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WILD AND SCENIC—SANTA MONICA MOUNTAINS—
FRIENDSHIP HILL NATIONAL HISTORIC SITE
DOCUMENTS

DEC 13 1978

HEARING

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BEFORE THE

U.S. STATE UNIVERSITY

JOINT COMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 1234

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT

S. 1906

A BILL TO ESTABLISH THE CHANNEL ISLANDS AND SANTA MONICA MOUNTAINS NATIONAL PARK AND SEASHORE IN THE STATE OF CALIFORNIA, AND FOR OTHER PURPOSES

S. 2270

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE A SEGMENT OF THE DELAWARE RIVER AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

S. 2611

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE A SEGMENT OF THE DELAWARE RIVER BETWEEN THE STATE OF NEW YORK AND THE COMMONWEALTH OF PENNSYLVANIA AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

S. 2653

A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO DESIGNATE A SEGMENT OF THE DELAWARE RIVER, NEW YORK AND PENNSYLVANIA, AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

S. 2656

A BILL TO DESIGNATE A SEGMENT OF THE PERE MARQUETTE RIVER IN THE STATE OF MICHIGAN AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM, AND FOR OTHER PURPOSES

S. 2658

A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT BY DESIGNATING THE SKAGIT RIVER IN WASHINGTON AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

H.R. 10984

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FRIENDSHIP HILL NATIONAL HISTORIC SITE IN THE STATE OF PENNSYLVANIA AND FOR OTHER PURPOSES

MAY 5, 1978

Publication No. 95-145

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CONTENTS

	Page
S. 1234	1
Department of the Interior report	4
S. 1906	8
S. 2270	23
Department of the Interior report	25
S. 2611	29
Department of the Interior report	41
S. 2653	42
Department of the Interior report	46
S. 2656	52
S. 2658	54
H.R. 10984	57
Department of the Interior report	60

STATEMENTS

Abourezk, Hon. James, a U.S. Senator from the State of South Dakota	1, 62
Allen, Barry, vice chairman, Save the Delaware Coalition	114, 117, 133
Beeman, Josiah, director, State of California, Washington, D.C., office	155, 156
Beilenson, Hon. Anthony C., a U.S. Representative from the State of California	79, 81
Brown, Howard, director, American Rivers Conservation Council, Washington, D.C.	99, 101
Case, Hon. Clifford P., a U.S. Senator from the State of New Jersey	63, 64
Chandler, William J., legislative liaison, the Nature Conservancy	148, 149
Cranston, Hon. Alan, a U.S. Senator from the State of California	74, 76
Cutler, M. Rupert, Assistant Secretary for Conservation, Department of Agriculture	97
Edmiston, Joseph T., executive director, Santa Monica Mountains Comprehensive Planning Commission	135, 136
Feuer, Margo, representing the Santa Monica Mountains Task Force, Sierra Club	141, 144
Hansler, Gerald M., executive director, Delaware River Basin Commission	111, 112
Herbst, Robert, Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior	90, 94
Jackson, Hon. Henry M., a U.S. Senator from the State of Washington	62
Kostmayer, Hon. Peter H., a U.S. Representative from the State of Pennsylvania	77
McHugh, Hon. Matthew F., a U.S. Representative from the State of New York	68, 69
Meyner, Hon. Helen S., a U.S. Representative from the State of New Jersey	73
Moynihhan, Hon. Daniel P., a U.S. Senator from the State of New York	71, 72
Nelson, Hon. Gaylord, a U.S. Senator from the State of Wisconsin	65, 67
Nelson, Susan, president, Friends of the Santa Monica Mountains	137, 140
Shukaitis, Nancy, commissioner, Monroe County, Pa., representing the Four County Task Force (Delaware River)	102, 104, 107

IV

APPENDIXES

APPENDIX I

Additional statements and communications submitted for the record on S. 1234 -----	Page 159
---	-------------

APPENDIX II

Additional statements and communications submitted for the record on S. 1906 -----	186
---	-----

APPENDIX III

Additional statements and communications submitted for the record on S. 2270 -----	195
---	-----

APPENDIX IV

Additional statements and communications submitted for the record on S. 2611 -----	225
---	-----

APPENDIX V

Additional statements and communications submitted for the record on S. 2653 -----	255
---	-----

APPENDIX VI

Additional statements and communications submitted for the record on S. 2656 -----	266
---	-----

APPENDIX VII

Additional statements and communications submitted for the record on S. 2658 -----	270
---	-----

APPENDIX VIII

Additional statements and communications submitted for the record on H.R. 10984 -----	271
--	-----

**WILD AND SCENIC—SANTA MONICA MOUNTAINS—
FRIENDSHIP HILL NATIONAL HISTORIC SITE**

FRIDAY, MAY 5, 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 9:07 a.m., in room 3110 Dirksen Office Building, Hon. James Abourezk, presiding.

Present: Senators Abourezk and Hansen.

Also present: Thomas B. Williams and Laura L. Beaty, professional staff members.

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

Senator ABOUREZK. The hearing will come to order.

The purpose of the hearing this morning is to receive testimony on several wild and scenic river and park proposals currently pending before the subcommittee.

Rather than read the title of each of the measures, I will ask that the bills and a copy of the appropriate administration reports appear in the record at this point.

[The information follows:]

(1)

95TH CONGRESS
1ST SESSION

S. 1234

IN THE SENATE OF THE UNITED STATES

APRIL 5 (legislative day, FEBRUARY 21), 1977

Mr. NELSON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Wild and Scenic Rivers Act, as amended (82 Stat.
4 906, 16 U.S.C. 1271), is further amended as follows:

5 (1) in subsection (a) of section 16 strike "St.
6 Croix, Minnesota and Wisconsin, \$11,768,550;" and
7 insert in lieu thereof "St. Croix, Minnesota and Wiscon-
8 sin, \$21,768,550;"; and

9 (2) in clause (6) of subsection (a) of section 3,
10 strike the period at the end thereof and insert in lieu
11 thereof "*Provided further*, That the first sentence of
12 subsection (b) of section (6) of this Act shall not be

- 1 applicable to the river designated in this paragraph
- 2 (6).”.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 11 1978

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

Dear Mr. Chairman:

This responds to the request of your Committee for the Department's views on S. 1234, a bill "To amend the Wild and Scenic Rivers Act" as it applies to the (Upper) St. Croix National Scenic Riverway in Wisconsin and Minnesota.

We recommend the enactment of S. 1234, with one amendment as described herein. As introduced, the bill amends two provisions of the Wild and Scenic Rivers Act (82 Stat. 906, 16 U.S.C. 1271) as amended. If enacted, the amendments would:

- increase the land acquisition ceiling for the St. Croix National Scenic Riverway provided in subsection 16(a) of the Act as amended (88 Stat. 123, 16 U.S.C. 1297). The present ceiling stands at \$11,768,550. This amendment would have the effect of raising the ceiling to \$21,768,550, a net increase of \$10,000,000.
- add a new proviso at the end of clause 6 of subsection 3(a) of the Act, exempting the Upper St. Croix from the limitation on the powers of condemnation imposed by subsection 6(b) of the same Act.

Enactment of this legislation is requisite to the realization of the St. Croix National Scenic Riverway project authorized by Congress upon the enactment of Public Law 90-542, the Wild and Scenic Rivers Act of October 2, 1968. The authorized ceiling of \$11,768,550 for the Upper St. Croix has been fully appropriated by Congress and obligated by actual purchases or by condemnation. In order to complete the acquisition of the project, an increase of \$10,000,000 is necessary.

The St. Croix National Scenic Riverway is administered by the National Park Service and consists of 62,849 acres, including 11,472 acres of private fee acquisition, 10,145 acres in easement areas plus some 23,000 acres donated or to be donated under a cooperative agreement with the Northern States Power Company. The balance of the Upper St. Croix project, composed of about 20,000 acres, is made up of public and zoned lands.

To acquire these lands, as well as lands for seven other wild and scenic rivers, \$17,000,000 in acquisition authority was provided in the original Wild and Scenic Rivers Act. This 1968 estimate, however, fell far short of actual needs. For the St. Croix National Scenic Riverway, any approach toward establishing real costs based on determined boundaries and acquisition concepts, was only possible following the approval of the National Park Service's final master plan in February 1970. In December 1972, draft legislation was prepared by the Bureau of Outdoor Recreation to increase the ceiling for the eight original wild and scenic rivers from \$17 million to \$37.6 million. This included \$1,450,000 for the Upper St. Croix.

Passage of this legislation did not occur until May 10, 1974 (88 Stat. 123), at which time the St. Croix's land acquisition ceiling was raised to its present authorization of \$11,768,550. Unfortunately, this figure represented only the appraised value of remaining lands in 1972, and did not provide for administrative and technical costs, condemnation proceedings, or delays in acquisition. Delays proved most critical to the cost of this project, where overall land values from 1968 to 1976 increased at a compound rate of 23 per cent per annum. Based on field studies conducted in eight surrounding counties and including hundreds of sales of all types, we have determined that a current annual escalation rate of 18 per cent is applicable.

Along the combined 200-mile length of the Namekagon River and the St. Croix River above the dam at Taylor Falls, Minnesota, privately owned properties yet to be purchased include 86 tracts containing 1,215 acres in fee and 239 tracts containing 5,306 acres in scenic easements. The \$10,000,000 authorized upon the enactment of S. 1234 will be sufficient to complete the acquisition program on the Upper St. Croix.

Some type of exemption of the St. Croix National Scenic Riverway from the restrictions imposed by subsection 6(b) of the Wild and Scenic Rivers Act will also be needed to ensure the project's completion.

The subsection states:

"If 50 per centum or more of the entire acreage within a Federally administered wild, scenic, or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act."

The original acquisition concept for the St. Croix did not anticipate any difficulty in conforming to this provision. Plans called for the completion of any condemnation proceedings before reaching the 50 per cent public ownership level. To do this, the 23,000 acres owned by the Northern States Power Company were to be withheld from donation until these other acquisitions were finished. In 1976, however, the Company began donating a portion of its property to the States of Wisconsin and Minnesota (about 2,800 acres, according to our most recent information), thereby exceeding the 50 per cent public ownership level and prohibiting further condemnation actions by the Federal government.

The master plan for the Upper St. Croix identifies those lands necessary to ensure public access and enjoyment of the river. Further, it identifies areas for development and administration as well as critical sites in need of protection. Without the authority to condemn those remaining lands needed for these purposes, however, subsection 6(b) will defy the reasonable planning, development, and management of a river deemed by Congress worthy of protection and preservation for the benefit and enjoyment of present and future generations.

At the same time, we recognize the purpose for which subsection 6(b) was placed in the Wild and Scenic Rivers Act. We do not wish to have blanket authority to carry out condemnation for fee title to private lands throughout the riverway. We propose, therefore, that amendment (2) of S. 1234 be changed so as to exclude donated lands from the definition of publicly owned lands in subsection 6(b) as the subsection applies to the St. Croix National Scenic Riverway. By doing this, we believe we give recognition to the intent of the law, but provide the minimal amount of flexibility needed to overcome the problem created by these untimely donations of land. Accordingly, we recommend that S. 1234 be amended to change the provisos on line 11 in amendment (2) of the bill to read as follows:

"Provided further, That lands donated to the United States, or to the States of Wisconsin or Minnesota, or to political subdivisions thereof, shall not be computed as publicly owned lands for the purposes of subsection (b) of section (6) of this Act."

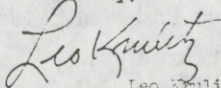
The Department further recommends that the Committee adopt the following amendment to S. 1234 which would provide a new amendment (3) to S. 1234. The new provision should read as follows:

"(3) at the end of section 16 add the new subsection (c) as follows: '(c) Subsection 16(b) is not applicable to the St. Croix River.'; and".

This language will extend the authority to make appropriations pursuant to section 16, currently due to expire on June 30, 1979. We believe the pressures to work within such a contracted time span could lead to costly errors in the acquisition program for the St. Croix National Scenic Riverway.

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,



Leo Krulitz
Acting SECRETARY

1 shall establish the Channel Islands and Santa Monica Moun-
2 tains National Park and Seashore (hereinafter referred to as
3 the "park and seashore"). In the management of the park
4 and seashore, the Secretary shall utilize the park and sea-
5 shore resources in a manner which will preserve its scenic,
6 natural, and historical setting and its public health value as
7 an airshed for the Southern California metropolitan area
8 while providing for the recreational and educational needs of
9 the visiting public. In order to preserve their delicate habitat,
10 the Channel Islands and the channel waters shall be managed
11 in a manner consistent with their status as a fragile resource
12 area.

13 LAND ACQUISITION

14 SEC. 2. (a) The park and seashore shall consist of the
15 lands and waters and interests therein generally depicted on
16 the map entitled "Boundary Map, Channel Islands and
17 Santa Monica Mountains National Park and Seashore, Cali-
18 fornia", numbered , and dated
19 , which shall be on file and available for inspection
20 in the offices of the National Park Service, Department of
21 the Interior, Washington, District of Columbia, and in the
22 offices of the General Services Administration in the Federal
23 Office Building in West Los Angeles, California, and in the
24 main public libraries in Ventura, and Santa Barbara, Cali-
25 fornia. After advising the Committee on Interior and In-

1 sular Affairs of the House of Representatives and the Com-
2 mittee on Energy and Natural Resources of the Senate, in
3 writing, the Secretary may make minor revisions of the
4 boundaries of the park and seashore when necessary by pub-
5 lication of a revised drawing or other boundary description
6 in the Federal Register.

7 (b) Within the boundaries of the park and seashore the
8 Secretary, after consultation with the Governor of the State
9 of California and the California Coastal Commission and
10 the Santa Monica Mountain Comprehensive Planning
11 Commission, may acquire lands, improvements, waters, or
12 interests therein by donation, purchase with donated or
13 appropriated funds, transfer from any Federal agency, ex-
14 change, or otherwise. Any lands or interests owned therein,
15 as well as any lands hereafter acquired, by the State of Cali-
16 fornia or any political subdivision thereof (including any
17 park district or other public entity) may be acquired only
18 by donation or exchange. Notwithstanding any other pro-
19 visions of law, any Federal property located within the
20 boundaries of the park and seashore area shall, with the
21 concurrence of the head of the agency having custody
22 thereof, be transferred without transfer of funds to the admin-
23 istrative jurisdiction of the Secretary for the purposes of the
24 park and seashore.

25 (c) The Channel Islands National Monument (52 Stat.

1 1541) is hereby abolished and any funds available for pur-
2 poses of the monument shall be available for purposes of the
3 National Park and Seashore.

4 (d) With respect to Santa Cruz and Santa Rosa Islands,
5 the Secretary shall not acquire the property by condemnation
6 unless the Secretary finds that the lands are being used, or
7 are threatened to be used, for purposes which are detrimental
8 to the purposes of the park and seashore.

9 (e) With respect to improved properties, as defined in
10 this Act, the Secretary may acquire scenic easements or such
11 other interests as, in his judgment, are necessary for the pur-
12 poses of the park and seashore. Fee title to such improved
13 properties shall not be acquired unless the Secretary finds
14 that such lands are being used, or are threatened to be used,
15 for purposes which are detrimental to the purposes of the
16 park and seashore, or unless each acquisition is necessary to
17 fulfill the purposes of this Act.

18 (f) When any tract of land is only partly within the
19 boundaries of the park and seashore, the Secretary may ac-
20 quire all or any portion of the land outside of such boundaries
21 in order to minimize the payment of severance costs. Land
22 so acquired outside of the boundaries may be exchanged by
23 the Secretary for non-Federal lands within the boundaries.
24 Any portion of the land acquired outside the boundaries and
25 not utilized for exchange shall be reported to the General

1 Services Administration for disposal under the Federal Prop-
2 erty and Administrative Service Act of 1949, as amended:
3 *Provided*, That no disposal shall be for less than the fair
4 market value of the lands involved.

5 (g) For the purposes of this Act, the term "improved
6 property" means (i) a detached single-family dwelling, the
7 construction of which was begun before January 1, 1978
8 (hereafter referred to as "dwelling"), together with so much
9 of the land on which the dwelling is situated, the said land
10 being in the same ownership as the dwelling, as the Secretary
11 shall designate to be reasonably necessary for the enjoyment
12 of the dwelling for the sole purpose of noncommercial resi-
13 dential use, together with any structures necessary to the
14 dwelling which are situated on the land so designated, or (ii)
15 property developed for agricultural uses, together with any
16 structures accessory thereto which were so used on or before
17 January 1, 1978. In determining when and to what extent
18 a property is to be considered an "improved property", the
19 Secretary shall take into consideration the manner of use of
20 such buildings and lands prior to January 1, 1978, and shall
21 designate such lands as are reasonably necessary for the
22 continued enjoyment of the property in the same manner
23 and to the same extent as existed prior to such date.

24 (h) The owner of an improved property, as defined in
25 this Act, on the date of its acquisition, as a condition of such

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

20 (i) In exercising the authority to acquire property
21 under this Act, the Secretary shall give prompt and careful
22 consideration to any offer made by an individual owning
23 property within the park and seashore to sell such property,
24 if such individual notifies the Secretary that the continued

1 ownership of such property is causing, or would result in,
2 undue hardship.

3 SEC. 3. (a) Within six months after the date of enact-
4 ment of this Act, in connection with the description of the
5 boundaries of the park and seashore pursuant to the second
6 section of this Act, the Secretary shall identify the areas
7 within such boundaries which must be acquired and held in
8 public ownership for the following critical purposes: Preser-
9 vation of beaches and coastal uplands; protection of undevel-
10 oped inland stream drainage basins; connection of existing
11 State and local government parks and other publicly owned
12 lands to enhance their potential for public recreational use;
13 protection of existing park roads and scenic corridors, includ-
14 ing such right-of-way and adjacent or related sites as are
15 necessary for the development of the Mulholland Scenic
16 Parkway Corridor; and development and interpretation of
17 historic sites and recreation areas in connection therewith, to
18 include, but not limited to, parks, picnic areas, scenic over-
19 looks, hiking trails, bicycle trails, and equestrian trails.

20 (b) The Secretary may from time to time revise the
21 identification of such areas, and any such revisions shall
22 become effective in the same manner as herein provided for
23 revisions in the boundaries of the park and seashore.

24 (c) Within one year after the date of the enactment of

1 this Act, the Secretary shall submit, in writing, to the Com-
2 mittee on Interior and Insular Affairs of the House of Rep-
3 resentatives, the Committee on Energy and Natural Re-
4 sources of the Senate, and the Committees on Appropriations
5 of the House and the Senate a detailed plan which shall
6 indicate:

7 (i) the lands and areas identified in subsection (a),

8 (ii) the lands which he has previously acquired by
9 purchase, donation, exchange, or transfer for the purpose
10 of this recreation area, and

11 (iii) the annual acquisition program (including the
12 level of funding) which he or she recommends for the
13 ensuing five fiscal years.

14 (d) It is the express intent of the Congress that the
15 Secretary shall substantially complete the acquisition pro-
16 gram contemplated by this Act within five years after the
17 date of its enactment and shall substantially complete the
18 acquisition of the lands, improvements, waters, or interests
19 therein identified for the critical purposes referred to in sub-
20 section (a) within three years after the date of enactment of
21 this Act, and during such three-year period funds appro-
22 priated for the acquisition of property within the park may
23 be used only for acquisition of the lands, improvements,
24 waters, and interests therein so identified.

ADMINISTRATION

1

2 SEC. 4. (a) The Secretary shall establish the park and
3 seashore by publication of a notice to that effect in the
4 Federal Register at such time as the lands, improvements,
5 waters, and interests therein have been acquired in an
6 amount sufficient in the determination of the Secretary to
7 be administered efficiently for the purposes of this Act. Such
8 notice shall include a map and a detailed description of
9 the boundaries of the park and seashore.

10 (b) The Secretary shall administer the park and sea-
11 shore in accordance with the provisions of the Act of
12 August 25, 1916 (39 Stat. 535), as amended and supple-
13 mented (16 U.S.C. 1 et seq.). In the administration of
14 the park and seashore, the Secretary may utilize such statu-
15 tory authority available for the conservation and manage-
16 ment of wildlife and natural resources as he or she deems
17 appropriate to carry out the purpose of this Act. The islands
18 and the fragile resource areas of the mainland portion of the
19 park and seashore shall be administered on a low-intensity,
20 limited-entry basis.

21 (c) San Miguel, Santa Cruz, and Santa Rosa Islands
22 shall not be opened to the public until the Secretary has
23 approved a park management plan which insures permanent

1 protection of unique island species and provides for continued
2 scientific research.

3 (d) The Secretary may enter into cooperative agree-
4 ments with the State of California, or any political sub-
5 division thereof, for the rendering, on a reimbursable basis,
6 of rescue, firefighting, and law enforcement services and
7 cooperative assistance by nearby law enforcement and fire
8 preventive agencies.

9 (e) Notwithstanding any other provision of law, the
10 Secretary is authorized to accept donations of funds, prop-
11 erty, or services from individuals, foundations, corporations,
12 or public entities for the purpose of land acquisition and pro-
13 viding services and facilities which he or she deems consist-
14 ent with the purposes of this Act.

15 (f) The Secretary may, on his or her own initiative, or
16 at the request of any public agency or local government
17 having jurisdiction over land located within or adjacent to
18 the park and seashore, assist and consult with the appropri-
19 ate officers and employees of such public agency or local gov-
20 ernment in establishing zoning laws or ordinances which
21 will assist in achieving the purposes of this Act. In provid-
22 ing assistance pursuant to this subsection, the Secretary shall
23 endeavor to obtain provisions in such zoning laws or ordi-
24 nances which—

25 (1) have the effect of prohibiting noncompatible

1 use of all real property adjacent to the park and sea-
2 shore;

3 (2) aid in preserving the character of the park and
4 seashore by appropriate restrictions on the use of real
5 property in the vicinity including, but not limited to,
6 restrictions upon building and construction of all types;
7 signs and billboards; the burning of cover; significant
8 modifications of natural habitat types; removal of top-
9 soil, sand, or gravel; dumping, storage, or piling of
10 refuse; or any other use which would detract from the
11 aesthetic character of the recreation area; and

12 (3) have the effect of providing that the Secretary
13 shall receive notice of any hearing for the purpose of
14 granting a variance and of any variance granted under,
15 or of any exception made to, the application of such law
16 or ordinance.

17 (g) The Secretary shall give full consideration to the
18 recommendations of the California Department of Parks and
19 Recreation, the Santa Monica Mountains Comprehensive
20 Planning Commission, and the California Coastal
21 Commission.

22 TRANSPORTATION STUDIES

23 SEC. 5. (a) The Secretary, in cooperation with the
24 State of California and the affected political subdivisions
25 thereof, local and regional transportation agencies, relevant

1 advisory groups, and the Secretary of Transportation, shall
2 plan a coordinated public and private transportation system
3 to and within the mainland portions of the park and other
4 units of the National Park System in Los Angeles and
5 Ventura Counties. This system shall include but not be lim-
6 ited to the Mulholland Scenic Parkway with its roadway and
7 its bicycle, equestrian, and hiking trails.

8 (b) The Secretary shall make and submit to the Con-
9 gress a study as to the design, construction, and operation of
10 a public scenic transportation system to and from the main-
11 land and the Channel Islands. The Secretary shall implement
12 the construction and operation of such transportation system,
13 unless within thirty calendar days of continuous session of
14 Congress after the report has been submitted to it, either
15 House passes a resolution stating in substance that that House
16 does not favor the construction of such system. Such trans-
17 portation system shall be consistent in all respects with the
18 more stringent of environmental standards established by the
19 State of California and the United States.

20 ADVISORY COMMISSION

21 SEC. 6. (a) There is hereby established the Channel
22 Islands and Santa Monica Mountains National Park and Sea-
23 shore Advisory Commission (hereinafter referred to as the
24 "Advisory Commission"). The Advisory Commission shall

1 terminate ten years after the date of establishment of the
2 park and seashore.

3 (b) The Advisory Commission shall be composed of
4 seventeen members to serve for terms of five years as follows:

5 (1) The fourteen members of the Santa Monica
6 Mountains Comprehensive Planning Commission; or the
7 successor regional agency. After the termination of the
8 Santa Monica Mountains Comprehensive Planning Com-
9 mission, the Secretary shall appoint fourteen members
10 with approximately the same representation of local
11 areas and interests.

12 (2) One representative appointed by and who is a
13 member of the South Central Coast Regional Coastal
14 Commission of California or if there is no such commis-
15 sion, one representative appointed by the California
16 Coastal Commission.

17 (3) One representative appointed by and who is a
18 member of the South Coast Regional Coastal Commis-
19 sion of California or if there is no such commission, one
20 representative appointed by the California Coastal
21 Commission.

22 (4) One representative appointed by and who is a
23 member of the Citizens Advisory Committee on the Mul-
24 holland Scenic Parkway.

1 The Advisory Commission shall designate one of its members
2 as Chairperson and any vacancy shall be filled in the same
3 manner in which the original appointment was made.

4 (c) Members of the Commission shall serve without
5 compensation as such, but the Secretary may pay expenses
6 reasonably incurred by the Commission and reimburse mem-
7 bers for reasonable expenses incurred in carrying out their
8 responsibilities under this Act on vouchers signed by the
9 Chairperson.

10 (d) The Secretary, or his or her designee, shall from
11 time to time but at least semiannually, meet and consult with
12 the Advisory commission on matters relating to the develop-
13 ment of this recreation area and with respect to carrying out
14 the provisions of this Act.

15 SEC. 7. (a) There are hereby authorized to be appro-
16 priated such sums as may be necessary to carry out the pur-
17 poses of this Act, but not more than \$150,000,000 for the
18 acquisition of lands and interests in lands.

19 (b) For the development of essential public facilities
20 there are authorized to be appropriated not more than
21 \$150,000. Within one year from the date of establishment
22 of the park and seashore pursuant to this Act, the Secretary
23 shall, after consulting with the Advisory Commission,
24 develop and transmit to the Committee on Interior and
25 Insular Affairs of the House of Representatives and the

1 Committee on Energy and Natural Resources of the Senate
2 a final master plan for the development of the park and sea-
3 shore consistent with the objectives of this Act, indicating—

4 (1) the facilities needed to accommodate the
5 health, safety, and recreation needs of the visiting public;

6 (2) the location and estimated costs of all facilities;

7 (3) the projected need for any additional facilities
8 within the area;

9 (4) any additions or alterations to the boundaries
10 of the park and seashore which are necessary or desir-
11 able to the better carrying out of the purposes of this
12 Act.

13 (c) For the design and study of the transportation
14 system referred to in section 5 of this Act there are author-
15 ized to be appropriated not more than \$500,000.

95TH CONGRESS
1ST SESSION

S. 2270

IN THE SENATE OF THE UNITED STATES

NOVEMBER 1 (legislative day, OCTOBER 29), 1977

Mr. CASE introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System, 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) section 3 (a) of the Wild and Scenic Rivers Act
4 (16 U.S.C. 1274 (a)) is amended by adding the following
5 new paragraph at the end thereof:

6 “(16) DELAWARE, NEW YORK, PENNSYLVANIA, AND
7 NEW JERSEY.—The segment from the confluence of the East
8 and West Branches at Hancock, New York, to the point
9 where the river crosses the southern boundary of the Dela-
10 ware Water Gap National Recreation Area to be admin-

1 istered by the Secretary of the Interior. For purposes of
2 carrying out this Act with respect to such river, there are
3 authorized to be appropriated such sums as may be necessary.
4 Action required to be taken under subsection (b) of this
5 section shall be taken within one year from the date of
6 enactment of this paragraph.”.

7 (b) Section 3 (b) of such Act is amended by inserting
8 after “one year from the date of this Act” the following:
9 “(except where a different date is provided in subsection
10 (a))”.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 5 - 1978

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

Dear Mr. Chairman:

Your Committee has requested the views of this Department on S. 2270, a bill "To amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System, and for other purposes."

We would support enactment of this legislation, if amended as suggested herein.

S. 2270 would designate the Delaware River as a wild and scenic river "from the confluence of the East and West Branches at Hancock, New York to the point where the river crosses the southern boundary of the Delaware Water Gap National Recreation Area ..."

We recommend that this bill be amended as follows:

Strike from page 1, line 7 to page 2, line 10, and insert in lieu thereof the following:

NEW JERSEY.—The segment located within the boundaries of the Delaware Water Gap National Recreation Area as depicted on the boundary map entitled "Boundary Map, Delaware Water Gap National Recreation Area, New Jersey and Pennsylvania", numbered 620-40,000C and dated May 1978, provided that the area shall be administered in accordance with the provisions of this Act, and section 7 of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1278).

SEC. 2. The Act of September 1, 1965, 79 Stat. 612, as amended, is hereby repealed.

SEC. 3. For the purpose of preserving and protecting for public use and enjoyment, the historic, scenic, natural, and recreational values of the River and the adjacent lands of the Delaware Water Gap area and for the purpose of providing for the maintenance of needed recreational open space necessary to the urban environment, the Delaware Water Gap National

Recreation Area, hereinafter referred to as the "recreation area", is hereby established. In the management of the recreation area, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall utilize the recreation area resources in a manner which will preserve its scenic, natural, and historic setting while providing for the recreational and educational needs of the visiting public.

SEC. 4. (a) The recreation area shall comprise the lands and waters generally depicted on the map entitled "Boundary Map, Delaware Water Gap National Recreation Area, New Jersey and Pennsylvania", numbered 620-40,000C and dated May 1978, which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia. After advising the House Committee on Interior and Insular Affairs and the Senate Committee on Energy and Natural Resources of the United States Congress, in writing, the Secretary may make minor revisions of the boundaries of the recreation area when necessary by publication of a revised drawing or other boundary description in the Federal Register.

(b) Within the boundaries of the recreation area, the Secretary may acquire lands, improvements, waters, or interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any lands or interests owned therein by a State or any political subdivision thereof (including any park district or other public entity) may be acquired only by donation. Notwithstanding any other provisions of law, any Federal property located within the boundaries of the recreation area and any property outside the boundary of the recreation area acquired by any Federal agency pursuant to Title II of the Act of October 23, 1962, as designated in House Document No. 522, Eighty-Seventh Congress, is transferred without transfer of funds to the administrative jurisdiction of the Secretary for the purpose of the recreation area. Land outside the boundaries of the recreation area may be used for exchange purposes. Land so acquired and not used for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.): Provided, That, no disposal shall be for less than the fair market value of the lands.

(c) When any tract of land is only partly within the boundaries of the recreation area, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside the boundaries and not utilized for exchange shall be reported to the General Services

Administration for disposal under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.): Provided, That, no disposal shall be for less than the fair market value of the lands involved.

SEC. 5. The beneficial owner, not being a corporation, of a freehold interest acquired before January 1, 1965, in improved residential property within the area to be acquired by the Secretary the continued use of which property for noncommercial residential purposes for a limited time will not, in the judgment of the Secretary, unduly interfere with the development of public-use facilities for the national recreation area may retain a right of use and occupancy of such property for noncommercial residential purposes for, as said owner may elect, either (i) a period terminating upon his death or the death of his spouse, whichever occurs later, or (ii) a term of not more than twenty-five years: Provided, That, in no case shall the period or term for which such right of use and occupancy is retained extend beyond the term of the freehold interest acquired by the United States. The price payable to the owner of such property shall be reduced by an amount equal to the value of the right retained. As used in this subchapter "improved residential property" means a single-family year-round dwelling, the construction of which was begun before January 21, 1963, which dwelling serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located which land the Secretary of the Interior finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: Provided, further, That, whenever an owner of property elects to retain a right of use and occupancy pursuant to this subchapter, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 6. In the administration of the recreation area for the purposes of this subchapter, the Secretary may utilize such statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation, management, or disposal of vegetative, mineral, or fish or wildlife resources as he deems appropriate to carry out the purposes of this subchapter.

SEC. 7. In the administration of the recreation area, the Secretary shall adopt and implement, and may from time to time revise, a land and water use management plan, which shall include specific provision for, in order of priority--

- (1) preservation of scenic, scientific, and historic features contributing to public enjoyment;
- (2) public outdoor recreation benefits;
- (3) such utilization of natural resources as in the judgment of the Secretary is consistent with, and does not significantly impair, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

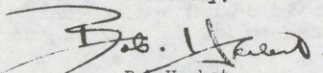
SEC. 8. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the area in accordance with the applicable laws and regulations of the States concerned and of the United States. The Secretary may designate zones where and establish periods when, no hunting shall be permitted for reasons of public safety, wildlife management, administration, or public use and enjoyment not compatible with hunting, and may, in his plan for the area, provide areas for intensive fish and wildlife management, including public hunting and fishing, and shall issue appropriate regulations after consultation with appropriate officials of the States concerned. The Secretary shall encourage such officials to adopt uniform regulations applicable to the whole of the Delaware Water Gap National Recreation Area.

SEC. 9. Nothing in this subchapter shall be construed to deprive any State or political subdivision thereof, of its right to exercise civil and criminal jurisdiction over the lands and waters within the area or of its right to tax persons, corporations, franchises, or property on the lands and waters included in the area.

SEC. 10. There are hereby authorized to be appropriated to the Secretary for the acquisition of lands and interests in land pursuant to the provisions of section 4 of this title and for expenses incident thereto not more than \$90,400,000. There are also authorized to be appropriated not more than \$18,200,000 for the cost of installing and constructing recreation facilities on the lands and interests in lands so acquired.

The Office of Management and Budget has advised that this legislative report is in accord with the program of the President.

Sincerely,


 Bob Herbst
 ASSISTANT SECRETARY

95TH CONGRESS
2D SESSION

S. 2611

IN THE SENATE OF THE UNITED STATES

MARCH 1 (legislative day, FEBRUARY 6), 1978

Mr. MOYNIHAN (for himself, Mr. HEINZ, and Mr. WILLIAMS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River between the State of New York and the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, 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 this Act may be cited as the "Upper Delaware River
- 4 Protection Act."

5 DESIGNATION OF THE UPPER DELAWARE RIVER

- 6 SEC. 2. Section 3 (a) of the Wild and Scenic Rivers
- 7 Act (82 Stat. 906; 16 U.S.C. 1271 et seq.) is amended
- 8 by adding the following new paragraph at the end thereof:

II

1 “(16) UPPER DELAWARE RIVER, NEW YORK AND
2 PENNSYLVANIA.—The segment of the Upper Delaware
3 River from the confluence of the East and West Branches
4 below Hancock, New York, to Sparrow Bush, New York,
5 as depicted on the boundary map entitled ‘The Upper Dela-
6 ware Protection Boundary and River Recreation Sites’ dated
7 ; to be administered by the Secretary of the
8 Interior. Subsection (b) of this section shall not apply, and
9 the boundaries and classifications of the river shall be as
10 specified on the map referred to in the preceding sentence,
11 except to the extent that such boundaries or classifications
12 are modified pursuant to section 4 of the Upper Delaware
13 River Protection Act. Such boundaries and classifications
14 shall be published in the Federal Register and shall not be-
15 come effective until ninety days after they have been for-
16 warded to the President of the Senate and the Speaker of
17 the House of Representatives.”.

18 GENERAL GUIDELINES

19 SEC. 3. (a) Notwithstanding any requirements to the
20 contrary contained in section 6 (c) of the Wild and Scenic
21 Rivers Act, within one hundred and eighty days after the
22 date of enactment of this Act, the Secretary of Interior
23 (hereinafter referred to as “the Secretary”) shall publish in
24 the Federal Register general guidelines for land and water
25 use control measures to be developed and implemented by

1 the appropriate officials of the States of New York and Penn-
2 sylvania (hereinafter referred to as the "directly affected
3 States"), by the local political subdivisions, and by the Dela-
4 ware River Basin Commission (hereinafter referred to as
5 "the Commission"). The Secretary shall provide for partici-
6 pation in the development of the said general guidelines by
7 all levels of State, county, and local government, and con-
8 cerned private individuals and organizations, and also shall
9 seek the advice of the Upper Delaware Citizens Advisory
10 Council established in section 7 of this Act (hereinafter re-
11 ferred to as "Advisory Council"). Public hearings shall be
12 conducted by the Secretary, or his designee, in the Upper
13 Delaware River region of each of the directly affected States
14 prior to publication of such general guidelines.

15 (b) The Secretary may from time to time adopt
16 amended or revised guidelines and shall do so in accordance
17 with the provisions of subsection (a) hereof.

18 MANAGEMENT PLAN

19 SEC. 4. (a) Within three years from the date of receipt
20 of appropriations authorized by this Act, the Commission, in
21 cooperation with the Advisory Council, the directly affected
22 States and their concerned political subdivisions and con-
23 cerned Federal agencies, shall develop, approve, and submit
24 to the Secretary and to the Governors of the directly affected
25 States a management plan for the Upper Delaware River

1 which shall provide for as broad a range of land and water
2 uses and scenic and recreational activities as shall be com-
3 patible with the provisions of this Act, the Wild and Scenic
4 Rivers Act, and the general guidelines for land and water use
5 controls promulgated by the Secretary under the provisions
6 of section 3 of this Act.

7 (b) The plan shall apply to the Upper Delaware River
8 and shall set forth—

9 (1) a map showing detailed final landward bound-
10 aries, and upper and lower termini of the area and the
11 specific segments of the river classified as scenic and
12 recreational, to be administered in accordance with such
13 classifications;

14 (2) a program for management of existing and fu-
15 ture land and water use, including the application of
16 available management techniques;

17 (3) an analysis of the economic and environmental
18 costs and benefits of implementing the management
19 plan, including any impact of the plan upon revenues
20 and costs of local government;

21 (4) a program providing for coordinated imple-
22 mentation and administration of the plan with proposed
23 assignment of responsibilities to the appropriate gov-
24 ernmental unit at the Federal, regional, State, and local
25 levels; and

1 (5) such other recommendations or provisions as
2 shall be deemed appropriate to carry out the purposes
3 of this Act.

4 (c) Immediately following enactment of this Act,
5 the Secretary, through the National Park Service or such
6 other designee, shall develop and implement such interim
7 programs as he shall deem necessary and appropriate to
8 protect the Upper Delaware River and its environs and to
9 protect the public health and safety. Such interim programs
10 shall include provisions for information to river users, edu-
11 cation and interpretation activities, the regulation of recre-
12 ational use of the river, and maintenance activities along the
13 River.

14 (d) To enable the directly affected states and their
15 political subdivisions to develop and implement programs
16 compatible with the management plan, the Secretary and
17 the Commission shall provide such technical assistance to
18 the said states and their political subdivisions as they deem
19 appropriate.

20 (e) The Commission shall promote public awareness
21 of and participation in the development of the management
22 plan, and shall develop and conduct a concerted program to
23 this end. Prior to final submission of the management plan
24 by the Commission to the Secretary, it shall hold two or

1 more public hearings in the Upper Delaware River region
2 of each directly affected state.

3 (f) Upon approval of the management plan by the
4 Secretary, it shall be published in the Federal Register and
5 shall not become effective until ninety days after it shall have
6 been forwarded to the President of the Senate and the
7 Speaker of the House of Representatives. The plan shall be
8 administered by the Secretary in accordance with the pro-
9 visions of this Act and the Wild and Scenic Rivers Act.
10 The Secretary is hereby granted such authority as may be
11 required to implement and administer said plan.

12 (g) Until the management plan is approved and be-
13 comes effective as provided herein, the provisions of section
14 7 of the Wild and Scenic Rivers Act (Public Law 90-542)
15 and the restrictions upon the departments and agencies of
16 the United States contained therein shall be applicable not
17 only to water resource projects but to all other projects for
18 which a Federal permit, license, certificate, or other entitle-
19 ment is required.

20

LAND ACQUISITION

21 SEC. 5. Notwithstanding any provision of the Wild and
22 Scenic Rivers Act, the Secretary may not acquire more
23 than a total of four hundred and fifty acres of land and
24 interests in land for access, development sites, the preserva-
25 tion of scenic qualities, or for any other purpose: *Provided,*

1 That the Secretary may acquire additional land and interests
2 in land for such purposes not in excess of one thousand acres
3 if such additional acquisition is recommended and provided
4 for in the management plan as finally approved by the Sec-
5 retary. The limitations contained in this section shall not
6 apply under the circumstances set forth in section 6 (d)
7 hereof. Prior to acquisition of any land or interests in land
8 which has been used for business purposes prior to enact-
9 ment of this Act, the Secretary shall first make such efforts
10 as he deems reasonable to acquire easements or restrictive
11 covenants, or to enter into any other appropriate agree-
12 ments or arrangements with the owners of said land, con-
13 sistent with the purposes of this Act.

14 REVIEW AND APPROVAL OF LOCAL LAWS

15 SEC. 6. (a) For the purpose of protecting the integrity
16 of the Upper Delaware River, the Secretary shall review
17 all relevant local plans, laws, and ordinances to determine
18 whether they substantially conform to the approved man-
19 agement plan provided for in section 4 of this Act and to
20 the general guidelines promulgated by the Secretary pursu-
21 ant to section 3 of this Act. Additionally, the Secretary
22 shall determine the adequacy of enforcement of such plans,
23 laws, and ordinances, including but not limited to review
24 of building permits and zoning variances granted by local
25 governments, and amendments to local laws and ordinances.

1 (b) The purpose of such reviews shall be to determine
2 the degree to which actions by local governments are com-
3 patible with the purposes of this Act. Following the ap-
4 proval of the management plan and after a reasonable period
5 of time has elapsed, but not less than two years, upon a find-
6 ing by the Secretary that such plans, laws, and ordinances
7 are nonexistent, are otherwise not in conformance with the
8 management plan or guidelines, or are not being substantial-
9 ly enforced, the Secretary may exercise the authority avail-
10 able to him under the provisions of subsection (d) hereof.

11 (c) To facilitate administration of this Act, the Secre-
12 tary may contract with the directly affected States or their
13 political subdivisions to provide, on behalf of the Secretary,
14 professional services necessary for the review of relevant
15 local plans, laws, and ordinances, and of amendments thereto
16 and variances therefrom, and for the monitoring of the en-
17 forcement thereof by local governments in the Upper Dela-
18 ware River region. The Secretary shall notify the appro-
19 priate State or local officials as to the results of his review
20 under this section within forty-five days from the date he
21 receives notice of the local government action.

22 (d) In those sections of the Upper Delaware River
23 where such local plans, laws, and ordinances, or amendments
24 thereto or variances therefrom, are found by the Secretary
25 not to be in conformance with the guidelines or the manage-

1 ment plan promulgated pursuant to sections 3 and 4 of this
2 Act, respectively, or are not being substantially enforced,
3 the Secretary is hereby authorized to acquire land or inter-
4 ests in land in excess of the acreages provided for in section
5 5 of this Act: *Provided*, That land and interests in land ac-
6 quired pursuant to this section shall be restricted to the geo-
7 graphical area of the local governmental unit failing to con-
8 form with the said guidelines or management plan, and shall
9 be limited to those lands clearly and directly required, in the
10 judgment of the Secretary, for protection of the scenic or
11 recreational objectives of this Act. The total acreage of land
12 and interests in land acquired pursuant to this section shall
13 not in any event exceed the limitations contained in section
14 6 (a) of the Wild and Scenic Rivers Act. This section shall
15 apply notwithstanding the first sentence of section 6 (c) of
16 the Wild and Scenic Rivers Act.

17 UPPER DELAWARE CITIZENS ADVISORY COUNCIL

18 SEC. 7. (a) At the earliest practicable date following
19 enactment of this Act, but no later than sixty days there-
20 after, there shall be established an Upper Delaware Citizens
21 Advisory Council. The Advisory Council shall encourage
22 maximum public involvement in the development and im-
23 plementation of the plans and programs authorized by this
24 Act. It shall report to the Commission and the Secretary
25 from time to time during preparation of the management

1 plan. Following completion of the management plan, it
2 shall report to the Secretary and the Governors of the di-
3 rectly affected States no less frequently than once each year
4 its recommendations, if any, for improvement in the pro-
5 grams authorized by this Act, or in the programs of other
6 agencies which may relate to land or water use in the Upper
7 Delaware River region.

8 (b) Membership on the Advisory Council shall consist of
9 seventeen members appointed as follows: (1) there shall
10 be six members from each of the directly affected States
11 appointed by the Secretary from nominations submitted by
12 the legislatures of the respective counties and appointed such
13 that two members shall be from each of Orange, Delaware,
14 and Sullivan Counties, New York, and three members shall
15 be from each of Wayne and Pike Counties, Pennsylvania
16 (at least one appointee from each county shall be a perma-
17 nent resident of a municipality abutting the Upper Delaware
18 River); (2) two members appointed at large by each
19 Governor of a directly affected State; and (3) one member
20 appointed by the Secretary. The Secretary shall designate
21 one of the aforesaid members to serve as Chairperson of the
22 Advisory Council who shall be a permanent resident of one
23 of the aforementioned counties. Vacancies on the Advisory
24 Council shall be filled in the same manner in which the

1 original appointment was made. Members of the Advisory
2 Council shall serve without compensation as such, but the
3 Secretary is authorized to pay expenses reasonably incurred
4 by the Advisory Council in carrying out its responsibilities
5 under this Act on vouchers signed by the Chairman.

6 AUTHORIZATION

7 SEC. 8. There are hereby authorized to be appropriated
8 to carry out the purposes of this Act such sums as may be
9 necessary, including amounts:

10 (1) for the acquisition of land and interests in land
11 as authorized in this Act;

12 (2) for such costs and expenses of the Secretary as
13 shall be incurred in carrying out the provisions of this
14 Act, including development and implementation costs;
15 and

16 (3) for such costs and expenses as shall be incurred
17 by the Commission in connection with its responsibili-
18 ties under this Act.

19 CLARIFYING PROVISIONS

20 SEC. 9. Where any provision of the Wild and Scenic
21 Rivers Act is inconsistent with any provision of this Act,
22 the provision of this Act shall govern. In applying the provi-
23 sions of section 6 (g) (3) of the Wild and Scenic Rivers Act,
24 with regard to "improved property", the date specified

1 therein, shall, for purposes of the river designated in this Act,
2 be the date of enactment of this Act (rather than January 1,
3 1967). The third sentence of section 4 (b) of the Wild and
4 Scenic Rivers Act shall not apply in the case of the river
5 designated by this Act as a component of the National Wild
6 and Scenic River System.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

May 4, 1978

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

Dear Mr. Chairman:

Your Committee has requested the views of this Department on S. 2611, a bill "To amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River between the State of New York and the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System, and for other purposes"; and S. 2653, a bill "To authorize the Secretary of the Interior to designate a segment of the Delaware River, New York and Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes."

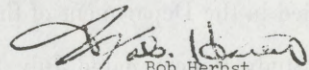
We support the enactment of S. 2653 and recommend against enactment of S. 2611.

S. 2611 would designate the Upper Delaware as a wild and scenic river, from the confluence of the East and West branches below Hancock, New York to Sparrow Bush, New York. The bill also requires management plans, places limitations on land acquisition, requires the Secretary of the Interior to review relevant local laws to determine the extent to which they conform to the requirements of the management plans, and requires the establishment of an Upper Delaware Citizen's Advisory Council.

S. 2653 would designate the Upper Delaware as a wild and scenic river from the "confluence of the East and West branches at Hancock, New York to Matomoras, Pennsylvania...." We support enactment of S. 2653 as it is the Administration's proposal concerning designation of the Upper Delaware, submitted to the Congress as part of the 1977 Environmental Message.

The Office of Management and Budget has advised that this legislative report is in accord with the program of the President.

Sincerely,


Bob Herbst
Assistant SECRETARY

95TH CONGRESS
2D SESSION

S. 2653

IN THE SENATE OF THE UNITED STATES

MARCH 6 (legislative day, FEBRUARY 6), 1978

Mr. ABOUREZK (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to designate a segment of the Delaware River, New York and Pennsylvania, as a component of the National Wild and Scenic Rivers System, 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 Secretary of the Interior (hereinafter referred
4 to as the "Secretary") is authorized to include the 75.4-mile
5 segment of the Upper Delaware River, New York and Penn-
6 sylvania, from the confluence of the East and West Branches
7 at Hancock, New York, to Matomoras, Pennsylvania, as
8 identified in the Department of the Interior Upper Delaware
9 River Study Report, dated July 1977, in the National Wild

1 and Scenic Rivers System as provided in subsection (c) of
2 this section.

3 (b) For not more than three years after the date of
4 enactment of this Act, the Federal Power Commission shall
5 not license the construction of any dam, water conduit, reser-
6 voir, powerhouse, transmission line, or other project works
7 under the Federal Power Act, as amended, on or directly
8 affecting the Upper Delaware River area described in sub-
9 section (a), and no department or agency of the United
10 States shall assist by loan, grant, license, or otherwise in the
11 construction of any water resources project that the Secretary
12 determines would have a direct and adverse effect on values
13 for which he might designate such area for inclusion in the
14 National Wild and Scenic Rivers System.

