineral King is part of the Sequoia National Park area. It was kept out of the park for silver mining purposes which are now obsolete.

Put Mineral King Valley into Sequoia National Park. Protect it and keep it available to all citizens.

Sincerely yours,

CARL M. FERGUSON.

KINGSBURG, CALIF., April 22, 1978.

SENATOR HENRY JACKSON,
Chairman, Committee on Energy and Natural Resources,
Washington, D.C.

DEAR SENATOR JACKSON: I submit the following comments to be entered in the hearing on S. 88, the bill to add Mineral King to Sequoia National Park.

I whole-heartedly concur with the intent of this bill and strongly urge its passage without weakening amendments. I particularly oppose any effort to tie the hands of the Sequoia National Park administration in their developing of plans for the area by requiring that a ski development of any sort be installed.

Sincerely,

FRANCES C. WHITMORE.

PARADISE, CALIF., April 20, 1978.

Senator HENRY JACKSON,
Chairman, Committee on Energy and Natural Resources,
Washington, D.C.

DEAR SENATOR JACKSON: I understand that there are attempts to add a requirement for downhill ski facilities onto Senator Cranston's bill to add Mineral King to Sequoia National Park (S. 88). I would urge you to resist any such attempts and that you recommend passage of the bill without any such weakening amendments.

I wish my comments to be included in the record of the committee hearing on this bill.

Sincerely,

(MRS.) CONSTANCE J. MCCOLLUM.

CARMEL VALLEY, CALIF., April 23, 1978.

Senator HENRY JACKSON,
Chairman, Committee on Energy and Natural Resources,
Washington, D.C.

DEAR SENATOR JACKSON: I wish to convey this urgent request to you to do what you can to ensure passage of Senator Cranston's Mineral King bill, S. 88, to add the Mineral King Game Refuge to Sequoia National Park. I have heard that there are attempts to amend in a requirement for a downhill ski development. Do not allow such an amendment which would wreck any meaningful planning process on the part of the National Park Service.

Please enter my remarks in the hearing record for this bill. Thank you.

Sincerely,

DOROTHY L. BECKER.

LAGUNA HILLS, CALIF., April 24, 1978.

COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Senate Office Building, Washington D.C.

GENTLEMEN: This committee should give full support to S. 88 because:

1. The majority of the public familiar with the Mineral King area is convinced that a massive development would not serve the best interests of the public.
2. The U.S. Forest Service has been either unaware of this fact or has chosen to ignore it, as evidenced by their actions.
3. Therefore the use of this small fragile valley would serve the public best by U.S. Park Service supervision.

Thank you,

EVANDER S. DIXON.

MARY E. DIXON.

P.S. It is hoped this unbiased committee is able to separate "fact from fancy" while considering the fate of S. 88. E.S.D.

COMMITTEE FOR THE MULTIPLE USE OF PUBLIC LANDS,
Fresno, Calif., April 24, 1978.

Mr. TOM WILLIAMS,
*Senate Subcommittee on Parks and Recreation, Dirksen Office Building,
 Washington, D.C.*

DEAR SIR: I am herewith representing Custer county Resource and Economic Stabilization Committee, Taxwatchers of California, Equestrian Trails Inc., Fresno Kings Cattlemens Association, California Cattlemens Association, Fresno Gem and Mineral Society, Roeding Range number 707, Fresno Faceting Guild, Cabochon Cutters Club of Fresno, California Chapter of Farm and Land Institute of the National Association of Realtors, and California Women for Agriculture.

Sincerely,

JAN WRIGHT,
Chairman.

FRESNO AUDUBON SOCIETY,
Fresno, Calif., April 26, 1978.

Senator HENRY JACKSON,
*Chairman, Senate Energy and Natural Resources Committee,
 U.S. Senate, Washington, D.C.*

DEAR SIR: The members of the Fresno Audubon Society support SB88 to place Mineral King in the National Park system. We are unable to repeat earlier Washington visit to testify but urge favorable report by your committee.

Our members have conducted annual bird census in Mineral King and know the area well.

The beauty and unique qualities of Mineral King deserve park status.

JOYCE HALL,
President.

ORANGEVALE, CALIF., June 16, 1978.

Hon. HENRY M. JACKSON,
*Chairman, Senate Committee on Energy and Natural Resources,
 Dirksen Senate Office Building, Washington, D.C.*

DEAR SENATOR JACKSON: I am the owner of commercial timber property and am an ardent backpacker. I am also a 48-year native resident of California.

After evaluating both sides, commercial and conservation, of the Mineral King situation (S. 88), I am thoroughly convinced the Mineral King area should be included in the Sequoia National Park. I would appreciate your support in moving S. 88 out of committee to the full Senate, and support for approval on the Senate floor.

I very much appreciate the sensitive efforts on behalf of Mineral King demonstrated by Senators Cranston and Abourezk, and by Representative Krebs.

Sincerely,

RUSSELL K. BOWDEN.

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