15 (c) Within one hundred and eighty days after the date
16 of enactment of this Act the Secretary shall publish guide-
17 lines in the Federal Register specifying standards for the
18 land use control measures to be developed and implemented
19 for such area by the appropriate officials of the States of New
20 York and Pennsylvania and political subdivisions thereof,
21 jointly or through the Delaware River Basin Commission,
22 substantially in accordance with the recommendations in the
23 Department of the Interior study report referred to in sub-
24 section (a). The Secretary shall assure that ample opportu-

1 nity is afforded for participation in the development of the
2 land use control measures by all levels of State and local
3 government and concerned private individuals and organiza-
4 tions. After the Secretary determines such land use control
5 measures have been developed and implemented, he is
6 authorized to designate such area as a component of the
7 National Wild and Scenic Rivers System by publication of
8 notice thereof in the Federal Register, and to administer the
9 Upper Delaware River component. Upon the date of such
10 publication of notice, the Upper Delaware River component
11 shall be added to the list of rivers in section 3 (a) of the Wild
12 and Scenic Rivers Act (82 Stat. 907) and shall be subject
13 to all of the provisions of that Act not in conflict with the
14 provisions of this Act: *Provided*, That, with respect to such
15 component, the Secretary shall take the action specified in
16 section 3 (b) of the Wild and Scenic Rivers Act within one
17 year after such date.

18 SEC. 2. There are authorized to be appropriated such
19 sums as may be necessary to carry out the provisions of this
20 Act, but not to exceed for the acquisition of lands and inter-
21 ests in lands the amounts necessary to acquire a total of
22 four hundred and fifty acres for access and development
23 sites, and not to exceed \$1,600,000 for development. No
24 funds otherwise authorized to be appropriated by this sec-

- 1 tion for land acquisition and development shall be expended
- 2 by the Secretary until the date of publication of notice in
- 3 the Federal Register of the designation of the Upper Dela-
- 4 ware component.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

66-92-07

The President
The White House
Washington, D. C. 20500

Dear Mr. President:

It is with pleasure that I recommend the designation of a segment of the Upper Delaware River, New York and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

This recommendation stems from this Department's responsibility under the Act of October 2, 1968 (82 Stat. 906), which established a National Wild and Scenic Rivers System, designated eight rivers as initial components of the System, and prescribed methods and standards for the addition of other rivers to the System. The Act also designated 27 rivers for study of the Secretary of the Interior and/or Secretary of Agriculture as potential additions to the System. The Upper Delaware in New York and Pennsylvania was among the rivers designated for study.

The Bureau of Outdoor Recreation was designated by the Secretary of the Interior as the lead agency to make the study. The Bureau and the two States organized a joint Federal-State study task force to undertake the study and prepare a report and recommendations. The draft bill implements the recommendations presented in the enclosed copy of the Bureau's study report.

The enclosed draft bill would authorize the Secretary of the Interior to include in the National System the segment of the Delaware River from the confluence of its East and West Branches at Hancock, New York, downstream 75.4 miles to Matamoras, Pennsylvania, to be administered by the National Park Service.



Immediately upon the enactment of the bill a 3-year moratorium would be placed on the Federal Power Commission licensing of water resource projects on or directly affecting the Upper Delaware River area, and on Federal assistance in the construction of any water resource project which the Secretary determines would have a direct and adverse effect on the wild and scenic river values of the area.

The bill provides that, within 180 days of its enactment, the Secretary would issue guidelines specifying standards for the land use control measures to be developed and implemented for the area jointly by the appropriate officials of the States of New York and Pennsylvania and political subdivisions thereof or through the Delaware River Basin Commission. After the Secretary determines proper land use control measures have been developed and implemented, he would be authorized to designate the Upper Delaware as a component of the National System by publication of notice in the Federal Register and to administer the river component.

It is proposed that, upon the date of publication of the above notice, all the provisions of the Wild and Scenic Rivers Act (82 Stat. 906) applicable to the "instant rivers" of the National System would become applicable to the Upper Delaware component, except that the action specified in section 3(b) of the Act would be accomplished within one year after such date.

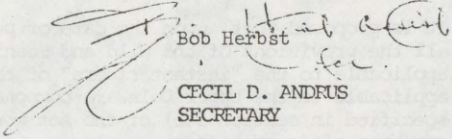
The bill provides that the Secretary shall assure ample opportunity is afforded for participation by all levels of State and local government and concerned private individuals and organizations on matters relating to the development and implementation of adequate land use control measures for the Upper Delaware component, and on matters affecting the environment of the area.

The proposed bill would authorize the appropriation of the funds necessary to carry out the provisions of this legislation. However, appropriations for the acquisition of lands and interests in lands could not exceed the amounts necessary to acquire a total of 450 acres for access and development sites, and appropriations for development could not exceed \$1,600,000. Based on 1975 costs, acquisition of the 450 acres would cost \$1,000,000. Final land acquisition costs would be determined during preparation of the development plan provided for in section 1(c) of the draft legislation. The proposal would prohibit the expenditure of funds for land acquisition and development by the Secretary until he had published notice in the Federal Register of the designation of the Upper Delaware component.

The Bureau of Outdoor Recreation report recommends that the proposed component be classified as follows: from the confluence of the East and West Branches to 1/2 mile downstream from Lordville, New York, (9.8 miles), recreational; from 1/2 mile downstream from Lordville to 1-1/4 miles upstream from Callicoon, New York, (15.8 miles), scenic; from 1-1/4 miles upstream from Callicoon to the lower limits of Narrowsburg, New York (16.7 miles), recreational; from the lower limits of Narrowsburg to one mile downstream from Westcolang, Pennsylvania, (9.3 miles), scenic; and, from one mile downstream from Westcolang to Matamoras, Pennsylvania. (23.8 miles) recreational.

Enclosed is a draft bill which, if enacted would designate the recommended segment of the Upper Delaware River as a component of the National Wild and Scenic Rivers System.

Sincerely,

 Bob Herbst

CECIL D. ANDRUS
SECRETARY

Enclosure

A B I L L

To authorize the Secretary of the Interior to designate a segment of the Delaware River, New York and Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to include the 75.4 mile segment of the Upper Delaware River, New York and Pennsylvania, from the confluence of the East and West Branches at Hancock, New York, to Matamoras, Pennsylvania, as identified in the Department of the Interior Upper Delaware River Study Report, dated July, 1977, in the National Wild and Scenic Rivers System as provided in subsection (c) of this section.

- (b) For not more than three years after the date of enactment of this Act, the Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting the Upper Delaware River area described in subsection (a), and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that the Secretary determines would have a direct and adverse effect on values for which he might designate such area for inclusion in the National Wild and Scenic Rivers System.

- (c) Within 180 days after the date of enactment of this Act the Secretary shall publish guidelines in the Federal Register specifying standards for the land use control measures to be developed and implemented for such area by the appropriate officials of the States of New York and Pennsylvania and political subdivisions thereof, jointly or through the Delaware River Basin Commission, substantially in accordance with the recommendations in the Department of the Interior study report referred to in subsection (a). The Secretary shall assure that ample opportunity is afforded for participation in the development of the land use control measures by all levels of State and local government and concerned private individuals and organizations. After the Secretary determines such land use control measures have been developed and implemented, he is authorized to designate such area as a component of the National Wild and Scenic Rivers System by publication of notice thereof in the Federal Register, and to administer the Upper Delaware River component. Upon the date of such publication of notice, the Upper Delaware River component shall be added to the list of rivers in section 3(a) of the Wild and Scenic Rivers Act (82 Stat. 907) and shall be subject to all of the provisions of that Act not in conflict with the provisions of this Act: Provided, That, with respect to such component, the Secretary shall take the action specified in section 3(b) of the Wild and Scenic Rivers Act within one year after such date.

SEC. 2. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed for the acquisition of lands and interests in lands the amounts necessary to acquire a total of 450 acres for access and development sites, and not to exceed \$1,600,000 for development. No funds otherwise authorized to be appropriated by this section for land acquisition and development shall be expended by the Secretary until the date of publication of notice in the Federal Register of the designation of the Upper Delaware component.

95TH CONGRESS
2D SESSION

S. 2656

IN THE SENATE OF THE UNITED STATES

MARCH 6 (legislative day, FEBRUARY 6), 1978

Mr. ABOUREZK (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate a segment of the Pere Marquette River in the State of Michigan as a component of the National Wild and Scenic Rivers System, 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 section 3 (a) of the Wild and Scenic Rivers Act (82
4 Stat. 907, 16 U.S.C., 1274 (a)), as amended, is further
5 amended by adding at the end thereof of the following new
6 paragraph:

7 “ () PERE MARQUETTE, MICHIGAN.—The segment
8 downstream from the junction of the Middle and Little South
9 Branches to its junction with United States Highway 31 as
10 generally depicted on the boundary map entitled ‘Proposed

1 Boundary Location, Pere Marquette Wild and Scenic River,'
2 to be administered by the Secretary of Agriculture: *Provided*,
3 That after consultation with State and local governments and
4 the interested public, the Secretary shall take such action as
5 is provided for under section 3 (b) of the Wild and Scenic
6 Rivers Act within one year from the date of enactment of
7 this paragraph: *Provided further*, That nothing in this Act
8 shall be deemed to impair or otherwise affect such statutory
9 authority as may be vested in the Secretary of the Depart-
10 ment in which the Coast Guard is operating to achieve its
11 assigned missions including aids to navigation, search and
12 rescue, marine environment protection, and recreational boat-
13 ing safety: *And provided further*, That for the purposes
14 of this river there are authorized to be appropriated not more
15 than \$8,125,000 for the acquisition of lands or interests in
16 lands.".

95TH CONGRESS
2D SESSION

S. 2658

IN THE SENATE OF THE UNITED STATES

MARCH 6 (legislative day, FEBRUARY 6), 1978

Mr. ABOUREZK (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Wild and Scenic Rivers Act by designating the Skagit River in Washington as a component of the National Wild and Scenic Rivers System.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Wild and Scenic Rivers Act (82 Stat. 906 as
4 amended; 16 U.S.C. 1274 et seq.), as amended, is further
5 amended as follows: In section 3 (a) after paragraph (15)
6 insert the following new paragraph:

7 “() SKAGIT, WASHINGTON.—The segment from the
8 pipeline crossing at Sedro Woolley upstream to and includ-
9 ing the mouth of Bacon Creek; the Cascade River from its
10 mouth to the junction of its North and South Forks; the

1 South Fork to the boundary of the Glacier Peak Wilderness
2 Area; the Suiattle River from its mouth to the boundary of
3 the Glacier Peak Wilderness Area at Milk Creek; the Sauk
4 River from its mouth to its junction with Elliott Creek; the
5 North Fork of the Sauk River from its junction with the
6 South Fork of the Sauk to the boundary of the Glacier Peak
7 Wilderness Area; as generally depicted on the boundary map
8 entitled 'Skagit River—River Area Boundary'; all segments
9 to be administered by the Secretary of Agriculture: *Provided*,
10 That after consultation with affected Federal agencies, State
11 and local governments, and the interested public, the Secre-
12 tary shall take such action as is provided for under subsection
13 3 (b) of this section within one year from the date of enact-
14 ment of this paragraph () : *Provided further*, That as part
15 of such action the Secretary of Agriculture shall investigate
16 that portion of the North Fork of the Cascade River from its
17 confluence with the South Fork to the boundary of the North
18 Cascades National Park. If found to qualify for inclusion such
19 segment shall become part of the National System upon pub-
20 lication by the Secretary of notification to that effect in the
21 Federal Register: *Provided further*, That nothing in this Act
22 shall impair or otherwise affect the statutory authority vested
23 in the Secretary of the Department in which the Coast Guard
24 is operating to achieve assigned missions including aids to

3

1 navigation, search and rescue, marine environmental protec-
2 tion, and recreational boating safety: *And provided further,*
3 That for the purposes of this river there are authorized to be
4 appropriated not more than \$11,734,000 for the acquisition
5 of lands or interest in lands.”.

95TH CONGRESS
2D SESSION

H. R. 10984

IN THE SENATE OF THE UNITED STATES

Read twice and referred to the Committee on Energy and Natural Resources

APRIL 4 (legislative day, FEBRUARY 6), 1978

AN ACT

To provide for the establishment of the Friendship Hill National Historic Site in the State of Pennsylvania, 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 in order to preserve and commemorate for the benefit
4 and enjoyment of present and future generations an area
5 of unique historical significance associated with the Jeffer-
6 sonian Period of American history, the Secretary of the
7 Interior (hereinafter referred to as the "Secretary") is
8 authorized to establish the Friendship Hill National Historic
9 Site in the State of Pennsylvania, including the former home
10 of Albert Gallatin, as depicted on the map entitled

II

1 "FRHI 80000" dated February 1978. Said map shall be
2 on file and available for public inspection in the offices of
3 the Director, National Park Service, Washington, District
4 of Columbia. The Secretary is authorized to acquire such
5 land and improvements thereon by donation, purchase with
6 donated or appropriated funds or exchange.

7 SEC. 2. Pending establishment of the site and thereafter
8 the Secretary shall administer property acquired pursuant
9 to this Act in accordance with the Act of August 25, 1916
10 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supple-
11 mented, and the Act of August 21, 1935 (49 Stat. 666;
12 16 U.S.C. 461-467), as amended.

13 SEC. 3. (a) There are hereby authorized to be appro-
14 priated for the fiscal year ending September 30, 1979, and
15 for succeeding fiscal years, such sums as may be necessary
16 to carry out the purposes of this Act.

17 (b) For the development of essential facilities there are
18 authorized to be appropriated for the fiscal year ending Sep-
19 tember 30, 1979, and for succeeding fiscal years, such sums as
20 may be necessary to carry out the purposes of this Act, but
21 not to exceed \$100,000. Within three years from the effective
22 date of this Act, the Secretary shall develop and transmit to
23 the Committee on Interior and Insular Affairs of the House
24 of Representatives and to the Committee on Energy and
25 Natural Resources of the Senate a general management plan

1 for the use and development of the site consistent with the
2 purposes of this Act, indicating—

3 (1) the lands and interests in lands adjacent or
4 related to the site which are deemed necessary or
5 desirable for the purposes of resource protection, scenic
6 integrity or management and administration of the area
7 in furtherance of the purposes of this Act and the esti-
8 mated cost thereof;

9 (2) the number of visitors and types of public use
10 within the site which can be accommodated in accord-
14 ance with the protection of its resources; and

15 (3) the location and estimated cost of facilities
16 deemed necessary to accommodate such visitors and uses.

Passed the House of Representatives April 3, 1978.

Attest: EDMUND L. HENSHAW, JR.,

Clerk.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

May 5, 1978

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

Dear Mr. Chairman:

This responds to your request for our views on H.R. 10984, an Act as passed by the House "To provide for the establishment of the Friendship Hill National Historic Site in the State of Pennsylvania, and for other purposes."

We recommend that H.R. 10984 be enacted.

H.R. 10984 authorizes the Secretary of the Interior to establish the Friendship Hill National Historic Site in Fayette County, in southwestern Pennsylvania. This historic site would preserve the home of Albert Gallatin, the Secretary of the Treasury during the Presidency of Thomas Jefferson. The proposed historic site consists of 700 acres which includes Gallatin's original residence which was constructed in 1789 and enlarged in 1823. The estimated cost of acquisition of this site is \$1,500,000.

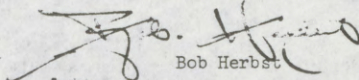
Friendship Hill is currently a National Historic Landmark in private ownership. Although the residence and its associated structures have been little altered from the time of Gallatin's ownership, Friendship Hill is presently threatened because of inadequate maintenance and by the advance of strip mining in the immediate area. Under the provisions of H.R. 10984, the Secretary of the Interior would be authorized to acquire this property and preserve it on behalf of the American people.

Albert Gallatin was born in Switzerland in 1761 and emigrated to this country while still a youth. He settled in Pennsylvania, and was elected to the United States House of Representatives in 1795. Thomas Jefferson appointed Gallatin as Secretary of the Treasury in 1801. During the War of 1812, Gallatin became the principal negotiator for the United States in the discussions that resulted in the Treaty of Ghent. He then served as minister to France and later as minister to Great Britain.

We believe that the establishment of the Friendship Hill National Historic Site will permit the National Park Service to not only interpret Gallatin's life, but also to interpret the political and social development of the United States during the first several decades following independence. We therefore recommend the enactment of this legislation.

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,



Bob Herbst

~~Assistant~~ SECRETARY

Senator ABOUREZK. I'll put the balance of my opening statement in the record without reading it in hopes that it will be an example for all the witnesses, of which there are many this morning.

I would appreciate asking all the witnesses who are going to testify if they would try to be as brief as possible and express your view on the legislation in your own words. And we will print your statement that you have prepared in the record in full as though it were read.

[The prepared statement of Senator Abourezk follows:]

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

The hearing will come to order.

The purpose of the hearing this morning is to receive testimony on several Wild and Scenic River and Park proposals currently pending before the Subcommittee. Rather than read the title of each of the measures, I will ask that the bills and a copy of the appropriate Administration report appear in the record at this point.

As is my custom, I am requesting that witnesses appearing before the Subcommittee today please summarize their statements and submit the complete text for the record. Also, I again urge my Congressional colleagues to please limit their remarks so that the Subcommittee will have an ample opportunity to hear from those witnesses who are here today from out-of-town.

Senator ABOUREZK. I have a statement for the record from the chairman of the full committee, Senator Jackson.

[The statement follows:]

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

Mr. Chairman, I appreciate this opportunity to add a few words as a way of introduction in support of the proposal to designate the Skagit River under the Wild and Scenic Rivers Act.

The Skagit is situated in the most northwestern corner of my home state, north of Everett where I grew up. It is without a doubt one of the most beautiful rivers in the state and possesses many unique qualities. Every fall several hundred bald eagles nest along the river's banks and feed upon spawned salmon. In fact, the Skagit is one of the two largest eagle nesting grounds in the United States. Through a cooperative public and private effort, much of the area is already protected.

I would like to draw your attention to the proposal for permitting rip-rapping along the banks of the Skagit to protect agricultural lands. It is my information, that most everyone is in support of this proposal. The Skagit Valley is rich agricultural land and provides a livelihood for many of its residents. Much of the river is already rip-rapped and I do not believe this would adversely affect the qualities we are seeking to protect.

As the author of the 1968 Wild and Scenic Rivers Act, I also would like to add that the Skagit was included in the original legislation as a study river. The Administration has completed its extensive study and recommends protection for most of the study area.

I support the Administration's recommendations.

Thank you.

SKAGIT REGIONAL PLANNING COUNCIL,
Burlington, Wash., May 4, 1978.

We would like to support the proposed classification of the Skagit River under the Wild and Scenic Rivers Act. It would, we believe, offer some additional protection to the river over and above that provided by local zoning and shoreline regulations, would enhance our tourist industry, and would provide additional recreational opportunities for our residents.

However, we are very concerned about two issues of vital local importance:

(1) We feel that designation ought to make provisions for, or to hold the Sauk River open for, future development of a flood control structure, if this were

to prove to be the most cost-effective means of providing adequate flood control for Skagit County.

(2) We understand that the plan as proposed by the Department of Agriculture would permit rip-rapping for bank stabilization, and that local participation in the administration of the program is recommended. However, rip-rapping is not merely a desirable operation but for our farming community is an absolute necessity. We would have to oppose designation if it would prohibit continuation of current bank stabilization practices where and when necessary.

With allowance for rip-rapping and the Sauk flood control option we would support designation of the Skagit as proposed.

Thank you for this opportunity to bring these concerns to your attention.

FREDERICK S. MARTIN, *Chairman.*

Senator ABOUREZK. So we'll start out this morning with the distinguished colleague from New Jersey, the Honorable Clifford Case, the senior Senator from New Jersey.

Cliff, I'd like to welcome you to the Energy Committee, the Parks Subcommittee.

STATEMENT OF HON. CLIFFORD P. CASE, A U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator CASE. Thank you very much, Mr. Chairman. It's a privilege to be here and I appreciate your most generous welcome. I also appreciate your suggestion. I hope to continue the good example that you've set.

Mr. Chairman, I have a prepared statement which I will, if I may, submit for the record, and I make only this very brief summary of it.

I introduced last November, S. 2770 which proposes wild and scenic river designation of 114 miles of the Delaware from Hancock, N.Y., down to the southern tip of the Delaware Water Gap Recreation Area. Then in March, Senator Moynihan and others introduced S. 2611 that proposes to include only about 75 miles of the upper Delaware. That is, from Hancock to the vicinity of Matamoras, Pa., and Port Jervis, N.Y. I understand and I support the goals of S. 2611. But I still think that some 39 miles of the Delaware within the boundaries of the Delaware Water Gap National Recreation Area also merit wild and scenic river designation. And this area is not covered by Senator Moynihan's bill.

The portion of the Delaware included in the Water Gap Recreation Area is recommended for inclusion in the Wild and Scenic River System in an April 11 internal memorandum of the Interior Department which I understand may be the basis for an official administration position on this matter in the future. I think that the objectives of my bill of the Interior Department memorandum and of Senator Moynihan's bill can all be met by a course of action similar to an approach being considered in connection with an omnibus House bill and specifically I suggested the Senate committee might include the provisions of S. 2611 in one section of the bill and its provision on land acquisition and public participation read into the 75-mile segment of the upper Delaware. And then in a separate section the subcommittee might include provisions for wild and scenic river designations for a segment of the middle Delaware included within the boundaries of the Water Gap Recreation Area. And this section would include provisions limiting the boundaries of the wild and scenic river designations to the

banks of the river and requiring that any visitor facilities established for use and enjoyment of the river as part of the recreation area will be compatible with the purposes of this section and will be located at an appropriate distance from the river. My proposal, Mr. Chairman, is spelled out in greater detail in the prepared statement. I'm most grateful for your and for your subcommittee's consideration in this.

Senator ABOUREZK. Senator Case, thank you very much. I personally—I can't speak for the subcommittee or the committee—but personally I think it's excellent legislation that you've introduced and I will do what I can to see that it is moved as rapidly as possible.

Senator CASE. There could be no more satisfying way of starting a long and hard day. Thank you.

Senator ABOUREZK. Thank you, sir.

[The prepared statement of Senator Case follows:]

STATEMENT OF HON. CLIFFORD P. CASE, A U.S. SENATOR FROM THE
STATE OF NEW JERSEY

Mr. Chairman, I welcome this opportunity to appear before your Subcommittee to support inclusion of portions of the Delaware River in the Wild and Scenic Rivers System.

Last November, just before the end of the first session of this Congress, I introduced S. 2270, which proposes inclusion of 114 miles of the Delaware River, from Hancock, New York, to the southern tip of the Delaware Water Gap National Recreation Area in the Wild and Scenic Rivers System.

On March 1, about two months ago, Senator Moynihan and others introduced S. 2611, which proposes inclusion of only about 75 miles of the Upper Delaware, from Hancock to the vicinity of Matamoras, Pennsylvania, and Port Jervis, New York.

I understand and support the goals of S. 2611. In drafting this bill, Senator Moynihan included special provisions which give explicit attention to preservation of that section of the Delaware with a minimum of intrusion into the lifestyles of the people most directly affected by designation of that portion of the river. I support those provisions. The only reason they are not in my bill, S. 2270, is that they are not applicable to the whole 114 mile reach of the river covered by S. 2270.

But Senator Moynihan's bill does not go far enough. I believe the provisions of my bill for protection of approximately 39 miles of the Middle Delaware that flows within the boundaries of the Delaware Water Gap National Recreation Area are needed along with the provisions for protection of the 75 miles of the Upper Delaware covered by Senator Moynihan's bill and in my bill.

My view of the need for protection of the segment of the Delaware within the Delaware Water Gap Recreation Area is supported by an April 1 memorandum prepared by the directors of the National Park Service and the Heritage Conservation and Recreation Service and forwarded by the Assistant Secretary for Fish and Wildlife and Parks to the Legislative Counsel of the Department of Interior.

The memorandum comments on my bill, S. 868, to de-authorize the Tocks Island Dam and Reservoir project. That bill has been referred to the Senate Environment and Public Works Committee.

The memorandum, in its concluding section on recommendations, says:

"We strongly support efforts to terminate the Corps of Engineers' authorization to construct the Tocks Island Reservoir Project and transfer Corps lands and land acquisition authority to the Secretary of the Interior."

The concluding paragraph of the memorandum goes on to say:

"In order to further indicate the Administration's commitment to a free flowing river, we recommend that that portion of the Delaware River located within the boundaries of the Delaware River Gap National Recreation Area be designated as a component of the Wild and Scenic Rivers System, provided that the land acquisition restrictions enumerated in Section 6 of the Wild and Scenic Rivers Act (82 Stat. 906) not apply."

My purpose in appearing here today is not to present you with a dilemma. Rather, it is to suggest a course of action that would carry out the recommendations in the Interior Department memorandum, that would meet my concern about

the need for protection of both the Middle and Upper Delaware and, I believe, would meet Senator Moynihan's concerns.

Further, I believe what I am about to propose might avoid a conference committee dispute later on since it is my understanding that a similar approach is being considered in connection with an omnibus House bill.

I propose that the Subcommittee include the provisions of S. 2611 in one section of a bill with its provisions on land acquisition and public participation that relate specifically to the 75-mile segment of the Upper Delaware.

In a separate section, I propose that the Subcommittee include provisions for Wild and Scenic River designation for the segment of the Middle Delaware included within the boundaries of the Delaware Water Gap National Recreation Area, with the provision that the boundaries of this segment will be the banks of the river that any visitor facilities established for use and enjoyment of the river as part of the Delaware Water Gap National Recreation Area will be compatible with the purposes of this section and will be located at an appropriate distance from the river.

These two sections would leave a gap of about five miles between the two segments of the river which would not be included in the Wild and Scenic Rivers System.

I would prefer a continuous Wild and Scenic designation for the whole 114-mile stretch of the Delaware from Hancock, New York, to the southern tip of the Delaware Water Gap Recreation Area.

But I recognize that there is development in the area of Port Jervis, New York, and Matamoras, Pennsylvania, that may prevent this small segment of the river from meeting the criteria for the Wild and Scenic Rivers System. And I do not believe this small gap between the two areas detracts from the merits of either segment as a component of the Wild and Scenic Rivers System.

As the Interior Department memorandum I mentioned earlier indicates, I have introduced legislation to deauthorize the Tocks Island Reservoir project. That is a matter that has been referred to another committee. I believe that project should be explicitly deauthorized. But quite apart from that, I believe the portions of the Delaware River within the Delaware Water Gap Recreation Area and from the Port Jervis Area to Hancock deserve to be included in the Wild and Scenic Rivers Systems.

From Port Jervis south to the Delaware Water Gap, the Delaware, flowing through the mountainous areas of New Jersey, Pennsylvania and New York, is an irreplaceable national asset. The river has created a valley of haunting beauty, characterized by open meadows, hardwood and hemlock forests, steep ridges, deep gorges, spectacular views and rushing tributaries, with numerous waterfalls.

The river varies in character from shallow riffles and fast moving rapids to deep quiet pools. It is famous for canoeing, fishing, swimming, boating, scenic views and other recreational pursuits.

This beautiful valley provides a unique opportunity for enjoyment not only for present generations but for generations to come.

Stuart Udall recently visited the valley and commented that had he seen it while he was Secretary of Interior he would have done more to provide protection to it.

It is my hope that members of the Subcommittee will not be in a position that might compel them to express similar sentiments if they have the opportunity to visit the valley in the future.

Senator ABOUREZK. Senator Gaylord Nelson is the next witness. Gaylord is a former member of this committee.

STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator NELSON. Mr. Chairman, I appreciate the chance to appear here this morning.

Ten years ago Congress mandated that almost 200 miles, river miles, and 52,309 acres of the upper St. Croix and Namekagon Rivers in Minnesota and Wisconsin would be perpetually protected in their nature state. The upper St. Croix is one of the original wild and scenic

ivers. The St. Croix is a rather unique undertaking since the success of the program depends heavily on the cooperation of the Northern States Power Co., the States of Wisconsin and Minnesota, as well as the National Park Service. Under the terms of the 1968 act, Northern States Power generously agreed to donate almost 7,300 acres in fee and almost 8,400 acres in easement to the Federal Government for inclusion in this park system. We were fortunate in the sense that Northern States supplied that land some 75 years ago above St. Croix and Peelers Falls for almost 70 miles making, therefore, approximately 140 miles of riverfront which remained undeveloped because Northern States did not allow its development. They recognized the importance of the river and they agreed to donate their land on the river to be part of the wild river system.

However, the law at the time required that once 50 percent of the land was acquired, the right to condemn to fee acquisition would expire. We did not anticipate any problem with that because it was anticipated that the condemnation that was necessary to exercise to acquire in fee simple shoreline would be exercised and completed prior to the donations being made by the Northern States Power. The problem that occurred was the master plans. They could not make any acquisition until the master plan was approved and that took almost 2 years. The act was passed on October 2, 1968. The plan wasn't ready until 1970 and the acquisition since then has gone much more slowly than anybody anticipated. And now we're at the stage where their 50-percent rule applies and unless we can amend this statute in order to allow them to use their condemnation to get the lands we intended them to get in the first place, then we've got wild rivers with all kinds of private lands on it which can be developed and which would destroy the whole concept of the wild river system.

So this proposal is simply to make an exception as to condemnation rights as to this river which was in the peculiar circumstance that there is no other river like it in the country of 70 miles of that 200 miles being owned by one private owner who was donating it. And because of the slowness of acquisition their donation plan occurred more rapidly than is no other river like it in the country of 70 miles of that 200 miles being the acquisition occurred.

So it's vital in my judgment if we're going to carry out the specific intent of the Congress in authorizing the wild rivers bill on October 2 of 1968 and the specific intent of Congress in approving the master plan in 1970, this proposal does not authorize the acquisition of a single additional acre of land in excess of what was intended to be acquired and approved by the Congress—by the master plan back in 1970. And the amendment also requests an additional \$10 million for the acquisition. Inflation has raised the cost over, as the chairman well knows what has happened to waterfront property in the past 10 years. So we're asking an additional \$10 million authorization for the acquisition. And I may add that the administration supports the \$10 million additional.

Senator ABUREZK. Thank you very much, Senator Nelson for your testimony and your appearance here today.

Senator NELSON. Mr. Chairman, I'd add that my statement and a summary, detailed summary of the land be tended in the appropriate place in the record. [Summary not received in time for printing.]

Senator ABOUREZK. Without objection.

Senator NELSON. Thank you very much.

Senator ABOUREZK. Thank you for your appearance.

[The prepared statement of Senator Nelson follows:]

STATEMENT OF HON. GAYLORD NELSON, A U.S. SENATOR FROM THE STATE OF
WISCONSIN

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee this morning to strongly support enactment of S. 1234, a bill that amends the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271-1278) with reference to the Upper St. Croix Wild and Scenic River.

Ten years ago, Congress mandated that almost 200 river miles and 52,309 acres (35.2% of the project will be in fee) of the Upper St. Croix and Namekagon Rivers in Minnesota and Wisconsin be perpetually protected in their magnificent natural state. The Upper St. Croix, the Committee will recall, is one of the original Wild and Scenic Rivers.

The St. Croix is a rather unique undertaking since the success of the program depends heavily on the cooperation of the Northern States Power Company, the States of Wisconsin and Minnesota, as well as the National Park Service. Under the terms of the 1968 Act, Northern States will donate almost 7300 acres in fee and almost 8400 acres in easement to the Federal Government for inclusion in this segment of the National Park System. When completed, the NSP donation will comprise 39.5% of the fee and 44.5% of the easements.

It was anticipated by the old Interior Committee, on which I served at the time of the enactment of the 1968 legislation, that the Federal Government would move rapidly in acquiring fee title to the required project lands using, where necessary, the power of condemnation. Congress intended that the Park Service concentrate its efforts first in areas vital to public access and use as well as visibility and esthetic locations, before large amounts of fee were donated by the Northern States Power Company. The Committee intended that the Federal Government's fee acquisition program be well underway before title to 50 percent of the project's fee simple land was obtained by the National Park Service.

Regrettably, this has not happened. The St. Croix was added to the system in October, 1968. The Park Service's master planning process took longer than anticipated. The Cooperative Agreement which governs Northern States Power's donations was not signed until January, 1970 and pursuant to the 1968 statute (16 U.S.C. 1274(b)), the Park Service was specifically prohibited from spending any funds for land acquisition until such an agreement was signed. Then, land acquisition funds were slow in being obligated. Finally, in 1970 Congress enacted the National Environmental Policy Act which required the Park Service to file an Environmental Impact Statement for the project with the President's Council on Environmental Quality. More time was lost. Consequently, in the nine and one-half years since authorization little progress, much less than was anticipated, has been achieved. In the meantime, pursuant to the 1968 Act, NSP began donating title to its substantial holdings.

The upper St. Croix now faces two problems. Due primarily to inflation, the authorization of \$11.7 million for land acquisition has been exhausted. The Interior Department now estimates that an additional \$10 million is needed to complete the project. Moreover, the Administration supports this increase. S. 1234 raises the ceiling for land acquisition to \$21.7 million.

Second, because of the NSP donations (2,764 acres to date), and the voluntary sale of 9,034 acres by private individuals, 67.3 percent of the fee lands are now held by the Federal Government; yet 32.7 percent of the fee lands identified in the master plan still need to be acquired. It is clear that unless the Congress permits the Park Service to use the power of eminent domain by lifting the limitation of section 1277(b) of the 1968 Act, the envisioned and needed Congressional protection of this outstanding natural resource will never be achieved. S. 1234 does not call for the acquisition of one additional acre beyond the lands that were identified and authorized for preservation by law as early as October 1968.

The Congress intended that the Park Service would move rapidly and acquire in fee what was needed before NSP made its large fee simple donations. In practice this did not occur. Therefore, in order to fulfill the mandate of the 1968 Act and the specific intent of the Congress in regard to the perpetual protection of the Upper St. Croix, I respectfully recommend that the Committee favorably report

S. 1234 to the full Senate. Unless S. 1234 becomes law, we will condemn this truly wild and scenic resource to piecemeal development and eventual destruction.

Mr. Chairman, I ask that a May 1, 1978 memo prepared by my staff that gives further details on S. 1234, be printed in the Record. [Not received in time for printing.]

Senator ABOUREZK. Is Congressman Matthew McHugh in the audience?

Mr. McHUGH. Yes, I am, sir.

Senator ABOUREZK. Mr. McHugh we'd like to welcome you to the Parks and Recreation Subcommittee. Which bill are you testifying on?

Mr. McHUGH. Mr. Chairman, I'm testifying on S. 2611, Senator Moynihan's bill.

STATEMENT OF HON. MATTHEW F. McHUGH, A U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. McHUGH. First of all let me say, Mr. Chairman, I appreciate the opportunity to be here and will maintain the trend which you have outlined for brevity and would like to ask that my statement be included in the record.

Senator ABOUREZK. Without objection it will be included in whole.

Mr. McHUGH. As I mentioned, Mr. Chairman, our purpose this morning is to indicate my strong support for Senator Moynihan's bill, S. 2611, which as you know would designate about 75 miles of the upper Delaware River between Hancock, N.Y., and Sparrow Bush, N.Y., as part of our wild and scenic rivers system.

This is a bill which is substantially the same as the bill which I introduced in the House of Representatives and which has been included just yesterday in an omnibus bill reported favorably by the Subcommittee on National Parks of the House Interior and Insular Affairs Committee. I believe I'm fair in saying it has very broad support and has very little controversy surrounding this measure.

This is a section of river which was identified in the 1968 act to be studied by the Interior Department. And that river has been under study for the 9 years or so since then. The administration has recommended, in 1977, that the river be designated. The President adopted that recommendation and as I mentioned just yesterday on the House side, a bill including designation was reported favorably by the House subcommittee.

This bill, therefore, Mr. Chairman, I would hope could be acted upon promptly by this distinguished subcommittee consistent with the House action. Let me say one last thing and that is that the Moynihan bill includes elements which I think are vital not only in protecting the river which, of course, is the purpose of the 1968 act, but in protecting the vital interest of the people who work and live along the river corridor.

There is provision for limited acquisition initially by the Federal Government, something which is merely essential in terms of a local interest. Second, there is a provision for participation by local people in the development of the management plan. And I think that's also essential.

And finally, of course, there would be designation upon passage of the act itself. I agree with Senator Case that the upper Delaware and the middle Delaware could be considered separately in your legislation which I think is consistent with the differences in those two parts of the river.

Again, Mr. Chairman, I thank you for the opportunity and I notice that I have been joined at the table by my distinguished colleague from New York, Senator Moynihan.

Senator ABOUREZK. Thank you.

[The prepared statement of Congressman McHugh follows:]

STATEMENT OF HON. MATTHEW F. MCHUGH, A U.S. REPRESENTATIVE FROM THE
STATE OF NEW YORK

Mr. Chairman, I very much appreciate the opportunity to appear before your Committee and to offer this testimony on behalf of S. 2611, the bill introduced by Senator Moynihan to designate the Upper Delaware River a protected river under the federal Wild and Scenic Rivers legislation.

As you know, the portion of the river covered by this bill is a stretch of about 75 miles between Hancock and Sparrow Bush, New York. This beautiful and free flowing river, which serves as the boundary between the states of New York and Pennsylvania, is fully deserving of the protection which this bill would provide. It has been the subject of intensive study by the Interior Department, and its designation has the support of the Administration as well as the members of Congress who represent the Upper Delaware region.

As you may know, Mr. Chairman, I represent the Congressional district which borders the Upper Delaware River on the New York side, and I have introduced a bill in the House of Representatives which is substantially the same as Senator Moynihan's. Only yesterday this was incorporated into an omnibus bill which the National Parks subcommittee reported favorably to the House Interior and Insular Affairs Committee. I believe that this legislation will be approved by the full committee and by the House.

A brief review of the legislative history may serve to demonstrate why there is such strong support for designating the Upper Delaware. In 1968, when the Wild and Scenic Rivers Act became law, eight rivers were designated for immediate inclusion in the national system. At the same time the Act also identified 27 rivers as potential additions to the system and directed the Secretary of Interior to study them for that purpose. One of the rivers selected for study was the Upper Delaware River.

In May of last year, after considerable work by the Department of Interior, which included consultation with the two affected states, the Secretary of Interior forwarded to the President his recommendation that the segment of approximately 75 miles of the Upper Delaware River be included in the national system. The President endorsed this recommendation and transmitted it to the Congress on May 23, 1977.

The years of study have amply demonstrated the need for adequate protection of this magnificent natural resource. Its scenic wonders remind us how increasingly precious such resources have become during the last decade, as we have gradually come to appreciate how fragile they are. In addition to its inherent value as a natural resource, the Upper Delaware River is, together with the Catskill Mountains, one of our region's most precious economic resources. The recreation and tourist industry is a major factor in the area's economy, and the river is an important component in this respect. As one of the last great free-flowing rivers in the Northeast, the Upper Delaware provides a fishery which is the delight of countless fishermen, as well as unsurpassed opportunities for sport canoeing. Since this magnificent river is less than two hours' drive from the largest population center in the East, its unique value to our region is matched only by the threat to it without adequate and effective protection.

In recognition of this fact, the President's recommendation that the river be designated was accompanied by a report which set forth general objectives for the river's protection. In setting forth these objectives, the report stressed the need for protective action in these words:

Basic to these recommendations is the realization that the existing recreation use, vacation home and residential development, and commercial and industrial development, while still at a volume that does not immediately endanger the resource, is nearing a point where significant deterioration will occur unless adequate safeguards are provided.

The report also gave this specific warning:

Whether or not the Upper Delaware receives national designation, development and utilization of the Upper Delaware area is expected to increase, as is the use of the river itself. Without implementation of a comprehensive management program, those properties most desirable for aesthetic, recreational and other reasons will be quickly subdivided and lost. Such activity will eventually result in extensive shoreline development, further limiting the general public's opportunities for use and enjoyment of the area. Uncontrolled development can slowly erode the significant intrinsic values of this area for both the landowner and the occasional visitor. Inclusion of the Upper Delaware in the National System will have an overall effect of preserving existing scenic, recreational, historic, fish and wildlife, and water quality values of the river.

Mr. Chairman, when the President forwarded his recommendations to Congress, the years of study were over and the time for action on the Upper Delaware had arrived. The need for protection is clear and compelling. The question now is not whether the Upper Delaware should be designated for inclusion in the national system, but the conditions under which designation should take place.

In this connection, I am most concerned that we protect this great river without compromising the vital interests of the people who live and work in the river corridor. I believe the bill introduced by Senator Moynihan strikes this essential balance. An important feature of the bill, for example, is a limitation on the authority of the Secretary of Interior to purchase land and interests in land. It is this kind of power which local residents most fear. It is the kind of power which, at least from a local perspective, has sometimes given the federal government a bad name.

In 1968, when the Wild and Scenic Rivers Act was passed, Congress apparently believed that in most areas broad acquisition power was essential to adequately protect designated rivers. However, since 1968 experience has taught us that substantial acquisition is not necessary. In many cases, protection can be afforded through local action consistent with a management plan which has been thoughtfully developed. This approach not only has the benefit of keeping property in private hands, but it costs the federal government substantially less than outright acquisition.

In addition to limiting the Secretary's power of acquisition, the second major feature of this bill is the guarantee it provides to local residents that they can participate in developing the plan under which the river and its corridor will be managed. Clearly, the management plan will have its greatest impact on those who live and work along the river. As in the case of acquisition, these people fear the federal government will, through the management plan, regulate the use of their land in an arbitrary manner; that some impersonal bureaucracy will be insensitive to their basic concerns. In fairness to them, and to assure their participation in the process, this legislation would establish a Citizens Advisory Council which would participate fully in the development of the management plan. This Council, comprised primarily of local people, would not have the last word on management, but would contribute to the plan which would ultimately be implemented along the river. It would provide an important means by which local residents, who are now apprehensive about regulations imposed by outside forces, could themselves share the responsibility of developing the regulations.

In summary, Mr. Chairman, I believe it is now time for action to protect the Upper Delaware River, and that inclusion of the river in the national system is the best way to do so. At the same time, however, it is essential that we act in a manner which is also sensitive to the legitimate interests of those who live and work along the Upper Delaware. I believe that Senator Moynihan's bill strikes that important balance.

Thank you again for the opportunity to present my views.

Senator ABOUREZK. We would like to welcome Senator Moynihan, our colleague, to the committee once again. And if you're ready, proceed.

**STATEMENT OF HON. DANIEL P. MOYNIHAN, A U.S. SENATOR FROM
THE STATE OF NEW YORK**

Senator MOYNIHAN. Thank you, Mr. Chairman. I would scarcely presume to add to what my good friend and neighbor Mat McHugh has said. I have a statement, Mr. Chairman, which I would like to put in the record.

I'd like to make a statement as the chairman might want to ask us about something. I've got two things I want to say. One specific, just to confirm what Congressman McHugh has said which is that we very much agree with Senator Case that you have two quite distinct regions almost, the upper Delaware and the middle Delaware. And they ought to be kept separate legislation.

But second, just to make a point for your own reference out there in the Far West. This is, of course, an amendment to the wild and scenic rivers legislation. And there's certain justice to it all an appropriateness to it all because the first notion that rivers were wild and scenic in the American mind as you get to difficult places to cross on your way west, came from the painting, an etching, that came out of the Catskill Mountains which Delaware County is the central county starting around the 1840's.

The great Hudson River school of American landscape painting gave to the American sensibility, the American esthetic, the idea that wild rivers were wonderful things to look at. And indeed, they are.

The Delaware County which is where I live now and have done so for 15 years, is the particularly wonderful part of those mountains. Two of our great river systems originate there; the Delaware itself and Susquehanna just a little bit up in Osego all flow down from these mountains.

This would be justice done at last to the intellectual and esthetic origins of this great piece of legislation over which you so ably preside, the House act.

Senator ABOUREZK. I'm going to award medals for brevity in this hearing. Both of you are going to get the short testimony brevity. But I just want to respond by referring to your reference to South Dakota.

Now, most of South Dakota is a very beautiful place, the Black Hills and lakes all over the northeastern part of the State. However, I was born and grew up on an Indian reservation in South Dakota in the traditional place where Indians were forced onto reservations and particularly in South Dakota were places so devoid of streams, rivers of any kind that we knew nothing about water except for those paintings that you talked about.

That was the only way we could enjoy it in the part of South Dakota I was living in. So I understand what you're saying. I want to thank both of you very much for your testimony and for your appearance and for the introduction of legislation which you've done.

I'm a strong supporter of this legislation as I told Senator Case on his bill. I personally will do what I can to see that it passes and I would say the same thing to you.

Senator MOYNIHAN. Thank you, Mr. Chairman.

Mr. McHUGH. Thank you.

Senator ABOUREZK. Thank both of you.
 [The prepared statement of Senator Moynihan follows:]

STATEMENT OF HON. DANIEL P. MOYNIHAN, A U.S. SENATOR FROM THE STATE OF
 NEW YORK

Good morning, Mr. Chairman, and Members of the Subcommittee.

On March 1, 1978, Senators Javits, Heinz, Williams, and I introduced S. 2611, the Upper Delaware River Protection Act. The bill is designed to include a beautiful and historically important stretch of the Delaware River in the National System of Wild and Scenic Rivers. As a resident of Delaware County, I recognize and appreciate the values that make designation an important step for this river. Through all its varied uses and history the upper Delaware has maintained its scenic beauty and aesthetic and cultural heritage, and it is these values that we seek to protect through legislative designation.

Designation of the Delaware River is by no means a new idea. S. 2611 is a culmination of administrative and legislative proposals that began in 1968 with the passage of the Wild and Scenic Rivers Act. The Delaware was one of the rivers originally named in the Act for potential addition to the scenic river system. Since that time, the upper Delaware River has been the subject of extensive studies among the Department of the Interior and the States of New York and Pennsylvania, and designation of it has been greeted with unanimous approval by the major governmental entities involved. The Administration has, in fact, introduced its own bill for the preservation of the Upper Delaware. The Administration bill is substantially similar to mine, but it differs in significant respects that I will discuss at a later point.

S. 2611 contains three major provisions. The first is the designation of a 75 mile stretch of the Delaware extending from the confluence of the East and West branches below Hancock, New York to Sparrow Bush, New York. The reach included within our bill corresponds to that length for which detailed preparation has been done, and I am confident that members of the Committee will see its merit.

The other two major provisions of our bills address the legitimate concerns of the people who presently live and work along the banks of the Delaware. I feel that the preservation of the river must be accomplished with a minimum intrusion into the lives of the people directly affected by scenic designation, and toward that end, have set forth provisions that would insure both a limit to the land acquisition authority of the Secretary of the Interior, and a substantial amount of local participation in maintenance of the river.

The first of these provisions sets an initial limit of 450 acres on the amount of land the Secretary can acquire along the designated portion of the river. Authorization is also given for an additional maximum acquisition of 1,000 acres should preservation of the river demand it, and should involved parties, including local interests, find such acquisition desirable. These are minimal figures by any standards, but they serve an important purpose; they reassure local inhabitants that a Federal government that is often too single-minded in its attempts to acquire and protect scenic land will not be allowed to get out of hand.

Also important from the standpoint of local interests is that any bill enacted encourage and indeed demand community involvement in management and control of the river. In our bill, the mechanism for public involvement is an Upper Delaware Citizens Advisory Council whose seventeen members include at-large representatives of the states and residents of the riverine counties. The Council will report periodically to the Secretary of Interior on the efficacy of management proposals as they progress from creation to implementation. This is, I think, the most significant provision of the bill, as it guarantees substantial and meaningful local participation in the development of the land and water management plan.

I would like to note that it is the provision of mandated local participation that particularly differentiates S. 2611 from the similar bill offered by the Administration. The Administration bill contains no plans for involvement of local residents, and given what I feel is our justified concern for the protection of local rights, this can only be a fatal flaw. I urge the Committee to pay close attention to the differences between the two, because the Administration bill contains deficiencies for which no vague legislative promises to assure "ample opportunity" for local participation can compensate. Though a guarantee for local involvement

is implicitly included in the original Wild and Scenic Rivers Act, and though these assurances are transferred to bills under the Act's jurisdiction, I feel it important to handle them specifically, and to deal with them in definite and explicit terms.

I understand that the Committee will consider designation of the Upper Delaware, as defined in S. 2611, and a reach of the Lower Delaware, approximately from Port Jervis, New York, to the southern boundary of the Delaware Water Gap Recreational Area. I support designation of both sections of the River, although my support for the lower section must be predicated on the assumption that it would not threaten successful implementation of a scenic river plan for the Upper Delaware.

I thank you, Mr. Chairman. And I look forward to working with you and your Subcommittee to formulate the best plan for the Delaware.

Senator ABOUREZK. The Honorable Peter Kostmayer from Wisconsin, Pennsylvania, I'm sorry. Neither one is here.

Congresswoman Helen Meyner is here and you're next, Helen. I'd like to welcome you as a colleague and as a friend to the committee.

Mrs. MEYNER. Thank you very much.

STATEMENT OF HON. HELEN S. MEYNER, A U.S. REPRESENTATIVE FROM THE STATE OF NEW JERSEY

Mrs. MEYNER. Senator Abourezk, I appreciate this opportunity to testify on a matter of the greatest importance to the people of the Middle Atlantic region. We in Congress have the opportunity to close the door or pull the plug on one of the most overrated and overpriced projects of our time, the Tocks Island Dam. At the same time we can give the upper and middle Delaware River the permanent protection which we as friends of our environment know it deserves. I emphasize, Mr. Chairman, that the entire Delaware River from Hancock in the northern reaches to the Water Gap, over 100 miles to the south, should be included in the wild and scenic rivers system.

I agree with my friends in northwestern New Jersey and the Sierra Club that the entire river is of great scenic, recreational, cultural, and historic significance. Wild and scenic designation is therefore a natural response to our concern for a river which is nothing less than a national treasure.

There are a number of criteria by which a waterway is judged eligible for inclusion under the wild and scenic rivers program, as you know. The middle Delaware clearly meets each of the seven criteria for designation. To delay consideration of the middle Delaware or to separate all consideration from the upper Delaware is therefore ill-advised and dilatory. While I recognize the zoning and land acquisition require different approaches for the upper and middle Delaware, we must not forget that we are talking about one river, one region, and one legacy to be passed on intact to our descendants. Mr. Chairman, I'm particularly pleased that the National Parks and Insular Affairs Subcommittee of the House Interior Committee yesterday reported in its omnibus parks bill a provision calling for the Secretary of the Interior to complete land acquisition in hardship cases lying within the authorized area of the Delaware Water Gap National Recreation Area.

Many of my constituents in the Delaware Valley fall into that category. These individuals have for years been remarkably patient in awaiting congressional action on their behalf and may have given up

hope. I therefore commend their situation to the subcommittee in the hope that it will act as the House subcommittee has done.

Mr. Chairman, we've only to travel throughout much of rural America to see rivers which were once vital, exciting watercourses and now have become tired, polluted, and overdeveloped. They would be candidates for a mild, anemic rivers program if one existed.

The Delaware River has not reached that stage, and with decisive action in this Congress we can insure that it never will. I strongly urge members of the Subcommittee on Parks and Recreation to consider the overwhelming sentiments of those who live in the Delaware Valley as well as our national interest in preserving sacred resources. We have the best opportunity in years to protect the Delaware. It is my deep hope and expectation that the subcommittee will recognize this chance and act accordingly. Thank you very much, Senator Abourezk.

Senator ABOUREZK. Helen, thank you very much. We appreciate your support for this particular legislation on this side. As I've indicated I agree personally with this approach.

Mrs. MEYNER. Thank you very much.

Senator ABOUREZK. I will do what I can. Thank you for your appearance and your testimony.

Mrs. MEYNER. A great pleasure. Thank you.

Senator ABOUREZK. Is Congressman Kostmayer here yet? Congressman Beilenson? If neither are here, the Honorable Robert Herbst, Assistant Secretary for Fish, Wildlife, and Parks and the U.S. Department of the Interior.

And is Rupert Cutler here? Yes, Rupert, do you want to join Secretary Herbst?

As a matter of fairness, I'd like to ask Secretary Herbst to go first this morning.

Mr. HERBST. Thank you, Mr. Chairman.

Senator ABOUREZK. I think we should hear from Senator Cranston first.

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

Senator CRANSTON. Well, let me say thank you very much. It's a privilege to appear once again before this subcommittee. Today I'm here to testify in support of my bill, S. 1906, to establish the Channel Islands and the Santa Monica Mountains National Park and Seashore in southern California. As many members of this committee know from an earlier field trip to southern California, the Channel Islands and the Santa Monica Mountains comprise the last remaining major undeveloped recreational resources in the Los Angeles metropolitan area. But unfortunately, continuing pressures for urbanization are threatening the region. Roads are being built, mountains scarred, subdivisions developed, and potential parkland eliminated. Today, the Los Angeles basin with its 10 million people has less open space for public recreational and cultural uses than any other major city in the United States. At the same time the strain on existing open space and recreational facilities is intensified by the influx of over 8 million visitors to southern California each year. The Santa Monica Moun-

tains contain about 210,000 acres of open space stretching from the Pacific Ocean to the heart of downtown Los Angeles. Within this area the Santa Monica Mountains Comprehensive Planning Commission has identified 103,000 acres of significant ecological value.

Federal acquisition of a major portion of the mountains would create a national park of high recreational value and open up beaches, coastal blossom canyons, high mountain meadows, and hillside covered with sage yucca and chapparral to hikers, picknickers, and beachgoers. I want to emphasize that the Santa Monica Mountains are of national park quality and national significance. They merit and deserve national park status. Thirty miles off shore are the Channel Islands including Santa Cruz and Santa Rosa, now the boot of de-ranging, San Miguel, owned by the Department of the Navy, and Anna Capa and Santa Barbara which already are designated as a national monument. S. 1906 would put the mountains and the island under joint management of the National Park Service. The bill designates the Channel Islands and Santa Monica Mountains National Park and Seashore, directs the Secretary of Interior to identify the area within the boundaries to be acquired by the Federal Government and calls for the completion of the acquisition program within 5 years. S. 1906 also authorizes \$150 million for land acquisition. It is anticipated that all of the acquisition funds would be used to purchase lands in the Santa Monica Mountains. Although there are single-family dwellings in the mountains, no one is suggesting that developed properties be acquired by the Federal Government except in special circumstances where the National Park Service determines the lands are ecologically significant or of recreational importance.

The State of California has already spent \$65 million to purchase more than 30,000 acres in the Santa Monica Mountains. It is anticipated that the State will spend another \$25 million in the mountains during the next 2 years. But State and local governments do not have the sufficient funds to buy enough acres to make an area which would provide a refuge for the city, preserve substantial open space, and provide an air shed for the Los Angeles basin. While Federal grant assistance to State and local governments would improve local funding capabilities, it would not remove them from the pressures of land developers in making acquisition decisions. Direct Federal acquisition and management is the best way to preserve and protect Santa Monica Mountains. The State of California recognizes that it cannot accomplish the task of preserving the mountains and the seashore alone and supports the establishment of the Santa Monica Mountains National Park; so does the city and county of Los Angeles.

Mr. Chairman, as you know, S. 1906 is a companion to H.R. 7264 as sponsored in the House by Congressman Tony Beilenson. The Interior Committee has held hearings on the measure and I understand there is an excellent chance that the Santa Monica Mountains Park proposal will be included in the omnibus parks bill being marked up in the House Amendments Committee. I hope this committee, Mr. Chairman, will look favorably on this proposal so that the Channel Islands and Santa Monica Mountains National Park and Seashore can become a reality this year. I've abbreviated my testimony and I will ask to submit the entire statement in the record.

Senator ABOUREZK. We appreciate that, Alan. We've been giving awards out this morning to people who don't read their entire statement.

Senator CRANSTON. Thank you, I'm glad to get an award.

Senator ABOUREZK. And you're another recipient.

Senator CRANSTON. I look forward to the award and the park.

Senator ABOUREZK. In your case that will be the award. Thank you very much, Alan. We appreciate your strong support for the national park system that you've expressed today and in the past. Thank you.

Senator CRANSTON. Thank you very much and thank you for all your great work.

[The prepared statement of Senator Cranston follows:]

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

Mr. Chairman, it's a privilege to appear once again before this Subcommittee. Today I'm here to testify in support of my bill, S. 1906, to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in Southern California.

As many members of this Committee know from an earlier field trip to Southern California, the Channel Islands and the Santa Monica Mountains comprise the last remaining major undeveloped recreational resource in the Los Angeles metropolitan area. But unfortunately continuing pressure of urbanization are threatening the region. Roads are being built, mountains scarred, and subdivisions developed, eliminating potential parkland.

Today, the Los Angeles Basin with its 10 million people has less open space for public recreational and cultural uses than any other major city in the United States. At the same time, the strain on existing open space and recreational facilities is intensified by the influx of over 8 million visitors to Southern California each year.

The Santa Monica Mountains contain about 210,000 acres of open space, stretching from the Pacific Ocean to the heart of downtown Los Angeles. Within this area, the Santa Monica Mountains Comprehensive Planning Commission has identified 103,000 acres of significant ecological value. Federal acquisition of a major portion of the mountains would create a national park with high recreational value, and open up beaches, coastal bluffs and canyons, high mountain meadows, and hillsides covered with sage, yucca, and chapparel to hikers, picknickers and beachgoers. I want to emphasize that the Santa Monica Mountains are of national park quality and national significance. They merit and deserve national park status.

Thirty miles offshore are the Channel Islands—including Santa Cruz and Santa Rosa, now devoted to ranching; San Miguel, owned by the Department of the Navy; and Anacapa and Santa Barbara, which are already designated as a National Monument.

The Channel Islands and the Santa Monica Mountains are part of a single mountain range 125 miles long, which is mostly submerged beneath the Pacific Ocean. In addition to this geologic tie, the mainland mountains are linked to the islands historically and culturally. Remains of the earliest known inhabitants of California, the Chumash Indians, have been found on Santa Cruz Island. Altogether over a thousand archeological sites exist on both the islands and the mountain range. The islands, more protected over the centuries from development by man, also display unique flora and fauna providing insight into the natural history of the Southern California coast.

S. 1906 would put the mountains and the islands under joint management of the National Park Service. The bill designates the Channel Islands and Santa Monica Mountains National Park and Seashore, directs the Secretary of the Interior to identify the areas within the boundaries to be acquired by the federal government, and calls for the completion of the acquisition program within 5 years.

S. 1906 also authorizes \$150 million for land acquisition. Almost all of the acquisition funds would be used to purchase lands in the Santa Monica Mountains. Although there are single family dwellings in the mountains, no one is

suggesting that developed properties be acquired by the federal government, except in special circumstances where the National Park Service determines the lands are ecologically significant or of recreational importance.

With respect to the acquisition of the islands, the Channel Islands National Monument would be abolished and the monument islands included in the national park. San Miguel would be transferred from the Navy to the Interior Department. The privately owned islands—Santa Cruz and Santa Rose—would not be acquired by the federal government against the wishes of the owners unless the present uses of the islands change, causing or threatening to cause their degradation. Inasmuch as the Nature Conservancy has recently negotiated an option to buy ninety percent of Santa Cruz Island, there is no immediate need for federal acquisition of this property.

It is my intention that the islands and the fragile areas of the mainland mountains be administered on a low-intensity, limited entry basis—and S. 1906 so stipulates. I also feel that in order to protect San Miguel, Santa Cruz and Santa Rosa further, these areas should not be opened up to the public until the Secretary of the Interior approves a plan insuring permanent protection of the unique island species and providing for continued scientific research.

In order to protect the buffer areas not acquired by the National Park Service, the Committee may wish to add language to the bill to require that other federal actions in the Santa Monica Mountains be consistent with the park purposes. The Committee also may want to permit the Secretary to use federal funds to retire bonded indebtedness of the local communities. Local communities have already approved bonds for water and sewer connections, but the facilities have not yet been built. Retiring the bonded indebtedness could prevent some development which would be detrimental to the interests of the national park.

The State of California has already spent \$65 million to purchase more than 30,000 acres in the Santa Monica Mountains. It is anticipated that the state will spend another \$25 million in the mountains during the next two years. But state and local governments do not have sufficient funds to buy enough acres to make an area which would provide a refuge from the city, preserve substantial open space, and provide an airshed for the Los Angeles Basin. While federal grant assistance to state and local governments would improve local funding capabilities, it would not remove them from the pressures of land developers in making acquisition decisions. Direct federal acquisition and management is the best way to preserve and protect the Santa Monica Mountains.

The State of California recognizes that it cannot accomplish the task of preserving the mountains and the seashore alone, and supports the establishment of the Santa Monica Mountains National Park. So do the City and County of Los Angeles.

Mr. Chairman, as you may know, S. 1906 is a companion to H.R. 7264 sponsored in the House by Congressman Tony Beilenson. The House Interior Committee has held hearings on the measure, and I understand that there is an excellent chance the Santa Monica Mountains park proposal will be included in the omnibus parks bill being marked up in the House Interior Committee.

I hope this Committee will look favorably on this proposal so that the Channel Islands and Santa Monica Mountains National Park and Seashore can become a reality this year.

Thank you.

Senator ABOUREZK. Congressman Kostmayer?

Mr. KOSTMAYER. Thank you very much, Senator.

Senator ABOUREZK. Congressman Beilenson just came in, is that correct?

Mr. BEILENSEN. Yes, sir, that's correct. Let Mr. Kostmayer go first and I'll go second.

Mr. KOSTMAYER. Thank you Congressman and Senator. I'll try, too, to abbreviate my statement and cut it down.

STATEMENT OF HON. PETER H. KOSTMAYER, A U.S. REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA

Mr. KOSTMAYER. I welcome the opportunity to appear before you and to speak on behalf of my proposal to designate a portion of the

Delaware River as a wild and scenic river. Yesterday the House Interior Subcommittee on National Parks favorably reported out the omnibus parks bill which includes this proposal. The same bill also includes a proposal for the upper Delaware which is considerably less controversial. The reason is that my proposal and the middle Delaware would bring to a halt the Tocks Island Dam which was authorized by Congress some years ago, 1962, and which really is—the defeat of which really is the purpose of my legislation.

The middle Delaware proposal designates that part of the Delaware flowing within the Delaware Water Gap National Recreation Area. And as I say, by doing so terminates the Tocks Island Dam project. The Congress in 1962 authorized the construction of a 160-foot-high dam at Tocks Island, 5 miles above the Delaware Water Gap. In 1965 the authorization for expansion was to include a 47,000-acre Delaware Water Gap National Recreation Area around a 37-mile lake.

The 37-mile lake was being created by the dam flooding about 12,000 acres of some of the local farmland and some of the oldest homes in Pennsylvania. Since the wild and scenic river cannot be impounded or diverted under section 7 of the Organic Act, the passage of the legislation will prohibit construction of the dam and preserve the river in its free-flowing state. Opponents of the dam cite the adverse and environmental impact of the loss of the 12,000 acres of open countryside and the wildlife it supports, the deterioration of water quality through usification and siltation of the lake among others, and the highly questionable cost of the project which started at \$90 million and is now estimated to cost \$450 million. I won't go into details about the pros and cons of the project but will say that it's a result of widespread objections to the project. Once land acquisition had begun in 1968, Congress ordered a study of the Tocks Island project in 1965.

And that study found, Senator, that viable alternatives to the Tocks project to exist and that the project posed highly adverse impacts on the environment. As a result of this study the Delaware River Basin Commission recommended to Congress that it not appropriate funds to commence construction of the dam.

This decision was made on July 31, 1975, after which the division engineer of the Corps of Engineers in September of 1975 concluded that the Tocks Island Lake project should be deauthorized so that alternative plans to meet the needs of the region would be developed. In spite of all of this adverse affect on the dam, the project continues to survive. There are serious concerns with future water supply needs all of which needs to be addressed. But I think those problems could be met through alternative means and not the construction of this huge concrete dam across the Delaware River. Some will say that more studies are needed. I disagree. The Interior Department has found that this section of the river qualifies under the criteria of the Wild and Scenic Rivers Act. And the Congress has already paid \$1.5 million for a study to end all studies on the Tocks question. I think the Congress should act now. Certainly no one can question the jurisdiction of the House Interior Committee and the Senate Energy and Natural Resources Committee over this issue although some I know will seek later on to refer it to the Public Works Committee.

Finally, Mr. Chairman, the people of my State and of New Jersey, the people in the Delaware Valley have waited for a long time for Con-

gress to settle this matter. I believe it's time to say no to the Tocks Island project and to preserve the river in its free-flowing state.

Earlier in the week I spoke with Mr. McIntyre at OMB and he indicated that he would have hopefully early next week OMB's reaction to our proposal. As you may know, the Department of Interior favors it very strongly. I spoke with Secretary Andrus about 10 this morning. He's in Portland, Oreg. and he told me—he gave me permission to convey to you that he supports my legislation all the way and feels that the dam should be deauthorized, feels that this portion of the river should be designated as viable and scenic. I hope that next week that OMB which cleared Interior's testimony on this, that you will hear shortly, will concur in that decision.

Thank you very much.

Senator ABOUTREZK. Thank you very much. We appreciate your testimony and your appearance.

STATEMENT OF HON. ANTHONY C. BEILENSEN, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. BEILENSEN. Thank you, Mr. Chairman, very much, for this opportunity to testify before this subcommittee in support of Senator Cranston's bill, S. 1906, to establish the Channel Islands and Santa Monica Mountains National Park and Seashore. I introduced nearly an identical bill in the House last year and am pleased to report that yesterday the House Subcommittee on National Parks and Insular Affairs passed a version of our bill which will create a national recreation area in the Santa Monica Mountains. For 20 years now a bill to include the Channel Islands in the National Park System have been introduced into Congress. And bills to preserve the mainland part of the mountain chain in Santa Monica began over 15 years ago. The last session, as you know, the Senate passed the Santa Monica Mountains and Seashore Urban Park and Recreation Area there but the House failed to pass a companion urban park bill.

Finally, this year there is substantial agreement among Democrats and Republicans in both the House and the Senate on the need to save the Santa Monica Mountains and the need for immediate sizable Federal acquisition in the mountains. No other major city in the United States has a mountain range rising in its midst and stretching to the sea and yet this recreational resource is within an hour's drive or less for over 10 million people, is rapidly vanishing.

Mountain ridge tops are being flattened for new homesites. Natural streams are being converted into concrete drainage channels. Canyons are being used as landfill for much of the cities' wastes. We cannot ignore this last opportunity to create a magnificent park and seashore which can serve an expanding metropolis as well as millions of visitors for a place to come. The cost of preserving the mountain seashore is comparatively small. If we do not purchase a significant part of the mountain, instead we will be asked to spend Federal funds for sewers, water supplies, roads to provide an infrastructure for developing the mountains. Additional Federal dollars will be spent to protect new expensive homes from fires, floods, and earthquakes. The cost of purchasing an additional 40,000 acres of parkland in allowing easement for access to the beaches as well as lateral access along the

beaches will be greatly offset by the savings of Federal dollars not spent for development, protection of exclusive subdivisions in the mountains and in the canyons. Not all of the land in the mountains will need to be acquired. As much can be protected by local land use regulations and zoning compatible with parkland use.

The California Coastal Commission's jurisdiction in the Santa Monicas extends 5 miles inland from the sea. It includes most of the area in which the national park and seashore would be established. Two regional coastal commissions have permit power over all development in this coastal portion of the Santa Monicas and should be able to provide sufficient protection to buffer the acquired parkland. To protect the inland portion of the mountains the State has established the Santa Monica Mountains Comprehensive Planning Commission which although it has no permit power is required to create a comprehensive plan which will designate uses of public and private lands which would not diminish the recreational, scenic, and natural benefits of the mountains. The House version of the bill now provides additional incentives for local and State government to implement the plan created by that commission and I hope this committee might make similar amendments to S. 1906.

I should point out, Mr. Chairman, the State of California has already made sizable contributions to the protection of the mountains not only by establishing the planning commission and the coastal commission to which I alluded, but also by purchasing over 31,000 acres of parkland together with the county and city parklands to total over 35,000 acres of public land. But the State and local governments do not have sufficient funds to buy enough acres to tie together the scattered State parklands to create a 50-mile hiking and horseback riding trail and to provide an air shed free of heavy automobile use where clean ocean breezes can sweep into the heart of our polluted city.

The \$150 million which this bill would allocate for acquisition in the Santa Monica Mountains and Channel Islands is a bargain for wilderness situated in an urban center. We have submitted to you, Mr. Chairman, I think, copies of our testimony as well as copies of an article which appeared in a national magazine describing this area and the proposal. Perhaps they could be inserted into the record.

Let me simply end by saying that really for the first time now after these 15 or 20 years of efforts in the Federal legislature we have agreement among Members of the Congress who are involved in this particular area. We have total support from the State and local governments for the first time, all of whom testified in California at a hearing by Mr. Burton's subcommittee on our similar, virtually identical bill on the House side.

And for the first time, although they had some problems with the bill as is being presented to you, and you'll hear from them I suppose in a few minutes, we have an agreement really from the Department of Interior that this is land which in fact ought to be preserved and acquired. Let me simply end by saying, Mr. Chairman, that if we don't save this land now—by now I mean within the next year—I think we're going to lose it forever. For the first time now we have such intense development pressures upon this very precious resource that we're going to have to save it in the immediate future or it will be lost to all of us and to the Nation forever.

I thank you very much for giving me this opportunity to address you.

Senator ABOUREZK. Thank you, Congressman Beilenson, for your testimony and for your appearance.

[The prepared statement of Congressman Beilenson follows:]

STATEMENT OF HON. ANTHONY C. BEILENSEN, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Thank you for this opportunity to testify before this Subcommittee in support of Senator Alan Cranston's bill, S. 1906, to establish the Channel Islands and Santa Monica Mountains National Park and Seashore. I introduced a nearly identical bill in the House last year and am pleased to report that yesterday the House Subcommittee on National Parks and Insular Affairs passed a version of my bill which will create a National Recreation Area in the Santa Monicas.

For 20 years, bills to include the Channel Islands in the National Park System have been introduced in Congress, and bills to preserve the mainland part of the mountain chain began over 15 years ago with a bill to create the Toyon National Park. Last session, as you well know, the Senate passed a Santa Monica Mountains and Seashore Urban Park and Recreation Area bill, but the House failed to pass a companion urban park bill. Finally, this year there is substantial agreement among Democrats and Republicans in both the House and Senate on the need to save the Santa Monica Mountains and the need for immediate sizeable federal acquisition in the mountains.

No other major city in America has a mountain range rising in its midst and stretching to the sea. And yet, this recreational resource, within an hour's drive or less of over 10 million people, is rapidly vanishing. Mountain ridgetops are being flattened for new homesites; natural streams are being converted into concrete drainage channels, and canyons are being used as landfills for the city's wastes.

We should not ignore this last opportunity to create a magnificent National Park and Seashore which can serve an expanding metropolis as well as millions of visitors for decades to come. The cost of preserving the mountains and seashore is comparatively small. If we do not purchase a significant portion of the mountains, instead we will be asked to spend federal funds for sewers, water supply, and roads to provide an infrastructure for development in the mountains. Additional federal dollars will be spent to protect new expensive homes from fires, floods, and earthquakes. The cost of purchasing an additional 40,000 acres of parkland and of buying easement for access to the beaches, as well as lateral access along the beaches, will be greatly offset by the savings of federal dollars not spent for development and protection of exclusive subdivisions in the mountains and canyons.

Not all the land in the mountains will need to be acquired as much can be protected by local land use regulations and zoning compatible with parkland use. The California Coastal Commission's jurisdiction in the Santa Monicas extends 5 miles inland from the sea and includes most of the area in which the National Park and Seashore will be established. Two regional Coastal Commissions have permit power over all development in this coastal portion of the Santa Monicas and should be able to provide sufficient protection to buffer the acquired parkland.

To protect the inland portion of the mountains, the state established a Santa Monica Mountains Comprehensive Planning Commission which, although it has no permit powers, is required to create a comprehensive plan which will designate uses of public and private land which would not diminish the recreational, scenic and natural benefits of the mountains. The House version of the bill now provides additional incentives for local and state governments to implement the plan created by that commission, and I hope that this committee will make similar amendments to S. 1906.

The state has already made a sizeable contribution to the protection of the mountains not only by establishing the planning commission and the coastal commission, but also by purchasing over 31,000 acres of parkland which together with the county and city parkland total over 35,000 acres of public land. But the state and local governments do not have sufficient funds to buy enough acres to tie together the scattered state parklands, to create a 50 mile hiking and horseback riding trail, and to provide an "airshed" free of heavy automobile use where clean ocean breezes can sweep into the heart of the polluted city.

The \$150,000,000 which this bill would allocate for acquisition in the Santa Monica Mountains and Channel Islands is a bargain for wilderness situated in an urban center.

The westernmost extension of the mountains, the Channel Islands, have long been on the Department of Interior's priority acquisition lists. The islands are the prime breeding ground for over 3,000 northern elephant seals and other pinnepeds as well as for numerous rare birds including the California brown pelican and the California oyster catcher. All of the islands, cut off from the mainland and removed from much of man's imprint, provide a habitat for unique flora and fauna which represent a vital link to the natural history of the southern California coast.

Although the mainland's wildlife species, which include mule deer, bobcat, mountain lions, osprey and a pair of golden eagles, are not as rare as the islands' species, the Santa Monica Mountains are as much ecological "islands" as the Channel Islands out to sea. The mountains are now islands in a sea of developed human systems. They are as unique a resource as the Channel Islands. The mountains offer scenic and psychic relief for the urban dweller, and they are far more accessible to visitors than most National Parks. There is no question in my mind that the Santa Monica Mountains and Channel Islands qualify for inclusion in the national park system.

What Future for the Santa Monicas?

by ANTHONY C. BEILENSON

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1701 Eighteenth Street, N.W., Washington, D.C. 20009



CLIFFORD DICKER, NATURE CENTER, 10 BROADWAY, NEW YORK

This ...

What Future for the

DESPITE the popular image of Los Angeles as a smoggy, sprawling urban center, it is the only major city in the country containing a rugged mountain range. The Santa Monica Mountains rise in the heart of the nation's second largest city and stretch for fifty miles to the sea. Deep canyons with flowing creeks, ancient oak groves, sand dunes, and mountain-top vistas entice city dwellers to retreat from the urban bustle to the serenity of a natural setting. Numerous varieties of sage and sumac and hillsides of wildflowers perfume the air over the mountains.

Estuarine lagoons attract innumerable shorebirds, and tidepools teem with aquatic life. Most of the two hundred thousand acres of the Santa Monicas, extending across Los Angeles and Ventura counties, are still untouched by the many suburban developments that have been spreading over the entire surrounding flatland.

The northernmost four of the eight Channel Islands are the westernmost peaks of the mountain chain and are separated from the mainland by only ten miles of Pacific Ocean. Two of the Channel Islands are already designated as a



DEVELOPMENT IN THE SANTA MONICA MOUNTAINS BY NATIONAL PARK SERVICE

...or This?

Santa Monicas?

The Santa Monica Mountains must be protected within the next few years if this unusual natural retreat is to be saved from developers

by ANTHONY C. BEILINSON

national monument. All of the islands provide habitat for a large population of sea elephants, seals, and sea lions along the Pacific Coast and for numerous rare and endangered plants, animals, and sea birds. Thousands of years of separation from the mainland have produced many species that took different evolutionary courses from mainland forms. As a result, many of the islands' plant species, such as certain varieties of oak, poppy, morning glory, and paintbrush, and animals such as the island kitfox and the island night lizard are found nowhere else in the world.

The future use of this rugged coastal mountain range will be decided in the next few years. Without government action, the human population in the mountains will double in less than twenty years. The Santa Monica Mountains Comprehensive Planning Commission has estimated that without extensive parkland acquisition and restraints on land use the population in the mountain region will grow from the present 192,000 people to between 319,000 and 356,000 by 1990.

Developers have already submitted plans to local governments

to erect several thousand new single-family homes and townhouses. Three large proposed developments alone would add 12,000 inhabitants to the mountains. The tops of ridges would be cut off to create flat lots for modern housing tracts. Even now, natural stream beds are being converted into concrete drainage channels, and the canyons are being used as landfills for Los Angeles wastes. The opportunity to preserve this vast scenic wild area is slipping away all too quickly.

Threats to the Channel Islands and mainland seashore come

mostly from plans for energy development. The Department of the Interior proposes to lease large tracts of the outer continental shelf near the islands and in Santa Monica Bay for offshore oil development in 1979. In addition to oil drilling, the waters over the submerged part of the Santa Monica mountain chain will be used for shipping crude oil and probably liquid gas as well, creating a potential hazard of unpredictable dimensions. Of greater significance than the esthetically undesirable effects of offshore oil rigs, the shores and waters will be threatened with an increased risk of oil spills, blowouts,

seepage, and routine losses from the expanded oil exploration and tanker traffic. A report entitled *Offshore Oil and Gas Development: Southern California*, released by the California State Office of Planning and Research in August 1977, predicts that oil spilled anywhere in the Santa Barbara Channel will be washed ashore on either the islands or the mainland or both.

PRESERVING the Santa Monica Mountains will bestow a number of benefits on the surrounding communities and the nation. The mountains and seashore provide a magnificent recrea-

tional opportunity for the area's ten million residents as well as the eight million visitors who come annually to Southern California. The mountains provide relief from the noisy, stressful, polluted world below them. The ridges and peaks offer majestic ocean vistas. The mountains and islands contain more than a thousand archeological sites, some dating back as far as ten thousand years, which reveal the history and culture of California's earliest inhabitants, the ancient Chumash peoples, as well as of other Indian groups. The hillsides and canyons contain a diversity of native plants and animals, and a



CONTINUED AT LEO CARRILLO STATE BEACH, BY BRUCE HANAUER

variety of sea birds make their home in the coastal bluffs and lagoons. The giant kelp beds, bays, and inlets are known for their biological diversity, complexity, and productivity. Thus, substantial recreational, scenic, ecological, historical, and cultural returns could be realized from investing in preservation of the Santa Monica Mountains and seashore, as well as benefits to the physical and psychological health of the surrounding populace.

Perhaps the greatest return on this investment would be realized in increased recreational opportunities for a city with only 2 percent of its area presently dedicated to park use. (Los Angeles has less park area than any other large American city. By contrast 14 percent of New York City and San Francisco, 22 percent of the District of Columbia, and more than 8 percent of Chicago are in parkland.) Year-round, the Santa Monicas are used for picnicking, hiking, hang gliding, horseback riding, birding, rock climbing, scuba diving, surfing, swimming, beach walking, sunbathing, meditating, and stream wading. Wide meadows and gently sloping hills in portions of the eastern and northern mountains lend themselves to fairly intensive recreational use, as do the wide sandy beaches. The steeper slopes and rocky canyons of the western portion of the mainland mountains and the islands can be preserved as undisturbed systems and used by people seeking a natural outdoor experience. For whatever reason the city dweller is attracted to the mountains, the Santa Monicas are close at hand. The farthest part of the range is less than a ninety-minute drive from downtown Los Angeles. Griffith and Elysean parks, the easternmost tip of the range, are in the center of downtown Los Angeles. The mountains are also easily accessible to residents of Santa Barbara and Ventura counties.

In addition to the recreational benefits the mountains offer, they contribute in other ways to the mental and physical health of the



residents of the surrounding cities. As the only large area of open space not overrun with automobiles, the mountain air is remarkably free of pollutants. The southwesterly winds blow clean air into the heart of the city through this last corridor of unurbanized land, thus lessening the load of hydrocarbons in the lungs of urban dwellers. If development spreads in the mountains, all the narrow mountain roads would be widened, and the resulting traffic would destroy this valuable airshed.

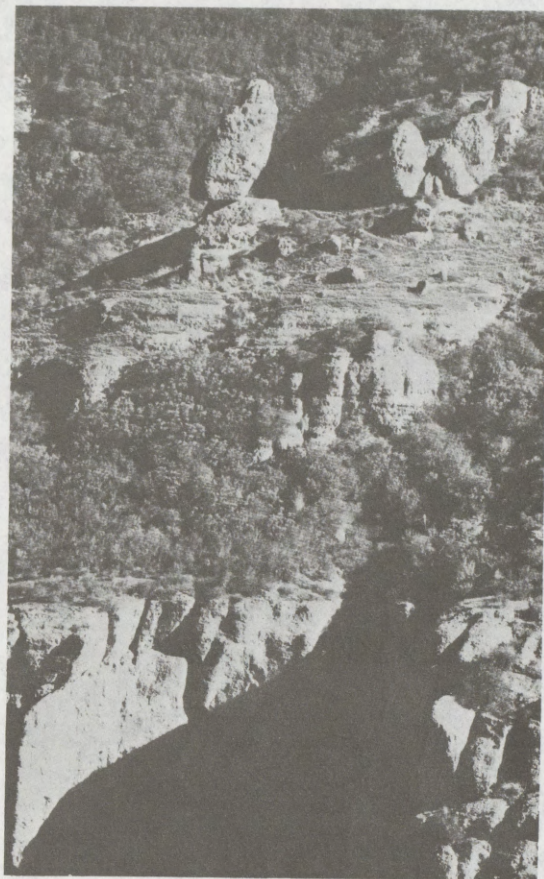
The mountains and seashore are also a large outdoor laboratory for schools throughout Los Angeles and Ventura counties that rely on the Santa Monicas for field trips to study geology, archeology, and the interrelationships of terrestrial and aquatic plants and animals. The shrinking of this natural landscape would destroy the delicate balance of nature and close this open-air classroom to the next generation of students.

The mountains provide a large natural habitat area for mule deer, bobcat, coyote, gray fox, mountain lion, badger, red-tailed hawk, os-

prey, a pair of golden eagles, and other birds of prey. They are also a favored foraging area for the few remaining California condors. Only about forty-five of these majestic birds have survived man's assault on their environment.

The Santa Monicas contain an irreplaceable human record and a wealth of information on the earliest inhabitants of California including the Feranino, Gabrielino, Tongva, and Chumash peoples. One archeological discovery on Santa Cruz island is thought by some archeologists to be evidence of the oldest known habitation of man in North America, dating back some thirty thousand years. By the sixteenth century, the Chumash, traveling in their swift pine-plank canoes, had established an elaborate trading network between the Channel Islands and the mainland.

In 1542, Spanish explorer Juan Cabrillo first landed in California on one of the Channel Islands. The first white colonists from Mexico settled in the Santa Monicas in the late eighteenth century, and the original Spanish land grants were issued creating large estates called



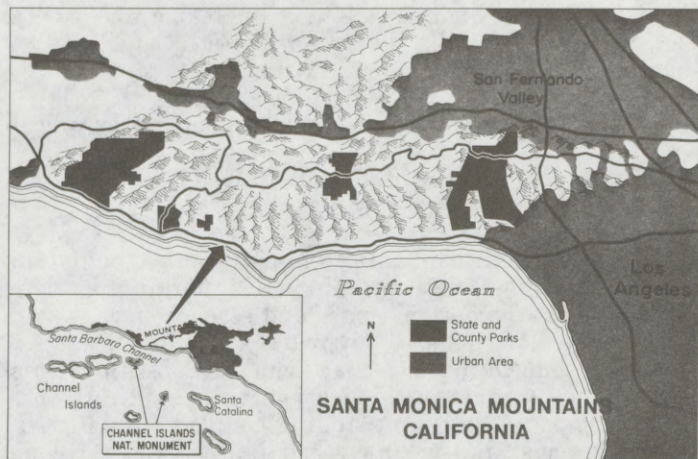
CLIFF AND BALCONIED PINE WALK MONTE MOUNTAIN, BY BRUCE KAMBERSON

ranchos. By the 1900s, homesteaders had moved into the mountains around the *ranchos*, and pressures mounted for subdivision and development. A few of the original landholders and their descendants fought for years to preserve the huge ranches and to prevent highways, railways, and water projects. However, land that could be purchased for ten cents an acre in the 1850s was worth ten dollars an acre by the turn of the century. Fortunes were made and lost in the Santa Monicas as large landholdings were subdivided and became exclusive residential communities. By the 1940s, urbanization was sweeping Los Angeles, consuming all the available open space. Miraculously, nearly 200,000 acres of land in the mountains remain unspoiled.

DURING the past decade California embarked on an aggressive parkland acquisition program and created three large state parks in the Santa Monicas totaling more than 31,000 acres. If we are to reap the benefits of the mountains, however—if we are to protect the airshed, take advantage of the diverse recreational opportunities, preserve archeological sites and natural habitat—we will need to more than double the amount of land in public ownership.

When we consider all the benefits, I think the cost of achieving these benefits is not so large. For \$100 million to \$150 million, at current market values of \$500 to \$4,000 an acre, 30,000 to 50,000 additional acres of parkland and beaches could be purchased. Such a purchase would preserve the heart of the mountain range and its contiguous seashore. By connecting the three existing state parks and public beaches with additional parkland and seashore, we could create a continuous equestrian and hiking trail from the heart of Los Angeles to the sea.

Of course, after initial purchase, rules and regulations must be established not only for the park's management but also for the use of lands bordering the public lands.



Buffer areas should be zoned by local governments for fewer dwellings per acre and lower population density and for uses compatible with recreational land and wildlife habitat, such as agricultural use.

In 1976 the California state legislature created the Santa Monica Mountains Comprehensive Planning Commission and charged it with developing a plan for protecting the mountains. That protection will require, according to the commission, a national parkland acquisition program and some restrictions on land use in the rest of the mountain area. Unfortunately, the state legislature did not give the commission power to regulate land use in order to implement its plan. The plan must be submitted to the legislature, and further legislation will be necessary to implement it.

The Channel Islands and the mainland coastline also must be protected from threats beyond the land's edge. Multiple-use conflicts

among wildlife and sea life habitat, recreational use, military activities (the area is a missile target range for Air Force and Navy tests from Point Mugu and San Nicolas), tanker traffic, and offshore oil and gas development must be resolved. Oil spill containment methods must be tested and improved. The Department of the Interior should reconsider its proposed lease sale near the islands and should require strict safety precautions to prevent oil spillage. Tanker safety regulations need to be tightened to reduce risks to the fragile island ecosystems. The Department of Commerce could also protect against the hazard of oil spills in this active seismic area by designating the waters for twelve miles around the islands for special protection under the Marine Sanctuaries Act.

EACH LEVEL of government—local, state, and federal—must share in the cost of protecting

the Santa Monicas. If we don't act quickly, this mountain range in the midst of the nation's second largest metropolis with so many present and potential benefits to offer the public will be used to benefit land speculators, developers, and the fortunate few wealthy enough to live in the subdivisions the developers build there. The millions of Los Angeles residents and visitors to the metropolitan area will lose a priceless opportunity as houses creep up the ridges, dry up the streams, and drive out the wildlife. We can always build subdivisions, tennis courts, and shopping malls, but we cannot recreate wilderness and other natural areas. ■

Congressman Anthony C. Beilenson represents the Twenty-third District of California, which includes western Los Angeles County. He has proposed legislation that would preserve the Santa Monica Mountains and the Channel Islands from destructive forces.

Senator ABOUREZK. Secretary Herbst, if you're prepared.

Mr. HERBST. Mr. Chairman, I won't get the badge for brevity. As I mentioned, we have five bills that we will testify on. I will testify first on Santa Monica, then Friendship Hills.

Senator ABOUREZK. You could be brief on each one.

Mr. HERBST. I'll try to be brief on each one but it's complicated.

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

Mr. HERBST. Mr. Chairman, this administration strongly supports Federal action to protect the Santa Monica Mountain area. However, we do not think that the national park and seashore means or protection is appropriate for this area for reasons that I will discuss with you. We are recommending the enactment of substitute legislation to establish a new program in this Nation which will rely on a mixture of State and local land use planning coupled with Federal participation by financial and technical assistance. We are recommending legislation that would encourage the maximum use of State and local planning procedures, provide Federal financial assistance for State and local land acquisition and protect the integrity of this resource from adverse Federal actions. We will have this legislation to you, Mr. Chairman, within 1 week. Our current authorities enable us to address resource protection issues in several ways across the spectrum. On one end of the spectrum we buy and manage large areas of national significance where we can establish defensible boundaries or protect significant core units on a wide resource area such as national parks, national recreational areas, and national wildlife refuges.

On the other end of the spectrum, we provide matching funds to the land and water conservation fund program to acquire and develop recreational and natural resources which are primarily of State and local significance. We do not, however, have an approach that allows us to explicitly address the type of problem encountered in the Santa Monica Mountain area and a number of areas throughout this country. We believe that a major question in these cases is how the Federal Government should react to large-scale resource threats when local and State governments are unwilling or unable to protect the resources. The question is one of land use planning by whom, for what, and at whose expense. We must separate the unwilling from the unable. We must establish resource standards which allow us to set priorities. We must develop sufficient incentives to encourage aggressive State and local land use planning and regulation to insure that the Federal investment is protected for the citizens of this country. The approach we are recommending today, Mr. Chairman, requires two determinations. One, that the resource involved is of sufficient quality to merit some Federal participation beyond that of the land and water conservation fund grant program.

And second, that the resource, even though it has intrinsic national quality, cannot be included in the traditional national park concept due to the excessive costs of purchasing the land or due to management consideration of other factors. We believe that these two points precisely describe the situation in the Santa Monica Mountains.

Mr. Chairman, in this regard, I know it goes without saying but I must say it. There is a limit to how many dollars are available to acquire large new park areas. There are simply not enough dollars in the Federal Treasury to buy everything that we might like to buy. We believe that the Santa Monica Mountain area should be established by Congress as an area of national concern for which a State and local commission would have to develop a comprehensive land use plan. This plan would include the following.

First, the identification of areas suitable for preservation, recreation development, and private compatible uses. Second, the preservation and public access to beaches, upland streams, park roads, and scenic corridors. Third, the specific land use programs including acquisition, regulations, tax incentives, or a combination of methods to accomplish the purpose of the act. And fourth, the identification of State and local units responsible for implementing the land use program. Upon approval and implementation of a comprehensive plan Federal funds would be available to State and local units on a 75-25 matching basis for the acquisition of park and natural resource protection related lands consistent with the standards of the Land and Water Conservation Fund Act.

In Santa Monica the Federal Government would make available a total of \$125 million for this purpose. I would stress one point here, Mr. Chairman, that Secretary Andrus feels very strongly that in the establishment of the Santa Monica area as an area of national concern we would be entering into special partnership with State and local government units involved. This partnership must be based on a mutual desire to protect the resources. We are firm in the position that no Federal dollars would be spent on an area unless the State and local governments are willing to put up their end of the match and to implement the appropriate zoning and land use regulation measures.

During the period for a maximum of 3 years, all Federal programs direct and indirect within the area identified for planning shall be suspended. However, any Federal action ordered by a court of competent jurisdiction or by a Federal agency as essential for the protection of public safety or for the maintenance of environmental values should not be restricted.

This approach in the Santa Monica Mountains will involve substantial Federal investment. What we buy for our dollars, however, exceeds the actual value of the land that it purchases. The State and local land use regulation included in this approach will protect important resources far beyond the land actually acquired. Furthermore, this approach creates a partnership between the State and local governments and the Federal Government which provides an innovative solution to an increasing development demand on these areas of national concern. Mr. Chairman, that concludes my prepared remarks on Santa Monica. We'd be pleased to answer any questions you have.

Senator ABOUREZK. We have some questions but, because we still have after this panel is finished at least nine more witnesses before noon today, we will submit those questions and ask that you respond in writing to them.

I do want to say, Secretary Herbst, that your comments that the U.S. Government does not have enough money to buy all of the park-

lands that are being proposed, I don't know that anybody expects it all to be done in 1 year. But I would say this; back in the days of the Vietnam war we talked about ending the war and creating a peace dividend if you will recall.

And that dividend never came through. And the reason it didn't is because we're spending virtually as much on military expenditures and other things now as we were back during the war. And I'd have to say that if it's necessary we'll spend more money for parks to prevent them from spending so much on military equipment. That in my view is totally wasted by and large.

That's one way to deprive the Pentagon of what they demand in tribute each and every year. And in addition to certain grants of foreign aid and military equipment that we give to countries around the world. It seems to me that we can afford to preserve our lands rather than to spend money to destroy other people's lands.

I don't mean to use a cliché but that's just what came in my mind. So I want to just lay that on the administration if I might.

Mr. HERBST. Mr. Chairman, I would agree with you but what we are proposing here is in these large resource areas of national significance that we do need a new concept of other than purchase of an entire area that envisions acquiring a part of it and getting more for the Federal money in terms of adding the protection to adjacent areas beyond what we acquire.

Senator ABOUTREZK. That is a concept that is not something that ought to be rejected totally out of hand. And I don't necessarily disagree with that. But what I'm saying is that the concept that we're just going to have to slow down on expansion of national parks and creation of new national parks—and incidentally, the park transportation bill that Senator Williams introduced which the administration has opposed and I understand you have a different personal feeling. But so far as I'm concerned the administration which says they cannot spend \$6 million on getting the city people into the parks is an administration not concerned about folks using the parks. That's one thing to create a park and it's another thing to let people get in there and use them. That would seem to me the administration would take a second look at rather than to come up here and tell us we cannot afford certain things for national parks.

And I once again understand how you personally feel about it. I understand OMB has lodged their objections and they have more power than everybody in the country.

Mr. HERBST. Let me again react and suggest that I hope that you did not misunderstand my statement. That I'm not intending that we slow on expansion or creation of new parks. On the contrary. We ought to do that, but on the other hand we do have these other kinds of areas that I am referring to that we must address. Or at least I am suggesting we address in a different way.

Senator ABOUTREZK. And I think it's worthy of debate and we'll do that and try to make a fair decision on it. Thank you. You have some other?

Mr. HERBST. Yes, Mr. Chairman. I'll next testify for the administration on behalf of H.R. 10984 to provide for the establishment of Friendship Hill National Historic Site. We recommend enactment of

the legislation. The proposed site would commemorate an area of unique historical significance which is associated with the Jeffersonian Period in American History. The Friendship Hill area overlooks the Monongahela River in southwestern Pennsylvania. It's the former home of Albert Gallatin, the Secretary of the Treasury under Presidents Jefferson and Madison, U.S. Congressmen, chief diplomat for the United States at the Treaty of Ghent, and minister to both France and England.

The Department, Mr. Chairman, believes that Friendship Hill possesses exceptional value as illustrating a period in American history which is not now represented in the national park system. In October 1964, the Secretary's Advisory Board on national parks, historic sites, buildings, and monuments declared this area eligible for recognition as a registered national historic landmark. Later, that recommendation was concurred in by the Secretary.

Mr. Chairman, there are two special conditions which we would like to bring to your attention. One is that we have been informed that those that own the furnishings have only a share in the furnishings. And that there has been a decision to auction them off this summer.

We feel that would be an enormous loss to the people of this Nation should those furnishings be sold and removed from the house. We recommend that language be included in the bill that authorizes the acquisition from land and water conservation funds preventing their loss. Mr. Chairman, a second special condition stems from the fact that the property proposed to be acquired is in a single ownership. In order not to overstate the fair market value of the property by including our normal administrative costs, et cetera, we would ask that you accept the language adopted by the House which is silent on the actual land acquisition authorization.

Mr. Chairman, the area in question is 674 acres and the estimated value at this time, which is preliminary, is \$1 million, with the furnishings at approximately \$200,000. If there are any questions, I would be glad to respond.

Senator ABOUREZK. Once again, we'll submit all of our questions in writing in the interest of getting to all the witnesses.

Mr. HERBST. Mr. Chairman, I will move to S. 1234 which would amend two provisions of the Wild and Scenic Rivers Act as they apply to the St. Croix National Scenic River, otherwise known as the Upper St. Croix, which, Mr. Chairman, I happen to be intimately familiar with, having lived there. The first amendment would increase the land acquisition ceiling by \$10 million. The second amendment would exempt the Upper St. Croix from limitation on the powers of condemnation as currently provided in section 6B of the act.

We recommend the enactment of S. 1234 if amended. The existing feeling for land acquisition at St. Croix National Scenic Railway is \$11,768,550, which was established pursuant to Public Law 93-279. Along the 200-mile total of the St. Croix and its tributary, the Namatogen River privately owned land yet to be purchased includes 86 tracts that include 1,215 acres in fee and 239 tracts containing 9,306 acres in scenic easement. Funds are unavailable for the completion of these acquisitions due to the extremely rapid escalation of land values within the riverway corridor. The \$10 million increase in the ceiling is needed to complete those acquisitions.

The needed increase has been adjusted in order to account for further land and water value escalations over the next several years. The request for this authorization was announced in the President's environmental message to Congress on May 23, 1977.

The second amendment contained in S. 1234 deals with subsection 6B of the Wild and Scenic Rivers Act which prohibits the condemnation of fee title lands when 50 percent or more of the entire acreage was in the boundaries of a wild and scenic river and are publicly owned either by the United States, the State or States within which the river lies or by any public subdivision thereof. It was not originally anticipated that that provision of the law would trouble the St. Croix National Scenic Riverway. However, a considerable amount of acreage was recently donated by the Northern States Power Co., principally to the States of Minnesota and Wisconsin for inclusion within the upper St. Croix.

The result has to been push the level of public ownership up to the point where we are prevented from acquiring further land by condemnation when necessary. The tragedy is that unless the St. Croix is exempted from this provision, we have no reasonable assurance that we can complete the development and the management plan for this river. And since considerable time in public involvement has gone into the preparation of this plan, there must be some relief. Without ability to carry out this plan, we cannot guarantee that the St. Croix National Scenic River would be protected as a free flowing river originally intended by the Congress and by the public.

At the same time, we recognize the purpose for which that subdivision was placed in the act. We do not wish to have the blanket authority to carry out condemnation for fee title. So we propose, therefore, that an amendment of S. 1234 be changed so as to exclude donated lands from the definition of publicly owned lands in subdivisions fixed fee as the subsection applies to the St. Croix National Riverway. By doing this, we believe we give recognition to the intent of the law but we provide a minimal amount of flexibility needed to overcome the problem created by the donations of this land. We would further recommend that subsection 16B not apply to the St. Croix National Riverway. This subsection amendment is advised because the present statute provides that the authority to make appropriations pursuant to section 16 of the Rivers Act would expire on June 30, 1979.

I'd be glad to respond in writing or orally to any questions you have, Mr. Chairman.

Mr. HERBST. Mr. Chairman, I would next testify on S. 2611 to provide the designation of a portion of the Delaware River between the State of New York and the Commonwealth of Pennsylvania as a component of the national wild and scenic rivers program.

Mr. Chairman, we recommend enactment of S. 2653 in lieu of S. 2611. And Mr. Chairman, rather than read the testimony, I will submit it for the record. I believe it is self-explanatory.

[The prepared statement of Mr. Herbst follows:]

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

Mr. Chairman, it is a pleasure to appear before you today to testify on S. 2611 to provide for the designation of a portion of the Delaware River between the

State of New York and the Commonwealth of Pennsylvania as a component of the National Wild and Scenic Rivers System. We recommend enactment of S. 2653 in lieu of S. 2611.

S. 2653 represents the administration's recommendation as presented by President Carter in his environmental message to the Congress in May 1977. That recommendation stems from the Department's responsibility under the Wild and Scenic Rivers System Act of 1968 which established Wild and Scenic Rivers System, designated eight rivers as initial components of the system, and prescribed methods and standards for the addition of other rivers to the system. The act also designated 27 rivers for study by the Secretary of the Interior and the Secretary of Agriculture. The Upper Delaware in New York and Pennsylvania was among the rivers designated for study.

The Bureau of Outdoor Recreation, now the Heritage Conservation and Recreation Service, was designated by the Secretary of the Interior as the lead agency to make the study. The Bureau and the two States organized a joint Federal-State study task force to undertake the study and prepare a report and recommendations. S. 2653 if enacted would implement recommendations presented in that study.

S. 2653 would authorize the Secretary to include in the national system the segment of the Delaware River from the confluence of its east and west branches at Hancock, N.Y., downstream 75.4 miles to Matamoras, Pa., to be administered by the National Park Service.

Immediately upon the enactment of the bill a 2-year moratorium would be placed on the Federal Power Commission licensing of water resource projects on or directly affecting the Upper Delaware River area, and on Federal assistance in the construction of any water resource project which the Secretary determines would have a direct and adverse effect on the wild and scenic river values of the area.

The bill provides that, within 180 days of its enactment, the Secretary would issue guidelines specifying standards for the land use control measures to be developed and implemented for the area jointly by the appropriate officials of the States of New York and Pennsylvania and political subdivisions thereof or through the Delaware River Basin Commission. After the Secretary determines proper use control measures have been developed and implemented, he would be authorized to designate the Upper Delaware as a component of the national system by publication of notice in the Federal Register and to administer the river component.

Mr. Chairman, both S. 2611 and S. 2653 place heavy emphasis on both the ability and the desire of State and local units of government under existing authorities to enact local land use control measures. That point cannot be minimized. Enactment of S. 2653, unlike S. 2611, would insure that prior to any major Federal investment the Secretary would be satisfied that these measures had in fact been taken. It is our belief that only in this way can there be a reasonable protection for the public investment. S. 2611 provides for no such protection.

Mr. HERBST. Mr. Chairman, I would continue then to testify on S. 2270 to provide for the designation of a portion of the Delaware River between the States of New York and Pennsylvania as a unit of the National Wild and Scenic Rivers System. The Department of Interior recommends enactment of the legislation if amended as suggested in our report to this committee. Mr. Chairman, I received a message from the Secretary at 10:05 that I am authorized to give the testimony, but we have yet to get concurrence through OMB on the administration's position. But this is the Department of Interior's position and will remain the Department of Interior's position. The Delaware River, flowing through the mountainous areas of New Jersey, Pennsylvania, and New York State is an irreplaceable national asset. From Port Jervis south to the famous Delaware Water Gap, a distance of nearly 40 miles has created a valley of haunting beauty, characterized by open meadows, hardwood and hemlock forests, steep ridges, spectacular views, and rushing tributaries.

On the east, the valley is bordered by the forest ridges of the mountains in New Jersey. On the west, the ridges of the Pocono Uplands is cut by many swift streams, deep gorges and numerous waterfalls. The combined natural and historic featurese of the Delaware Water Gap Recreation Area are unique and are not duplicated elsewhere.

Through this panoramic setting flows the majestic Delaware River averaging over 250 feet in width and containing more than a dozen islands. A river which characterizes a variety from shallow riffles and fast moving rapids to deep quiet pools and the banks vary from low-lying farmlands to forested bluffs. The river is famous for canoeing, fishing, swimming, boating, scenic views, and many other recreational pursuits. The valley floor is dotted with small farms, historic settlements, ancient roads, trails, woodlands, and streams. There are over 100 archeological sites on the flood plain which have revealed evidence of prehistoric Indian cultures extending back thousands of years. The blending of this irreplaceable natural resources with the historic character of this beautiful river valley provides the American people with a unique opportunity to preserve and enhance these qualities for the enjoyment of future generations. In 1965, Congress designated this 112 square miles area of the Delaware River Valley and adjacent uplands as the Delaware Water Gap National Recreation Area on the assumption that the Tocks Island Dam would be constructed creating the reservoir. As a part of that authorization it was provided that the Corps of Army Engineers would carry out the land acquisition function for both the Secretary of the Interior and the Secretary of the Army.

Mr. Chairman, our recommendation relative to S. 2270 is essentially a three-step approach to the preservation of the Delaware River from the vicinity of Port Jervis, N.Y. to the Delaware Water Gap. First, we recommend that the portion of the Delaware River within the boundaries of the Delaware Water Gap National Recreation Area be designated as a unit of the National Wild and Scenic River System under the administration of the National Park Service. Second, we recommend that the act which establishes the Delaware Water Gap National Recreation Area be repealed and recommend that those lands which have already been acquired by the Corps of Engineers in this area be transferred to the National Park Service along with the corps authority to acquire any additional lands within the exterior boundaries of the recreation areas as it presently exists. Third, we recommend reestablishing the Delaware Water Gap National Recreation Area to protect and preserve the unique natural and historic resources of this area key to the free flowing Delaware River. The new boundary for the recreation area would include an additional 793 acres in three separate locations which lie between the existing boundary and the route proposed by the Corps of Engineers for relocating U.S. Highway 209.

Mr. Chairman, we anticipate that the ultimate land acquisition ceiling of \$90,400,000 that will be required to complete the acquisition of all lands within the newly described boundaries. Mr. Chairman, that completes my prepared testimony. We would again, be glad to respond to any questions you have.

Senator ABOUREZK. Thank you very much, Mr. Secretary. Secretary Cutler.

STATEMENT OF M. RUPERT CUTLER, ASSISTANT SECRETARY FOR CONSERVATION, DEPARTMENT OF AGRICULTURE

Mr. CUTLER. Thank you, Mr. Chairman. I'm pleased to have the opportunity to join with you in consideration of two bills which would amend the Wild and Scenic Rivers Act of 1968 to designate two rivers—the Skagit and the Pere Marquette—as components of the National Wild and Scenic Rivers System. I've had opportunity to visit both of these rivers and can personally witness as to their high value in the free-flowing state. The first of these two bills, S. 2658, would designate as components of the National Wild and Scenic River System six segments of the Skagit River system as described in the bill. It would also provide for investigation of a short stretch of the North Fork of the Cascade River from its confluence with the South Fork to the boundary by the North Cascades National Park as to its suitability for possible future inclusion in the system. This legislation would implement an administration recommendation which accompanied President Carter's environmental message of May 23, 1977. That recommendation was based on a study of the Skagit River as directed by the Wild and Scenic Rivers Act of 1968. The study's findings and recommendations were published with a final environmental impact statement.

Passage of the bill would place in the Wild and Scenic River System approximately 158 miles of the total 166 miles of the river studied. The lower 8 miles of the study river would no longer be subject to any provisions of the act. The segments of the river proposed for designation flow through both public and private lands.

The total area encompassed within the proposed river management zone is about 34,650 acres, of which 16,605 acres are national forest lands, 1,430 are owned by the State or other public agencies, and the remaining 16,615 acres are in private ownership.

There are some opportunity costs associated with S. 2658 such as hydropower and floodcontrol damsites. Some of the river segments proposed for designation contain reservoir sites with substantial hydroelectric power potential. The potential capacity for conventional hydroelectric power is estimated to be 839,200 kilowatts, and the potential from pumped-storage hydro projects is estimated to be 9 million kilowatts. Although there are no known plans to construct projects at any of the sites, the potential does exist and would be foregoing by designation of the river segments. In addition, designation of the Sauk River would preclude construction of a flood-control storage project on the river. Although flood-control alternatives to storage at the Sauk River site do exist, they would provide a lesser degree of protection, in terms of acres protected, for downstream areas at a higher cost. Acquisition of the private land or interest in land would slightly reduce the local tax base by an estimated \$25,000, and there would be an estimated annual reduction in timber harvest of about 960,000 board feet.

We believe, however that the wild and scenic attributes of the Skagit River more than offset these impacts. Water quality is excellent, scenery is outstanding, and fishery values are high. This river is known nationally for salmon fishing and there are stable populations in both big and small game as well as water fowl and bald eagles.

Estimated Federal costs for the first 5 years would be about \$11.7 million for acquisition of lands, \$332,000 for development and \$543,000

for operation and maintenance. The total State costs during this same 5-year period are estimated to total about \$2.8 million for acquisition of lands and development and operation of facilities which they would administer through agreement. As you may know, Mr. Chairman, a major consideration concerning this legislative proposal is the effect such designation may have on the licensing of a nuclear power project which is presently under consideration by the Nuclear Regulatory Commission. The project is planned for a location 11½ miles back from that portion of the Skagit River between Sedro Woolley and Hamilton designated for study and subsequently recommended for designation. Section 7 of the Wild and Scenic Rivers Act precludes licensing of federally assisted water resources projects which might pose direct and adverse effects on the values of a wild and scenic river.

At the request of the Nuclear Regulatory Commission, this Department conducted an extensive analysis of the proposed power project and its environmental impacts on the river. This analysis involved cooperative efforts between the Forest Service and the Nuclear Regulatory Commission and the findings have been documented in a Nuclear Regulatory Commission supplement to the environmental statement prepared on the project which I'd be happy to provide for your review and for the committee's files.

On April 11, 1978, the Department issued its required section 7 determination. Our determination was that the nuclear power project could be licensed under two conditions. One condition is that the Congress designate the lower boundary of the wild and scenic river no further west than the Sedro Woolley pipeline crossing. This location is congruent with that in S. 2658 and would have the effect of placing outside the designated river boundary parts of the power project most inconsistent with the values of a wild and scenic river. The other condition affects those parts of the project lying within the proposed river boundary. The proponents of the nuclear power project, Puget Power & Light Co. must agree to undertake measures to minimize the environmental impacts of those various parts of the project, such as elimination of additional riprapping and providing landscaping to reduce visual impacts of water collecting facilities. Puget Power & Light Co. has indicated, in statements to the press, a willingness to undertake the needed mitigation.

Thus, we do believe that acceptance of the President's recommendation for designation as expressed in S. 2658 will not bar licensing of this project. Of course, the remaining issues of the safety and need for the project are yet to be determined by the NRC.

Late in the review process for the Skagit, the road along the North Fork of the Cascade River was identified as a means of access to the southern portion of North Cascades National Park. That portion of the North Fork of the Cascade River, some 2 to 3 miles, from its confluence with the South Fork to the boundary of the Park may qualify for inclusion in the national system. The language in the second proviso of S. 2658, on page 2, would enable the Secretary of Agriculture by publication in the Federal Register to include this portion of the wild and scenic rivers designation if it is found in our environmental analysis process to qualify for such designation. That's a new kind of a process you might want to take a look at if there is an administrative determination in effect to add this additional section.

Alternative ways to deal with this 3-mile stretch of river include your immediate action designating this stretch as part of the protected river zone or alternatively our administrative action under existing authorities to protect the river area which we plan to do.

The second wild and scenic rivers bill under consideration is S. 2656 which would designate about 66.4 miles of the main stem of the Pere Marquette River in Michigan between the junction of the Middle and South Branches and the U.S. Highway 31 bridge which is near Ludington on Lake Michigan, as a component of the National Wild and Scenic River System.

Like Skagit River, this recommendation for the Pere Marquette also would implement an administration recommendation accompanying the President's environmental message. It is based on a study as directed by the act and the findings and recommendations of this study are also published in a study report and a final environmental statement.

The segment of the Pere Marquette proposed for designation flows through a mixture of public and private land. The area encompassed within the proposed river management zone is about 13,000 acres of which 2,014 are National Forest land, 1,236 acres are State-owned and 260 acres are owned by local units of Government, and the remaining 9,544 acres are privately owned. The State and other public lands within the management zone would be administered by the State of Michigan and local governments under cooperative agreement between the State and local entities and the Department of Agriculture.

If S. 2656 were enacted, the land acquisition authorized by the bill would slightly reduce the counties' annual tax revenues by about \$23,000. No significant loss of timber production would occur. In the management of the river and adjacent lands local zoning and land use controls and State laws and regulations would be relied on wherever possible to protect the river environment. Land acquisition in fee or in partial interest would be conducted on the basis of a willing buyer-seller.

The Pere Marquette River is a unique resource accessible to over 50 million people within a day's drive. The water quality is excellent and the river is highly valued for fishing and other water-oriented recreation. The values make it a worthy addition to the National Wild and Scenic Rivers System. Mr. Chairman, that concludes our prepared statement. I'll be happy to answer your questions now or in writing.

Senator ABOUREZK. I would like to ask you to do it in writing if possible, Mr. Secretary, because of the great number of witnesses that we still have to put on yet today. I would like to thank you for your appearance and for your testimony. The next witness is Howard Brown of the American Rivers Conservation Council. Is Mr. Brown here?

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

**STATEMENT OF HOWARD BROWN, DIRECTOR, AMERICAN RIVERS
CONSERVATION COUNCIL, WASHINGTON, D.C.**

Mr. BROWN. I have got a very big statement but I'll be brief if I can to help you out on time. I'm Howard Brown, American Rivers

Conservation Council. We're a national organization here in Washington sort of specializing, if you will, in the Wild and Scenic Rivers Act. I want to thank you for holding these hearings and I hope you will also be able to take time in the future to consider some of the other administration proposals on wild and scenic rivers from the President's message of last May. In basic summary we support wild and scenic designations for the Skagit, for the Pere Marquette and for the Delaware River. On the Delaware we support the incorporation of the features of Senator Moynihan's bill into Senator Case's bill or as Senator Case suggested this morning separate designation in Senator Moynihan's bill for the upper Delaware and a separate provision for the middle Delaware. That separate provision would essentially be for bank to bank designation within the boundaries of Water Gap Recreation Area and for transfer authority from the corps to Park Service to complete development of the Water Gap National Recreation Area.

Senator Nelson's bill relating to the upper St. Croix we would support with a caution about making exceptions to the condemnation of the Wild and Scenic Rivers Act. I had not heard Mr. Herbst's statement about modification until this morning. I think if we had chance to look that over, we might support that instead. We can get back to you in writing if necessary on that.

Pere Marquette of classic and beautiful fishing and canoeing stream in the lower peninsula of Michigan is of great popularity. The only problem anyone has had on the Pere Marquette is that because of its great popularity there's some fear the designation would increase usage too much on that river. That increase in usage is going to come whether you designate the river or not, however. And designating it would give you a handle to manage that use. And through agreements with liberty owners et cetera, they can appropriately handle that use. The Skagit is perhaps the premier anadromous fishing in the country. The only stream supporting that has a population of five species of salmon and its steelhead history is world renowned. Secretary Cutler mentioned the bald eagle habitat. We support that proposal strongly. Most of the people in the area support it very strongly. I was at a workshop up there and one lady came up and stated she would lay her life down for the Skagit River. And I think that's typical of the feelings of a lot of people in the area.

The local people have had some concerns about maintaining a structural flood control option and maintaining ability to protect their shorelines and stream banks with riprap. The flood control options; one, is to preserve because the bottom 8 miles of the river studies are not included, and another would not prove feasible in any sense anyhow. The stream bank protection with riprap, I think, would be allowable under the provisions of the act on that particular river as long as certain conditions are met.

You're hearing from a lot of people today on the Delaware. Let me just say we support that very strongly. We particularly support the Middle Delaware very strongly. I was a little surprised by Secretary Herbst's statement that they are preferring the bill which you introduced, the administration bill, over the bill that Senator Moynihan had introduced and worked out. The principal difference between those two is that Senator Moynihan's bill would provide for immedi-

ate designation for the river while the original administration bill would delay designation until necessary conditions are met by the State. I think we would support Senator Moynihan's bill over the original administration bill. Thank you very much and I appreciate this greatly. We'll certainly be glad to answer anything in writing and be of any help we can.

Senator ABOUREZK. Thank you very much, Mr. Brown, for your testimony. We appreciate it.

[The prepared statement of Mr. Brown follows:]

STATEMENT OF HOWARD BROWN, DIRECTOR, AMERICAN RIVERS CONSERVATION COUNCIL, WASHINGTON, D.C.

My name is Howard Brown; I am director of the American Rivers Conservation Council. We are a national organization here in Washington, D.C. specializing in the National Wild and Scenic Rivers System and other means for preserving portions of our remaining heritage of free-flowing rivers and streams.

Thank you for holding these hearings. I hope that you can also find time soon for consideration of the other wild and scenic river legislation submitted by the President in his environmental message of last May. We strongly endorse wild and scenic designation for the Skagit, Pere Marquette, and Delaware Rivers. For the Delaware we support the incorporation of the features of Senator Moynihan's bill for the Upper Delaware into Senator Case's bill, or as has been done on the House side and suggested by Senator Case this morning, using the Moynihan bill, S. 2611, for the Upper Delaware and a separate provision for the Middle Delaware. That provision would essentially be for bank to bank designation for the river segment within the Delaware Water Gap National Recreation Area and for transfer of lands and authority from the Corps of Engineers to the National Park Service, so that development of the N.R.A. may proceed. We do endorse passage of S. 1234, Senator Nelson's bill relating to the Upper St. Croix River, but we do so with a caution about making exceptions to the condemnation limitations of the Wild and Scenic Rivers Act. I would urge inclusion of a statement in the committee report that this is a unique circumstance and that further exceptions will not be made.

The Peremarquette is a classically beautiful and immensely popular fishing and canoeing stream in the Lower Peninsula of Michigan. The proposed designation would protect 66 miles of the Pere Marquette. Roughly 25 percent of the river corridor is in public ownership, chiefly national forest. Concern has been raised that designation might bring added use to a river that is already heavily used on Summer weekends. That use will come regardless of designation, though, and is more a function of proximity to urban areas than of legislative recognition. Wild and Scenic designation would provide a mechanism for management of that use, particularly since much of the use is by rental canoes and agreements could readily be worked out with the livery owners.

The Skagit is perhaps the premier anadromous fishery in the country. It is the only stream supporting natural populations of five species of salmon, and its steelhead sport fishery is world renowned. The Skagit is also a major wintering ground for bald eagles. The crystal clear water of the Skagit tributaries forms directly from glacial runoff, and the Lower Skagit is the archtypical example of pastoral rural and small town America. About 50 percent of the river corridor is federally owned. The proposed designation includes the Skagit from Bacon Creek 58 miles downstream to Sedro-Wooley, 20 miles of the Cascade and its South Fork, 51 miles of the Sauk and its North Fork, and 27 miles of the Suiattle.

Local support for the Skagit is very strong. At a workshop which I gave in the area, one riparian owner said that she "would lay down her life for the Skagit." This typifies the love of the Skagit Valley residents for the river. At the same time concerns have been raised about preserving options for structural flood control and streambank protection. Since the lower most 8 miles of the study segment are not included in the President's recommendation, one talked about structural flood control option, the Avon Bypass, is preserved. Another, a dry dam on the Sauk, would be precluded, but this undoubtedly would never have been found feasible anyhow. Streambank protection for small landowners would

likely be allowed under the designation so long as it is done with native stone in the natural channel.

The proposed nuclear power plant is a difficult issue for me to address. It would certainly seem incompatible with the beauty of the river and charm of the valley, and it is hard for me to imagine that it would not have an adverse impact on the fabulous cold-water fishery. I cannot, however, recommend that extension of the designation would be the proper means to make a decision about the plant, as the Department of Agriculture determination suggested. The Committee should, however, bear in mind the appearances of a nuclear power plant being proposed five years after a river is designated for study for possible inclusion in the Wild and Scenic Rivers System, and then being found compatible with designation. Every effort should be taken to prevent this from being seen as a precedent or an indication of the stringency of the Act.

You are hearing from several people today about the Delaware, so I will be brief, but this is a river about which we and all of our local contacts feel very strongly about and we emphatically urge you to seek designation of both the Upper and Middle Segments. The Upper Delaware from Hancock, New York to Cherry Island forms a magnificent heavily forested valley through the Catskill and Pocono Mountains. It contains several white water sections and complements beautifully the Middle Delaware which is a gentler but equally lovely stretch of river providing excellent opportunities for family canoeing and river swimming as well as a famous shad run. The Upper and Middle Delaware respectively are among the best trout and bass fisheries in the East. The Delaware Water Gap has been a natural wonder of great fame and popularity since Colonial days. This magnificent river resources so close to one quarter of our population deserves the maximum protection.

The Upper Delaware proposal outlined in S. 2611 has been carefully worked out by refinement of a New York-Pennsylvania agreement which in turn was a refinement of an Administration proposal worked out over several years. Everyone seems to be willing to admit that Tocks Island will never be built, but the unwillingness to take definitive action has forestalled development of the National Recreation Area and left a lot of landowners in hardship situations. Wild and Scenic designation will give this river the recognition and protection it clearly merits.

The use of condemnation for land acquisition does not tend to make friends, and the Wild and Scenic Rivers Act's limitations on the use of condemnation has helped its acceptance with local landowners. I am therefore reluctant to recommend making an exception to those limitations, but there is an unusual situation on the Upper St. Croix. Because of large donations of land by a private power company, and because of delays in the ability to initiate land purchases, the 50-percent public ownership figure is being reached before certain key parcels planned for fee simple acquisition could be obtained. Passage of S. 1234 should be accompanied by recognition of the unique situation and refusal to grant further exceptions.

Thank you for allowing me this opportunity to testify. I would be happy to answer any questions or provide you with further information.

Senator ABOUREZK. I'd like to ask the next three witnesses who are all testifying on the same issue to come up to the witness table together; Nancy Shukaitis, Gerald Hansler, and Barry Allen. Miss Shukaitis is from the Four County Task Force for the Delaware. Mr. Hansler is the executive director of the Delaware River Basin Commission. Mr. Allen is vice chairman of Save the Delaware Coalition.

I'd like to welcome all of you. And Nancy you're first if you would like to go first.

Ms. SHUKAITIS. Thank you very much, Mr. Chairman.

STATEMENT OF NANCY SHUKAITIS, COMMISSIONER, MONROE COUNTY, PA., REPRESENTING THE FOUR COUNTY TASK FORCE (DELAWARE RIVER)

Ms. SHUKAITIS. My name is Nancy Shukaitis. I'm a commissioner in Monroe County, Pa., and I've been authorized to speak for the Four

County Task Force which is an organization formed by the four counties—two in Pennsylvania and two in New Jersey—by resolution in June of 1974 and which counties have adopted resolutions in support of the proposed wild and scenic river bill for the Delaware 114-mile reach from Hancock to Delaware Gap.

I would respectively request that my entire statement and attachments be included in the hearing record. And, of course, I don't expect this book of such thickness to be placed in the record.

Senator ABOUREZK. We'll place the book in the file and your statement, of course, will go in the record.

Ms. SHUKAITIS. Thank you very much.

I commend the chairman for streamlining this hearing. I could take lessons from you on how to run meetings. You get a lot done this way.

Senator ABOUREZK. It's just self-preservation impulse on my part.

Ms. SHUKAITIS. The Pike County Board of Commissioners is affected in the Matamoras area which probably is why the two segments of the river are being looked upon differently. There is a built-up area in the middle of the Upper Delaware where it has been thought that it would be wise to change the designations for those purposes. And so we reflect Pike County's concern about a 5-mile reach in and around the area of Matamoras. I'm going to run right through this. We have pointed out that the river does qualify by the definition of the Federal act and have given you many attachments to review that pertain to the issue of the Tocks Island project which is not on your agenda today. What we would like to stress is that the 72,000 acres of Federal lands for the DWGNRA—Delaware Water Gap National Recreation Area—is a magnificent piece of value as you've heard from the previous speakers and you're certainly invited to come there and visit the area when you can.

We are glad that the administration has voiced concern for a highway which would affect that national park because it's not resolved as to how to handle this 209. And we would appreciate it if those moneys already earmarked for that problem could be held in escrow until we resolve it because it is in the best interest of the national park and the wild and scenic river that the heavy tractor-trailer traffic through there be rerouted. If there's some way to handle that, we don't have a final answer on just what to do.

The Tocks Island Dam has died of de facto deauthorization. This should be accepted by now and wild and scenic river designations authorized. Such designation if admitted should be considered on its own merits. This is consistent with the Pennsylvania scenic rivers inventory which includes this segment of the Delaware as requiring immediate attention. If no action is taken to settle the Delaware River issue and formalize its protection, several real problems will be prolonged. The National Park Service is faced with a park for which its management plan must be always uncertain and has made a decision on the river. Regional highway planning and local land use have been stymied and definitely pending the outcome of the dam decision. It has already been 16 years since the dam was first authorized. These problems are intensified by a rapid growth experienced in the four county areas which I represent.

And the third reason about delay and a problem this is causing us that electric utilities which should look at alternatives are marking

time awaiting the promise of water from the Tocks Island Dam for a nuclear pulling tower. It's time to give the Delaware River a rest. It's been to the Supreme Court twice and interstate water disputes, 1951 and 1954. In 1966 the Supreme Court again in a 604 citizen class action case, the subject of three GAO investigations, the House staff investigation and in 1974 Congress authorized the \$1.5 million congressional restudy of the entire subject at Tocks Island. In 1975 the three Governors voted not to fund construction of the dam. There has probably been more regional congressional hearings on the Delaware River subject than any other river in America. I would like to point out for your information that in comparison with the Colorado River which serves 17 million population, the Delaware River is now serving a total of 26 million people. Its average daily flow is approximately one-twentieth that of the Hudson River. The need to settle this longstanding debate has been losing valuable time. We now have a national park for 37 miles of the Delaware. Shoreline protection must be extended 77 miles northward to Hancock to protect the 114-mile length of river.

The two Senate bills applying the same river justifying its designation as a single piece of legislation. However, if all factors considered can determine that two segments are better than one for the Delaware and a recommendations of the Interior as expressed by Mr. Herbst meet with your approval we are gratified that the administration's concern for a national environment will bear through in this designation for the Delaware River. Thank you very much.

Senator ABOUREZK. Thank you very much, Ms. Shukaitis.

[The prepared statement of Ms. Shukaitis follows:]

STATEMENT OF NANCY SHUKAITIS, COMMISSIONER, MONROE COUNTY, PA.,
REPRESENTING THE FOUR COUNTY TASK FORCE (DELAWARE RIVER)

Mr. Chairman and members of the subcommittee, thank you for this opportunity to address legislation proposed to protect the Delaware River by designating the portion from Hancock, New York, to the Delaware Water Gap, Pennsylvania, as a component of the National Wild and Scenic Rivers System.

I have been authorized to represent the Four-County Task Force which was formed by resolution adopted in each of the counties of Monroe and Pike, Pennsylvania, and Warren and Sussex, New Jersey, in June 1974. The express purpose of this bipartisan confederation of counties is to work to achieve formal designation of the Delaware as a free-flowing river, and to provide local input to the Department of Interior as it develops a Management Plan for the Delaware Water Gap National Recreation Area. The Task Force represents the four counties on both sides of the river which would experience primary impacts from the proposed Tocks Island Dam and Reservoir which we oppose.

The following Resolutions in support of the subject bill are submitted for the hearing record:

1. The Four-County Task Force Resolution adopted on October 14, 1977 in public meeting.

2. Resolution of the Monroe County Commissioners adopted on November 8, 1977 in public meeting.

3. Resolution of the Board of Chosen Freeholders of the County of Sussex, New Jersey, adopted on November 10, 1977, in public meeting.

4. Resolution of the Board of Chosen Freeholders of the County of Warren, New Jersey, adopted on October 26, 1977, in public meeting.

The Pike County Board of Commissioners, while supporting the concept of the free-flowing River as outlined in the National Wild and Scenic Rivers Act, stress the need to exempt that portion of approximately 5 miles in the vicinity of Matamoras, Pennsylvania, for reasons of established use, residential population, and economic integrity. Pike County, as other counties of the Task Force, has experienced the conveyance of thousands of acres of real estate to federal use and, therefore, is concerned that any new projects or programs hold land acquisi-

tion to a minimum and not add to the extreme hardships experienced by many who have been divested of their homes and businesses for the DWGNRA.

Designation of the entire 114-mile length of River and allowing for the 5-mile land area exemption at Matamoras would provide for a single authorization in which unified management would be possible under the National Park Service. In addition, such designation could then spell out a Citizen Advisory Committee which would be comprised of officials representing not only regional, state and federal interests but also county jurisdictions both downstream of Hancock, New York, and upstream of Delaware Water Gap, Pennsylvania.

The Upper Delaware River Clearinghouse and Four-County Task Force are organized to act as liaison with local and county governments and on behalf of the resident population who have great interest in the utilization of the Delaware River. These organizations which demonstrate local initiative and working relationship with agencies of the region, state and federal government, should be recognized in the selection of their chosen designees to serve on an overall Citizen Advisory Committee in conjunction with the 114-mile W & S designation sought for the Delaware River.

Addressing the major portion of the 114-mile segment recommended, we briefly outline qualifying characteristics present:

Scenic.—This reach of the Delaware River is unquestionably one of the most scenic in the nation. Sites along the Delaware were selected for some of the earliest films produced in this country. Its unchanged, wholesome quality is such that nearly every visitor makes only one request: "Don't change it!"

Recreational.—From the time of first human entering the river valley, even in his quest for sustaining food, the many and varied qualities of the area provide pleasure in as many forms as there are types of visitors. It is noted for canoeing, boating, fishing, bird-watching, hunting, and most of the outdoor activities preferred by outdoor-sports enthusiasts.

Geologic.—It is unique for its "start" as an ocean bottom, evolving into the Appalachian Mountains, followed by three glaciers. The Delaware Water Gap, most visible geologic phenomenon, was earlier considered the 8th Wonder of the World. This same geology, noted for cracks and crevices, is one of the poorest, foundations for major earth and rockfall dams.

Fish and Wildlife.—The Delaware River has been fished and its valleys hunted from earliest man. At present, there is a fine shad fishery and many other fine species that make this sport an important one today as before.

Historic.—A copy of The Minisink tells only part of the known history. Supplemental research will develop history of George Washington, John Adams, Benjamin Franklin and Count Pulaski, all of whom travelled the valley along the river.

Cultural.—The archaeology and other natural history of the Delaware and its environs has drawn scores of schools, colleges and universities here; however, only a small percent of the total resource has been discovered to date.

FOUR-COUNTY TASK FORCE ON TOCKS ISLAND DAM—MONROE AND PIKE COUNTIES, PA.; SUSSEX AND WARREN COUNTIES, N.J.

RESOLUTION

The Four-County Task Force on Tocks Island Dam, a duly constituted organization of the above-named Counties of New Jersey and the Commonwealth of Pennsylvania which is comprised of elected Freeholders and Commissioners of the respective Counties, unanimously approved the following Resolution regarding H.R. 6403, H.R. 7981, and other identical bills relating to the Delaware River and surrounding land area described therein; said action taken in public meeting on Friday, October 14, 1977, in Stroudsburg, Pennsylvania:

RESOLVED, that the Four-County Task Force recommends that the pending legislation (H.R. 6403, H.R. 7981, and identical bills) which would amend the Wild & Scenic Rivers Act of 1968 to include the Delaware River from Hancock, New York, to the end of the Delaware Water Gap National Recreation Area south of the Delaware Water Gap, should be approved with the following stipulations:

1. The enabling legislation should include a section specifically creating a permanent Advisory Council made up of representatives of Counties in Pennsylvania, New Jersey and New York, who are elected officials on the County level;

one representative from each of the respective States; and one representative from the Department of the Interior, said Advisory Council organized for the purpose of planning and providing input into the implemetation and administration of the designated Wild and Scenic River area.

2. The Wild and Scenic River designation should not deny the established canoe liveries from River access and egress, and should provide for their continued use as at present. This does not rule out the possible installation of a permit ssytem should excessive numbers of canoeists on the River prove to be detrimental or in conflict with the objectives of responsible River care.

3. The Wild and Scenic River designation should not deny the municipalities along its 114-mile length the right to withdraw water as long as such withdrawal is in accord with all other applicable local, state and federal regulations over withdrawal of water from the Delaware River.

NANCY SHUKAITIS,
Task Force Coordinator.

COMMISSIONERS' OFFICE, MONROE COUNTY, STROUDSBURG, PA.

RESOLUTION

Whereas, H.R. 7981 is a Bill to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River from the confluence of the East and West Branches at Hancock, New York, to the point where the River crosses the southern boundary of the Delaware Water Gap National Recreation Area, as a component of the National Wild and Scenic Rivers System; and

Whereas, said Bill calls for permanent Federal protection of the rural character of the Delaware River for a distance of 114 miles which shall remain free-flowing and shall insure that future generations will have the opportunity to enjoy the beauty of the Delaware River; and

Whereas, the Board of Commissioners of the County of Monroe, Pennsylvania, agree that the above-mentioned segment of the Delaware River should remain free-flowing in its present wild and scenic state; Now, therefore, be it

Resolved by the Board of Commissioners of the County of Monroe, Pa., That they do endorse and recommend the passage of H.R. 7981 which is a Bill to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System with the following condition:

1. That the enabling legislation should include a section specifically creating a permanent Advisory Council made up of representatives of Counties in Pennsylvania, New Jersey and New York, who are elected officials on the County level; one representative from each of the respective States; and one representative from the Department of the Interior, said Advisory Council organized for the purpose of planning and providing input into the implementation and administration of the designated Wild and Scenic River area.

THE MONROE COUNTY BOARD OF COMMISSIONERS,
JESSE D. PIERSON, *Chairman.*
NANCY SHUKAITIS.

RESOLUTION RE: ENDORSED AND RECOMMEND THE PASSAGE OF H.R. 7981 TO AMEND THE WILD AND SCENIC RIVERS ACT

Whereas, H.R. 7981 is a Bill to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River from the confluence of the East and West branches of Hancock, New York, to the point where the River crosses the southern boundary of the Delaware Water Gap National Recreation Area as a component of the National Wild and Scenic Rivers Systems, and

Whereas, said Bill calls for permanent Federal protection of the rural character of the Delaware River for a distance of 114 miles which shall remain free-flowing and shall insure that future generations will have the opportunity to enjoy the beauty of the Delaware River, and

Whereas, the Board of Chosen Freeholders of the County of Sussex, New Jersey, agree that the above-mentioned segment of the Delaware River should remain free-flowing in its present wild and scenic state, Now, therefore, be it

Resolved by the Board of Chosen Freeholders of the County of Sussex, N.J., That they do endorse and recommend the passage of H.R. 7981 which is a Bill

to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System with the following condition:

1. That new legislation be adopted so as to include a permanent advisory council for the 114 miles of the Delaware River. This advisory council to consist of elected officials from the Counties of Warren and Sussex in the State of New Jersey and the Counties of Monroe and Pike in the Commonwealth of Pennsylvania; said advisory council shall also have one state and one federal representative.

Certified as a true copy of the Resolution adopted by the Board on the 10th day of November, 1977.

LOUISE CHILDS,
Clerk.

THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN

RESOLUTION

On motion by Mr. Maier, seconded by Mr. Stem the following resolution was unanimous adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held October 26, 1977.

Whereas, H.R. 7981 is a Bill to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River from the confluence of the East and West branches of Hancock, New York, to the point where the River crosses the southern boundary of the Delaware Water Gap National Recreation Area as a component of the National Wild and Scenic Rivers System, and

Whereas, said Bill calls for permanent Federal protection of the rural character of the Delaware River for a distance of 114 miles which shall remain free-flowing and shall insure that future generations will have the opportunity to enjoy the beauty of the Delaware River, and

Whereas, the Board of Chosen Freeholders of the County of Warren, New Jersey, agree that the above-mentioned segment of the Delaware River should remain free-flowing in its present wild and scenic state, Now, therefore, be it

Resolved, by the Board of Chosen Freeholders of the County of Warren, N.J., That they do endorse and recommend the passage of H.R. 7981 which is a Bill to amend the Wild and Scenic Rivers Act to designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System with the following condition:

1. that new legislation be adopted so as to include a permanent advisory council for the 114 miles of the Delaware River. This advisory council to consist of elected officials from the Counties of Warren and Sussex in the State of New Jersey and the Counties of Monroe and Pike in the Commonwealth of Pennsylvania; said advisory council shall also have one state and one federal representative.

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

MORRIS R. WILSON,
Clerk.

COMMISSIONERS' OFFICE, MONROE COUNTY,
Stroudsburg, Pa., May 5, 1978.

PERSONAL COMMENTS OF COMMISSIONER NANCY SHUKAITIS, MONROE COUNTY
COMMISSIONER BEFORE THE SENATE SUBCOMMITTEE ON PARKS AND RECREATION, HONORABLE JAMES ABOUREZK, CHAIRMAN

Mr. Chairman and Members, in addition to the Four-County Task Force on Tocks Island Dam statement placed before you, I wish to call attention to the following items which are relevant to the overall discussion on the Wild & Scenic designation for the Delaware River:

1. Copy of "Why the Four-County Task Force is Opposed to Construction of the Tocks Island Dam.

2. Copy of "Statement on the Significance of the Collapse of the Teton Dam, Idaho Falls, Idaho, on June 5, 1976, As It Relates to the Tocks Island Dam Project on the Delaware River in Pennsylvania and New Jersey."

3. A complete file on archaeological sites which file was placed on record on Friday, November 11, 1977, with Congressman Phillip Burton, Chairman of the House Subcommittee on National Parks and Insular Affairs for the hearing held on the House version of this bill. Archaeological instructors and students alike have been involved in over 100 important sites within the boundaries of the DWGNRA, all but a few on what would have been dam and reservoir lands. The major activity of primitives, dating back to 10,590 years ago, occurred on the valley flats along the Delaware. These fields—most of which have been undistributed except for the plowshare, remain for future generations to carefully explore, shedding additional light on the survival means utilized by humans who co-existed with the last of the three glaciers.

4. City of Philadelphia Water Department Testimony, February 28, 1973, to the Delaware River Basin Commission, addressing wholesale water pricing proposal and the City's position against federal dams on the Delaware River.

5. Matrix from the Pa. State Water Plan denoting 22 adverse effects from Tocks Dam.

On the original purposes for the Tocks Island Dam, as briefly as possible:

Flood control.—The concept of building more dams on the Delaware River in addition to the three on the upstream tributaries, the Cannonsville, Pepacton and Neversink, which together equal the size of the proposed Tocks Reservoir, is merely an extension of an idea that has outgrown its usefulness in an informed society.

You are invited to review the number of dams that have been constructed on the Delaware River since the 1955 flood. Even New York's water storage provides the function of flood control in that waters exported are waters that never add to flood stage on the mainstream. In addition to two large Corps projects in Wayne County, Pennsylvania, constructed since 1955's flood, a total of TWENTY-ONE P.L. 566 FLOOD CONTROL DAMS have been built in Pike and Wayne Counties which drain into the Delaware River. Monroe County has constructed two of its own on the Brodhead Creek where most of the human lives were lost in the 1955 flood.

It must be noted that NO LIVES WERE LOST ON THE DELAWARE MAIN STEM IN THE 1955 FLOOD.

Additional P.L. 566 dams remain to be constructed and, when added to other new pools and private lakes in place since 1955, it is understandable why the Delaware River has not risen over its banks in the last 10 years, even after the heavy flooding of 1969, 1971, 1972, etc.

Water supply.—The Delaware River already serves the 7 million people within its Basin and an additional 19 million people outside its Basin in its "water service area." The fact that its water service area has other sources of water close at hand and/or could utilize the new processes for desalting sea water which are no more costly now than present day costs of damming or treating river water—this fact has always been bypassed by proponents of damming up the Delaware. Isn't 26 million people enough to be served by a 2,000 cfs average flow Delaware River?

Even the mighty Colorado River reached its limit of service when it provided a water service area of 17 million people!

The pooling concept for water is futile because it presents a false illusion: that water has been set aside for a drought. The fact of the matter is that water supply in reservoirs is soon spoken for, and the new users therefore add to the former "demand" for water so that problems in any water-short season are only intensified.

As the City of Philadelphia stated in its (Page 1) 1973 position:

"One might consider the need for low flow augmentation in the context of the "drought of the 60's". However, expenditures directed toward precluding such droughts, the severity of which defy, from a practical engineering viewpoint; a reasonable economic return frequency interval, would be wasteful and poor planning."

In that same statement, Philadelphia's Water Commissioner Carmen F. Guarino stated:

"It can readily be shown that no federally funded reservoirs are necessary on the Delaware River to insure adequacy of supply to the City of Philadelphia because the annual average natural stream flow of the Delaware at Trenton, New Jersey, with no reservoirs—federal or otherwise—is about 7,600 MGD."

"In any event, Philadelphia does not require water supply from a unitarily managed system of federally sponsored reservoirs to insure the city its legally entitled withdrawals."

Water desalting.—Chemical Engineering, March 13, 1978, contains a feature article entitled, "Desalting Takes Off." This informed report shows that over 1 billion gallons per day of ocean water are being desalted, that great strides have been made in the last 2 years in this technology representing a doubling in worldwide capacity in the last three years.

Electric power plants.—If the industries, such as nuclear power plants or heavy evaporative users, had the good judgment to locate off-shore, or adjacent to water-rich areas, rivers such as the Delaware would not find themselves so early in the life of this young nation looked upon as severely in jeopardy because of our collective oversight and overestimation of how far a river's water can be stretched before the River itself begins to die. Its very viability is lost when its water quality and quantity have been diminished beyond the point of supporting aquatic life, as must occur with the monthly hearings of the Basin Commission running the life of the Compact to 2061, approving water-use projects and trying to achieve new storage reservoirs to provide more water for MORE WATER-USE PROJECTS. Like a rubber band, a river can be stretched just so far. There are alternatives, including water conservation, scarcely given notice.

See "Overview Environmental Study of Cumulative Effects of Electric Power in the Delaware River Basin, 1975-1989, October 1976," released by the Delaware River Basin Commission under date of March 29, 1978.

Indeed, the cumulative effects of approving more and more nuclear power plants is disastrous.

While the Overview indicates that the previously estimated average growth of electrical generating demand, instead of doubling every 10 years has now been reduced to a doubling every 15 years, it also notes that in 1974 there was a negative growth in demand.

The present assumption may still be optimistic due to a probable shift of population to the "sunbelt" due to warmer climate, more favorable tax structure, lower cost of living, etc.

With a stabilizing condition in an already heavily populated River Basin, development of excess electrical generating capacity in the Delaware Valley would result in excess charges to customers who would be required to support the excess capital investment. Intentionally developing excess electrical generating capacity in the Delaware Valley and exporting it to other areas would be an accountable political and environmental mistake.

According to a Federal Energy Administration report, a single light water nuclear reactor generating plant rated at 1000 MW and employing wet cooling towers may consume on the order of 20-30 million gallons of water per day. This is nearly double the water consumption of an efficient high temperature coal-fired generating plant!

The consumptive use of water by the electric generating industry in this Basin preempts the use of that water for residential, commercial or industrial purposes. If more plants are added, the net result promises to be an excess of electric energy in the Basin accompanied by a permanent water shortage!

Alternative plant sitings and alternative technologies have been cast aside as "unfeasible"; instead, the damming of the Delaware has been depended upon by utilities as a taxpayer replacement for their wasteful consumptive loss of a scarce resource: clean, fresh water.

Recreation.—It goes without saying that the 72,000 acre federal lands designated for the DWGNRA encompass a variety of landscapes and lakes, in addition to the Delaware River, all of which is available without federal monies spent toward "recreation" as this IS RECREATIONAL territory. The inclusion of recreation in a b/c ratio defies reason when applied to a project of this kind.

Route U.S. 209.—The authors of the April 11 Memorandum, addressed to Legislative Counsel from the Directors of National Park Service and Heritage Conservation and Recreation Service, relative to H.R. 3408 and S. 868, Termination of Tocks Island Reservoir Project, are to be commended for a comprehensive analysis of all the surrounding factors and the heart of the Tocks Island issue.

Not only do I agree that the Tocks Island Dam should be deauthorized and that the River should be designated Wild and Scenic for its 114-mile length except for the built-up area at Matamoras as stated in the Four-County Task Force paper, also I fully concur with the recommendation that Route U.S. 209 option should remain open for 1 year during which a regional transportation survey is made, "which would address such issues as the nature of the existing highway transportation network, the existing and foreseeable future highway transportation needs, and the role that either the existing or proposed Route 209 would play in that network."

Thus, the transfer of authority formerly held by the Army Corps to Interior, as it relates to relocating this highway, would include those monies earmarked for this project, said monies to be held in escrow until this issue is resolved.

I would like to address proposals to deauthorize the Tocks Island Dam. Any bills constructed for the purpose of deauthorization of the Tocks Island Dam should contain language permitting the continuation of the National Park and payment of monies due those properties which await acquisition with first emphasis on the true hardship cases. Certain properties on the perimeter of the boundaries which could be treated with easements instead of taking title would save the federal government tax dollars and permit owners to continue paying taxes, provided those properties are administered according to general standards of good land practice, and do not reflect adversely upon surrounding Park acreage.

In addition, all authority formerly held by the Army Corps, except for the construction of the dam, should be immediately transferred to the Department of Interior. It is important that Interior note the years of frequently-alleged "unfair treatment" protested by property owners when land acquisition was in the hands of the Army Corps. We trust that the Interior follows a procedure more equitable and humane.

In addition, there is surely no need to include provisions that Congress, in the future, might reauthorize the Tocks Island Dam Project.

There probably is no legislation in the United States that could not, one day, be reversed if the legislating body at that time so decides. If a "reverter clause" is to be inserted in the Tocks deauthorization, it raises the question of whether or not Congress is going to place reverter clauses in all its legislation to address the remote possibility of future action. It is submitted that such language is redundant, mute, excess and out of place. The four Basin states have not acted upon such a "string" in public meeting. In the interest of saving paper, of saving trees, excluding excess language—and of following routine procedure, you are urged to carefully oversee such legislation to make sure it is devoid of pure political chicanery that may be construed if the reverter clause is inserted.

The Tocks Island Dam has died a de facto deauthorization; this should be accepted and Wild and Scenic River designation authorized. Such designation, it is submitted, should be considered on its own merits. This is consistent with the Pennsylvania Scenic Rivers Inventory which includes this segment of the Delaware as requiring immediate protection.

Thank you.

TABLE 30. FLOOD DAMAGE REDUCTION ENVIRONMENTAL AND SOCIAL EVALUATION MATRIX

MAJOR STRUCTURAL SOLUTION ALTERNATIVE	HUMAN																	NATURAL											
	LAND USE			RESIDENTIAL EXTRACTION	HISTORICAL CULTURAL ACTIVITY	PUBLIC FACILITIES AND SERVICES						RECREATION				POTENTIAL RECREATION	VEGETATION	WILDLIFE	AQUATIC ECOLOGY										
	URBAN	AGRICULTURE	FOREST			COMMERCIAL/INDUSTRIAL	ROADS & HIGHWAYS	UTILITY CONVEYANCES	RELIGIOUS INSTITUTIONS	EDUCATIONAL FACILITIES	OTHER PUBLIC UTILITIES	HISTORIC SITES	ARCHAEOLOGICAL	AESTHETIC QUALITY	HUNTING	FISHING	OTHER RECREATION	POTENTIAL RECREATION	VEGETATION	WILDLIFE	SURFACE WATER QUALITY	AQUATIC LIFE	WETLANDS	WILD/SCENIC RIVER					
○	NEGLECTIBLE OR NO EFFECT																												
◐	POSSIBLE OR PARTIAL EFFECT																												
◑	ADVERSE EFFECT																												
⊕	BENEFICIAL EFFECT																												
MAJOR STRUCTURAL SOLUTION ALTERNATIVE																													
Potential Small Reservoir #47-6	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Clark to Johnson Cr. - Clinton Twp	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #47-8	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Wyth W. Br. Lackawanna R. - Clinton Twp	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #40A-6	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Wolf Swamp Run - Tannersville	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #40A-8	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Teasdale Run - Tannersville	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #40-2	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Scanberry Creek - Beach S/82	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #40-3	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Teich Brookhead Creek - Beach S/82	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #8B-1A	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Alony Run - Beach S/82	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #5-5	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Bruce Cabin Run - Beach S/82	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #40C-2	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Go to Pond Creek - Beach S/86	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Small Reservoir #39-3A	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Little Martins Cr. - Beaches S/86&4	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential Reservoir Site	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Go to Pond Creek - Bangor Boro	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Levee/Floodwall - Tannersville	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Pacono Creek	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Channel Improvement - Milford Boro	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Channel Improvement - Bangor Boro	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Martins Creek and Winkler Creek	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Potential COE Tocks Island Reservoir	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Site on Delaware River	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Downstream effects of Tocks Island	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○	○
Reservoir on Delaware D. & FERRY RD	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	⊕	

Senator ABOUREZK. Gerald Hansler.
Mr. HANSLER. Thank you.

**STATEMENT OF GERALD M. HANSLER, EXECUTIVE DIRECTOR,
DELAWARE RIVER BASIN COMMISSION**

Mr. HANSLER. Mr. Chairman, I appreciate the opportunity to be here and speak on behalf of the Delaware River Basin Commission. My statement is short, less than two pages. It does not represent my personal views as executive director. I have five bosses. To seek a common position on a statement within a Commission such as this is difficult. The Delaware River Basin Commission was created by a compact in 1961. The four States, their Governors, Secretary of State as well as President Kennedy and Secretary Rusk approved it. It was ratified by the four State legislatures and Congress. Each of these governments gave up or share some sovereignty for the share dues of water and related land resources of the Delaware. The purpose of that compact was to provide commonity between and among these five signatory parties. The Commission was to look at water supply, water qualities, flood control, navigation, power as well as recreational use. So the Commission must look at all water users within the basin, not merely one segment. The Commission officially supports S. 2611. That bill would designate the Upper Delaware as part of the Wild and Scenic River System approximately 75 miles.

The Commission supports the intent of your bill, S. 2653, because it relates to the upper river. However, the States of New York and Pennsylvania as well as the Commission prefer S. 2611, Senator Moynihan's bill, because its clarifying details reflect the carefully negotiated policies of State and local governments as well as views of citizens living in that area. The Commission's alternate members as canvassed only this week oppose S. 2270, Senator Case's bill, on the grounds that the upper scenic river should be separated from the middle river which relates to the status of the Tocks Island project and the Delaware Water Gap National Recreation area. The position of the Commissioners has not changed on this matter since our statement before the Kostmayer bill hearing last November. It should be pointed out, however, that the Commission alternate members and their Governors have not finally decided, through a Commission vote, the fate of the middle river segment or Tocks as it's commonly known. Governor Shapp for the State of Pennsylvania feels that construction of the Tocks project should proceed now. It is my understanding Governors Carey and du Pont favor deauthorization of the Tocks Island project.

Governor Byrne testified before Congress in 1976 that action on the deauthorization of Tocks should await completion of important studies now being carried out by the Commission, State agencies and Federal Government to determine if in fact feasible alternatives to Tocks are reasonably available. I am authorized to report that this remains Governor Byrne's position. These studies are being carried out with extensive public participation. It's important to note that these are not new studies, but studies funded and authorized in 1976, funded in 1977 and 1978. Let's complete them. In summary, the four

Delaware River basin States support unanimously S. 2611. The commission alternate members from the four States are opposed to S. 2270 because the upper scenic river and Tocks project deauthorization issues should be separated, and the Tocks deauthorization issue heard on its own merits.

Finally, the Commission alternate members agreed earlier this week that they intend to have a final statement on the middle river segment which can be unanimously supported by the parties signatory to the Delaware River basin compact and presented to Congress for action this year. Thank you.

Senator HANSEN [presiding]. Thank you very much. Mr. Hansler. We appreciate your statement.

[The prepared statement of Mr. Hansler follows:]

STATEMENT OF GERALD M. HANSLER, EXECUTIVE DIRECTOR, DELAWARE RIVER BASIN COMMISSION

Mr. Chairman and committee members, I am Gerald M. Hansler, Executive Director of the Delaware River Basin Commission.

The Commission supports S. 2611. That bill would designate the upper Delaware as part of the Wild and Scenic River system (approximately 75 miles from Sparrow Bush to Hancock, New York). The Commission supports the intent of the Senator Abourezk bill, S. 2653, which also relates to the upper scenic river. However, the States of New York and Pennsylvania as well as the Commission prefer S. 2611, Senator Moynihan's bill, because its clarifying details reflect the carefully negotiated policies of state and local governments as well as views of citizens living in that area.

The Commission's Alternate Members as canvassed only this week oppose S. 2270, Senator Case's bill, on the grounds that the upper scenic river should be separated from the middle river which relates to the status of the Tocks Island project and the Delaware Water Gap National Recreation Area. The position of the Commissioners has not changed on this matter since our statement (copy attached) before the Kostmayer Bill hearing last November. It should be pointed out, however, that the Commission Alternate Members and their Governors have not finally decided, through a Commission vote, the fate of the middle river segment or Tocks as it's commonly known.

Governor Shapp for the State of Pennsylvania feels that construction of the Tocks Island project should proceed now. It is my understanding Governors Carey and du Pont favor deauthorization of the Tocks Island project. Governor Byrne testified before Congress in 1976 that action on the deauthorization of Tocks should await completion of important studies now being carried out by the Commission, State agencies and the Federal Government to determine if, in fact, feasible alternatives to Tocks are reasonably available. I am authorized to report that this remains Governor Byrne's position. These studies are being carried out with extensive public participation.

In summary, the four Delaware River Basin States support unanimously S. 2611. The Commission Alternate Members from the four States are opposed to S. 2270 because the upper scenic river and Tocks project deauthorization issues should be separated, and the Tocks deauthorization issue heard on its merits. Finally, the Commission Alternate Members agreed earlier this week that they intend to have a final statement on the middle river segment which can be unanimously supported by the parties signatory to the Delaware River Basin Compact and presented to Congress for action this year.

STATEMENT OF GERALD M. HANSLER, EXECUTIVE DIRECTOR, DELAWARE RIVER BASIN COMMISSION, BEFORE THE NATIONAL PARKS AND INSULAR AFFAIRS SUBCOMMITTEE, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, ON H.R. 6403, NOVEMBER 11, 1977

Mr. Chairman, I am Gerald M. Hansler, Executive Director of the Delaware River Basin Commission. My testimony represents the position of the members:

of the Commission on H.R. 6403, a bill to add to the National Wild and Scenic Rivers System that part of the mainstem Delaware River lying between Hancock, N.Y., and the southern boundary of the Delaware Water Gap National Recreation Area. It is the position of the Commission that it cannot support this bill in its present form. There are two reasons for this position. One has to do with the upper Delaware scenic river proposal, and the second has to do with the question of deauthorization of the Tocks Island project.

The States of Pennsylvania and New York as well as the Commission have continuously supported making the upper Delaware River—that is, the 75-mile stretch from Hancock, N.Y., downstream to Matamoras, Pa.—part of the national scenic rivers system. Commission staff, along with New York, Pennsylvania and other federal agencies' staffs, participated in the study of that section of the Delaware River that was initiated in 1970 pursuant to Public Law 90-542. This study concluded that the upper Delaware qualifies as a scenic and recreational river. A final report by the Department of the Interior, Bureau of Outdoor Recreation, has recently gone forward to the Congress, and in May of this year President Carter recommended that the upper Delaware be added to the national system. The Commission welcomes these conclusions and recommendations and has pledged its support to help implement them. Formal support has also been expressed by New York and Pennsylvania.

The section of the Delaware from Matamoras south to the Delaware Water Gap has not received at this point in time any BOR study and recommendations for inclusion into the Wild and Scenic Rivers System.

Over the past several months the States of New York and Pennsylvania have been involved in negotiations looking to a joint policy position as regards implementation of a specific program for the upper Delaware scenic river. In September a joint New York-Pennsylvania position paper was signed by those states' environmental cabinet officers, and this was subsequently endorsed unanimously by all five members of the Commission. Copies of this by-state position paper and the Commission resolution of endorsement are attached for the information of this Subcommittee. These documents reflect some of the considerable work that has gone into the development of this proposal and months of negotiations among the state and local government agencies concerned. We are now at a point where legislation reflecting the position of the States, the Commission and the local communities in the upper Delaware region is being prepared. Hopefully this can go forward in the Congress early next year with unanimous support from this region and its representatives. No such preliminary planning and mutual agreement have occurred between Pennsylvania, New Jersey and the local governments located on the Delaware between Matamoras and the Water Gap.

Throughout the history of this project, with its substantial study and negotiating efforts, the focus has been exclusively on the upper Delaware River above Matamoras and the special scenic and recreation resources of that valley. The administrative arrangements proposed for that area are unique by their reliance on zoning control by local governments rather than land acquisition by the Federal Government. The policy negotiations and the legislative drafting that is now under way by Commission staff reflect the upper Delaware only, and the special administrative and legal conditions that exist in that region. It is the Commission's position that the proposal for a scenic river designation along the upper Delaware be kept as a separate and distinct project and treated on its own merits. It was conceived and planned on that basis and we believe it would be unwise to change it at this time.

Further, it is ready now. It could take years for work on the lower segment's scenic river plan to catch up with the upper river status, considering the completed BOR studies, the extensive local planning activities, the bi-state agreement, the legislative drafting and the Presidential recommendation already behind us on the upper river plan.

As presently drafted, H.R. 6403 involves the issue of the future of Tocks Island. That is an issue that we believe should also be kept separate and considered at the proper time on its own merits.

The record should show that in July 1975 the Governors of the Basin States voted to oppose the approval of construction funds for the Tocks Island project. Our signatory parties have expressed differing views on the question of deauthorization, which was discussed at that time, but no position was taken on that issue by the Governors at the 1975 meeting. Meanwhile, Congress also has considered but has not acted to deauthorize the Tocks Island project nor has the Commission taken steps to remove it from its Comprehensive Plan for the Delaware River Basin. Thus, Tocks Island is still an authorized project.

It has been correctly noted that H.R. 6403 would effect a Congressional deauthorization of the Tocks Island project. As will be apparent to members of this Subcommittee by the testimony presented today, this is an issue on which there are still widespread and intense differences of viewpoint. Many of the key factors involved in the Tocks Island question have nothing whatever to do with scenic river considerations. When deauthorization of Tocks Island is considered by the Congress it should be done explicitly in its own context, free from extraneous issues and with all feasible alternatives taken into account.

By separating the question of Tocks Island status from the upper Delaware scenic river proposal, Congress would not preclude action to convert the Tocks Island area into a unit in the national scenic river system either in the near future or later should it choose to do so. In considering the timing of any such action, the Subcommittee should have in mind the following facts which, in the Commission's view, are highly relevant.

First, the Commission, in cooperation with the member states and federal agencies, is now embarked upon a restudy of the Delaware River Basin under a substantial grant of funds from the Water Resources Council. Known as a "Level B Study," this program is scheduled to be completed by mid-1979. Secondly, member states are embarked upon preparation of statewide water supply plans which, of course, include the Delaware Basin area. These programs will be very much concerned with alternative water supply choices for this region and their real world feasibility. It is the Commission's position that action to deauthorize Tocks Island prior to the completion of these studies would be premature. If action is taken to deauthorize Tocks Island, it should be done with detailed knowledge of the impact on the region and the alternative choices—real alternatives, not theoretical ones. That knowledge will be in hand upon completion of the studies mentioned above.

For these reasons, the Commission does not support H.R. 8865 in its present form, but urges that Congress quickly act to solidify the upper Delaware River—Matamoras to Hancock—in the Wild and Scenic Rivers System, and handle the so-called Tocks Island project segment as a separate and distinct entity. This opposition to H.R. 6403 in its present form is not to be construed as a Commission position on the question of deauthorization of Tocks Island, nor as an indication of the position that any signatory party might take on that issue.

My statement has been approved by the Commissioners of the four signatory States of Delaware, New Jersey, New York and Pennsylvania.

Senator HANSEN. Our next witness will be Mr. Barry Allen.

Mr. ALLEN. Thank you.

Senator HANSEN. The vice chairman of Save the Delaware Coalition.

Mr. ALLEN. Thank you, Senator Hansen.

STATEMENT OF BARRY ALLEN, VICE CHAIRMAN, SAVE THE DELAWARE COALITION

Mr. ALLEN. With your permission the staff has suggested that I might present to you a few aerial slides of the middle Delaware which I can run through very quickly, probably less than 2 minutes. And I have greatly abbreviated my testimony, perhaps mutilated my testimony, in order to show these slides.

Senator HANSEN. Well, it will be included in the record as though given in its entirety.

Mr. ALLEN. Thank you.

[A showing of slides.]

Mr. ALLEN. Along the area of the slides, so that we can get through them very quickly, let me just say that we're moving from the Delaware Water Gap upstream to Port Jervis. This is the Delaware Water Gap right here and we will be moving to the Port Jervis area.

[A changing of slides.]

This is entirely the middle Delaware stretch that you're looking at now. All the lands which you are looking at are already included in the Delaware Water Gap National Recreation Area. These slides were taken for the House subcommittee hearings on November 11, 1977. You can see that the area is almost totally undeveloped, and that it is extensively forested. It's spared development because it's being held in limbo because of Federal indecision as to what to do with the area.

[A changing of slides.]

This is the Wild Pack Dam which is approximately the middle of the middle Delaware section under consideration.

Senator HANSEN. Could you identify where the dam is proposed to be?

Mr. ALLEN. Sure, we've already passed the dam site which is approximately 5 miles north of the Delaware Water Gap. We've got a slide there, Dave, that—the island at the very top, the island that you can identify to your right up near the top of the stream is Tocks Island which is the proposed dam site.

Senator HANSEN. Thank you.

[A changing of slides.]

Mr. ALLEN. We'll intersperse some ground shots here so you can see the character of the river itself.

[A changing of slides.]

Mr. ALLEN. That's someone going down the river.

[A changing of slides.]

Mr. ALLEN. That's the Wall Pack Valley which is the adjacent valley to the Delaware Valley.

[A changing of slides.]

Mr. ALLEN. That's the Dingos Ferry area and the Dingos Ferry Bridge in the center.

[A changing of slides.]

Mr. ALLEN. This is Milford, Pa. area still within the Delaware Water Gap National Recreation Area.

[A changing of slides.]

Mr. ALLEN. And this is the Port Jervis, N.Y. area on which the House has excluded from the upper and middle Delaware sections.

[A changing of slides.]

Mr. ALLEN. That smoke you see in the horizon is not industrial activity, but it was taken in fall and that's from burning leaves.

[A changing of slides.]

Mr. ALLEN. And this is Cherry Island just below this island is the end of the middle segment as proposed by Congressman McHugh and Senator Moynihan. So this is the end of the lower reaches of the Upper Delaware.

Thank you. Now for my testimony.

I am appearing today representing the Save the Delaware Coalition consisting of 70 local, regional, and national civic and conservation organizations. The Save the Delaware Coalition was formed in 1970 to protect and preserve the Delaware River and its environment as a unique natural, scenic, recreational, historic, and cultural resource. We also recommend that the Senate treat both the upper and middle stretches separately as proposed in the House because of the different

conditions and requirements applicable to each segment. Also, we'd like to note that between the two segments there would be an undesignated stretch of about 6 miles running through the largely improved and developed area of Port Jervis, N.Y. This gap would be acceptable since it is not critical to wild and scenic designation of the river above and below this area and is not susceptible to construction of water projects which would impede the free flowing position of the river.

The segment of the middle Delaware has been extensively studied by the National Park Service, the Corps of Engineers, the Delaware River Basin Commission, other Federal and State and local agencies and private organizations such as the Appalachian Mountain Club, Environmental Defense Fund, and the Sierra Club over a period of 23 years in connection with the proposed Tocks Island Dam project and the Delaware Water Gap National Recreation Area. These studies include the comprehensive study authorized by Congress at a cost of \$1.5 million which was completed in July 1975. A review of these voluminous amounts of data clearly demonstrates that sufficient data have been collected, described, and evaluated to meet the study requirements for wild and scenic river designation. The evidence contained in these studies is overwhelming that this segment of the river possesses the outstandingly remarkable scenic, recreational, geologic, fish and wildlife historic, cultural, and other similar values delineated in the act as prerequisites for inclusion in the system. These unique values take on even greater significance because of the need to protect such resources particularly in the highly industrialized and overpopulated Northeast. The national recreation area alone would not provide adequate protection for these resources. At the same time, the inclusion of the middle segment of the Delaware as a national system would both complement and enhance the value of the national recreation area.

Designation of this segment of the river can be realized and administered by the National Park Service at little, if any, additional cost since the contemplated river area would be within the national recreation area under the park service administration. The park service would also administer the upper Delaware thereby providing unified management for both segments. Following a legislative review of Congressman Kostmayer's proposal, the Bureau of Outdoor Recreation—now Heritage Conservation and Recreation Service—in a memorandum of October 28, 1977, found that the middle Delaware qualified as both scenic and recreational and recommended its inclusion in the wild and scenic rivers system. Subsequently, by a memorandum dated April 11, 1978, the Department of the Interior also recommended wild and scenic designation for the middle Delaware. And that position was stated earlier today. It should also be pointed out that, pursuant to the Pennsylvania Scenic Rivers Act of 1972, the State of Pennsylvania, in its State comprehensive outdoor recreation plan, listed the Delaware as the first priority stream requiring immediate protection.

Now you have probably heard, and will undoubtedly hear, arguments opposed to including the middle segment of the river in the national river system because of the need to construct the Tocks Island Dam.

As noted above, the Tocks project has been extensively studied including that comprehensive study intended by Congress to be the study to end all studies. The results of all of these studies with the Corps of

Engineers and Environmental Protection Agency, the Council on Environmental Quality, and the Department of the Interior have all recommended the project be deauthorized. The Department of the Interior recommendation, which first appeared in a letter dated April 29, 1976, to then chairman of the House Public Works Committee, Robert Jones, reported that the Office of Management and Budget had no objection from the standpoint of the administration program. This recommendation was recently confirmed in the above memorandum.

On July 31, 1975, the Delaware River Basin Commission recommended that construction of the Tocks Dam project should not be funded. In any event, if, at some later time, the Congress becomes convinced that a high dam across the Delaware clearly is necessary, it can always authorize and fund such a project whether or not that segment of the river has been included in the national wild and scenic rivers system.

However, until such a determination is made, the river and its immediate environs urgently need protection from the increasingly intense development pressures which threaten the integrity of these unique and outstanding resources.

Senator ABOUREZK [presiding]. Mr. Allen.

Mr. ALLEN. Yes, sir.

Senator ABOUREZK. We can read your statement. That's why I tried consistently to say this morning that it would be nice for all of us, including the other witnesses, if you kind of state your view in your own words.

Mr. ALLEN. If I could just add one more point and then I'll conclude?

Senator ABOUREZK. Yes.

Mr. ALLEN. Save the Delaware Coalition also hopes wild and scenic river designation will be considered on its own merits and that the Delaware will be consider for inclusion in the system based upon the requirements of the act and not based on any discussion of the Tocks Island Reservoir project. Thank you.

Senator ABOUREZK. I'd like to thank you, and thank all the witnesses, for your testimony and for your appearance. We appreciate your interest in national parks and rivers. Thank you.

[The prepared statement of Mr. Allen follows:]

STATEMENT OF BARRY ALLEN, VICE CHAIRMAN, SAVE THE DELAWARE COALITION

Mr. Chairman, distinguished members and staff, I am appearing today representing the Save the Delaware Coalition, consisting of 70 local, regional and national civic and conservation organizations.

The Save the Delaware Coalition was formed in 1970 to protect and preserve the Delaware River and its environs as a unique natural, scenic, recreational, historic and cultural resource.

Although S. 2770 would include a continuous 114 mile stretch of the Delaware River, from Hancock, N.Y., to the Delaware Water Gap, in the National Wild and Scenic Rivers System, we recommend that the Senate treat this stretch of the river in two separate segments as proposed in the House because of different conditions and requirements applicable to each segment. The first segment as proposed by Congressman Matthew McHugh and Senator Moynihan runs from Hancock, N.Y., to Cherry Island, N.Y., a distance of approximately 73 miles. This is known as the Upper Delaware. As proposed, this segment, involving mainly privately held lands, would require an initial taking of 450 acres, allowance for taking an additional 1,000 acres, provisions for land use controls and management and coordination with a citizens advisory council.

The second segment, as proposed by Congressman Peter Kostmayer and included in Senator Case's proposal, is located entirely within the existing Dela-

ware Water Gap National Recreation Area (DWGNRA) and runs from the northern boundary of the NRA downstream to the Delaware Water Gap, a distance of approximately 35 miles. This is known as the Middle Delaware. As proposed, this designation would be from bank to bank and would not require the taking of any land not already included in the NRA. However, since this segment includes the site of the proposed Tocks Island Dam for which lands were acquired by the Corps of Engineers, it is further proposed that such lands and land acquisition authority be transferred from the Secretary of the Army to the Secretary of the Interior.

Between the two segments there would be an undesignated stretch of about 6 miles running through the largely improved and developed area of Port Jervis, New York. This gap would be acceptable since it is not critical to wild and scenic designation of the river above and below this area and is not susceptible to construction of projects which would impede the free flowing condition of the river.

In Section 1(b) of the Wild and Scenic Rivers Act, Public Law 90-542, the Congress provided:

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes."

Section 1(b) therefore sets forth the Congressional design to serve the dual purpose of conservation and recreation. This intent is confirmed in House Report 90-1623 that rivers are to be protected "simply for the sake of being able to enjoy them in their natural state or for their recreational value."

(See "providing for a National Scenic Rivers System, and for Other Purposes," U.S. House of Representatives Report No. 1623, 90th Congress, 2d session, p. 3.) Free-flowing rivers are also deemed necessary to the protection of water quality and to the enhancement of "other vital national conservation purposes."

Section 2(b) defines a river area eligible for inclusion in the system, as "a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act."

Rivers deemed eligible for inclusion in the national system are then "classified designated and administered" as wild, scenic or recreational as defined in Section 2(b), subsections (1), (2), and (3). A river can be classified differently along its length and the characteristics of both the Upper and Middle Delaware have been found to qualify as scenic and recreational.

The Upper Delaware was recommended for inclusion in the Wild and Scenic Rivers System by the Department of Interior as set forth in the final report on the Upper Delaware River Study dated July 1976. This recommendation was subsequently endorsed by President Carter in his environmental message of May 23, 1977, and transmitted to the Congress. We support that recommendation.

The segment of the Middle Delaware River has been extensively studied by the National Park Service, the Corps of Engineers, the Delaware River Basin Commission, other federal, state and local agencies and private organizations such as the Appalachian Mountain Club, Environmental Defense Fund, Sierra Club and the Save the Delaware Coalition over a period of 23 years in connection with the proposed Tocks Island Dam Project and Delaware Water Gap National Recreation Area. These studies include the Comprehensive Study authorized by the Congress at a cost of \$1.5 million which was completed in July, 1975. A review of these voluminous documents clearly demonstrates that sufficient data has been collected, described and evaluated to meet the study requirements for wild and scenic river designation. The evidence contained in these studies is overwhelming that this segment of the river possesses "outstandingly remarkable scenic, recreational geologic, fish and wildlife, historic, cultural" and other similar values delineated in the Act as prerequisites for inclusion in the system. These unique values take on even greater significance because of the need to protect such resources particularly in the highly industrialized and over-populated Northeast. In the interest of time, we will not detail and list these resources here but will be glad to furnish such documentation as may be requested and which is also readily avail-

able from the Department of the Interior, Corps of Engineers or Delaware River Basin Commission.

These studies further demonstrate the clear necessity for protecting this segment of the river from such projects as the Tocks Island Dam, Walpack Dam and other major water resource projects such as pump storage and other power projects.

The National Recreation Area alone would not provide this protection. At the same time, the inclusion of the Middle segment of the Delaware in the national system would both complement and enhance the values of the National Recreation Area.

For more than two years, the National Park Service has been engaged in the preparation of a General Management Plan for the Delaware Water Gap National Recreation Area. We were recently advised that a draft of this Plan has been referred to the Secretary of the Interior for comment and is scheduled for release for public comment in September, 1978. Although we do not expect this plan to contain provisions for management to achieve the objectives under the Wild and Scenic Rivers Act, we are advised by the Park Service that the Plan could be readily revised with minimal additional effort and cost to include such provisions.

Designation of this segment of the river can also be realized and administered by the National Park Service at little if any additional cost since the contemplated river area would be within the National Recreation Area under Park Service administration. The Park Service would also administer the Upper Delaware thereby providing unified management for both segments.

Following a legislative review of Congressman Kostmayer's proposal, the Bureau of Outdoor Recreation (now Heritage Conservation and Recreation Service) in a memorandum dated October 28, 1977, found that the Middle Delaware qualified as both scenic and recreational and recommended its inclusion in the Wild and Scenic System.

Subsequently, by a memorandum dated April 11, 1978, the Department of the Interior made the following recommendation:

"In order to further indicate the Administration's commitment to a free-flowing river, we recommend that that portion of the Delaware River located within the boundaries of the Delaware Water Gap National Recreation Area be designated as a component of the Wild and Scenic Rivers System, provided that the land acquisition restrictions enumerated in Section 6 of the Wild and Scenic Rivers Act (82 Stat. 906) not apply."

It should also be pointed out that pursuant to the Pennsylvania Scenic Rivers Act of 1972, and after more than three years of study, a state inventory of rivers published in the Pennsylvania SCORP (1976) lists the Delaware as a first priority "A" Group Stream requiring immediate protection. The length included extends from Hancock, New York to Yardley, Pennsylvania (181 miles) or the length included in the present proposals plus 59 miles downstream.

You have probably heard and will undoubtedly hear argument opposed to including the Middle segment of the river in the National Rivers System because of the need to construct the Tocks Island Dam. As noted above, the Tocks Project has been extensively studied including the Comprehensive Study intended by Congress to end all studies. The result of all these studies was that the Corps of Engineers, Environmental Protection Agency, the Council on Environmental Quality and Department of the Interior recommended that the project be deauthorized.

The Department of the Interior recommendation which first appeared in a letter dated July 29, 1976 to Congressman Robert E. Jones, then Chairman of the House Public Works Committee, reported that the Office of Management and Budget had no objection from the standpoint of the Administration's program. This recommendation was recently confirmed in the above memorandum dated April 11, 1978.

On July 31, 1975, the Delaware River Basin Commission recommended that construction of the Tocks Dam Project should not be funded. In any event, if sometime in the future, the Congress becomes convinced that a high dam across the Delaware is clearly necessary, it can always authorize and fund such a project whether or not that segment of the river has been included in the National Wild and Scenic Rivers System. However, until such a determination is made, the river and its immediate environs urgently need protection from the increasingly intense development pressures which threaten the integrity of these unique and outstanding resources. The river will not go away but once a high dam is constructed, it cannot be undone and irreversible losses occur.

Although the practical effect of including the Middle Delaware would be to terminate the Tocks Island Dam project, we submit for your consideration that designation of this stretch of the river should be considered on its own merits, independently of the Tocks Dam controversy as set forth in the declaration of policy in the Wild and Scenic Rivers Act (82 Stat. 906).

We simply cannot afford to wait until formal deauthorization of the Tocks Project is considered.

In effect, we have de facto deauthorization of the Tocks Project anyway, and in this posture, in 1976 the Delaware River Basin Commission embarked upon a Level B study of alternatives to the Tocks Project which the aforementioned comprehensive study completed in 1975 found were available and feasible. For instance, as stated by Governor Byrne in the attached letter dated December 23, 1977, "I believe that New Jersey and the other Delaware River Basin states can solve our water supply problems with less destructive alternatives to the environment than the Tocks Island Project."

For all of these reasons and under these circumstances, we respectfully submit that both the Upper and Middle segments of the Delaware should be included in the National Wild and Scenic Rivers System.

We have attached for your convenience, copies of the aforementioned CEQ, EPA, BOR, Corps of Engineers and Department of Interior recommendations.

We appreciate your attention to these comments and anticipated consideration.

SAVE THE DELAWARE COALITION

MEMBER ORGANIZATIONS

1. Adirondack Mountain Club—New York Chapter.
2. Adirondack Mountain Club—North Jersey Chapter.
3. American Canoe Association.
4. American League of Anglers.
5. American Rivers Conservation Council.
6. Appalachian Mountain Club—Delaware Valley Chapter.
7. Appalachian Mountain Club—New York Chapter.
8. Appalachian Trail Conference.
9. Bucks County Audubon Society.
10. Chester County Environment Committee—Pennsylvania.
11. Concerned Citizens for Orderly Progress—Pennsylvania.
12. Delaware River Shad Fishermens' Association.
13. Delaware Valley Conservation Association.
14. Environment: Pittsburgh.
15. Environmental Policy Center.
16. Environmental Political Action.
17. Essex County Young Republicans.
18. Federation of Conservationists—United Societies, Inc.
19. Federation of Fly Fishermen.
20. Federation of Sportsmen of New York—Sullivan County.
21. Fontinalis Fly Fishermen.
22. Friends of the Earth—National.
23. Friends of the Earth—Delaware Valley Chapter.
24. Humane Society of the United States.
25. Kayak and Canoe Club of New York.
26. Keystone Trails Association.
27. League for Conservation Legislation—New Jersey.
28. Lenape League.
29. Luzerne-Lackawanna Environmental Council.
30. Monroe County Citizens for Conservation—Pennsylvania.
31. National Audubon Society.
32. National Committee to Stop Environmental Pollution.
33. National Wildlife Federation.
34. New Jersey Federation of Sportsmen Clubs.
35. New Jersey Public Interest Research Group.
36. New York—New Jersey River Conference.
37. Phillipsburg Jay Cees.
38. Pocono Mountains Audubon Society.
39. Raritan Valley Environmental Council.
40. Rutgers University Law School—Environmental Law Group.

41. Sierra Club—National.
42. Sierra Club—Atlantic Chapter.
43. Sierra Club—New Jersey Chapter.
44. Sierra Club—Pennsylvania Chapter.
45. Sierra Club—Allegheny Group.
46. Sierra Club—Central Pennsylvania Group.
47. Sierra Club—Delaware Group.
48. Sierra Club—Eastern Pennsylvania Group.
49. Sierra Club—Finger Lakes Group.
50. Sierra Club—Governor Pinchot Group.
51. Sierra Club—Lehigh Valley Group.
52. Sierra Club—Mid Hudson Group.
53. Sierra Club—New York Group.
54. Sierra Club—North Jersey Group.
55. Sierra Club—Northwest New Jersey Group.
56. Sierra Club—South Jersey Group.
57. Student Coalition for Environmental Action.
58. Theodore Gordon Flyfishers.
59. Tri State Rod and Gun Club (New York).
60. Trout Unlimited, National.
61. Trout Unlimited, Croton Watershed Chapter.
62. Trout Unlimited, East Jersey Chapter.
63. Trout Unlimited, North Jersey Chapter.
64. Trout Unlimited, Eastern Pennsylvania Chapter.
65. Trout Unlimited, Pennsylvania Council.
66. United Automobile Workers—New Jersey Council—Region 9.
67. Valley Forge Audubon Society.
68. Warren County Anti Pollution League, Inc.—New Jersey.
69. Wayne-Pike County Audubon Society.
70. Wilderness Society.

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D.C., July 29, 1975.

HON. BRENDAN T. BYRNE,
Governor of the State of New Jersey,
State House, Trenton, N.J.

DEAR GOVERNOR BYRNE: As you know, the Council on Environmental Quality has had a continuing interest in the proposed Tocks Island Lake Project. We have been concerned in particular that water quality and land use aspects of the project be carefully evaluated, and that alternatives be adequately considered.

We have reviewed the Comprehensive Study of the Tocks Island Lake Project and Alternatives and find it to be, in general, an objective and useful analysis. The study reveals that adverse environmental impacts associated with the Tocks Island Project will be significant and persistent. These include:

Potentially severe effects on water quality and, consequently, on proposed recreational uses that would result from the impoundment;

Adverse effects on fish and wildlife habitat and other natural and cultural features; and

Adverse secondary impacts induced by the project, including strip commercial development, loss of open space, increased demands on local communities for public services, and increased pressure for development of downstream flood plain lands.

The study also shows that a range of feasible alternatives exists which, if pursued in appropriate combinations, could meet some or all of the legitimate needs of the region for power production, flood control, water supply, and recreation.

The Council on Environmental Quality believes that the Tocks Island Lake Project should be deauthorized. In its place, we encourage the development of an appropriate combination of alternative measures which would fulfill the needs of the citizens of the four Delaware River Basin states, while also maintaining and enhancing the existing amenities of the Delaware River Valley.

Sincerely,

RUSSELL W. PETERSON,
Chairman.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., July 29, 1975.

Hon. SHERMAN W. TRIBBITT,
Governor of Delaware,
Dover, Del.

DEAR GOVERNOR TRIBBITT: I am writing to provide you with the views of the Environmental Protection Agency on the Tocks Island Lake Project which we understand will be the subject of discussion at the July 31, 1975, meeting of the Delaware River Basin Commission. As you know, the BPA has in the past expressed severe environmental reservations with this project through our comments on the draft and final environmental impact statements prepared by the Corps of Engineers. We have also reviewed and commented on the draft of the Tocks Island Lake Project Review Study and have recently completed our review of the consultants' final report. While there are a number of shortcomings in the final report, it does provide an improved basis for decisionmaking on the project. From our perspective, the environmental problems which are described in this most recent report on the project would support a decision to deauthorize the Tocks Island Lake Project and to develop alternative programs to meet the needs of the residents of the Delaware River Basin and surrounding areas.

Our major concern with the project continues to be the substantial risk of eutrophication of the proposed reservoir and its attendant adverse effect on the recreational benefits attributable to the project. This concern is reflected in the final report (page IX-98) where it is stated that "Eutrophication, to the extent predicted for Tocks Island Lake, will have a detrimental effect upon the use of the lake for recreational purposes." The adverse effects of eutrophication and drawdown on recreational uses on the project have not been factored into the benefit-cost analyses.

In addition, we have expressed concerns over the secondary effects of the project. The final report provides an excellent discussion of the land use aspects of the project. However, no assurance is given that predicted adverse environmental impacts of the project will be eliminated or reduced through design and post-project operational practices if the project is implemented.

We believe that the study report did a commendable job of identifying a wide range of alternatives to each of the project functions; however, we do not agree with the analyses of needs. In our view, the report overemphasizes the needs which could be satisfied with benefits from the project, while at the same time it underestimates the ability of available alternatives to satisfy these needs. A summary of our views on the proposed project as presented in the consultants' final report is as follows:

1. The flood control benefits are overstated since another flood of the magnitude of the 1955 flood would cause significantly less damage because of improvements already made.

2. The recreation benefits are overstated because they fail to reflect reservoir drawdown and the projected eutrophication of the impoundment.

3. The water supply benefits, while real, can be satisfied by a number of alternative with less severe impacts than the Tocks Island Project.

4. The electric power function can be replaced by 1300 MW of combined cycle capacity.

It is our view that the needs analysis for the project fails to include some major factors which are critical to the purposes of this project, such as reduced flood risks and the availability of alternative means to satisfy the needs of the area. In addition, the benefits from the project are projected optimistically in the face of predicted adverse environmental effects. Alternatives are available to satisfy the area needs which would result in less environmental damage. Finally, the economic calculations for the project as presented in this study, particularly those related to recreation and power generation, cause us to doubt that the project will indeed result in a benefit-cost ratio greater than one.

EPA recognizes that the residents of the Delaware River Basin and surrounding areas have needs which can be served by the prudent utilization of the water resource of the area.

It is our view, however, in light of the environmental and economic problems surrounding the proposed Tocks Island Lake Project, that these needs should be satisfied by less environmentally desired alternatives. I hope that these comments will be useful to you in deciding the future of the Tocks Island Lake Project.

Sincerely yours,

RUSSELL E. TRAIN,
Administrator.

SEPTEMBER 24, 1975.

HON. JOE L. EVINS,

Chairman, Subcommittee on Public Works, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. EVINS: I submit for your consideration my recommendations together with the attached reports of the Division Engineer and the consultants on a comprehensive restudy of the Tocks Island Lake Project and alternatives as required by the House Committee Report on the Fiscal Year 1975 Public Works Appropriations Act. That Act provided \$1,500,000 for the restudy.

The Tocks Island Lake Project was authorized by Public Law 97-874, approved October 23, 1962, as part of the project for the comprehensive development of the Delaware River Basin. Preconstruction planning and design work was initially funded in fiscal year 1964 and has continued since. Funds for land acquisition were first appropriated in fiscal year 1968 and appropriations for this purpose continued through fiscal year 1974. Funds appropriated in fiscal year 1975 were earmarked by Congress for an impartial comprehensive analysis, including alternatives, and review of the project under the direction of the Corps of Engineers in cooperation with the Delaware River Basin Commission. Congress directed that the restudy be completed and a final and definitive recommendation be submitted to the Appropriations Committee within twelve months. This report is in response to that directive of Congress.

The report of the Division Engineer presents the results of an exhaustive, coordinated restudy of the Tocks Island Lake Project, the water related needs of the region and the alternative plans to meet the needs. The restudy addresses in detail the significant environmental, social and institutional concerns expressed over the years since project authorization in 1962. In summary, the Division Engineer finds that there are pressing water-related needs to be met for flood control, water supply, water-land recreation and power. Because these needs are serious and are increasing with the passage of time, he further finds that the decision on means to meet these requirements should not be delayed. He finds that the Tocks Island Lake Project or alternative plans can meet a substantial part of the needs. Because of the efficiency of a multiple-purpose project, he finds that the Tocks Island Lake Project is the most economic solution and that it is engineeringly sound. He concluded that the project should be constructed provided this action was supported by the Governors of the affected States.

The Delaware River Basin Commission, composed of the Governors of New York, New Jersey, Pennsylvania and Delaware and a Federal member, met on July 31, 1975 to consider the Tocks Island Lake Project. Members of the Commission voted to reject a motion recommending that the Congress appropriate funds to commence construction of the project, but voted to approve a motion recommending that the Congress appropriate funds to complete land acquisition in the project area. The question of whether to recommend continuing authorization or deauthorization of the Tocks Island dam and reservoir was discussed but no vote was taken.

In view of the lack of State support for construction, the Division Engineer concludes that the Tocks Island Lake Project should be deauthorized so that alternative plans to meet the needs of the region will be developed. He recommends that construction of the project not proceed and that the project be deauthorized.

Subsequent to action by the Commission, the Governor of Pennsylvania expressed his views on the Tocks Island Lake Project in a letter to me dated August 20, 1975. A copy of that letter is enclosed. The Governor reaffirmed the Commonwealth of Pennsylvania's longstanding position favoring immediate construction of the Tocks Island Lake Project, and urged that I recommend such action to the appropriate Congressional Committees.

I concur in the views and recommendations of the Division Engineers. With regard to a recommendation for deauthorization of the Tocks Island Lake Project, however, I foresee certain problems relating to disposal and management of lands already acquired by the Corps of Engineers for the project. In keeping with the desires of the States, certain of the acquired tracts could be logically incorporated as part of the Delaware Water Gap National Recreation Area, subject to such modification of the authority establishing the Park as is appropriate concurrent with deauthorization of the Tocks Island Lake Project and Delaware River Basin Commission's modification to its comprehensive plan for the Delaware Basin. This, of course, would require review of the overall Park requirement in the absence of the Tocks Island Lake. In acquiring land for the Tocks Island Lake Project, we have incurred, over the years, continuing

custodial and care obligations, and condemnation, resettlement, relocation assistance and other commitments that must be met in a timely manner. We estimate that, if the project were deauthorized, an orderly phase-out of Corps of Engineers activities, with no new commitments, would require about \$7 million and could extend over a three year period. These matters have already been discussed with the Department of the Interior and I propose to review these in greater detail with the Department prior to reporting thereon and on deauthorization of the Tocks Island Lake Project to the legislative Committees of Congress.

By letter dated August 21, 1975, the Department of the Interior indicated that it would have no objection to the Corps recommending deauthorization of the Tocks Island Lake Project. The letter also states that the National Park Service can provide a viable Delaware Water Gap National Recreation Area whether the Tocks Island Lake is constructed or not. A copy of the Assistant Secretary's letter is attached.

Accordingly, I propose to submit legislation through appropriate channels to deauthorize the Tocks Island Lake Project, and to provide for orderly phase-out, including disposition of lands already acquired by the Corps of Engineers. Once these requirements are more fully defined, we will recommend a funding program for the necessary phase-out activities. In view of the unresolved water resources problem in the basin, it would be appropriate for the Water Resources Council to reexamine the Delaware River Basin Comprehensive Plan.

An identical letter is being furnished the Honorable John C. Stennis, Chairman, Subcommittee on Public Works, Committee on Appropriations, United States Senate.

Sincerely,

W. C. GRIBBLE, Jr.,
Lieutenant General, USA,
Chief of Engineers.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 29, 1976.

HON. ROBERT E. JONES,
Chairman, Committee on Public Works and Transportation,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department with respect to a bill, H.R. 12462, "To terminate the authorization for the Tocks Island Reservoir project as part of the Delaware River Basin project, and for other purposes."

We recommend that the bill be enacted, with revisions as suggested herein.

The bill would deauthorize the Tocks Island Reservoir project, an Army Corps of Engineers project located on the upper Delaware River Basin, which was authorized by Section 203 of the Flood Control Act of 1962. (Public Law 87-874; 76 Stat. 1173). The bill would transfer all real property acquired by the Secretary of the Army, all unexpended appropriations, and all authority of the Secretary of the Army in connection with that project, to the Secretary of the Interior, to be administered for the purposes of the Delaware Water Gap National Recreation Area established by the authority of the Act of September 1, 1965 (79 Stat. 612). The bill would further require that the Secretary of the Interior relocate United States Highway 209 to the west side of the authorized national recreation area. The bill would also set certain priorities with respect to acquisition of land.

The Tocks Island Lakes project was authorized in the Flood Control Act of 1962, primarily in response to floods in the Delaware River Basin during the 50's and drought conditions in the early 60's. The project, to be constructed by the Army Corps of Engineers, would consist of an earthfill dam on the main stem of the river, approximately 5 miles north of Stroudsburg, Pennsylvania, with the impounded reservoir stretching some 37 miles upstream to Matamoras, Pennsylvania, and Port Jervis, New York. The project's benefits would be flood control (13.8 percent), storage for water supply (37.9 percent), recreation (36.0 percent) and hydroelectric power (12.3 percent). The most recent estimate available to us of the project's cost was \$425 million.

In 1965 Congress authorized establishment of the Delaware Water Gap National Recreation Area as an area surrounding the proposed reservoir. The De-

partment has consistently taken the position that the NRA is self-sufficient and can go forward apart from the Tocks Island Lakes project.

The project has generated controversy, particularly with respect to environment matters. In 1974, it was concluded that the Corps, working with the Delaware River Basin Commission (DRBC), would undertake a one year study of the project to determine whether it should proceed. The Corps entrusted the study to a New York consulting firm, whose general conclusions were that: (1) there are alternatives to the project; (2) the project itself is more cost-effective than the alternatives; but (3) the adverse environmental effects of Tocks are a good deal greater than those of the alternatives.

The Corps laid the study before the DRBC, which on July 31, 1975, voted 3-1 against further work on the project. The majority comprised the States of New Jersey, Delaware, and New York. The negative vote was cast by Pennsylvania. Commissioner Schweigert of the DRBC, on behalf of the Secretary, abstained. New Jersey's vote was accompanied by a statement that, because of its possible future needs of water, the project should not be formally deauthorized. Although the Commission as a whole did not address the question of deauthorization, on September 24, 1975, the Corps wrote to the two Congressional appropriations committees proposing deauthorization in light of lack of State support for proceeding with the project.

The project would have serious negative impacts from both recreational and environmental standpoints. The area already has considerable recreational value, which will be substantially enhanced by development of the national recreation area. The development of the Tocks Island Reservoir would choke a free-flowing river and flood a superb valley to create a lake which would deteriorate over the years with siltation. The project would eliminate, with no possibility of replacement, abundant wildlife resources found in the riparian ecosystems both within and downstream from the reservoir site. It would reduce spawning habitat for American shad and other anadromous fish in the Delaware River and would cause substantial reductions in runs of these fish. It would also result in the loss of 37 miles of productive stream fishing.

The Tocks Island Lakes project has been highly controversial for some time and will likely continue to be so. The continuation of the current limbo status of the project could have additional serious negative effects.

The development planning of the NRA by the National Park Service could be impeded for river bank areas since investments would be hard to justify as long as Tocks Island remains an authorized option. Updated water management plans for the area and commitment to alternatives to Tocks Island would be frustrated and necessarily tentative if the project authorization were to be continued. Deauthorization would help assure substantial savings of tax dollars.

Because of the questionable benefits of the Tocks Island project and the serious potential negative impacts, we favor deauthorization and support H.R. 12462.

There are a number of revisions that should be made, however.

First and foremost we dispute the desirability of section 4(a) of the bill, which would transfer to this Department the responsibility for relocation of U.S. Highway 209 within the NRA. We strongly support the relocation of the highway, but we believe that the Army Corps of Engineers is better suited to accomplish this task. The National Park Service is not primarily concerned with construction and engineering and is not equipped to handle a road job of this magnitude. The Corps has far more experience and expertise related to road relocation. This is of particular significance where relocation of a major artery such as U.S. Highway 209 is concerned. The Corps has current authority to undertake the task and has planned to do so on connection with the building of the dam. It can complete the relocation task sooner than the Park Service. Also, a great deal of joint planning has taken place to date between the Corps and the Park Service. To change planning now would result in delay and added cost. Considerations of continuity, efficiency, and expertise require that authority for this purpose remain in the Corps of Engineers. Accordingly, we strongly recommend that section 4 of H.R. 12462 be revised to keep authority for relocation of the road in the Corps of Engineers, and we urge that that work proceed under existing authority at the earliest possible time.

We consider it the intent of Congress, in providing fiscal year 1976 appropriations of \$4.6 million for the Tocks Island Lake Project, that the Corps of Engineers proceed with the planning, acquisition of right-of-way and construction of Route 209. We understand that the Secretary of the Army has agreed that it should (acting by and through the Corps of Engineers) proceed with the reloca-

tion on an alignment which was selected during the design study stage of the Tocks Island Lake Project and which has always been contemplated as ideal for our exterior boundary of the National Recreation Area.

Secondarily, we would change the following provisions of the proposed bill:

(1) Section 2(b) of the proposed bill provides that all authority of the Secretary of the Army pursuant to the Act of September 1965, and the authorization of Tocks Island Reservoir project and any unexpended appropriations made for the purpose of such Acts be transferred to the Secretary of the Interior. We recommend the modification of section 2(b). In keeping with the policy of the Administration to keep road relocation authority in the Corps of Engineers on this particular project, the only authority which this Department would require for its purposes would be the land acquisition authority for lands within the boundaries of the National Recreation Area which remain as yet unacquired by the Corps of Engineers. Accordingly, we recommend that section 2(b) be revised to read: "All land acquisition authority of the Secretary of the Army pursuant to the Tocks Island Reservoir Project, authorized by the Flood Control Act of 1962, (76 Stat. 1180) and pursuant to the Act of September 1, 1965 (79 Stat. 612), is hereby transferred to the Secretary of the Interior."

(2) In connection with the transfer of land acquisition authority, the Department would require an increase of \$27,700,000 in the appropriation ceiling authorization for the NRA, now set at \$65,000,000 (Act of October 27, 1972, 86 Stat. 1250). This represents the estimated cost of acquiring the remaining 5750 acres of land that was to be acquired by the Corps of Engineers for the Tocks Island Reservoir Project. Accordingly, we recommend the addition of a new section 2(c) as follows:

"There is hereby authorized to be appropriated to the Secretary of the Interior for the acquisition of lands and interests in land pursuant to the authorities vested in the Secretary by this section no more than \$92,700,000. There are also authorized to be appropriated not more than \$18,200,000 for the cost of installing recreation facilities on the lands and interests in lands so acquired."

(3) Since section 2(a) of the proposed bill would transfer to the Secretary of the Interior all land previously acquired pursuant to the Tocks Island Lake Project, it should also provide that any such land that is determined by the Secretary not to be required when a general management plan for the national recreation area is developed may be declared excess and disposed of pursuant to the Real Property and Administrative Services Act of 1949 which is not ordinarily available as a vehicle for the disposition of "park property" unless specially authorized.

(4) Section 3 purports to set priorities for completion of the land acquisition. Subsection (6) to the National Park Service should be and will be the highest priority in any event, yet it is listed last. It would seem inappropriate, however, to legislatively establish such priorities since it destroys administrative flexibility in the event change is needed. The Park Service should resolve its own priorities administratively. This section should be deleted.

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

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., April 1, 1978.

Memorandum To: Legislative counsel.

Through: Assistant Secretary for Fish and Wildlife and Parks.

From: Director, National Park Service, and Director, Heritage Conservation and Recreation Service.

Subject: H.R. 3408 and S. 868—Termination of Tocks Island Reservoir Project.

I. SUMMARY OF LEGISLATION

These bills would terminate the authorization for the Corps of Engineers' Tocks Island Reservoir Project in Pennsylvania, New York, and New Jersey on the Delaware River. The bills would transfer from the Secretary of the Army to the Secretary of the Interior all real property acquired pursuant

to the Tocks Island Reservoir Project plus all authority and unexpended appropriations granted under the Delaware Water Gap National Recreation Area Act of 1965 and the Tocks Island Reservoir Project authorization for administration as part of the Delaware Water Gap National Recreation Area.

II. REASON FOR THE LEGISLATION

The purpose of the legislation is to deauthorize the Tocks Island Project and dispose of project lands by transferring them to the Secretary of the Interior for inclusion in the Delaware Water Gap National Recreation Area.

III. ALTERNATIVES

Basically two alternatives are available to the Congress should it choose not to enact this legislation. Congress could select a "no action" plan and permit the controversy to remain unsettled, or Congress could appropriate funds for further land acquisition and construction.

IV. RESULTS OF ENACTMENT

Any impact which might be expected to be felt by the National Park Service must be measured against the projected impact that would be expected to occur pursuant to actual construction of the Tocks Island dam.

A. Personnel ceilings.—Personnel ceilings can be expected to increase by far greater numbers with the reservoir than with the decision to retain a free flowing river. With the uncertainty which currently exists, staffing levels have been kept to a minimum while still attempting to carry on a viable recreation program. At the same time, however, 17 Corps of Engineer land acquisition positions remain filled pending a resolution of the question.

B. Land acquisition costs.—Enactment of any of the pending bills would transfer to the Secretary of the Interior from the Secretary of the Army all land acquisition authority within the project boundaries. Further, these bills set priorities for completion of the land acquisition program.

C. Capital development costs.—Enactment of the pending legislation would transfer all authority of the Secretary of the Army pursuant to Section 203 of the Flood Control Act of 1962 to the Secretary of the Interior. The bills are silent as to any development requirements of the National Park Service. It should be understood, however, that as with personnel ceilings development of a reservoir-oriented national recreation area would be far more costly than development of an area based on a free flowing river.

D. Operation and management costs.—As with personnel ceilings and capital development costs, operating costs have been kept to a minimum pending a resolution of the question at hand. Enactment of any one of these similar measures would call for a smaller increase in operating costs than would construction of the dam and development of the resulting reservoir-based recreation area.

The proposed legislation would deauthorize the Corps of Engineers Tocks Island Reservoir Project and turn over the involved lands to the Secretary of the Interior for administration as part of the Delaware Water Gap National Recreation Area.

The Tocks Island Project was authorized in the Flood Control Act of 1962, primarily in response to floods in the Delaware River Basin during the 1950's and drought conditions in the early 1960's. The project would consist of an earth-fill dam on the main stem of the Delaware River, approximately 5 miles north of Stroudsburg, Pennsylvania with the impounded reservoir stretching some 37 miles upstream to Matamoras, Pennsylvania and Port Jarvis, New York. The project's benefits would include flood control (13.8 percent), storage for water supply (37.9 percent), recreation (36 percent) and hydroelectric power (12.3 percent).

The project has generated controversy particularly with respect to environmental matters. In 1974 it was concluded that the Corps of Engineers, working with the Delaware River Basin Commission, would undertake a 1 year study of the project to determine whether it should proceed. The Corps selected a New York consulting firm whose general conclusions were that: (1) There are alternatives to the project; (2) the project itself is more cost effective than the alternatives; but (3) the adverse environmental effects of the project are considerably greater than those of the alternatives.

The project would have serious negative impacts from an environmental standpoint. The development of the Tocks Island Reservoir would choke a free flowing river and flood a superb valley to create a lake which would deteriorate over the years with siltation. The project would eliminate, with no possibility of replacement, abundant wildlife resources found in the riparian ecosystems both within and downstream from the impoundment site. It would reduce spawning habitat for American shad and other anadromous fish in the Delaware River and would cause substantial reductions in runs of these fish.

Construction of the Tocks Island Reservoir Project would necessitate the relocation of U.S. Highway 209 as portions of the road would be inundated. The proposed relocation route recently offered by the Corps of Engineers has given the Fish and Wildlife Service cause to express its opposition in light of disruption or destruction which would come to valuable wildlife habitat. It is the opinion of the National Park Service that the relocation of U.S. Highway 209 may be necessary regardless of whether the Tocks Island Reservoir Project is constructed in order to insure its viability as a park road.

V. HISTORY OF SERVICE POSITION ON SIMILAR OR RELATED LEGISLATION

A number of bills have been introduced in the recent past, the purposes of which have been to deauthorize the Tocks Island Project and transfer lands acquired by the Corps of Engineers to the Secretary of the Interior for administration as part of the Delaware Water Gap National Recreation Area. The basic tenets of these bills have been the subject of reports by both the Fish and Wildlife Service and the National Park Service.

In the 94th Congress H.R. 12462 and identical bills proposed authorization and funding to the Secretary of the Interior for the relocation of U.S. Highway 209 for the purpose of reducing environmental impacts on the national recreation area. The report of this Department recommended enactment, but did not support this transfer of authority, contending that the Corps of Engineers was better suited for this task.

In the current Congress, the National Park Service memorandum of May 4, 1977, to the Legislative Counsel recommended the enactment of H.R. 3408, with amendments.

VI. SUMMARY OF LEGISLATIVE INTEREST

S. 868 was introduced by Senator Case, for himself and Senators Biden, Javits, Nelson, Proxmire, and Roth. H.R. 3408 and similar House bills are sponsored by Representatives Fenwick, Kostmayer, Hubbard, Van Deerlin, Holtzman, Beilenson, Badillo, Ertel, Stockman, Meyner, Edgar, Forsythe, Seiberling, Gilman, Maguire, McHough, Carr, Moffett, and Bingham.

VII. PUBLIC STATEMENTS ON THE ISSUE

We are unaware of any statements of commitments made by this Administration on the issue of Tocks Island.

VIII. SUMMARY OF MAJOR POLICY QUESTIONS

As noted earlier, bills introduced in the 95th Congress for the deauthorization of Tocks Island Project have committed specific reference to the issue of the relocation of U.S. Highway 209. Consequently, under section 2(b) of these measures the Secretary of the Interior would become authorized to carry out such a relocation.

Also under section 2(b) of the bills the Secretary of the Interior would acquire all authority previously granted the Secretary of the Army in connection with the Tocks Island Reservoir Project. Presumably this would include construction of the dam.

IX. RECOMMENDATIONS

We strongly support efforts to terminate the Corps of Engineers' authorization to construct the Tocks Island Reservoir Project and transfer Corps lands and land acquisition authority to the Secretary of the Interior.

Section 2(b) of the bills should be modified to ensure that only the Corps of Engineers authority to acquire lands and relocate U.S. Highway 209 be transferred to the Secretary of the Interior. In this regard language should be included which directs the Secretary of the Interior to conduct and transmit to the

Congress within 1 year a regional transportation survey which would address such issues as the nature of the existing highway transportation network, the existing and foreseeable future highway transportation needs, and the role that either the existing or proposed relocated Route 209 would play in that network.

We recommend that the National Park Service be permitted to retain administrative flexibility in determining land acquisition priorities. Consequently, we recommend against section 3 of the bills under consideration.

In view of the frustrations and delays that have been encountered at the project, it is now highly doubtful that the present funding authorization is sufficient to acquire lands in the presently described boundaries. Likewise, additional funds are needed if all the lands within the Tocks Island Reservoir Project are to be acquired. We estimate that completing the land acquisition for the Tocks Island Reservoir Project will cost an additional \$21,700,000. Further, an additional \$3,700,000 is needed to satisfy relocation payments and excess awards for those tracts which are already in condemnation. Accordingly, we recommend that these bills be amended to increase the land acquisition authorization from the present \$65,000,000 to a new ceiling of \$90,400,000.

In order to further indicate the Administration's commitment to a free flowing river, we recommend that that portion of the Delaware River located within the boundaries of the Delaware Water Gap National Recreation Area be designated as a component of the Wild and Scenic Rivers System, provided that the land acquisition restrictions enumerated in Section 6 of the Wild and Scenic Rivers Act (82 Stat. 906) not apply.

OCTOBER 28, 1977.

Memorandum to : Director, Bureau of Outdoor Recreation.
From : Regional director, Northeast region.
Subject : Legislative review—H.R. 8865.

Enclosed is a copy of our legislative review of H.R. 8865.

We recommend that the Department support the designation of the Upper Delaware River as a component in the National Wild and Scenic Rivers System, from Hancock, New York, to the southern boundary of the Delaware Water Gap National Recreation Area, as proposed in H.R. 8865.

We also recommend changes in the legislation to include provisions for the continuance of the N.R.A. and revisions relative to the Upper Delaware Study segment.

Enclosure.

SUBJECT: H.R. 8865. PROPOSED AMENDMENT TO DESIGNATE A SEGMENT OF THE UPPER DELAWARE RIVER AS A COMPONENT OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

I. SUMMARY OF LEGISLATION

Would amend the Wild and Scenic Rivers Act to designate the segment of the Delaware River, from the confluence of the East and West Branches at Hancock, New York, to the point where the river crosses the southern boundary of the Delaware Water Gap National Recreation Area, as a component of the National Wild and Scenic Rivers System.

Would require that, within one year of enactment, that the Secretary of Interior, in accordance with Section 3(b) of the Wild and Scenic Rivers Act:

1. Establish boundaries,
2. Classify the river, and
3. Prepare an administration plan.

Would authorize appropriations as may be necessary to implement the legislation.

II. REASON FOR THE BILL

A. What is the intent of the Bill?

The Bill would designate 122 miles of the Delaware River as in the National System.

1. The 75 mile segment which has been studied under authority of the Act.
2. An additional 47 mile segment through the Delaware Water Gap National Recreation Area, which has not been studied as a scenic river.

B. How does the Bill relate to Federal scenic rivers studies?

Under the National Wild and Scenic Rivers Act, Public Law 90-542, the Upper Delaware River, from Hancock, New York to Matamoras, Pennsylvania was one of the original rivers named for study.

An interagency task force led by the Bureau of Outdoor Recreation has completed the study and determined that this segment does qualify as a potential component of the National Wild and Scenic Rivers System.

The segment from Matamoras, Pennsylvania through the Delaware Water Gap National Recreation Area to its southern boundary has not been studied for its suitability for designation as a scenic river.

The Bill would extend to both sections the protection afforded by scenic river designation, that of preserving the river in its free flowing condition.

C. How does the Bill relate to state scenic river systems and SCORP's?

Pennsylvania: The Pennsylvania Scenic Rivers Act, Act 283, enacted in 1972, authorized the establishment of a state scenic river system. A state inventory of rivers, published in the Pennsylvania SCORP (1976) lists the Delaware River Basin as first priority, an "A" group stream, one which has an immediate need for protection and additional study. The length included extends from Hancock, New York to Yardley, Pennsylvania (181 miles, or the length included in this Bill plus 59 miles below it).

New York: The Delaware River in New York is being considered for inclusion in the New York State Wild, Scenic and Recreational River System under the 1972 New York Wild, Scenic, Recreational Rivers Act. New York's SCORP (1972) indicates the New York segment of the waterway as recreational and wild and scenic.

New Jersey: In September 1977, New Jersey enacted legislation creating a state system of protected rivers and named two rivers, but not the Delaware, for state study. The 1977 New Jersey SCORP lists the Delaware Water Gap National Recreation Area as a Federal recreation facility.

D. How does the Bill relate to Federal land acquisition programs in the area?

Tocks Island Dam: The Flood Control Act of 1962 authorized construction of the Tocks Island Project, to include a dam across the Delaware River at Tocks Island, 6 miles upstream from the Delaware Water Gap, and a 12,400-acre reservoir stretching from the dam north to Port Jervis, New York. The Corps of Engineers was directed to prepare a comprehensive plan for four purposes: flood control, water supply, hydropoelectric power and recreation.

Delaware Water Gap National Recreation Area: The NRA was authorized by P.L. 89-156 in 1965 to include acquisition by the National Park Service of an additional 60,000 acres of land surrounding the Tocks Island project. In June, 1977, the Secretary of Interior formally established the DWGNRA with NPS as the management agency, having found that the NPS had now acquired enough lands to comprise an efficiently administrative unit.

As of October, 1977, approximately 48,000 acres of the 72,000 acres slated to be acquired by NPS and the Corps of Engineers have been acquired. The subject bill does not provide for the transfer of Corps land to NPS if the dam is not built nor does it direct the completion of the acquisition programs.

If acquisition were completed, there would be no problem in having a scenic river in a NRA provided the river qualifies and scenic river objectives were incorporated into the overall NRA plan, but the bill does not address the Tocks Island Dam and Delaware Water Gap National Recreation area issues.

Scenic river acquisition program: The bill would provide for administration by the Secretary of Interior. It does not change acquisition provisions of the Wild and Scenic Rivers Act, which emphasizes limited acquisition by Federal agencies for scenic river areas.

For the segment between Hancock, New York and Matamoras, Pennsylvania, the Bureau of Outdoor Recreation study recommended limited acquisition (450 acres for existing recreational areas and information centers plus an additional 1,000 acres) with National Park Service as the lead management agency in a cooperative planning process involving Federal, State, interstate, and local governments and private groups and individuals.

E. Are there serious threats to the area in question which would impair management objectives?

The Delaware Water Gap National Recreation Area may or may not include the Tocks Island Dam. A dam deauthorization decision is still pending. Should the dam be built, the objectives of a wild and scenic river would not be attainable in the segment where the reservoir would be created (from Port Jervis, New York to the Delaware Water Gap, Pennsylvania).

III. ALTERNATIVES

A. What alternative methods are available for protection?

1. No Federal designation, but designation by the individual States as a scenic river in the States' systems. This would require actions by each state to designate, determine the segment area, and develop management plans.

2. Federal designation of the length proposed of a different segment or segments at the request of the States. This would require State designations first by the States involved, and subsequent designation by the Secretary of Interior.

3. Federal designation of the proposed length (or other lengths) in two (or more) separate Congressional actions. This would allow consideration of differing approaches to management, timing, and qualifying features of the segments.

4. No action. This would deny or delay protection to a river segment which has been studied and found to qualify for the protection.

IV. RESULTS OF ENACTMENT

A. Budgetary impact on Bureau: Bill does not include a limitation on Federal land acquisition costs, but authorizes the appropriation of such sums as may be necessary. The Scenic Rivers Act, however, does limit Federal acquisition acreage.

B. Changes in program authority/responsibility: National Park Service (and/or the Corps of Engineers) would have to incorporate scenic river objectives into the planning objectives for the NRA area. The NPS is currently preparing a draft plan for the NRA which should be available for public review in January 1978.

In the Upper Delaware Study area, the National Park Service would become the lead agency with management responsibility for the lands along the river segment which are now largely in private ownership.

V. SUMMARY OF LEGISLATIVE INTEREST

A. History of Bureau positions on similar or related legislation:

Congressman Bingham introduced a Bill in the 94th Congress (H.R. 2645) and again in the 95th Congress (H.R. 195) to designate the New York segment and the Bureau recommended that action on each be deferred until the completion of the Upper Delaware Study.

Congressman Kostmayer introduced a Bill, January 4, 1977 in the 95th Congress (H.R. 6403) which was similar to H.R. 8865 and the Bureau recommended at that time that the Department should oppose the enactment of H.R. 195 and H.R. 6403 and urge in lieu thereof the enactment of the Upper Delaware legislation transmitted to the Congress with the President's environmental message.

Congressman Fenwick introduced a Bill March 11, 1976 in the 94th Congress (H.R. 12462) to terminate the authorization for the Tocks Island Reservoir project as part of the Delaware River Basin project. The Bureau recommended action be deferred until the National Park Service's management alternatives study was completed so that the Tocks deauthorization could be evaluated in light of that study's results.

Draft legislation for the Upper Delaware River Study segment, prepared in Washington was submitted to President Carter May 12, 1977 and transmitted by him to the Congress on May 23, 1977 along with his environmental message. This legislation has not been as yet formally introduced. The Northeast Regional Office of the Bureau of Outdoor Recreation, which led the scenic river study has reviewed the draft legislation and suggested changes to the Director of BOR.

B. State and regional governments:

On September 2, 1977, the States of New York and Pennsylvania (through the Secretary of the Department of Environmental Resources for Pennsylvania and the Commissioner of the Department of Environment Conservation for New York) signed a joint position statement urging the Federal government to designate the Upper Delaware River between Hancock, New York and Matamoras, Pennsylvania, and suggested changes in the Department's draft legislation.

On September 28, 1977, the Delaware River Basin Commission adopted a resolution endorsing the Pennsylvania-New York agreement on the scenic river.

C. Local, civic, and special interest groups:

There is a long, full history of local government, citizen and civic group participation in past decisions on the Tocks Island Dam and the Delaware Water Gap National Recreation Area.

There has been support and participation by local governments, citizens and civic groups in the BOR Upper Delaware Wild and Scenic River Study and continuing interest in an active role in managing the river.

VI. PUBLIC STATEMENTS ON THIS ISSUE BY THE PRESIDENT, VICE PRESIDENT, SECRETARY ANDRUS, AND ASSISTANT SECRETARY HERBST

President Carter, in his May 23 environmental message to the Congress endorsed and transmitted to the Congress on that date the Upper Delaware proposed legislation the Department had submitted to him on May 12, 1977.

VII. SUMMARY OF MAJOR POLICY QUESTIONS RAISED BY THE LEGISLATION

A. Should the administration preserve the Upper Delaware River?

1. The length as described in the subject Bill or only the segment which has been studied?
2. At the present time or later?
3. Before resolution of the Tocks Island Dam deauthorization issue or after?
4. Through this legislation, or other legislation?
5. With National Park Service as the lead agency or with a greater local-State role?

VIII. EVALUATION OF THE RIVER THROUGH THE DELAWARE WATER GAP NATIONAL RECREATION AREA

Since the river as it flows through the DWGNRA is essentially similar to the river as it flows through the study segment, we recommend that this segment also be considered as qualifying for designation as a component of the National Wild and Scenic Rivers System.

IX. RECOMMENDATION OF SUPPORT OR OPPOSITION

We recommend that the Department support H.R. 8865 with the following provisions incorporated in the legislation.

A. In the Delaware Water Gap National Recreation Area, acquisition and development shall proceed and the National Park Service, as the management agency, shall incorporate scenic river objectives in the plan for the National Recreation Area.

1. All real properly acquired by the Secretary of the Army pursuant to the authorization of the Tocks Island Reservoir project shall be transferred to the Secretary of the Interior to be administered as part of the Delaware Water Gap National Recreation Area, pursuant to the Act entitled "An Act to authorize establishment of the Delaware Water Gap National Recreational Area, and for other purposes," approved September 1, 1965 (78 Stat. 612).

2. The authorities of the Secretary of the Army pursuant to the Act of September 1965, respecting land acquisition and management and any unexpended appropriations made for the purpose of such Acts are transferred to the Secretary of the Interior.

3. Authorizations as needed should be continued to permit relocation of United States Highway number 209 to the western side of the National Recreation Area.

B. Management planning for the remainder of the named section of the Upper Delaware River shall be in accordance with the Administration position on wild and scenic rivers. The procedures and plan developed shall incorporate the following revisions in the Upper Delaware Study recommendations, which now are desirable due to changes which have occurred in the area since the report was completed.

1. The management plan should reflect recreational facility and other changes along the river.

2. New approaches to management techniques and acquisition should be encouraged.

3. Managing agency review of zoning changes and other procedures for influencing land use decisions where there has not been fee simple acquisition but reliance on easements and regulatory powers should be included.

4. Cooperative intergovernmental relationships should be established and defined.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, N.J., December 23, 1977.

Mrs. JAMES L. McNULTY,
Clarks Summit, Pa.

DEAR MRS. McNULTY: Thank you for your letter of December 5 concerning the Tocks Island Dam.

I remain opposed to this project. I believe that New Jersey and the other Delaware River Basin states can solve our water supply problems with less destructive alternatives to the environment than the Tocks Island Project. I appreciate your support of my position.

Sincerely,

BRENDAN T. BYRNE,
Governor.

STATEMENT OF BARRY ALLEN, PRESIDENT, DELAWARE VALLEY CONSERVATION ASSOCIATION

The D.V.C.A. was formed in 1966 to preserve and to protect the Delaware River. The majority of our members are residents of the Delaware Valley and are therefore greatly interested in the fate of the Delaware River.

It is no surprise to anyone by this time that the Middle Delaware (that section from Port Jervis, N.Y. to the Delaware Water Gap) is under threat of destruction by the proposed Tocks Island Reservoir Project. This dam has been one of the most controversial Corps of Engineers projects since its authorization in 1960. In the eighteen years since that time over 50 million dollars has been spent on studies alone.

In 1977, Congress appropriated 1.5 million dollars for a "study to end all studies" on the Delaware River. As a result of this study, the U.S. Army Corps of Engineers, CEQ, EPA and the Department of the Interior all recommended that the project be de-authorized. The Governors of the Delaware Basin Commission also recommended that construction of the project should not be funded. Recent department of Commerce figures show that water withdrawals from the Delaware River will be much less over the next 25 years than previously (as late as 1975) though indicating that additional water supply from the huge Tocks Island Reservoir will not be necessary (see attachment).

Meanwhile, National Park Service has been planning a National Recreation Area around a free flowing Delaware River. Although, these plans do not, at present, include Wild and Scenic River Status for the Middle Delaware, Park Service officials have indicated that this would pose no problem in the administration of the area.

The scenic and recreational qualities for the Middle Delaware River has long been recognized. Recently, for example, the state of Pennsylvania Department of Environmental Resources, in 1976, listed the Delaware as a first priority "A" Group Stream requiring immediate protection and inclusion in the state's system of Wild and Scenic Rivers. On October 28, 1977 the Bureau of Outdoor Recreation (now the Heritage Conservation and Recreational Service) determined that the Middle Delaware qualified as both scenic and determined that the Middle Delaware qualified as both scenic and recreational and recommended its inclusion is the Wild and Scenic Rivers System. The Department of the Interior has also stated in a memorandum dated April 11, 1978 "that that portion of the Delaware River located within the boundaries of the Delaware Water Gap National Recreation Area be designated as a component of the Wild and Scenic Rivers System * * *".

The Delaware is perhaps the most studied river in the East. Concurring with the above agencies, the D.V.C.A. urges the inclusion of both the Upper and Middle Delaware in the nation's system of wild and scenic rivers. We further recommend that the Senate include each segment separately as proposed in the House of Representatives because of the different ownership patterns in the two sections. The approximately six miles between Cherry Island and the northern boundary of the NRA around the town of Port Jervis could remain undesignated without impairing the quality of either the Upper or Middle Delaware.

We hope that this body can combine the Moynihan and Case proposals and report a bill which would include both the Upper and Middle Delaware in the National Wild and Scenic Rivers System.

WATER SUPPLY FOR THE DELAWARE BASIN-MID-ATLANTIC AREA

INDUSTRIAL/MANUFACTURING SECTOR

The latest figures from the Department of Commerce for the area show that water withdrawals will drop from 3 billion gallons per day to only 866 million gallons per day (mgd) by the year 1985 and to only 611 mgd by the year 2000. The reason for this decline is that industry will be recycling more and more to meet the effluent limitations of the water pollution legislation. Thus while the Commerce Department forecasts a 94 percent increase in manufacturing earnings from 1975 to 2000 in this region of the country, it is also projecting an 80 percent decrease in water withdrawals.

The largest industries in terms of water intake are chemicals, petroleum, and primary metals which account for 82 percent of the intake. It is precisely these three groups which have the greatest potential for reducing withdrawals by in-plant recycling and internal water management.

Figures developed in the Water Resources Council's Second National Water Assessment show that even with a 230-percent increase in gross water requirement for the entire country as a result of expanded manufacturing, the amount of water withdrawals will decline from 60 billion gallons a day to 29 billion gallons a day by the year 2000.

ENERGY PRODUCTION SECTOR

Withdrawals for steam-electric power generation are projected by the Water Resources Council to decline despite an increase of 400 percent in electricity production by the year 2000. Once again as with the manufacturing sector, the reason for the decline is found in the increased recycling of cooling water which will be done by utilities to comply with the water pollution legislation. For the Mid-Atlantic area the Water Resource Council forecasts a drop in withdrawals from 7.5 billion gallons a day to 4.7 billion gallons a day by 2000.

RESIDENTIAL SECTOR

The California Department of Water Resources has examined the potential savings in residences from installing water saving devices on faucets, in toilets, on showers, and from insulating hot water pipes. The potential ranges from 25 percent to over 50 percent depending on how many of the various devices are used. Figures in Appendix I derived by EPA demonstrate the cost-effectiveness of such measures and the attractiveness in savings to consumers on their water bills. By pursuing these alternatives, a substantial population increase can occur without necessitating any expansion of water supply. If in addition to implementing residential savings through the use of these devices, reforms are made in water pricing policies and/or personal habits, even more dramatic savings are possible.

CONCLUSION

In light of the best available data it appears that water supply problems in the Delaware Basin can be solved without the construction of more water supply reservoirs.

Senator ABOUREZK. We have one final panel now dealing with the Santa Monica proposal. I'd like to ask all of these witnesses to come up to the table. Mr. Joe Edmiston, executive director of Santa Monica Comprehensive Planning Commission; Susan Nelson, Friends of the Santa Monica Mountains; Margo Fever, Sierra Club; Bill Chandler, of the Nature Conservancy. Bill is formerly a staff member of this committee, in fact. Glad to see you back, Bill.

Mr. CHANDLER. Thank you, Senator.

Senator ABOUREZK. And Joe Beeman, director of the State of California's office in Washington, D.C. And would Joe Edmiston go first since his name is first on the list.

Mr. EDMISTON. Yes, Mr. Chairman.

STATEMENT OF JOSEPH T. EDMISTON, EXECUTIVE DIRECTOR,
SANTA MONICA MOUNTAINS COMPREHENSIVE PLANNING
COMMISSION

Mr. EDMISTON. For the record my name is Joseph Edmiston, director of the Santa Monica Mountains Comprehensive Planning Commission. We are an agency of the State of California with 14 members representing the Governor of the State of California, the counties, Ventura County of Los Angeles, city of Los Angeles, city of Thousand Oaks and public members; the mayor of Beverly Hills and public members appointed by the Governor, by the speaker of the California assembly, and a California State Senate Rules Committee. It's a diverse group representing, I think, just about all the constituencies and interests at stake in the Santa Monica Mountains. The commission wishes to go on record as supporting S. 1906 and we have a prepared statement. I, of course, will not read it. The point that has come up in most of this testimony is the relationship between land use planning and Federal management and acquisition. I would like to directly address that. The commission has identified approximately 103,000 acres of land which is of critical environmental importance that if stringent land use regulations are not applied to the area, the area should be purchased. And these are what we have called the core land of the Santa Monica Mountains.

In addition to our approximately 120,000 additional acres which needs land use control, but are not the critical core lands of the natural resources, the commission has also identified approximately 40,000 acres that we recommend for acquisition as part of a major Federal program. And the commission very strongly feels that not only should land in the western portion of the Santa Monica where you find the majestic beauty that is so often associated with the area, but also the areas close into the population centers. And we found some very important urban-type parks which are capable of being established by the State and local government. Therefore, we were very happy to see the Department of the Interior and Congressman Beilenson. And we're happy to see the way that the interest of this have coalesced in terms of a major Federal presence, a national recreation area, as well as a grant program tied to the performance of the State and local governments in doing their responsibilities. I would indicate to you that the commission is within 11½ months of submitting a preliminary report containing the comprehensive plan to the California Legislature. It does contain those elements that were mentioned by Secretary Herbst as well as some other elements mandated by California State law.

We also have what is on the third reading file in the State senate and will be approved if it wasn't approved today, a bill extending the commission's right in adding an implementation phase to requiring local governments to get together on this. And I think that this fits very well in with the testimony of Mr. Beilenson and Secretary Herbst. I would be very happy to answer any questions the Chair might have. Again, we ourselves are primarily here in this form as a resource to the committee.

Senator ABOUREZK. Thank you very much.

[The prepared statement of Mr. Edmiston follows:]

STATEMENT OF JOSEPH T. EDMISTON, EXECUTIVE DIRECTOR, SANTA MONICA MOUNTAINS COMPREHENSIVE PLANNING COMMISSION

Mr. Chairman and members of the subcommittee, my name is Joseph T. Edmiston; I am the executive director for the Santa Monica Mountains Comprehensive Planning Commission.

The Santa Monica Mountains Comprehensive Planning Commission is charged with developing a comprehensive plan for the conservation and development of the mountains. The plan will contain elements on land use, recreation, conservation, transportation, public services and facilities, and an economic element that will assess the costs and benefits to the region of conservation and development alternatives. The commission is just completing a preliminary draft plan.

The Santa Monica Mountains Commission unanimously endorses Senator Alan Cranston's S. 1906 because we believe a major Federal program of acquisition in the Santa Monica Mountains is indispensable if we are to meet the recreation and natural open-space needs of the Metropolitan Los Angeles and Ventura County region.

Our commission has set as a major, overall planning objective that "the plan should recognize recreation as the prime public resource in the Santa Monica Mountains." Frankly, Mr. Chairman, without the Federal Government's participation in providing the needed new park acreage in the mountains, any such recreational objective will remain only an unfulfilled dream for the almost 10 million residents of this region who are within an easy drive of the mountains.

It is a sad fact that although the Santa Monica Mountains have long been recognized by the residents of the region as a key natural open space resource, national recognition such as has been granted to the Golden Gate National Recreation Area in the San Francisco Bay region, Gateway National Recreation Area in New York, and the Indiana Dunes NRA serving the Chicago-Gary metropolis, has not been forthcoming for the Santa Monica Mountains, which is in many respects more environmentally unique and recreationally useful. Amid stark ridges, spectacular gorges and canyons and oak-savannah woodlands, the mountain lion still roams, golden eagles nest on Boney Ridge and Calabasas Peak, two-foot steelhead have recently been caught in Malibu Creek and the largest ferns in North America, remnants of the ice age, still thrive in Cold Creek Canyon. Unfamiliar as chaparral-covered mountains may be to those from outside of southern California, the Santa Monica's clearly have outstanding natural features worthy of national park preservation.

By the miracle of geology this whole complex is thrust into the heart of Los Angeles. Thus it is the mountains in proximity to people that makes this area uniquely deserving of recognition in the national park system.

There are three specific areas of the Cranston bill we would like to highlight in this testimony: First, the advisory commission; second, transportation; and third, the fact that national park status for the mountains does not preclude the need for effective land use planning for the mountains zone as a whole.

The inclusion of this commission on the advisory commission for the park and seashore—along with representatives of the coastal commission—we believe gives a needed balance and the representation of diverse interests so necessary to the effective planning for a national park in the urban setting. The Santa Monica Mountains Commission has represented on it local government, State government, and concerned citizens—those who live in the mountains and also those of the impacted minority community. This feature of S. 1906 goes far toward insuring that local and State interests will be heard in the highest councils of the park service when the planning decisions are made.

The transportation study mandated by section 5 is deserving of special support; \$500,000 is sufficient for a cooperative study, but the real need is for demonstration grants to assist local agencies and the park service to implement public transit to the Santa Monica Mountains parks. Staff studies from our commission show that grants on the order of \$1 million would be needed to assure that transportation will be available for persons of all ages and income groups. We as a planning commission are committed to the concept of access to all segments of the population and we believe this concept should be explicitly recognized in the legislation. Recent demonstration projects in the San Francisco region showed that an improved recreation bus system can serve those groups who otherwise would find it difficult to enjoy these areas. During the summers of 1975 and 1976 several bay area transit agencies cooperated in a joint venture to demonstrate the feasibility of recreation transit to Golden Gate National

Recreation Area and Point Reyes National Seashore. Although limited in scope and time, it almost doubled the number of persons who took the bus to recreation areas. Most of the additional patronage came from those who did not own an automobile.

The third area I want to discuss is the relationship between comprehensive planning for the Santa Monica Mountains zone and Federal Park acquisitions. The one cannot substitute for the other. Zoning and other land use regulations do not serve to create parks and public open spaces except as such dedications are incident to the permitting of major new developments. But land use regulation is suitable for restricting the burden on public services and facilities and buffering park areas from incompatible development.

A final word must be said about economic impact. Our commission urges that additional funds be authorized beyond the \$100 million figure in S. 1906. Such additional acquisitions are justified by the benefits of recreation in the mountains. In the past there may have been reasons for undervaluing natural areas. At the present time, however, the total available natural area has been reduced to a tiny fraction of the original supply. More important, areas such as the Santa Monica Mountains, close to large metropolitan regions, have almost completely disappeared. There is now no longer any reason why the economic value of natural undeveloped land should be ignored.

In the last 10 years, economists have learned how to make fairly precise estimates of the value of time and effort spent in recreational activities. Natural resource economists have given serious attention to the economic value of non-destructive recreational uses of the natural environment. In this way they have been able to place a value on the recreational uses of undeveloped land resources.

As a consequence economists have been able to examine the tradeoff between developing a natural area or leaving it for nondestructive recreational uses. In several important cases, recreational benefits have been estimated as up to 10 times greater than the value needed to outweigh the development alternative, and in none of these cases were the natural areas as close to the urban recreational need as the Santa Monica Mountains. The Santa Monica Mountains Comprehensive Planning Commission has not yet undertake our detailed cost benefit analysis. A full scale analysis of the commission's plan will be completed in July, 1978. However, we believe that the results of a rigorous, state-of-the-art evaluation, will demonstrate that significant and positive recreation benefits will accrue from a decision to set aside large parts of the Santa Monica Mountains for recreational purposes.

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

Senator ABOUREZK. Susan Nelson, Friends of the Santa Monica Mountains.

STATEMENT OF SUSAN NELSON, PRESIDENT, FRIENDS OF THE SANTA MONICA MOUNTAINS

MS. NELSON. Senator Abourezk, Senator Hansen. I'm very happy to be here today. I'm Susan Nelson, president of the Friends of the Santa Monica Mountains Parks and Seashore. This has been the main organization initiating and supporting idea of a Federal park for the Santa Monica Mountains and Channel Islands. An idea which has the support of thousands of citizens in southern California and environmental groups around the country, as well as the State of California, the city of Los Angeles, county board of supervisors, and numerous cities and towns. Our original proposal came in 1970 about the time of the program that established the Golden Gate National Recreation Area in San Francisco and Gateway in New York. About that time the Nixon administration began opposing national parks all over the country and ours was one of the programs that basically didn't make it through in those years.

It came under the original parks for people program initiated in 1970. What has been important about recent years is that we have a new administration and we now have the backing and have had the backing longstanding of Senator Alan Cranston who is a good friend and an outstanding legislator who had introduced Senate bill 1906 which creates the Channel Islands and Santa Monica Mountains National Park and Seashore, and his colleagues in the House, Congressman Anthony Beilenson. Together they have given the program the integrity it has needed to see it through the efforts of the many years before of the Nixon administration to water it down to a meaningless landscape program.

Congressman Phillip Burton, one of the creators of DWGNRA, has endorsed the NRA for the Santa Monica Mountains thus opening the way to the full program in a spearheading move to pass the bill out of the Senate. Finally, I want to thank you, Senator Abourezk. We in California are well aware of your efforts on behalf of a progressive energy policy and share with you the frustrations of dealing with progressive legislation in the face of destructive resident interest. I was especially moved by your challenging the administration this morning on the matter of their not willing to fund park programs and their not willing to fund the transportation bill that's out. We agree with you that this is an inexpensive way of giving to the people what they need in terms of a peace dividend.

Our park is right adjacent to the specific missile crews testing site and Vandenberg Air Force Base and they shoot up \$100 million every day. So when we find that our park now is maybe more expensive than it was in 1970 because of inflation—maybe double the cost—all we can say is another aircraft mount and fall in the Arizona desert is just another missile shot off. And many of our people that work on our program also are in the war industries in California, because that's their livelihood and they agree.

Senator ABOUREZK. That's absolutely right, I'm glad you made that point.

Ms. NELSON. So it is especially significant that you should be the one to hear S. 1906 to create the Channel Islands and Santa Monica Mountains National Park and Seashore. A national recreational area for the mainland portion of the Santa Monica Mountains is what we want. We would, however, like to have it designated in the title "National Seashore." The reason we want that is because it is a seashore. It is the main ocean area extending down to the Santa Monicas. And too, in southern California we have what is known as the cowboy mentality and to many of the people recreational areas means recreational vehicles, hunting, and motorcycles. And we have to have a restrictive idea behind this park with the national purposes there developing public programs outreach to the people who have been very isolated in the central cities for a long time.

The national seashore—national park and seashore should—and the main island should be in conservation designation but wilderness areas are in the present mainland area of Santa Monica. The National Park Service needs to be there to give the proper protection. We do not want or need a substitute local government greenline program. Why? Because first of all, it is important not only to save the special natural environment from destructive urban inner roads, but

it's also necessary to provide the program which serves the 10 million people in southern California with recreation and outdoor recreation needs which cannot be provided elsewhere. And neighborhood parks are not the same as a wilderness area. A State and local program with its limited scattered recreation department cannot do this. We have in the last 1½ decades done our best with the State and local government to prepare for this NRA. We are not coming to the Federal Government hat in hand so to speak.

Now when Mr. Herbst talked this morning he spoke well as he spoke about what we've already done in southern California. In our program for our national seashore we would start west of Will Rogers State Beach because there it is in the 1930's that the city of Los Angeles dumped its sewerage so that the poor are the only ones who can live there. As a result, there's a fast disappearing enclave of low-income people which is disappearing now that the ocean has been cleared and replaced. From there on up west to Point McGough is a series of wide open beaches which continue 30 miles and then to the Channel Islands. There the coast is largely in private ownership. It is the cleanest, most pristine ocean in the world and it has protected areas of biological significance, but is fast being inroaded by suburbanization and sewerage outfall. It is unsurpassed anywhere for its beauty and variety of sea life. And where is all of this? It is within one-half hour of travel time for 10 million people.

In 1973, on behest of the earlier administration which had close ties with the county of Los Angeles, local government which, in the past, worked closely in hand with land developers to turn this area into a speculative bonanza by increasing property taxes on rural land and funding the necessary infrastructure with Federal assistance, said in its Federal BOR report about the establishment of an NRS—this is during the Nixon years—"It amounts to rewarding local government to allow the situation to deteriorate." So what did the administration offer? It offered a greenline plan. This would set up a commission of mainly the same people, the same local officials would administer the program and dispense Federal funds in an unplanned and unprogrammatic fashion "to protect the limited landscape of the Santa Monicas." The reason given for this and I quote the Bureau of Outdoor Recreation, "An NRA is seen as a band-aid because it will only protect the acreage required in the inclusion of the NRA." Well, we agree with some of that, but we don't see the NRA as a band-aid. We see the establishment of a national seashore as absolutely essential to the health of this urban region to protect the ocean waters, the air, and the land from further degradation and pollution.

We also see the need for the establishment in an interior buffer zone planning zone which would earmark land water conservation be done for continued acquisition by State and local governments as well encourage integrating planning. Presently our proposed national seashore is almost entirely within the coastal permit zone. It has full permit power to regulate land within its jurisdiction and which can be appealed to the State commission. So an NRA on the coast would be as protective as possible and the national seashore would be a natural asset to that improvement. I believe that concludes my spoken testimony and I will provide the rest in written form. I thank you very much for holding this hearing.

Senator ABOUREZK. Thank you very much, Susan. We appreciate your testimony.

[The prepared statement of Ms. Nelson follows:]

STATEMENT OF SUSAN NELSON, PRESIDENT, FRIENDS OF THE SANTA MONICA MOUNTAINS

I am Susan Nelson, President of the Friends of the Santa Monica Mountains, Parks and Seashore. This is the main group initiating the federal park and seashore for the Santa Monica Mountains and Channel Islands. This idea has the support of thousands of citizens in Southern California, public officials, public interest and environmental groups. There is similar support around the country, as well as the State of California, the City of Los Angeles, the County Board of Supervisors and numerous cities and towns.

More importantly it has the longstanding support of Senator Alan Cranston, a good friend and outstanding legislator, who has introduced S1906 which creates the Channel Islands and Santa Monica Mountains National Park and Seashore, and his colleague in the House of Representatives, Congressman Anthony Beilenson, who introduced traditional park legislation. Together they have given the program the integrity it has needed to see it through efforts to water it down into a minimal landscape program. Congressman Philip Burton, one of the creators of the Golden Gate National Recreation Area in San Francisco, has endorsed a National Recreation Area for the Santa Monica Mountains and Seashore. This now has the support of local Congressmen Robert Lagomarsino and Barry Goldwater, Jr. The revised House legislation includes buffer zone land management, a state grant program and has bipartisan support.

Finally, I want to thank you Senator Abourezk for having this hearing. We, in California, are well aware of your efforts on behalf of a progressive energy policy for this country, and share with you the frustration in dealing with constructive legislation in the face of destructive vested interest. So it is especially significant that you should be the one to hear S. 1906 to create the Channel Islands and Santa Monica Mountains National Park and Seashore.

We want a traditional National Recreation Area, to be entitled National Seashore for the mainland Santa Monica Mountains. We want a National Park, with special conservancy and wilderness designations, for the Channel Islands, with a connecting surrounding Marine Sanctuary. We do not want or need a substitute greenline or unproven national reserve when there is massive public support for a more traditional seashore.

In 1973, the Bureau of Outdoor Recreation, on behest of the Nixon Administration, which had close ties to the County of Los Angeles, concluded that a federal National Recreation Area would be a bandaid solution for the mountains. It neglected the connected seashore in making that assessment.

Local government has in the past worked closely with land developers to turn this rich mountains and coastal resource into a speculative bonanza through imported water and forcing land into development by increasing property taxes. It then funded the necessary infrastructure of roads and sewers using federal dollars wherever possible. For instance, in the last decade, four major freeways, a causeway and sewerage system were stopped which would have cost billions of federal dollars in the 1980's when they were scheduled to be built. These same projects would have resulted in development which would have denied major recreational use of the mountains and beaches, and would have added to air and water pollution of the Los Angeles basin.

That same administration having denied the need for an NRA, offered an alternative minimum greenline. This would have established a local government commission to administer and disperse federal funds in an unplanned and unprogrammatic fashion "to protect the limited landscape of the Santa Monica Mountains." We conceived the green line to have merit, if used as an adjacent land use program for a federal NRA. But by failing to provide funding for a major Park and Seashore, it was simply playing into the hands of the local developers who could use the park to increase land values without providing the necessary public programs under National Park Service management.

In 1970, when the first National Park Bill for the Santa Monica Mountains was introduced, the funding level was \$100 million, similar to Golden Gate and Gateway. Now, it is 1978. The need for the park has accelerated and prices have risen for the land. Still the mountains and seashore are one of the greatest bargains

in the country, with land prices ranging as low as \$300 an acre to an average cost of \$3,000 per acre in the proposed seashore. It would cost about \$6,000 an acre in the city portion of the Santa Monica Mountains. Today, we are asking for \$150 million in direct federal acquisition, a fraction of what it would cost the federal government if the mountains were to be developed. The National Seashore would add about 45,000 acres within the coastal zone. There would be an additional state grant program of \$35 million for continued State and local acquisition in the Santa Monica Mountains zone of about 10,000 acres.

We do accept that a consideration should be given to adjacent land use, and have encouraged our local and state governments to reconsider its normal development posture. In the last decade we have supported the creation of the Coastal Management Zone in California which includes the main portions of the Santa Monica Mountains, and the Santa Monica Mountains Comprehensive Planning Commission which takes in the interior mountains from Ventura County to downtown Los Angeles. The planning zone was established by state legislation.

Why do we need a National Park and Seashore? Well, first of all the Channel Islands and Santa Monica Mountains are of national quality and should be protected. It is important not only to save this important natural area from destructive urban inroads, but also provide a park program which can serve the ten million people of Southern California and eight million annual visitors with recreation and outdoor recreation needs which cannot be met elsewhere. A state and local program with its limited scattered recreation departments cannot do that.

We have, in the last decade and a half, done our best at the local and state level. We are not coming to the federal government with "bat in hand" so to speak. But we have come with a substantial state acquisition and planning programs, and a Mediterranean ecosystem and climate which you will find few places in the world.

The Friends plan ties the mountains to the coast and connects the state parks in one continuous whole. It leaves a state park and several local parks in the interior watershed and in the eastern Santa Monicas to be managed by state and local agencies, all with National Park Service oversight and available federal acquisition. The Seashore would start with the public beaches at Venice and Santa Monica, now in State and local ownership. The wide ocean beaches continue thirty miles up the coast to Point Mugu in Ventura County where they become a combination of rocky shore and steep bluffs, which with the Channel Islands is one of the most beautiful in the coastlines world. Along the Malibu Coast the beaches are largely in private use. Our plan would call for National Park Service management of the resource, while providing for easements along the beaches and canyons. Connections to the inland mountains would mean that hikers could go fifty miles from downtown Los Angeles without hitting pavement, right in the middle of a city. People can reach the area by car for day use and camping. It is within one-half to one hour travel time for most of the people in the Los Angeles basin. The transit dependent should be served by special NRA related public transportation.

It is an opportunity which will soon be lost forever. We do not see the National Parks and Seashore as a bandaid, but as absolutely essential to the health of this urban region; for its people for outdoor education and recreation, and to protect the ocean waters, the air and land from further degradation and pollution.

Senator ABOUREZK. Margo, you're next. We're sorry we didn't have you on the original witness list. That was an oversight and we're glad you got here so we could hear your testimony.

Ms. FEUER. Thank you so much, Mr. Chairman. You can't imagine what a blow that was coming in on the red eye and looking at the witness list and seeing no Margo Feuea. But at any rate, thank you so much for rectifying this.

STATEMENT OF MARGO FEUER, REPRESENTING THE SANTA MONICA MOUNTAINS TASK FORCE, SIERRA CLUB

Ms. FEUER. Senators, on one head I wear the hat of the Santa Monica Mountains Task Force of the Sierra Club. On the other head I wear the

hat of a southpost regional commissioner of the California Coastal Commission. From that group I bring you a resolution of support for the Cranston bill. My testimony here will be representative of the Sierra Club. The Sierra Club welcomes this opportunity to give an unqualified endorsement to S. 1906, Senator Alan Cranston's bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California. The Sierra Club sees an acute need to preserve the few remaining open spaces and natural areas in or near our Nation's cities for the benefit of those millions of people who are unable to visit distant parks. Toward this end, the board of directors in November 1977 adopted the policy calling for the establishment of new units of the national park system approving criterion for their establishment and management as well.

High priority was accorded the Channel Islands and Santa Monica Mountains National Park and Seashore. Because the scenic beauty and the environmental diversity of this dynamic landscape is such close proximity to the second largest urban concentration in the Nation, is eroding with synergistic momentum. Increasing affluence plus newer attitudes toward leisure and quality of life give new emphasis to a runaway real estate market and the desire to own a piece of the Santa Monica Mountains or the seashore. Each day that passage of this bill is delayed another large ownership is divided into smaller more salable parcels or another bulldozer gouges out a path for a homesite, or 100 paths or sometimes 300 paths. Living in the mountains provides a very special quality of life. An escape from the smog into the hidden valleys and eluded canyons, a retreat from the urban crush into an incredible stillness. Living on the beaches is a dramatic experience of crashing waves and reaching out of the horizon. But what of those who cannot afford to pull up stakes to pursue that better quality of life? They, too, will have a vested public interest in the mountains and seashore. An interest that must not only be shared in the presence but must be protected for the future. They, too, must have a retreat, a place to withdraw from the din of everyday living. From 1965 to 1975 the population of Los Angeles County grew from 6.8 million to 7 million; an increase of less than 3 percent.

Population in the urban areas declined from 3 to 13 percent. Yet Malibu and Calibasis, the areas that comprise a major segment of the beach and mountain communities of the proposed national park or are adjacent to its boundaries increased by 59.1 percent and 290 percent respectively. It is this growth in the suburbs that in 1976 caused the Los Angeles County Economy and Efficiency Commission to warn that the county is heading into a financial crisis. As the residents of the urban core moved out into the western areas of the county, the need for services in the newly developing areas followed immediately. Although, as I previously stated, the general population grew by only 3 percent the cost of services grew by 160 percent. At the same time the local residents left behind a central city of decaying economic value with a lower income population in need of more services.

Senator ABOUREZK. If you'll excuse me, I have a meeting. It's noon and I have to leave now. Senator Hansen will complete the hearing. I apologize for having to leave and I tried to get everybody in before noon but—

Ms. FEUER. Yes; you did encourage them all to be brief. I was here and heard that.

Senator ABOWEZEK. So I want to just apologize. But Senator Hansen will complete the hearings and I want to thank all of you.

Ms. FEUER. Thank you, Senator.

Senator HANSEN [presiding]. Please continue.

Ms. FEUER. Thank you. Because Los Angeles County has always considered the Santa Monica Mountains as an extension of its tax base, this policy has contributed to two major problems, the erosion of a major public resource and the possible physical crisis. This year especially was a year of major national disasters in the mountains and along the shorelines. Millions of dollars in damages occurred when structures collapsed from violent high tides on the beach or mud slides in the mountains when roads were washed out due to the scouring of roadbeds by swollen, turbulent creeks. All major mountain and seashore roads were at sometime closed to traffic. Some still remain closed. Not only do county taxpayers bear much of the burden of these disasters but the Federal Government does similarly bear the costs when these areas are dubbed Federal disaster areas. And low cost loans are made available to aid the victims. How much more sensible from every conceivable point of view to use the resources of the Federal Government in a positive way by protecting this outstanding natural heritage for residents and visitors alike. This would also be consistent with the new urban strategy recently promulgated by the State office of planning and research.

The major policy of the State is the recycling and in filling of urban areas thereby utilizing existing infrastructure. The collorary of this policy is to deter the extension of services to outlying areas, the Santa Monica Mountains. Local government's role is one of voluntary co-operation pending the passage of legislation in the State legislature to implement these policies. Should the Federal Government establish a long awaited national park in this area, there would be no alternative but to implement the State policy. For explicit protection a necessary component of any legislation creating a national park is a proviso empowering the Secretary of Interior to protect park resources if local efforts fail, such as is described in section 4(f) of the subject bill. In 1975 Hon. Evon Grace Lake Burke wrote an editorial entitled "Accessibility is the Key" in the magazine Parks and Recreation in which he stated:

The average ghetto child never sees a national park or a State recreation center. The masses in our cities who live in poverty never use a camp site or enjoy the streams, the lakes, the trees of our recreational facilities. A few blocks carved out of the cities with park benches, swings and a little patch of grass is often the only way a park is envisioned by many. All too often these few blocks are characterized by gangs, muggings, and fear.

Those thousands of Americans enjoy the recreation facilities of America, the ones who need it most do not. Accessibility is the key word in describing minority concerns in the area of leisure and recreation. Far too often those who most need but can least afford recreation opportunities are denied access to available facilities and services. Equal access to our Nation's recreation resources both human and environmental, is of fundamental importance. These precious resources and the people who most need them must be brought together.

To this end the subject legislation so insightfully provides an appropriation for the design and study of a transportation system. The words in the bill are "A coordinated public and private transportation system

to and within the main portions of the park." The transportation system provided by the bill would bring urban dwellers into the core areas of the park. The proximity of a Santa Monica Mountains will no longer be frustrating for those urban dwellers able to see the mountains of existence but deprived of experiencing them for want of a car.

The stories of Los Angeles addiction to the auto are legion and nothing can more quickly destroy the good vibrations of a natural experience than the complications of traffic and of reaching and returning from one's destination. To incorporate a transportation system in the bill is innovative and exceedingly practical. The park will be so designed that an urban youngster can leave from the extreme eastern end in the city of Los Angeles, arriving there by existing urban transit and hike for as many days as 55 miles requires through a continually changing landscape. A ridge top trail which looks upon seeming wall to wall San Fernando Valley homes, rugged mountain outcrops and rolling meadows, abundantly wooded canyons lush from the presence of year-round streams, live oak and sycamore groves, and in the western part of the range as one travels from Los Angeles County to Ventura County the magnificent panorama of the Pacific Ocean sweeping from the Santa Monica Bay to the Channel Islands. How is it possible that those who are in a position to decide would not attest to the national park qualities of the major natural resource serving a major urban population. Time is racing. We have been under consideration since 1971. With each year bringing greater status to the concept, yet each year brings significantly more jeopardy to the resource. I urge you to approve S. 1906.

Senator HANSEN. Thank you very much for a very compelling statement.

[The prepared statement of Ms. Feuer follows:]

STATEMENT OF MARGO FEUER, REPRESENTING THE SANTA MONICA MOUNTAINS
TASK FORCE, SIERRA CLUB

Mr. Chairman and committee members, the Sierra Club welcomes this opportunity to give its unqualified endorsement to S. 1906, Senator Alan Cranston's bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California. The Sierra Club sees an acute need to preserve the remaining open spaces and natural areas in or near our nation's cities for the benefit of those millions of people who are unable to visit distant parks. Toward this end, the Board of Directors in November of 1977 adopted a policy calling for the establishment of new units of the National Park System, approving criteria for their establishment and management as well. High priority was accorded the Channel Islands and Santa Monica Mountains because the scenic beauty and the environmental diversity of this dynamic landscape in such close proximity to the second largest urban concentration in the nation is indeed of national significance. It is however being eroded with synergistic momentum.

Increasing affluence plus new attitudes toward leisure and quality of life give new impetus to a runaway real estate market and the desire to own a piece of the mountains or the seashore. Each day that passage of this bill is delayed, another large ownership is divided into smaller more saleable parcels or another bulldozer gouges out a pad for a home site, or 100 pads, or sometimes 300 pads. Living in the mountains provides a very special quality of life, an escape from the smog into hidden valleys and wooded canyons, a retreat from the urban crush into an incredible stillness. Living on the beach is a dramatic experience of crashing waves and reaching out to the horizon.

But what of those who cannot afford to pull up stakes to pursue a better quality of life? They too have a vested public interest in the mountains and the seashore, an interest that must not only be shared in the present but must be

protected for the future. They too must have a retreat, a place to withdraw from the din of everyday living.

From 1965 to 1975, the population of Los Angeles County grew from 6.8 million to 7 million, an increase of less than 3 percent. Population in the urban centers declined from 3 percent to 13 percent. Yet, Malibu and Calabasas, the areas that comprise a major segment of the beach and mountain communities of the proposed National Park and Seashore, or are adjacent to its boundaries, increased by 59.1 percent and 290 percent respectively. It is this growth in the suburbs that in 1976 caused the Los Angeles County Economy and Efficiency Commission to warn that the County is heading into a financial crisis. As the residents of the urban core moved out into the western areas of the County, among other areas, the need for services in the newly developing areas followed immediately. Although as I previously stated, the general population grew by only 3 percent, the costs of services grew by 160 percent. At the same time, the mobile residents left behind a central city of decaying economic value with a lower income population in need of more services.

Because Los Angeles County has always considered the Santa Monica Mountains as an extension of its tax base, this policy has contributed to two major problems: the erosion of a major public resource and a possible fiscal crisis. This year especially was a year of major natural disasters in the mountains and along the shoreline. Millions of dollars in damages occurred when structures collapsed from violent high tides at the beach or mudslides in the mountains, when roads were washed out due to the scouring of road beds by swollen, turbulent creeks. All major mountain and seashore roads were at some time closed to traffic, some still remain closed. Not only do County taxpayers bear much of the burden of these disasters but the Federal government does similarly bear the cost when these areas are dubbed Federal Disaster Areas and low cost loans are made available to aid the victims.

How much more sensible from every conceivable point of view to use the resources of the Federal government in a positive way by protecting this outstanding natural heritage for residents and visitors alike. This would also be consistent with the new Urban Development Strategy recently promulgated by the State Office of Planning and Research. The major policy of the State is the recycling and infilling of urban areas, thereby utilizing existing infrastructure. The corollary of this policy is to deter the extension of services to outlying areas. Local government's role is one of voluntary cooperation pending the passage of legislation in the state legislature to implement these policies. Should the Federal Government establish a long-awaited National Park and Seashore in this area, state urban policy would be consistent. For explicit protection of the resource, a necessary component of any federal legislation is a proviso empowering the Secretary of the Interior to protect park resources if local efforts fail, such as is described in section 4(f) of the subject bill.

In 1975, the Honorable Yvonne Brathwaite Burke, U.S. House of Representatives, 37th District, wrote an editorial entitled "Accessibility is the Key," in the magazine Parks and Recreation, in which she stated:

"The average ghetto child never sees a national park or a state recreation center. The masses in our cities who live in poverty never use a campsite or enjoy the streams, lakes, and trees at our recreation facilities.

"A few blocks carved out of the city with park benches and swings and a little patch of grass is often the only way a park is envisioned by many. All too often these few blocks are characterized by gangs, muggings, and fear. Though thousands of Americans enjoy the recreation facilities of America, the ones who need it most do not.

"Accessibility is the key word in describing minority concerns in the area of leisure and recreation. Far too often those who most need, but can least afford recreation opportunities are denied access to available facilities and services.

"Equal access to our nation's recreation resources, both human and environmental, is of fundamental importance. These precious resources and the people who most need them must be brought together."

To this end, the subject legislation so insightfully provides an appropriation for the design and study of a transportation system. The language in the bill reads: "a coordinated public and private transportation system to and within the mainland portions of the park."

The transportation system provided by the bill would ultimately bring urban dwellers into core areas of the park and seashore. The proximity of the Santa Monica Mountains will no longer be frustrating for those urban dwellers able to

see the mountains at a distance but deprived of experiencing them for want of a car. The stories of Los Angeles addiction to the auto are legion and nothing can more quickly destroy the good vibrations of a natural experience than the traffic complications of reaching and returning from one's destination. To incorporate a transportation system in the bill is innovative and exceedingly practical.

The park will be so designed so that an urban youngster can leave from the extreme eastern end in the City of Los Angeles, arriving there via existing urban transit lines. He may hike for as many days as 55 miles requires, through a continually changing landscape—a ridgetop trail which looks out upon the teeming wall to wall of San Fernando valley homes, rugged mountain outcrops and rolling meadows, abundantly wooded canyons, lush from the presence of year-round stream, live oak and sycamore groves and in the western part of the range, as one travels from Los Angeles County to Ventura County, the magnificent panorama of the Pacific Ocean sweeping from the Santa Monica Bay to the Channel Islands.

For the first time, a realistic appropriation for acquisition has been included in the proposed legislation. It has been suggested that 40,000 acres in addition to existing state ownership of some 30,000 acres plus the inclusion of federally owned lands would create coherent park and seashore management capability, protecting the major undeveloped areas of significance through fee acquisition. State and local governments just do not have the financial resources to provide for fee acquisition. Recognizing this, State and local governments are supporting the establishment by the Federal government of a National Park and Seashore.

Protection for the national park qualities of this major natural resource serving a major urban population has for over a decade been the goal of a large southern California constituency. In addition, local and State governments have voiced their support and strong bi-partisan support exists in the Congress. Time is racing, we have been under consideration since 1971 with each year bringing greater status to the concept, yet each year brings significantly more jeopardy to the resource. The Sierra Club urges immediate approval of the subject legislation.

Thank you for your attention.

CALIFORNIA COASTAL COMMISSION,
SOUTH COAST REGIONAL COMMISSION,
Long Beach, Calif., August 22, 1977.

HON. PHILLIP BURTON,
*Chairman, Subcommittee on National Parks and Insular Affairs,
Longworth House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: The South Coast Regional Commission, State of California herewith forwards the enclosed resolution in support of the House of Representatives Bill 7264 to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California.

Sincerely yours,

M. J. CARPENTER,
Executive Director.

SOUTH COAST REGIONAL COMMISSION OF THE CALIFORNIA COASTAL COMMISSION
RESOLUTION OF SUPPORT FOR THE ESTABLISHMENT OF A NATIONAL PARK IN THE
SANTA MONICA MOUNTAINS AND CHANNEL ISLANDS

Whereas, H.R. 7264, a bill to establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California has been introduced into the Congress of the United States by Congressman Anthony C. Beilenson; and

Whereas, a companion bill, S. 1906 has been similarly introduced by Senator Alan Cranston; and

Whereas, the California Coastal Act of 1976 includes a significant portion of the Santa Monica Mountains in the coastal zone in both Los Angeles and Ventura Counties; and

Whereas, the reasons for this inclusion are protection of the marine environment, the natural habitat, and, the enhancement of public recreation and access opportunities; and

Whereas, recreation opportunities will be immeasurably enriched by linking beach and mountain experiences; and

Whereas, the California Coastal Plan has recognized the Santa Monica Mountains as the last large remaining open space adjacent to the Los Angeles metropolitan area; and

Whereas, the California Coastal Plan has also recommended protection and preservation of the endemic species and singular habitat on each of the Channel Islands; and

Whereas, the South Coast Regional Commission has extensively studied the Santa Monica Mountains in the coastal zone during its preparation of the Coastal Plan; and

Whereas, the South Coast Regional Commission has recognized and emphasized the need to meet recreational demands in the Santa Monica Mountains through proper planning, appropriate land use controls, and public acquisition programs; and

Whereas, the author of H.R. 7264, Congressman Anthony C. Beilenson, is a long time friend of the California coast who shares a full appreciation of the problems of coastal resource management and enhanced recreation opportunities for the public; therefore

The South Coast Regional Commission does ask the Congress to act with appropriate haste in recognition of a rapidly disappearing resource, to approve the subject resolution legislation and, thereby protect the Santa Monica Mountains and the Channel Islands as a natural and dramatic heritage for future generations, residents and visitors alike, in the greater Los Angeles metropolitan area.

[From the Los Angeles Times, May 4, 1976]

DANGER OF FINANCIAL CRISIS IN COUNTY TOLD

SUPERVISORS MUST ACT QUICKLY TO CUT COSTS, PANEL SAYS

(By Bruce Keppel)

Los Angeles County is heading into a financial crisis if the supervisors do not take immediate steps to get costs under control, the county's Economy and Efficiency Commission Warned Monday.

The commission's report landed on supervisors' desks one week after Chief Administrative Officer Harry Hufford gave them a \$3.2 billion budget that calls for both reduced services and higher taxes.

County residents themselves are responsible for some of those higher costs because of their flight from the city, the commission found.

While the county's population rose by only 3 percent between 1965 and 1975, the commission noted, the net county cost of serving it increased by 160 percent. The answer, it found, seems to lie in what happened to that population and the effects of the demographic changes on county government.

As residents of the urban core moved out into other parts of the county, they created needs for services in the newly developed areas—places like Calabasas, Chatsworth, Malibu and the north end of the county. At the same time, they left behind a central city of decaying economic value with a lower-income population in need of more services.

"Specifically," the study found, "the county reacted to these population changes by increasing staff and providing new decentralized facilities."

About 32,000 additional full-time employees were hired. To house them, the commission counted 8 new administrative facilities, 23 welfare centers, 13 court-houses, 12 detention or law-enforcement buildings, and 20 cultural or recreational facilities.

Not surprisingly, the cost of delivering the same services in these decentralized facilities went up markedly.

At the same time, however, worker productivity seemed to decline, the study found.

This decline in productivity, the study concluded, was not fully explained by such new legal and social requirements as affirmative action programs, occupational safety and health standards or the county's collective bargaining procedure. It stemmed, rather, from some structural defects in the body politic, such as:

- A lack of centralized cost control and management.

- County negotiators who work under inherent conflict of interest in determining salaries and benefits since they share in any improvements.

- A Board of Supervisors loath to delegate authority.

In each of those defects, the commission suggested, lies a possible reform each of which the supervisors could enact by themselves:

Integrate all employment decisions with the budgetary process under the chief administrative officer to counteract the otherwise constant pressure of government to expand.

Create a "Compensation Review Committee," with a majority of public members, to see that the county's bargaining position is in line with "reasonable standards of personnel practice."

Delegate to the CAO direct control of seven key county departments: Building Services, Communications, Data Processing, Facilities, Mechanical, Personnel and Purchasing.

This latter change could test the efficacy of a strong executive. It also would mark a change in tradition for the five supervisors, since success in integrating these departments, which cost the county \$164 million in the last year (up 181 percent in 10 years), might lead to further delegation of authority to the CAO.

At present, the supervisors seek to manage county departments by dividing them up among themselves and sitting as chairmen of their respective shares of county government. This practice, the commission noted, may have some political justification, but makes no managerial sense at all.

"We should emphasize that our recommendation means that the heads of the above departments will report strictly to the CAO and take their orders from him," the study underlined. "They will no longer report to a committee of the Board of Supervisors or to a single member of the board."

The supervisors would have only the CAO—Hufford—to hold responsible under such a reorganization.

The fragmentation of leadership under the present system, the commission found, leads to delays in program-solving until full-blown crises erupt.

"In the constantly changing political and economic environment to which county government must respond," the commission noted, "only continuous organization planning and evaluation can bring the organization under control . . . The county can no longer afford the kind of haphazard organizational development which has characterized its past operation."

The series of studies by the commission was triggered by Supervisor Kenneth Hahn last October, as New York City teetered on the brink of bankruptcy. Since the New York crisis was triggered by years of deficit financing, that precise crisis does not face Los Angeles County, which is substantially different in both organization and operation.

But Los Angeles County faces a financial crisis of its own caused in large part by the same circumstances—increased state and federal programs to meet urban problems—that led to New York's crisis.

"The overall result of local, federal and state efforts to solve the urban crisis has been a new urban crisis," the study found, "the fiscal crisis."

It notes Los Angeles' efforts to increase revenues and to prod the state and federal governments to honor their commitments at full value, but stresses that the other side of the problem is adequate cost controls.

"It is in this area (of management and control), where the board can take unilateral action, that it has the greatest opportunity to reverse the trends of the past ten years and avert a fiscal crisis," the commission wrote. The commission also found that in the 10-year span:

The growth was not clearly related to demand for new services, and some of the fastest growth has been in internal management and support functions.

Salaries and benefits grew by 7.1 percent a year (11 percent last year).

The ratio of supervisorial personnel to employees doubled and even tripled in some departments, costing the county at least twice as much to supervise each employee as in 1965.

Senator HANSEN. Next we'll hear from Mr. Bill Chandler, legislative liaison of the Nature Conservancy.

STATEMENT OF WILLIAM J. CHANDLER, LEGISLATIVE LIAISON, THE NATURE CONSERVANCY

Mr. CHANDLER. Good morning, Senator Hansen. I would presently like to limit my remarks today to pointing out a new development which is designed to Santa Cruz Islands as the original S. 1906 was

introduced. Approximately 2 months after that bill was introduced the Nature Conservancy signed an agreement with the Santa Cruz Island Co. to perpetually protect 55,000 acres of land on Santa Cruz. That's 90 percent of the island.

We have an option to acquire those rights which must be exercised on July 5 at a cost of \$2.5 million. In September we will gain 15,000 acres of that land in fee and easement on the other 40,000 acres which will come to us eventually over a period of time. We are now raising the money to pay that \$2.5 million cost. We're also raising an additional \$1.5 million to set up a management endowment for the island. Our intention in accordance with the Conservancy's organizational goals is to manage this property so as to preserve its ecological and natural qualities. We're going to allow research and educational use of the island. We're also going to allow public access so long as the types of activities that occur are controlled and do not destroy the fragility of the island.

Our concern with S. 1906 is that it should more clearly recognize the current private conservation effort that's going on in this area at present. The way the bill reads now it could be construed to mean that the Secretary is provided authority to buy from a willing seller or a willing seller basis any land on Santa Cruz.

We are deeply concerned that that construction of the statute would provide a terrible disincentive to people that we're trying to raise money from at this point because they can see the Federal Government standing in the wings to buy the place if we don't. Consequently we would like you to keep the pressure on us to raise the money by placing language in the statute which would read as follows:

With respect to Santa Cruz and Santa Rosa Islands the Secretary is not authorized to acquire any land or interest in land owned or under option for acquisition by private nonprofit conservation organization if such lands are to be protected and managed for their natural ecological values.

We think that such language would make it abundantly clear that the Federal Government does not intend to acquire this Santa Cruz property now under option to the Nature Conservancy hence the pressure would remain on us to raise the money privately. We think we can do it.

We've already got \$2 million of it at hand and we've got \$2 million to go and we want to buy and manage it privately. So, we hope that the Senate will consider adding that provision to the bill. And as the language now reads it will still be possible for the Secretary to acquire other privately owned lands on the island if their uses or threatened uses are detrimental to the purposes of the seashore. I also have a couple of other minor amendments that I would propose that are basically suggested so that in the incorporation of a management plan for this area that the protection of rare, fragile, threatened or endangered species, and planned communities will recognize that as a management objective in the planning process. That concludes my remarks.

Senator HANSEN. Thank you very much Mr. Chandler.

[The prepared statement of Mr. Chandler follows:]

STATEMENT OF WILLIAM J. CHANDLER, LEGISLATIVE LIAISON, THE
NATURE CONSERVANCY

The Nature Conservancy has played an active role in efforts to protect the ecological quality and natural values of the Channel Islands. Accordingly, we

support the purpose of S. 1906 to provide National Seashore status to five of these islands.

CONSERVANCY ACTION ON SANTA CRUZ

Two months after the introduction of S. 1906, The Nature Conservancy concluded a joint agreement with Dr. Carey Stanton, principal owner of the Santa Cruz Island Company, whereby the ecological and natural values of 90 percent of Santa Cruz (55,000 acres) will be perpetually protected. Under the terms of the agreement, the Conservancy must exercise an option to buy 55,000 acres on the island no later than July 5, 1978 at a cost of \$2,520,000.

At that time 15,000 acres will be deeded to the Conservancy in fee simple and a conservation easement will be acquired on the remaining 40,000 acres. The Santa Cruz Island Company will continue its agricultural activities on these 40,000 acres. At the time of Dr. Stanton's death, or in thirty years, whichever is sooner, fee title to 40,000 acres will pass to the Conservancy.

CURRENT FUND RAISING ACTIVITIES

The Conservancy is currently raising the necessary \$2.520 million privately. In addition, we are raising \$1.480 million for acquisition costs and a stewardship endowment to provide long-term management funding.

MANAGEMENT PLAN

The Conservancy intends to hold and manage its portion of the island as a natural area preserve in accordance with our land conservation objectives stated in the Conservancy's bylaws, Article II Objectives, appended to this statement. A preserve management plan for the island will be developed over the next two years. The plan will provide for:

- (1) Identification and protection of unique and fragile ecological areas and resources;
- (2) The research and educational use of the island for high school and university programs;
- (3) Controlled public access and use of the island which will not harm the island's fragile resources; and
- (4) The identification and preservation of the island's historical and archaeological features and sites.

VIEWS ON S. 1906

The Conservancy's major concern with S. 1906 are its provisions relating to the Channel Islands. We are especially concerned that the legislation not authorize the federal condemnation of our soon-to-be acquired holding on the island, nor contain any language which would hamper our ability to raise private funds for the purchase of the island. In my opinion S. 1906 poses problems for us on both these points, and should be amended.

DISCUSSION OF SEC. 2(b) AND 2(d)

Section 2(d) states that with respect to Santa Cruz and Santa Rosa:

"The Secretary shall not acquire the property by condemnation unless the Secretary finds that the lands are being used, or are threatened to be used, for purposes which are detrimental to the purposes of the park and seashore."

But Sec. 2(b) authorizes the acquisition of any lands within the park and seashore boundaries including the islands, by purchase. By reading these two subsections together, S. 1906 is construed to provide federal authority to acquire any lands on the islands of Santa Rosa and Santa Cruz on a willing seller basis.

This provides an unnecessary disincentive to potential private donors in our current fund-raising effort. Such donors could rightly assume that their donations were not vitally necessary since the federal government could buy the island if the Conservancy does not. If federal acquisition occurred, the price would be from four to twelve times the current purchase price of \$2.520 million.

RECOMMENDED AMENDMENT

In view of the fact that the Conservancy is in the process of acquiring 55,000 acres on Santa Cruz at no cost to the federal government for the same purposes as S. 1906, The Nature Conservancy recommends that the Senate support this private conservation effort by adding the following language to S. 1906:

"With respect to Santa Cru and Santa Rosa Islands, the Secretary is not authorized to acquire any land or interests in land owned, or under option for acquisition by private, non-profit conservation organization, if such lands are to be protected and managed for their natural ecological values."

Such language would make it clear that the federal government does not plan to acquire the Santa Cruz property under option to the Conservancy. Hence the pressure would remain on the private sector to raise funds for the island. The Conservancy is confident such funds can be raised privately, and a major portion of the island protected at no cost to the federal government. Over two million dollars has already been raised towards the needed \$4 million, including a generous \$1 million challenge grant by the Atlantic Richfield Foundation.

ADDITIONAL AMENDMENTS

Sec. 3(a) requires the Secretary to identify the areas within the park and seashore boundaries which must be acquired and held in public ownership for a variety of "critical purposes." Presumably, this section applies to identifying certain areas on all islands within the boundary, as well as in the Santa Monica Mountains. A major "purpose" which should be added to Sec. 3(a) is as follows:

"Protection of habitats for rare, unique, fragile, threatened, or endangered species of native plants and animals, and native terrestrial and aquatic communities characteristic of the region."

The islands are already recognized as ecologically significant because of their flora and fauna. Rare or otherwise significant species and ecological communities may also be present in the Santa Monica Mountains. Hence it is appropriate to recognize these species and community types as management objectives in the bill.

In conjunction with this amendment, Sec. 4(c) also should be amended to read as follows:

"Those portions of San Miguel, Santa Cruz and Santa Rosa administered by the Secretary shall not be opened to the public until the Secretary has approved a park management plan, and has made available sufficient personnel to carry out the plan, so as to assure the long-term protection of the island's rare, unique, fragile, threatened, and endangered species of plants and animals, and their characteristic terrestrial and aquatic communities."

A plan without personnel to carry it out poses a serious threat to the fragile species and resources of the islands. Certain abuses by the boating public have already occurred on some of the Channel Islands. Once the public perceives the islands to be a public park, legal and illegal entries are bound to increase. The Secretary should be prepared to deal with this contingency.

THE NATURE CONSERVANCY BYLAWS—REVISED 1976

ARTICLE I: NAME

The name of this organization is The Nature Conservancy.

ARTICLE II: OBJECTIVES

Recognizing a dependence on natural lands for environmental stability, for essential scientific inquiry, for wholesome human life, and in fact for the survival of abundant and varied life on earth, the objectives of The Nature Conservancy are (a) to preserve natural areas for biological diversity, for the uses of science, and for the wilderness experience; (b) to preserve open land for conservation of natural features, for pleasure or recreation, and for education; (c) to restore land; (d) to improve techniques of land preservation by demonstrating to others how to do it well, by studying and trying out new ways to do it better, and by devising standards and priorities for the preservation of natural areas; (e) to advance the cause of natural area preservation in the schools, in private enterprise, in government, and in other countries; (f) to advance the foregoing objectives in cooperation with other organizations having similar and related objectives.

ARTICLE III: MEMBERSHIP

Section 1. Eligibility.—Any responsible individual or organization approving of the objectives of the Conservancy shall be eligible for membership.

Section 2. Classes.—Members shall be of the following classes :

(a) *Honorary*: Leaders in the field of nature conservation nominated by the Board of Governors and designated by vote of the membership at a regular meeting.

(b) *Annual*: Individuals eighteen years or more of age or organizations, contributing ten dollars or more per year for the general purposes of the Conservancy, in such classes as the Board of Governors may from time to time establish, who are elected by the Board.

(c) *Life*: Individuals making a single contribution for the general purpose of the Conservancy, in such classes and in such amounts as the Board of Governors may from time to time establish, who are elected by the Board.

(d) *Supporters*: Individuals or organizations making a contribution of land or money to The Nature Conservancy for any purpose, but not as a dues-paying member, shall be designated a "supporter," in accordance with standards established by the Board of Governors.

(e) *Cooperating*: Individuals or organizations exchanging information or otherwise cooperating with the Conservancy in such a manner as to warrant designation by the Board of Governors.

(f) *Student*: Any student at a recognized educational institution contributing five dollars or more for the general purposes of the Conservancy.

Section 3. Duration.—Honorary and life members shall hold membership for life. Annual members shall hold membership for periods of one year, in accordance with procedures to be established by the Board of Governors. Project and cooperating members shall hold membership for such periods of not less than one year as may be designated by the Board of Governors.

Section 4. Power to Govern.—Honorary, annual, and life members shall be eligible to vote, to hold office, and to participate in determining matters of policy.

All references to "member," "membership," and the like in Article IV, VII, VIII, X, XI relate solely to members eligible under this section.

Section 5. Other Rights.—Members shall be informed of activities and progress of the Conservancy through annual or more frequent reports. They may attend meetings of the Board of Governors as observers. They may inspect the records of the Conservancy. Members should support the Conservancy and participate in its efforts in every way possible.

Section 6. Member Organizations.—Each member organization shall be represented in matters affecting the Conservancy by a single representative, who shall be the secretary of the member organization unless another representative is specifically designated in writing. Annual member organizations alone are entitled to vote and each such organization shall have only one vote.

ARTICLE IV: BOARD OF GOVERNORS

Section 1. Composition.—The Board of Governors shall consist of the elective officers, ex-officio, and not less than nine nor more than thirty members at large, as determined by the Board. The members at large shall be chosen, insofar as possible, to represent the varied interests and geographical areas of concern to the Conservancy. They shall be elected as nearly as may be in three equal annual classes. A person elected to fill a vacancy before the expiration of a term shall complete the term.

Section 2. Functions.—The Board of Governors shall be responsible for all business of the Conservancy and shall determine matters of policy not determined by the membership. It shall have charge of all finances and publications of the Conservancy. It shall have general charge of all meetings and elections. It may fill any vacancy in an office until the next regular election.

Section 3. Delegation of Authority.—The Board of Governors may, at its discretion, establish committees, employ personnel, and authorize any officer, employee, or agent to enter into contracts, bind, act for and in the name of the Conservancy in any matter in which the Board may act. The Board may also make rules and regulations governing the establishment and operation of affiliated units of the Conservancy.

ARTICLE V: EXECUTIVE COMMITTEE

Section 1. Composition.—There shall be an Executive Committee which shall consist of not more than nine members of the Board of Governors, including all the elective officers. The members at large shall be designated by the Board. Notice of meetings of the committee shall be designated by the Board Notice of

meetings of the committee shall be given to all other members of the Board of Governors, who may attend such meetings, but without power of vote.

Section 2. Powers.—The Executive Committee shall have and may exercise when the Board of Governors is not in session all the powers of the Board that may lawfully be delegated, provided that the Committee shall not make final determinations of policy. Such determinations of policy as may be made on an interim basis shall be referred to the Board of Governors for approval in a meeting or by mail vote.

ARTICLE VI: OFFICERS

Section 1. Titles and Terms of Officers.—The elective officers of the Conservancy shall be a Chairman of the Board, not more than three Vice-Chairmen, a Secretary, and a Treasurer, who shall be elected for terms of one year. The appointive officers shall be a President, Assistant Treasurer, and such number of Vice Presidents, Assistant Vice Presidents, and Assistant Secretaries as the Board of Governors may determine.

Section 2.—Chairman of the Board.—The Chairman of the Board shall be the senior officer of the Conservancy and shall have general responsibility for the functioning of the Conservancy between meetings of the Board of Governors or the Executive Committee. He shall arrange for and preside at meetings of the Conservancy membership, Board of Governors, and Executive Committee, and appoint members of committees in the manner and to the extent provided for by the bylaws or by resolution of the Board of Governors.

Section 3. Vice Chairman of the Board.—The Vice Chairman of the Board shall exercise the functions of the Chairman in his absence. If there is more than one Vice Chairman, the Board shall establish the order in which they shall act.

Section 4. Secretary and Assistant Secretaries:

(a) The Secretary shall be responsible for the keeping of minutes of all meetings of the Conservancy membership, Board of Governors, and Executive Committee, and for the performance of all other duties normally pertaining to the office of Secretary.

(b) The Assistant Secretaries shall be appointed by the Board of Governors. The provisions of Article IV, Section 1, and Article VII, Sections 1 and 2, shall not apply to the office of Assistant Secretary, but a member at large of the Board may also serve as an Assistant Secretary. The Board shall designate the order in which the Assistant Secretaries shall exercise the functions of the Secretary in his absence. Under the direction of the Secretary, the respective Assistant Secretaries shall also perform such duties of the office of Secretary as he may from time to time assign to them.

Section 5. President, Vice Presidents.—The offices of President and Vice President shall be held by persons appointed by the Board of Governors and serving such terms and with such compensation and having such duties in the administration of the Conservancy as the Board may specify. No person holding office under this section shall be a member of the Board of Governors after his appointment, but all such persons shall be entitled to attend all meetings of the Board and Executive Committee, except any executive session.

Section 6. Treasurer.—The Treasurer shall be responsible for advising the Board of Governors and the Executive Committee on fiscal matters, and shall serve "ex officio" on the Finance Committee of the Board.

Section 7. Addition Duties.—Each officer shall perform any other duties directed by the Board of Governors.

ARTICLE VII: NOMINATIONS AND ELECTIONS

Section 1. Nominations.—At least six months prior to the annual meeting of the Conservancy, the Board of Governors shall appoint a nominating committee of not less than three members of the Conservancy to present nominations for elective officers and Governors to be acted upon at the meeting. Nominations for any such office may also be made by any member by letter to the Secretary signed by at least fifty members eligible to vote at the annual meeting. All nominations shall be submitted not less than ninety days before the annual meeting and shall be included in the notice of the meeting. The consent of the nominee shall be obtained before his name is presented.

Section 2. Election.—Election shall be by a majority of votes cast at the annual meeting. The Board of Governors may make provision for the casting of votes by mail.

Section 3. Vacancies.—The Board of Governors may appoint a person to fill any vacancy among the elective officers or members of the Board at large. A person so appointed shall serve only until the next annual meeting, but shall be eligible for nomination and election for the remainder, if any, of the term thereafter.

ARTICLE VIII: MEETINGS

Section 1. Frequency.—There shall be annual meetings of the Conservancy membership and of the Board of Governors. Other meetings of the Conservancy membership and the Board, and meetings of the Executive Committee, may be held at the call of the Chairman. The Chairman shall call a meeting when so requested in writing by any five Governors.

Section 2. Notice.—Notice of any membership meeting of the Conservancy shall be sent to all members not less than twenty-one nor more than ninety days in advance of the date of the meeting. In addition, preliminary notice of the annual meeting shall be given not less than three months before the meeting. Reasonable notice shall be given of meetings of the Board of Governors and of the Executive Committee.

Section 3. Quorums.—Twenty members shall constitute a quorum for the transaction of business by the membership of the Conservancy. Ten Governors shall constitute a quorum for the transaction of business by the Board of Governors. Five members shall constitute a quorum for the transaction of business by the Executive Committee. In the absence of a quorum at a duly called meeting a lesser number may adjourn the meeting from time to time until a quorum shall be present.

Section 4. Proxies.—The Board of Governors may make provision for the use of proxies to vote on any question which may come before a meeting of the membership, excepting election of officers and governors.

ARTICLE IX: FISCAL POLICIES

Section 1. Fiscal Year.—The fiscal year for all business transactions of the Conservancy shall be from January 1 of one year through December 31 of that year.

Section 2. Depositories.—The Board of Governors and duly chartered chapters are authorized to establish such accounts with banks, trust companies, and other financial institutions as the Board of Governors may deem appropriate.

Section 3. Disbursements.—Disbursements shall be made only in accordance with a specific authorization or a general budget approved by the Board of Governors and on such terms, including appropriate provisions for bonds, as may be established by the Board.

Section 4. Audits.—There shall be annual audit of central office accounts by a certified public accountant. The Board of Governors may direct the audit of other accounts at such times and in such manner as it may specify.

Section 5. Endowment Funds:

(a) An Endowment Fund, including a Guarantee and Income Fund, shall be maintained and shall consist of all monies or other property respectively allocated by the Board of Governors. Sub-funds may be established within the Fund, on such conditions as the Board may specify. The Fund shall be invested, either separately or in a pooled form, in such securities and other income producing property as the Board may determine.

(b) The Board is authorized to retain such counsel or make such other arrangements for the management of the Fund as it deems appropriate, including the appointment of an Investment Committee of not less than three persons.

(c) The income from the Fund shall accrue to the General Fund or such other purpose as the Board may determine.

(d) None of the principal of the Fund shall be devoted to any other purpose except pursuant to a vote of the Board approved in writing by at least two-thirds of the members of the Board, provided, however, that any or all of the assets corresponding to the Guarantee and Income Fund may, by ordinary, special or general vote of the Board, be pledged or otherwise utilized as security for loans from banks or others for natural area projects of the Conservancy or of other organizations or persons and in case of default shall be subject to sale or other disposition to satisfy the debt, in accordance with the terms of the pertinent instrument of security.

ARTICLE X: TERRITORIAL AND PROJECT OPERATIONS

Section 1. Operations.—Territorial and project operations of the Conservancy shall be conducted in accordance with policies adopted by the Board of Governors. Among other things, these policies may provide for the following:

(a) Acquisition, ownership, and operation of nature preserves by the Conservancy.

(b) Apportionment of general income from a particular territory between operations in that territory and operations of the central organization.

(c) Chartering of chapters and branch chapters to be organized and operated by the voting Conservancy members in their territories.

Section 2. Natural Area Policies.—The Board of Governors shall adopt a code of policies for the management of natural areas. These policies shall apply to areas owned by the Conservancy and shall stand as a recommendation of the Conservancy to other agencies holding natural areas.

ARTICLE XI: AMENDMENTS

These Bylaws may be amended by two-thirds of the members voting at a duly called membership meeting, provided that the proposed amendment, endorsed in writing by at least one hundred members, has been submitted to the Secretary of the Corporation not less than ninety days in advance of the voting date, or provided that the proposed amendment has been submitted by the Board of Governors to the Secretary of the Corporation. Such proposed amendment shall then be included in the notice of the meeting. Opportunity shall be given for presentation of arguments for and against the proposed change at such meeting and prior to the vote thereon.

Senator HANSEN. The next witness is and final witness is Mr. Josiah Beeman, director, State of California, Washintgon, D.C., office.

STATEMENT OF JOSIAH BEEMAN, DIRECTOR, STATE OF CALIFORNIA, WASHINGTON, D.C., OFFICE

Mr. BEEMAN. Mr. Chairman, I'd like to submit my full statement for the record if I may.

Senator HANSEN. It will be included.

Mr. BEEMAN. Thank you.

I'll just hit the high points. The State of California believes that the best solution for the problem for the Channel Islands and the Santa Monica Mountains is: One, outright purchase of the national park area; two, operation of the park by the Federal Government; and three strong planning, et cetera, for the area surrounding the purchase area, including central Los Angeles. The State supports the general principle of Senator Cranston's S. 1906. The State has purchased property within the area at a cost of \$65 million. The basis for those purchases was to preserve significant and national cultural resources and provide for the use of those resources by the public. Thirty million dollars is scheduled for State acquisition in the area during the next 5 years. The State will continue its acquisition in the area and expects Congress to show the same in providing a full cash return for all lands purchased after January 5, 1978.

The reason for this is obvious. The State could move its purchase funds to other State projects if it thought the Federal Government would be moving on acquisition of the Santa Monica Mountains. For the State to do this while the legislation is still pending, however, would allow property values to escalate and would be in opposition to the general intent of both the State and Federal Government preservation of a nationally significant Santa Monica Mountains and Channel

Islands. The State of California favors purchase of the Channel Islands for park purposes. The provision in S. 1906 regarding transfer of the State parks to a Federal park are acceptable to the State. We believe the Federal Government should operate the proposed parks. Further, many of the other bills introduced on this matter would establish oversight conditions of various decisionmaking authorities. Any commission included in the final legislation should be only with the advisory and planning function and should not have final decision-making authority on acquisition and operation of the park and its environment. Let me also say, Mr. Chairman, I'm somewhat perplexed by the Department of Interior's statement earlier this morning, which we saw this morning, of course, for the first time. In that one, it indicates a priority setting that would make only \$125 million available for the Santa Monica Mountains.

Whereas I recall S. 1906 provides for a total of \$150 million, that's not a very significant disparity. Second, on the 75-25 matching provisions, as I mentioned, the State has already spent \$65 million and it's prepared to spend over the next several years \$30 million if that turns out to be necessary. A sum far in excess of the 25 percent that's been provided for in the Department of Interior proposal.

Last, I think the State of California approves coastal condition and has already taken a strong position on regulation of development there by protecting the seashore as it were 5 miles inland. There is a coastal management law in California.

I'm not quite sure what the intent of the administration proposal is. It obviously would require more careful study on our part, but we are perplexed by those points that the administration made this morning. Thank you.

Senator HANSEN. Thank you very much, Mr. Beeman. And let me thank each witness for having appeared today. I was sorry I could not have been here for all of the testimony. I was managing another bill on the floor and came over here as quickly as I could. Thank you very much.

[The prepared statement of Mr. Beeman follows:]

STATEMENT OF JOSIAH BEEMAN, DIRECTOR, STATE OF CALIFORNIA, WASHINGTON, D.C., OFFICE

The Los Angeles area has one of the largest urban populations in the country—over 10 million people—and it is growing. The demands for development in the areas in and adjacent to Los Angeles are intense. Consequently, the 220,000 acres of open space in the Santa Monica Mountains are threatened with suburbanization.

The area is unique to southern California because it can provide an open space, park, or wilderness experience to urban dwellers in close proximity to their homes.

A visitor to the Santa Monica Mountains can experience a wide range of environments—mountain wilderness, coastal beaches, urban areas, parks, agriculture, cattle grazing, and organized recreation, to name a few. The Santa Monica Mountains are currently the scene of many controversies—development pressures and restrictions, coastal planning, fire management, sewage treatment and water quality, et cetera.

The area has high value as a park and it must be preserved before it is too late. The State of California believes that the best solution to the problems and challenges in the Santa Monica Mountains is: (1) Outright purchase of an adequate park area; (2) operation of the park by the Federal Government; and (3) strong planning incentives in the areas surrounding the purchase area including central Los Angeles. The State supports the general principles of Senator Cranston's S. 1906 to preserve and enhance the Santa Monica Mountains and Channel Islands by making them a National Park and Seashore.

CURRENT PURCHASES

The State has purchased property within the area at the cost of \$65 million. The basis for those purchases was to preserve significant natural and cultural resources and to provide for the use of those resources by the public. \$30 million is scheduled for State acquisition in the area during the next five years. The State will continue its acquisitions in the area and expects Congress to show good faith in providing a full cash return for all lands purchased after January 1, 1978. The reason for this is obvious. The State could move its purchase funds to other State projects if it thought the Federal Government would be moving on acquisition in the Santa Monica Mountains. For the State to do this while the legislation is still pending, however, would allow property values to escalate and would be in opposition to the general intent of both the State and Federal Governments—preservation of the nationally significant Santa Monica Mountains and Channel Islands.

CHANNEL ISLANDS

As stated in S. 1906, the Channel Islands and the channel waters need to be managed in a manner consistent with their status as a fragile resource and an integral component of the Santa Monica Mountains and Seashore. We would favor purchase of the Channel Islands for park purposes.

STATE PARK AND EMPLOYEES

The provisions in S. 1906 regarding transfer of the State Parks to a Federal park are acceptable to the State. State Park employees who opt to stay with units of the State Park System during transfer of that unit to the Federal Government should, at their option, be employed by the National Park Service with no loss of benefits.

OPERATIONS

The Federal Government should operate the proposed park. Further, many of the other bills introduced on this matter would establish oversight Commissions with various decision-making authorities. Any Commission included in the final legislation should deal only with advisory and planning functions and should not have final decision-making authority on acquisition and operation of the park and its environs.

LAND AND WATER CONSERVATION FUND PENALTIES

Any provision to withhold Land and Water Conservation Fund monies to force local land use control within the area would be onerous to the State and local governments of California. Such a provision is contained in the April 12, 1978 version of H.R. 12095. We should avoid all potential for political manipulation of the fund.

CONCLUSION

The urban environment must be high on the environmental agenda for the future. As the Sierra Club has pointed out, "The future of the urban area is linked to the future of our coasts and parks." If we continue to raise generations of citizens cut off from clean air, fresh water and open beaches; if the urban area is segregated from nature and a place of squalor; how can we expect its millions of people to exercise a stewardship of the environment?

The addition of Santa Monica Mountains and Channel Islands to the National Park System would be an important step in preserving nature where people live and thereby respond to the environmental needs of our urban citizens both within the Los Angeles Basin and the millions who visit there.

Senator HANSEN. Thank you very much. The hearing is adjourned.

[Whereupon, at 12:20 p.m., the hearing was adjourned subject to the call of the Chair.]

APPENDIXES

Appendix I

Additional Statements and Communications Submitted for the Record on S. 1234—A Bill To Amend the Wild and Scenic Rivers Act

STATEMENT OF HON. WENDELL R. ANDERSON, A U.S. SENATOR FROM THE STATE OF MINNESOTA

Mr. Chairman, since the beginning of the Wild and Scenic Rivers program in 1968, I have strongly supported the concept of protecting natural rivers for public use and enjoyment. A national system of federally managed lands for public canoeing and boating is an excellent way to make the best possible use of our wild and scenic river resources.

However, as administration of the Wild and Scenic Rivers Act by the National Park Service has progressed, a number of questions have arisen. No one is pleased to have his land taken away. I believe that in implementing the Wild and Scenic Rivers legislation, the Park Service must exercise restraint. As far as is possible, the rights of landowners along the rivers must be protected.

Soon after implementation of the Wild and Scenic Rivers program began, questions about appraisal practices arose. Landowners along the St. Croix River had been assured in 1968 that the appraisal value of their land would not be affected by changes in zoning which might follow enactment of the Wild and Scenic Rivers Act. However, the National Park Service did take zoning into account, in appraising lands for acquisition, with the result that compensation amounts offered to landowners were often below the land's value.

In a lengthy correspondence with Assistant Secretary of the Interior Robert Herbst, I urge the Park Service to change its appraisal policies. In March, 1978, a decision on the matter was reached through consultation between the Department of Justice and the Interior Department. Reappraisals of all St. Croix tracts were ordered, without taking zoning into account. I am very pleased that this equitable result was reached, so that St. Croix River landowners will not lose their land without receiving fair compensation.

This appraisal problem illustrates the delicacy of the condemnation issue. The condemnation powers of the federal government should be exercised with caution. That is why I believe that this Committee must proceed carefully in its consideration of S. 1234, which would remove a limitation on federal condemnation powers originally included in the Wild and Scenic Rivers legislation.

Present law prohibits the use of the condemnation power to acquire lands for the Wild and Scenic Rivers system if more than half of the lands are publicly owned. Since the U.S. now holds title to 67.5 percent of the St. Croix land designated in the master plan, the Park Service is now precluded from further condemnation proceedings to acquire fee title to the remaining lands. The law does not prevent the Park Service from acquiring scenic easements to provide public access along the River.

In assessing the merits of S. 1234, we are faced with a unique situation. The large amount of land donated by Northern States Power Company has increased the amount of acreage in public ownership more rapidly than was anticipated. If this Committee acts favorably with regard to S. 1234, I believe that it should be made quite clear that the elimination of restrictions on the condemnation power addresses a very special and limited situation.

The Minnesota-Wisconsin Boundary Area Commission has raised several important questions about the need for S. 1234. Specifically, the Commission requested estimates of the cost of completing the St. Croix National Scenic River

in three different manners—by restricting acquisitions to scenic easements, pursuing fee acquisition only in key areas, and complete fee acquisition.

These and other questions were addressed to the Department of the Interior by Congressmen Bruce Vento and Jim Oberstar, and answered in a letter from Secretary of the Interior Cecil D. Andrus. Since I believe that an expansion of condemnation authority should be undertaken extremely cautiously, I ask that the letter referred to above be included in the hearings record. It is important that members of the Committee be aware of the issues involved in the consideration of S. 1234.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 17, 1978.

HON. CECIL ANDRUS,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to express our concern over the proposed exemption from the Wild and Scenic Rivers Act limitation on condemnation authority for the St. Croix River as contained in H.R. 12536 and S. 1234.

In passing the 1964 Wild and Scenic Rivers Act, Congress intended that the federal government be limited in its condemnation authority. As the bill now stands, the Park Service would be granted unlimited condemnation powers. What is the Department's intentions for utilization of this increased authority? Will this power be limited only to those areas that are essential and how many private property owners will be affected?

Has the Department considered utilizing the various alternatives available, such as scenic easements, existing zoning codes, and acquisition through donation?

What would it cost and what would be the project management and public use implications if the Park Service acquired only scenic easements over the remaining lands within the federal boundary?

What would it cost and what would be the project management and public use implications if the Park Service acquired most land through scenic easements and acquired fee title through donation or condemnation for only those areas that are absolutely critical for public use and maintaining river integrity?

Why is the Park Service seeking \$10,000,000 to acquire only approximately 1,200 acres? The appropriation seems inordinately high and bears no relationship to the actual property values of the St. Croix region.

The use of condemnation authority is a serious matter and we believe that the Department carefully review all alternatives before proceeding with this matter.

Your prompt attention to this matter will be appreciated.

Sincerely,

JAMES L. OBERSTAR,
Member of Congress.
BRUCE F. VENTO,
Member of Congress.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 7, 1978.

HON. BRUCE F. VENTO, *House of Representatives, Washington, D.C.*

DEAR MR. VENTO: Thank you and the Honorable James L. Oberstar, House of Representatives, for your letter of May 17 expressing concern over the proposal to exempt the St. Croix National Scenic Riverway from the limitation on condemnation authority imposed by subsection 6(b) of the Wild and Scenic Rivers Act of 1968. This subsection provides that when public ownership, including State and local lands, exceeds 50 percent of the entire riverway corridor, the power to condemn lands in fee shall be suspended.

Enclosed for your consideration is a copy of the Department's position on S. 1234, Senator Nelson's bill to amend the Wild and Scenic Rivers Act as it applies to the Upper St. Croix, which was sent to the Chairman of the Senate Committee on Energy and Natural Resources on May 11, 1978. We believe the letter addresses in detail most of the concerns which you have about this proposal.

We, however, would like to address several specific points in your letter which need clarification. The first concerns our request for an additional \$10,000,000

in land acquisition authority for the Upper St. Croix. We agree this sum would be an outrageous amount to pay for only 1,200 acres of land. However, this increase will also be used to acquire scenic easements on some 5,300 acres of land within the riverway corridor. Our experience has been that in many instances the cost of such easements will run as high as 85 and 90 percent of the property's full value. You can understand why, in view of this cost, when combined with considerations of limited public use and the burden of enforcement, we are reluctant to recommend that the acquisition of all remaining lands on the St. Croix be strictly limited to scenic easements.

With regard to your rather specific question as to how many property owners would be affected by the additional condemnation authority, the 1,200 and some acres remaining to be acquired, according to our most recent information, are composed of 81 tracts, 13 of which are in the State of Minnesota. For the sake of convenience, we can assume that each tract has a different owner. We would hope that most of these remaining properties could be acquired without invoking the power condemnation.

Finally, we would like to underscore the point made in our letter to Chairman Jackson that we neither seek nor expect to receive unrestrained authority to carry out condemnation for fee title to private lands along the St. Croix. Our intention is to secure sufficient authority to enable us to carry out the master plan for the St. Croix National Scenic Riverway. In developing this plan, every effort was made to balance full acquisition, donations, scenic easements, and zoning ordinances in a manner so as to ensure public access and enjoyment of the river. We feel we are obligated, to the Congress which authorized and the many private citizens who helped us formulate the master plan, to carry it to its completion.

We very much appreciate the opportunity extended by your letter to discuss the matter of condemnation authority as it applies to the St. Croix National Scenic Riverway. If you have further questions or comments concerning this matter, please do not hesitate to call them to our attention.

I also have addressed this letter to Representative James L. Oberstar.

Sincerely,

CECIL D. ANDRUS,
Secretary.

Enclosure.

STATEMENT OF JEROME R. WALDIE, LEGISLATIVE ADVOCATE, THE AMERICAN
LEAGUE OF ANGLERS

My name is Jerome R. Waldie, and I am the legislative advocate for the American League of Anglers whose Washington address is 810 18th Street, N.W., Suite 709, Washington, D.C.

The American League of Anglers is an organization for the sport fishermen in America. It that regard, we are particularly desirous of protecting the quality of fishing waters available as well as the quality of fishing streams to which access is becoming increasingly limited.

We are, therefore, most supportive of the Wild and Scenic Rivers System and urge your Committee's favorable response of efforts to expand that unique recreational and sports opportunity for all Americans. We favor the legislation currently before this Committee that proposes designation for the Skagit, Pere Marquette and Delaware Rivers as Wild, Scenic and/or Recreational units of the National System.

The Skagit River (S. 2658) in Washington state is a prized anadromous fishery, highly acclaimed by sport fishermen from all segments of the United States. The native populations of all five species of salmon along with the steelhead trout will perhaps vanish unless adequate safeguards are implemented to maintain the present free flowing and high water quality habitat which now exists.

The Pere Marquette in Michigan (S. 2656) is also an extremely popular salmon fishery which draws sportsmen from a vast area in search of prime fishing spots. The American League of Anglers believes some of the problems arising from the great demands placed on this outstanding recreational resource should be addressed in the development of the management plan. Protection of the Wild and Scenic Rivers System coupled with a sound management plan can, we believe, alleviate the growing problems of overuse which we can expect will occur at an ever-increasing rate if left unchecked.

The American League of Anglers also supports Senator Moynihan's bill, (S. 2611), for the Upper Delaware River, and Senator Case's provisions for the Mid-

the Delaware. The entire stretch of the Delaware River from Hancock, N.Y. to the southern boundary of the Delaware Water Gap is outstanding in many respects. This major eastern river has somehow managed to retain superb aesthetic, natural and pastoral qualities in an age where structural development on and along our rivers has too often been the rule rather than the exception.

In addition to its more obvious visual merits, the Upper and Middle Delaware stretches combine to form one of the most noteworthy fisheries in the northeast. The Delaware River supports an unusually diverse population of game fish, including some of the best trout fishing and healthiest shad runs found anywhere.

The American League of Anglers and the sport fishing organizations and individuals who comprise it are particularly disturbed at the possibility of the omission of the Middle Delaware River from the National Wild and Scenic Rivers System. That such omission may occur because of an ill-conceived, ecologically disastrous water project, the Tocks Island Dam, is doubly tragic.

A reservoir clearly is unable to sustain the shad runs, and would also impair other populations of quality game fish.

The American League of Anglers joins with numerous national and local groups, Federal and local government agencies and Congressional representatives in recommending deauthorization of the Tocks Island Dam. We feel it would be an unfortunate misuse of an exceptional resource were the Middle Delaware River transformed into a reservoir and denied the protection of the National Wild and Scenic Rivers System.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., April 13, 1978.

HON. HENRY JACKSON,
Chairman, Energy and Natural Resources Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing a copy of a letter I have received regarding a portion of Senator Nelson's bill, S. 1234, relating to the removal of the 50 percent limitation on condemnation power, under the Wild and Scenic Rivers Act.

As you are aware, a great deal of controversy surrounds the procedures followed by the National Park Service, regarding land acquisition methods along the St. Croix River.

In view of such controversy, and a formal request to the Department of the Interior to clarify its interpretation of these current methods of land acquisition, I request your assistance in obtaining answers to these critical questions before further action is taken.

These questions not only apply to the St. Croix River, but affect additional legislative proposals involving additional Wild and Scenic Rivers.

Sincerely,

MURIEL HUMPHREY.

NEW BRIGHTON, MINN., *March 16, 1978.*

Re Minnesota-Wisconsin Boundary Area action, re S.1234
Senator MURIEL HUMPHREY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: We have been informed that the Minnesota-Wisconsin Boundary Area Commission, at their March 15, 1978, meeting, in Madison, Wisconsin, unanimously withdrew their support of Senator Gaylord Nelson's bill S.1234 as it pertained to removing the 50 percent limitation on the condemnation power. A copy of the action they took is enclosed.

As you will note, they are opposed to removing the 50 percent limitation expressed in Public Law 90-542 Section 6(b), request that the Senate Committee on Parks and Recreation obtain certain cost data from the National Park Service, and recommend that the Congressional committees conduct field hearings on this or similar legislation which would expand the scope of the St. Croix-Namekagon National Scenic Riverway.

Sincerely,

MICHAEL J. PISANSKY.
BARBARA J. PISANSKY.

[Memorandum]

To: MWBAC Commissioners.
From: St. Croix Regional Committee.
Subject: Committee Report: Upper St. Croix Federal Land Acquisition Bill.

BACKGROUND

In March 1977, the Commission learned that Senator Gaylord Nelson planned soon to introduce a bill in the Senate to appropriate an additional \$10 million for land acquisition on the Upper St. Croix, and to lift the prohibition on acquiring fee title by condemnation once 50 percent of the project area was in public ownership. In that March meeting, the Commission asked the National Park Service to provide certain background information preparatory to the Commission's taking a position on the bill. Those questions were raised in an April 12, 1977 letter to the Park Service, a copy of which is attached. One of the four questions raised was answered in Superintendent Hultman's letter of April 15, which is also enclosed. In that letter, he states the regional office will prepare the other estimates we requested.

In December 1977 it was learned the bill was expected to go to hearing soon, so the Regional Committee decided to act to support the bill, even though the Park Service had still not responded to the other three questions. That led to the recommendation adopted by the full Commission January 18 in support of enactment of the bill.

Some new information has been received since, most significantly the February 6 response from the National Park Service, which is attached. Both the staff and the Regional Committee were very disappointed with the response, which took nearly 10 months and is basically a refusal to answer the questions raised.

In acting earlier, the Commission was also unaware of the position taken by our sponsor states on this matter. In the Upper St. Croix Management Commission, the states joined Northern States Power Co. in voting 3-0 (the National Park Service abstained) to oppose the use of complete fee acquisition to acquire all riparian lands on the Upper St. Croix. That action supported use of scenic easements over existing-developed lands, following a policy of preservation rather than restoration for the upper river.

At its March 1, 1978 meeting, the Regional Committee also discussed the matter with a large number of Upper St. Croix landowners, owners of seasonal dwellings on the Minnesota side in the Rush City area. They pointed up considerable area opposition to the bill and the great interest in a field hearing by the appropriate Congressional committee. Those owners all were willing to sell scenic easements, but fee acquisition was the only alternative given them by the Park Service. Their main point was that the Congressional intent was that there be fee acquisition only where it was essential, with scenic easements used where possible to protect the river in its present state. Landowners also said they have no objections to the portion of the bill that would appropriate \$10 million for additional acquisition. Earlier appropriations have been exhausted, and additional funds will be needed to complete the project in some form or another.

CONCLUSION

In light of the new information received, the Regional Committee does not feel the 50 percent portion of the bill deserves Commission support. The Regional Committee feels the questions raised in the 1977 letter should be raised again by the appropriate Congressional committee. The Committee believes the analysis and evaluation sought by the Commission in 1977 was reasonable, and as a responsible public body the Commission should at least insist that the Congressional committees themselves seek this information before passing judgment on this legislation. The Regional Committee also feels a field hearing should be held on the bill.

The Regional Committee also agrees with the Upper St. Croix Management Commission, which concluded "that the present National Park Service acquisition policy appears to be inconsistent with previous discussions stating preservation rather than restoration of the scenic river and as further substantiated in the stated objectives of the National Park Service Master Plan for preservation of the status quo rather than elimination of all existing uses."

RECOMMENDATION

The St. Croix Regional Committee recommends the Commission take the following actions:

- (1) Reconsider its action of January 18, 1978, and withdraw support for the portion of S. 1234 that would lift the 50 percent fee acquisition limit.
- (2) Rescind its action of January 18, 1978 directing the staff to appear before the appropriated Congressional committee to testify in support of the bill.

(3) Recommend the appropriate Congressional committee request from the Department of Interior answers to the questions raised by the Commission in its letter of April 12, 1977.

(4) Recommend the appropriate Congressional committee hold a field hearing on the bill somewhere in the vicinity of the St. Croix National Scenic Riverway.

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION,

Hudson, Wis., May 10, 1978.

Re S. 1234.

Senator JAMES ABOUREZK,

Chairman, Parks and Recreation Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: The Minnesota-Wisconsin Boundary Area Commission was distressed to learn this week that a hearing was held May 5 on S. 1234, Sen. Gaylord Nelson's bill concerning the St. Croix National Scenic Riverway. We had asked that we be informed of the hearing in advance, but there was apparently a mix-up in Sen. Nelson's office. Mr. Thomas Williams of the Subcommittee staff advised us this week that we should submit our concerns in writing for consideration by Subcommittee members before action is taken on the bill.

At the March 29, 1977 Boundary Area Commission meeting, I reported that Sen. Nelson was considering introduction of a bill authorizing appropriation of additional funds and waiver of the 50 percent ownership limit on condemnation of property in Wild and Scenic Rivers, applicable only to the Upper St. Croix project. The Commission directed a letter to the National Park Service, asking what it thought were some common-sense questions about possible alternatives, just to find out at this stage of the program whether or not this land acquisition and expenditure approach was still valid. We have enclosed a copy of that letter of inquiry, as well as a copy of Superintendent Gustaf Hultman's initial response referring the matter to the Regional Office in Omaha.

Several months passed without an answer from Omaha, and another inquiry was made through Riverway Superintendent Hultman in St. Croix Falls in October. The Commission was not in any particular hurry to obtain this information, since it appeared there would be no hearings on the proposal during the first session, but in January 1978 the Commission was advised by Sen. Nelson's staff that a hearing could be called "almost anytime." Thus, even though the Commission did not yet have the response from the National Park Service, it endorsed the bill as presented with the promise from Superintendent Hultman that he would pursue our inquiry with officials at the Midwest Regional Office in Omaha that same week.

Finally, on Feb. 6, 1978, Superintendent Hultman wrote to us (copy enclosed) indicating we would not receive the information we had asked for. This bothered our Commissioners greatly, since they had waited 10 months to receive this kind of answer and now found it impossible to judge the appropriateness of the contemplated action. The Commission also learned of the position taken earlier by our two sponsor states, through the Upper St. Croix Management Commission, opposing the use of complete fee acquisition to acquire all riparian lands on the Upper St. Croix. For those reasons, the Commission voted on March 15, 1978 to withdraw its support for that portion of S. 1234 that would lift the 50 percent fee acquisition limit and to request Congressional authorities to seek answers to the questions we raised in April 1977.

Also enclosed is something else which puzzled the Commission concerning the approach to all-out fee acquisition by the Park Service. We have copied and enclosed pages from the Draft and Final Master Plans for the Upper St. Croix which showed what we believed to be a change in direction in the land acquisition program for that part of the project in our interstate jurisdiction. You will note that on page 39 of the Draft Master Plan the objective for land use in the "maximum preservation zone" was described as "restoration." Later on in that section we are advised that means "restoration of the primitive setting" through removal of all existing developments. Then, on page 36 of the Final Master Plan, that same river zone has the management objective of "preservation" identified. This indicates to us that as a result of their Environmental Impact Assessment process, the National Park Service determined a less ambitious acquisition and removal program was practicable. However, it does not appear that the actual land acquisition approaches were changed. This is another reason why we thought it was only fair to ask about the alternatives, without supporting them against the proposal Sen. Nelson and the Park Service envision.

Therefore, we strongly urge that the Subcommittee pursue this with appropriate personnel in the National Park Service. We are confident that if the National Park Service can answer the straightforward questions we raised to the satisfaction of Congress, there should be no problem in achieving the most appropriate results for the protection and enjoyment of the Upper St. Croix River.

It should be pointed out that the Boundary Area Commission does not oppose the bill. But the Commission cannot lend wholehearted support to legislation authorizing virtually unlimited fee acquisition without a final checkout of the need and cost. Nearly doubling the authorized appropriation for such a relatively small acreage in this project is something that we believe the Congress should closely scrutinize.

Thank you very much for your interest in our views.

Very truly yours,

JAMES M. HARRISON,
Executive Director.

MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION,
Hudson, Wis., April 12, 1977.

Re Upper St. Croix Land Acquisition

GUSTAV HULTMAN,
*Superintendent,
St. Croix National Scenic Riverway,
St. Croix Falls, Wis.*

DEAR MR. HULTMAN: The purpose of this letter is to set forth questions concerning land acquisition funding needs on the Upper St. Croix that were raised by the Boundary Area Commission at its meeting in Hudson March 29, which you attended. As was discussed at that meeting, the Commission's St. Croix Regional Committee is seeking cost estimates for various alternative methods of completing land acquisition in the St. Croix NSR:

(1) What is the National Park Service's estimate of the cost of completing land acquisition in the St. Croix NSR if all lands yet to be purchased are subject to scenic easements only? Under such an alternative, there would be no further fee acquisition, including the areas where condemnation is pending, except that acquired by donation, such as from Northern States Power Company.

(2) What is the National Park Service's estimate of the cost of completing land acquisition in the St. Croix NSR if most lands yet to be obtained are acquired in scenic easements, with fee acquisition set only for those lands the Park Service feels are key parcels in terms of land management integrity or public use. In other words, only critical sites would be acquired in fee, with scenic easements use for all other lands. In establishing that estimate, what lands are included in the list of critical sites?

(3) What is the National Park Service's estimate of the cost of completing land acquisition in the St. Croix NSR by complete fee acquisition as originally planned?

(4) You reported to the Commission at the March 29 meeting that a good deal of land is currently under condemnation. How much land fits into this "pending condemnation" category, and approximately how much money will be needed to pay for these purchases once the court process is completed?

Your attention to these questions is greatly appreciated. A prompt reply will help the Commission develop a good position statement on Senator Nelson's Amendment dealing with the St. Croix project.

Very truly yours,

JAMES M. HARRISON,
Executive Director.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
St. Croix Falls, Wis., April 15, 1977.

Mr. JAMES M. HARRISON,
*Executive Director,
Minnesota-Wisconsin Boundary Area Commission,
Hudson, Wis.*

DEAR MR. HARRISON: Thank you for your letter of April 12 asking the estimates of cost for land acquisition completion on the St. Croix National Scenic Riverway (Upper) if only for scenic easements, for a combination of fee and scenic easements, and for fee only as originally planned. All estimates are prepared at the

regional office so a reply will be sent to you after review of your inquiry by that office.

As to the condemnation status, 50.14 acres in scenic easement are involved at an estimated cost of \$50,000 and 1,039.60 acres in fee are involved at an estimated cost of \$585,000. Please keep in mind that no property purchased has resulted from court judgments establishing fair market value. All property purchased has resulted from negotiation, including some parcels that were in condemnation earlier.

The interest and support of the Minnesota-Wisconsin Boundary Area Commission in the total St. Croix National Scenic Riverway program is appreciated.

Sincerely yours,

GUSTAF P. HULTMAN,
Superintendent.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
St. Croix Falls, Wis., February 6, 1978.

Mr. JAMES M. HARRISON,
Executive Director,
Minnesota-Wisconsin Boundary Area Commission,
Hudson, Wis.

DEAR MR. HARRISON: This supplements my reply of April 15, 1977 to your letter of April 12 concerning estimates of cost for land acquisition completion on the St. Croix National Scenic Riverway (Upper) based on three alternatives: (1) only for scenic easements, (2) for a combination of fee and scenic easements, and (3) for fee only as originally planned. Your office inquired on October 25, 1977 about the above estimates.

Based on consideration by the Regional Office and the fact it does not have the estimates requested, we believe the protection for the St. Croix and Namekagon contemplated by the Congress as expressed in the Wild and Scenic Rivers Act requires fee acquisition along each side of the river. If this is not possible for some reason, we can acquire easements more restrictive than scenic easements at a cost very likely almost equal to fee acquisition cost cited in Senator Nelson's bill.

Secondly, personnel are not available at the park and regional office levels to prepare cost estimates as various requests are presented. Substitute ill-considered guesstimates are unacceptable with the history of the Lower St. Croix up through the act approved October 25, 1972 being a case in point.

In addition, all cost estimates must have the Washington Office approval prior to release of any figures. In order to develop an estimate acceptable to that office, we would need more specific criteria than provided by the Minnesota-Wisconsin Boundary Area Commission.

Your concern is understandable because the acquisition program has been piece-meal and has extended over the years since the spring of 1970. We believe, however, that to dilute the objective now and thus make do with less will subject us to difficulties that the Lower St. Croix River Act of 1972 created.

Sincerely yours,

GUSTAF P. HULTMAN,
Superintendent.

PROPOSED LAND USE OBJECTIVES AND CONTROLS, DRAFT MASTER PLAN, NOVEMBER 1975

Segment of river	Maximum preservation zone		Limited development zone	
	Objective	Control	Objective	Control
Middle St. Croix (Taylors Falls to Namekagon River).....	Restoration...	Property rights acquisition....	Limited development.....	Easement.
Upper St. Croix.....	do.....	do.....	do.....	Do.
Lower Namekagon.....	do.....	do.....	do.....	Do.
Trego and Hayward.....	Preservation.....	Zoning.....	Preservation.....	Zoning.
Middle Namekagon.....	Restoration.....	Property rights acquisition.....	Limited development.....	Easement.
Upper Namekagon.....	do.....	do.....	do.....	Do.

This suggests that two zones be identified in planning for the St. Croix and Namekagon Rivers to achieve the most effective and economical means of carrying out scenic river objectives. These zones can be described as "maximum preservation zone" and "limited development zone."

The rivers are established recreational resources now, with many residential structures in certain sections along the banks. Other sections are more natural in character and vegetative cover and topographic features in the "maximum preservation zone" create an atmosphere, for some of the riverway, approaching a primitive condition.

In such sections, where only a few scattered residential buildings intrude on the natural scene, restoration of the primitive setting is justified by acquisition of the property rights necessary to remove, in time, all existing developments. In other sections of the "maximum preservation zone" where existing developments are more intense, economical scenic preservation can be achieved by acquiring less expensive property rights or by zoning methods, depending on the density of existing development.

In the "maximum preservation zone" where existing developments are too intensive for economical "restoration of the natural scene," the property rights to be acquired should be sufficient to preserve existing developments and land uses and preclude further inappropriate developments. The section of the "maximum preservation zone" adjacent to directly to these resources—i.e., the water and the lands containing the topographic and vegetative features that create a natural or scenic setting. The lands immediately adjacent to the river are the most significant from the standpoint of visitor use, and therefore, these lands require the most stringent control. However, the lands adjacent to these areas also require some control to preclude intensive or inappropriate developments or uses which could create an intrusion of sights, sounds, or smells that would decrease the quality of the recreation use to an undesirable level. Those land use and development controls do not need to be as strict as those on lands adjacent to the river.

PROPOSED LAND USE OBJECTIVES AND CONTROLS, FINAL MASTER PLAN, OCTOBER 1976

Segment of river	Maximum preservation zone		Limited development zone	
	Objective	Control	Objective	Control
Middle St. Croix (Taylors Falls... to Namekagon River).	Preservation...	Property rights acquisition....	Limited development....	Easement.
Upper St. Croix (above... Namekagon River).	Restoration.....	do.....	do.....	Do.
Lower Namekagon (below... Trego Dam).	do.....	do.....	do.....	Do.
Trego and Hayward.....	Preservation...	Zoning.....	Preservation.....	Zoning.
Middle Namekagon (between... Trego and Hayward)	Restoration...	Property rights acquisition....	Limited development....	Easement.
Upper Namekagon (above... Hayward flowage)	do.....	do.....	do.....	do

This suggests that two zones be identified in planning for the St. Croix and Namekagon Rivers to achieve the most effective and economical means of carrying out scenic river objectives. These zones can be described as "maximum preservation zone" and "limited development zone."

The rivers are established recreational resources now, with many residential structures in certain sections along the banks. Other sections are more natural in character, and vegetative cover and topographic features in the maximum preservation zone create an atmosphere for some of the riverway approaching a primitive condition.

NEW BRIGHTON, MINN., May 10, 1978.

Re S1234.

PARKS AND RECREATION SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE,
Dirksen Senate Office Building,
Washington, D.C.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: Thank you for giving my wife and I the opportunity to present our views with respect to Senator Nelson's

bill S. 1234 requesting additional condemnation authority for land acquisition along the upper St. Croix and Namekagon rivers. These views are shared by many other people who live along these rivers. We wanted to present these views in personal testimony before this subcommittee, but were not notified of the hearings although we had previously requested such notification.

As you know, Senator Nelson's bill would exempt the upper St. Croix and Namekagon rivers from the application of Section 6(b) of the Wild and Scenic Rivers Act. Section 6(b) provides that if 50 percent of the acreage within the boundaries of the National Scenic Riverway is owned by the United States, the States of Minnesota or Wisconsin, or by any political subdivisions of those states, the National Park Service (NPS) cannot acquire fee title to any lands within the riverway by using the power of condemnation. They may, however, acquire scenic easements by condemnation and they may acquire fee title by donation or purchase from willing sellers.

My wife and I have been associated with this legislation since early 1966, and we just wanted to provide you with some of the information we've accumulated during the last twelve years. We have attached in numbered order the material supporting our views regarding our opposition to S. 1234 or any legislation which expands the NPS acquisition authority regarding the St. Croix-Namekagon Scenic Riverway.

PURPOSE OF WILD AND SCENIC RIVERS ACT

In reviewing the legislative history relative to the St. Croix-Namekagon Rivers under the Wild and Scenic Rivers Act, there is no doubt that the purpose of the legislation was to preserve these rivers in their present condition and to prevent industrialization and commercialization of these rivers. In hearings conducted by the Subcommittee on National Parks and Recreation of the House of Representatives Committee on Interior and Insular Affairs, Dr. Edward C. Crafts, Director of the Bureau of Outdoor Recreation, appearing for Secretary of the Interior Udall, stated, "Well, I think that the purposes are to preserve segments of America's rivers in as nearly a natural state as we can, but permitting a minimum type of recreation development. . . ." [See item 1] Senator Gaylord Nelson, in discussing the condemnation powers under the Act with Senator Mondale in 1968 on the Senate floor, said, "We intend the Secretary's powers of condemnation to be used to protect scenic and wild rivers from commercial and industrial destruction not for indiscriminate acquisition." [See item 2] Representative Donald Fraser, in his letter of April 10, 1968, to us stated, "The purpose of the legislation is surely not to destroy existing property but simply—in the wild rivers section, at least, to prevent the wilderness area from losing its character because of over-development." [See item 3]

INTENDED USE OF CONDEMNATION POWER

With respect to the use of the condemnation power, the legislative history is equally clear. Senator Nelson, in 1968 on the Senate floor said, ". . . the condemnation power is primarily for acquisition of appropriate access sites." He also said, "We hope that the Secretaries will, in every possible case, use their power to acquire scenic easements instead of outright purchase. Not only will this be cheaper and less costly, but also, it will provide suitable protection for the scenic and recreational qualities of rivers without unduly disturbing existing patterns of residential ownership." [See item 4] In a letter to us on May 1, 1968, the Senator stated, "It is our intention that this bill would disturb existing land use as little as possible," but that the Interior Department will build access points, camp sites, picnic grounds, and other tourist facilities and "In some instances, they may have to acquire some private property in order to construct needed facilities." [See item 5] The Interior Department, itself in May, 1968, wrote to us saying, "We envision that scenic easements would be the principal means of protecting the character of the river areas. The landowners would continue to retain title to and maintain present land use practices on their property, while still assuring scenic river values. Fee acquisition would be necessary only at scattered points along the river where it is necessary to provide public access or to make available small tracts of land for camping and other related purposes." [See item 6] The conclusion to be drawn from these statements is that scenic easements were intended to be used to keep the rivers as they were, with condemnation for fee title to be used only where necessary to provide for public recreational facilities.

In the developmental plan presented to Congress on October 3, 1969, pursuant to the requirements of the Wild and Scenic Rivers Act, there were eleven such recreational development sites proposed. [See item 7] We are not located at one of these recreational development sites.

PURPOSE OF 50 PERCENT LIMITATION

The reason for the 50 per cent limitation in Section 6(b) of the Wild and Scenic Rivers Act is provided in the legislative history by Senator Frank Church, prime sponsor of the Act when it was introduced by the Johnson administration. In testimony before the House Subcommittee on National Parks and Recreation in March, 1968, he said, "This language was adopted because the committee believed when rivers flow through the amount of public land there would be ample bank-land areas for public access and facilities without the need for fee acquisition of private property." [See item 8] He gave a similar explanation in explaining the bill to his Senate colleagues.

IS THE ADDITIONAL POWER NECESSARY?

In December, 1970, the St. Croix Interim Management Commission comprised of representatives of the National Park Service, Minnesota DNR, Wisconsin DNR, and Northern States Power Company, adopted a resolution recommending that the National Park Service review its 100 acre per mile fee acquisition policy to determine the feasibility of acquiring scenic preservation easements on residentially improved property. They concluded "that the purposes of Wild and Scenic Rivers Act as they apply to the St. Croix Scenic Riverway can be achieved by acquiring property rights by utilization of scenic and preservation easements." They further concluded that the present National Park Service acquisition policy appeared "to be inconsistent with previous discussions stating preservation rather than restoration of the scenic river. . . ." [See item 9]

In February, 1971, the National Park Service reconsidered their policy and agreed to "conform fully with the various statements made both to land owners and Congress by the Department of the Interior when the legislation was being considered." They said in a letter to us that, "It is therefore, our intention to acquire only an interest sufficient to preserve the river-front lands, to make these lands available for public use. . . . We do not anticipate that this will necessitate the acquisition of full fee title to virtually all of the river frontage. . . ." [See item 10] In a St. Paul Dispatch (Minnesota daily newspaper) article regarding the change in acquisition policy, it was reported that the executive director of the Minnesota-Wisconsin Boundary Area Commission, although expressing some reservations about scenic easements, nevertheless, believed that if the easements were "restrictive enough to keep the status quo," . . . "this would be an acceptable program for both public and private interests." [See item 11]

In late January, 1971, many of us with cabins in the Rush City area reviewed the National Park Service Preservation Easement Estate conditions and found most of the conditions were acceptable to us. If the easement conditions provided for the expansion of existing cabins (adding a room or building a garage) and rebuilding or repairing dwellings destroyed by fire, storm, or other casualty some of us would strongly consider encumbering our property without being paid for it.

In May, 1971, the St. Paul Dispatch reported that the National Park Service had reinstated their prior 100 acre per mile fee acquisition policy. [See item 12] On March 15, 1978, the Minnesota-Wisconsin Boundary Commission, comprised of Minnesota and Wisconsin individuals appointed by the Governor of the respective states, withdrew their prior support of S1234. In addition they recommended that a field hearing on the bill be held by the appropriate Congressional committee. [See item 13]

Recently, several Minnesota legislators whose districts include the St. Croix River have introduced a bill proposing a study of the National Wild and Scenic Rivers Act as implemented by the National Park Service in the St. Croix National Scenic Riverway. They anticipate public hearings on their bill sometime this summer. [See item 14.]

We believe that scenic easements are an effective method to maintain the scenic character of the river banks since they are currently being sought by the National Park Service in the Trego area and Nevers Dam/St. Croix Falls areas which have been classified as Recreational areas.

SUMMARY

The information which we have accumulated over the last twelve years demonstrates that the Wild and Scenic Rivers Act had as its purpose the preservation of the St. Croix and Namekagon Rivers by using scenic easements. Existing developed residential property would not be removed except where it was necessary to provide for the eleven specified recreational developments. Where half of the land within the boundary of the National Scenic Riverway was owned by the public, ample access and tourist facilities could be provided without the need to take private property. Several management agencies, including the Interior Department, have stated that the use of scenic easements on river-bank lands would provide adequate protection to preserve the St. Croix and Namekagon Rivers from becoming industrialized and commercialized. Scenic easements are, in fact, proposed for the Trego and Nevers Day/St. Croix Falls sections of these rivers. A bill in the Minnesota House of Representatives calls for a review of the Scenic and Wild Rivers Bill's implementation along the St. Croix River with hearings expected in the summer of 1978.

Since adoption of Senator Nelson's bill or any similar bill by Congress would substantially change the character of the St. Croix-Namekagon Scenic Riverway from its original concept into a National Park, we would request that the Senate Subcommittee on Parks and Recreation hold hearings on S. 1234 or any similar bill in the Minnesota-Wisconsin area so that all of the residents affected would have the opportunity to express their opinions regarding this legislation. A centralized location such as Danbury, Wisconsin would be more appropriate than Washington, D.C.

Thank you, again, for the opportunity to present our views and the views of other residents of the St. Croix-Namekagon National Scenic Riverway.

Sincerely,

MICHAEL J. PISANSKY.

BARBARA J. PISANSKY.

[Attached and incorporated herein by reference are 14 consecutive numbered items.]

ITEM 1

[Excerpts from hearings before the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs, House of Representatives, March 7, 8, 18, and 19, 1968]

Mr. CRAFTS. Well, you face me with a choice which really does not exist in the bills. But I just cannot answer it in that way. I think you are talking about having national preservation areas for the purpose of enjoyment of these reservations.

Mr. KYL. Are we going to build, as the Ohio study suggests, swimming pools?

Mr. CRAFTS. Oh, no.

Mr. KYL. Places for boating, motorboating, water skiing? Are we going to prohibit these activities on these rivers which are preserved in the wild scenic river category?

Mr. CRAFTS. The bill is very open on that.

Our concept is that this would vary some. Of course if you use some of the classifications of a wild river, then I think probably activities of this sort might very well be prohibited—might be a canoe river, like the Allagash is—this prohibits motorboats, except on some of the big lakes, for safety purposes.

If you are talking about some of these high density areas, I think you might permit some of these things.

I think there would be considerable variation within the scope, and depending upon the condition.

I do not think we are talking about—except possibly in the wild river category—what amounts to an elongated stretch of a wilderness area, with a river going down the middle of it.

Mr. KYL. Actually the gentleman knows I know he does not mean this. But we have an awful lot of people who have been in this room who have been interested in this legislation who are concerned not with saving beautiful streams but with recreation, and recreation to attract tourists, money, dollars.

Mr. CRAFTS. Well, I think that the purposes are to preserve segments of America's rivers in as nearly a natural state as we can, but permitting a minimum type of recreation development—trails, boating, but generally in the wilderness areas they prohibit motorboats and also in a substantial portion of the Boundary

Waters Canoe Area. In some places you would have to use motorboats for safety.

But I do not think you would have the extent of recreation development and facilities that you normally contemplate in a national recreation area. You would not have that.

You would not have overnight accommodations and this sort of thing. Hopefully, you would have this sort of development on private land outside.

You might have a simple type of picnic facilities, and this sort of thing. I think my figures indicate that the developments contemplated here run about a third of the cost of acquisition. The normal ratio between development and the cost of acquiring a recreation area is about 2 to 1.

What is contemplated for scenic river areas generally is a very simple type of development.

Mr. KYL. A lady wrote me a letter and said, "We want this bill passed because we have always planned to build a cabin on the banks of this river, and we want this river to be preserved for us."

* * * * *

ITEM 2

* * * * *

Mr. MONDALE. In allowing the Secretaries to acquire up to 100 acres per mile in fee title, was it the committee's intention that they should in fact exercise that authorization to the fullest extent possible?

Mr. NELSON. No. As a matter of fact, the committee's intention was just the opposite. We intended the Secretaries' powers of condemnation to be used to protect scenic and wild rivers from commercial and industrial destruction—not for indiscriminate acquisition. The bill is not a land grab, and the condemnation power is primarily for acquisition of appropriate public access sites.

Mr. MONDALE. Even in areas where industrial or commercial development threatens the river, would the bill require that the Secretary in every case purchase the fee title to the land for protective purposes?

Mr. NELSON. No. We hope that the Secretaries will in every possible case use their power to acquire scenic easements instead of outright purchase. Not only will this be cheaper and less costly, but also, it will provide suitable protection for the scenic and recreational qualities of rivers without unduly disturbing existing patterns of residential ownership.

Mr. MONDALE. I have special concern about the St. Croix River in this connection, as does the Senator from Wisconsin. Has the committee expressed its intent in this regard in the committee report in any way?

Mr. NELSON. Yes. The committee report states specifically that it is the committee's intention that local units of government along scenic and wild rivers will be encouraged to adopt suitable zoning ordinances which will protect the river's qualities. Furthermore, and this is the most important protection, the committee report states at page 5:

For example, it is intended that in that section of the Saint Croix River described in section 3(b) (1) that acquisition will be limited to less than 1,000 acres to be used as access points and that the remainder of that segment will be primarily controlled by local zoning ordinances.

I believe this establishes the committee's intention that the acquisition power of the Secretaries is to be used judiciously—primarily for public access and facilities. On the lower St. Croix River in particular, protection for the river should be accomplished by zoning and, if necessary, by the purchase of scenic easements.

Mr. MONDALE. I believe the answers to those questions have been most helpful.

It is my understanding that the Department of the Interior has developed a specific plan for the development and use, within the provisions of this act, of the Lower St. Croix. Is my understanding correct?

Mr. NELSON. The Senator's understanding is correct. As the Senator knows, as the coauthor of the St. Croix scenic river bill, last year we went into the question of the development on the lower St. Croix, Taylor Falls, and St. Croix Falls. The provisions of this bill are intended to implement the intent of the bill that we passed the last time—that is, there will be not more than 1,000 acres used for public access points, and that will involve not more than 6 points.

Mr. MONDALE. And those points have been rather well identified already on existing maps and are known to the committee?

Mr. NELSON. That is correct.

Mr. MONDALE. Is it the intention of Congress to permit the acquisition of homes and cottages beyond those points?

Mr. NELSON. No. The only acquisition of homes or property may be within the access points themselves; and, as the Senator from Minnesota has stated, the access points have been carefully delineated already. Even so, the property owner is entitled to maintain his cottage or his home for his lifetime or for 25 years, at his option.

Because of the Senator's insistence on this point, the committee and its staff gave very detailed and thorough consideration to including several of the provisions of S. 368 in the overall bill now before us. But we were faced with the difficulty of drafting one bill of nationwide application to a number of rivers, and found that some of these provisions would not be helpful in rivers elsewhere in the United States. But I believe that the final version of the wild and scenic rivers bill takes care of the concerns the Senator has, even though these are not spelled out in as detailed a fashion as might be possible. But the committee was unable to do this, because we were working with a national bill. But it is not the committee's intent to take any residences away from homeowners except in isolated cases of public access sites.

Mr. MONDALE. I am glad to have this clarified. One of the problems has been that in the last Congress we had a specific St. Croix scenic rivers bill; but now that it is part of a national program, it is not possible to have all the special problems, as we identified them, incorporated in particular terms. I believe this colloquy helps, so that the same intention exists with respect with development of the St. Croix as was embodied essentially in that measure, as we define them.

I express my profound appreciation for the leadership of the chairman of the subcommittee and the floor manager of this most important measure, and for the leadership of the Senator from Wisconsin (Mr. NELSON), who continues to be one of the great leaders of this country in conservation matters. I have found it most fulfilling and valuable to work with him on this proposal, and I believe it will be a wonderful day for the upper Midwest if the bill is passed.

I am glad to see that the committee included the Big Fork River in its study section, because I believe it is a river of great potential for this purpose.

Mr. CHURCH. I thank the Senator. I am grateful for the support he has given to the pending measure, and I wish to associate myself with his remarks with regard to the Senator from Wisconsin (Mr. NELSON).

Mr. SYMINGTON. Mr. President, natural rivers are a part of our national heritage and should be preserved. Many of our free remaining free-flowing rivers are under threat of pollution, impoundment and other destructive assault. The Senate Committee on Interior and Insular Affairs has given the matter thorough study and now recommends this bill to establish a national wild and scenic rivers system.

Last year, a similar measure was approved by the Senate by a vote of 71 to 1. This year's bill, S. 119, which I cosponsored, is broadened to provide for two categories of rivers: "wild" for sparsely populated, rugged areas; and "scenic" for more accessible but still pastoral areas.

It is pleasing to note that the entire Eleven Point River, all the way from its headwaters at Thomasville, Mo., to the Black River in Arkansas, has been recommended as a scenic river.

S. 119 would also designate 27 other rivers, including the Gasconade in central Missouri, as candidates for future inclusion in the national system.

I am glad to support this measure, and hope that it will soon be enacted into law.

* * * * *

ITEM 3

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 10, 1968

Mrs. BARBARA PISANSKY,
Minneapolis, Minn.

DEAR MRS. PISANSKY: Thank you for your April 1 letter expressing your concern over what might happen to your property on the St. Croix if "Wild and Scenic Rivers" legislation were enacted. Let me try to clarify the situation for you, since the newspaper reports you referred to seem to be misleading.

Enclosed is a copy of H.R. 15690, the bill I introduced in February. This is the same bill that was passed by the Senate last year. But it is only one of many bills now being considered by the House Interior Committee. Some of the other measures pertain only to the St. Croix, while others, including the bill sponsored by the committee chairman, do not include the St. Croix at all. Hearings on this legislation were held by an Interior Subcommittee last month. It is uncertain at this time what version will be recommended by the committee. If the House bill differs from the Senate bill, differences would have to be resolved in a conference committee.

I have been working—as have many other members of the Minnesota and Wisconsin delegations—to have the St. Croix and its tributary, the Namekagon, included in the Wild and Scenic Rivers Bill. Also enclosed is a copy of my testimony at last month's hearings. As you can see, I too am a property owner on the St. Croix and have a personal interest to what happens to this legislation.

On pages 16 and 17 you will find some sections in my bill that deal with the potential problem you mentioned. As you can see, the date is January 1, 1967, not January 1, 1965, so your property would not be affected. You should also be reassured by the language on page 16 that would assure present property-owners of the use of their land and cabins the rest of their lives.

Moreover, I have been assured by a staff member of the House Interior Committee that it would be extremely unlikely, in the event this bill became law, that existing property would be tampered with. The purpose of the legislation is surely not to destroy existing property but simply—in the “wild rivers” section, at least, to prevent the wilderness area from losing its character because of overdevelopment.

You have my personal assurances that if I felt any provisions in this bill threatened existing properties, I would oppose these provisions and attempt to have them removed from the bill.

I hope the above information will be useful to you.

Best wishes.

Sincerely,

DONALD M. FRASER.

ITEM 4—SEE ITEM 2

ITEM 5

U.S. SENATE,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., May 1, 1968

Mrs. BARBARA PISANSKY,
Minneapolis, Minn.

DEAR MRS. PISANSKY: Thank you for your letter regarding the St. Croix River bill.

The purpose of the National Wild and Scenic Rivers bill is to preserve some of the few remaining unspoiled rivers in this country. It is our intention that this bill would disturb existing land use as little as possible. These rivers, of course, will be a part of the national recreation system and will be developed to some extent for public use and enjoyment.

In order to develop these rivers, the Interior Department will build access points, campsites, picnic grounds and other tourist facilities. In some instances, they may have to acquire some private property in order to construct needed facilities. To protect owners of private property in areas to be acquired, we added provisions to the bill that give the property owners the option of either selling their land outright to the government or retaining the right of use and occupancy for 25 years or life. In my original St. Croix National Scenic Riverway bill, which was introduced in 1965, it was determined that property owners, to be eligible for these options, would have had to have begun construction on their homes before January 1, 1965. This date has subsequently been changed to January 1, 1967, in the National Wild and Scenic Rivers bill which includes the St. Croix and which passed the Senate last August. Under this new bill, you certainly would be entitled to choose to retain the right of use and occupancy of your cabin if it turned out that your cabin is located in one of the few areas to be acquired by the Interior Department.

It was good to hear from you.

Sincerely yours,

GAYLORD NELSON,
U.S. Senator.

ITEM 6

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF OUTDOOR RECREATION,
Washington, D.C.

Mrs. BARBARA J. PISANSKY,
Minneapolis, Minn.

DEAR MRS. PISANSKY: We are pleased to reply to your letter of April 1 to Secretary Udall concerning your property along the St. Croix River, Minnesota.

As you may know, a number of Scenic and Wildlife Rivers bills which include the St. Croix have been introduced into the 90th Congress. Prominent among these are H.R. 8416, H.R. 6166, H.R. 90, and S. 119. The latter bill passed the Senate on August 8, 1967, by a vote of 84 to 0. These and other bills are now being considered by the House Interior and Insular Affairs Committee.

All of the bills provide for the acquisition of lands or interests in lands in establishing scenic rivers. These lands would be acquired through a combination of land donations, land exchanges, scenic easement acquisitions, and fee title acquisitions with certain restrictions on the latter two methods of acquisition.

We envision that scenic easements would be the principal means of protecting the character of the river areas. The landowners would continue to retain title to and maintain present land use practices on their property, while still assuring scenic river values. Fee acquisitions would be necessary only at scattered points along the river where it is necessary to provide public access or to make available small tracts of land for camping and other related purposes.

S. 119, the Senate passed bill, provides that an owner of improved property that is acquired by the government may retain right of occupancy and use for a period not to exceed 25 years or life. "Improved property" is defined as a detached one-family dwelling, the construction of which was begun before January 1, 1967, and the surrounding land. While no other bills contain this specific provision, the Secretary of the Interior, under his authority to acquire interests in lands, could permit similar occupancy rights, providing they are not incompatible with the scenic river concept. Occupancy rights have often been included in legislation authorizing the establishment of areas administered by the National Park Service.

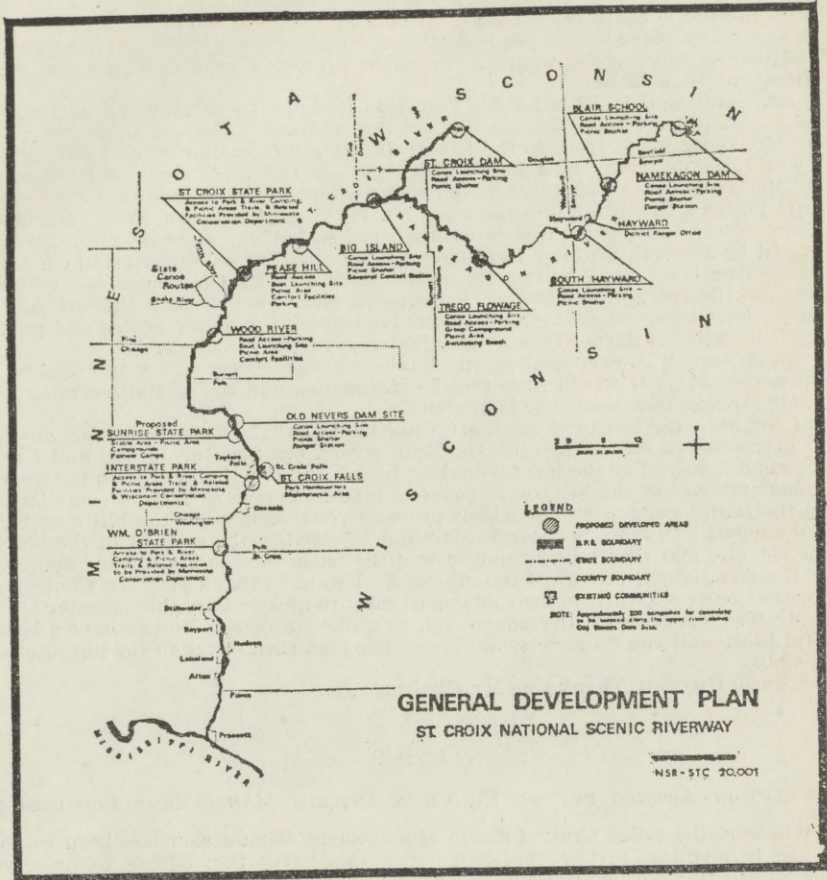
The provision of S. 119 that contains the cut-off date of January 1, 1967, is intended to provide owners of property improved before the scenic or wild rivers proposal received general public notice the right to retain use and occupancy for a term of 25 years or life.

We have enclosed, for your information, copies of S. 119, as passed by the Senate, and H.R. 8416, two of the bills most prominently under consideration. Also enclosed is the statement of Director Edward C. Crafts as presented at the recent House hearing.

We hope this information is helpful and we welcome your support of the scenic river concept.

Sincerely yours,

DAVID BROWN,
Acting Assistant Director for Federal Coordination.



ITEM 8

[Excerpts From Hearings Before the Subcommittee on National Parks and Recreation, of the Committee on Interior and Insular Affairs, House of Representatives, March 7, 8, 18, and 19, 1968]

These are the Idaho rivers in the bill, although no doubt there are others that are qualified—at least to be studied for possible inclusion. The St. Joe, Priest, Bruneau and Moyie Rivers in Idaho are all worthy of study and I commend them to this committee for inclusion in the study category of the bill.

There has recently been a threat of dredging in the upper St. Joe, a beautiful little river in northern Idaho internationally known for its excellent fly-fishing.

Acting at the request of many constituents, although this is a matter presently for the State of Idaho to decide, I filed a protest against the dredging proposal with the Idaho State Land Board. I would be happy to see the St. Joe included in the study category of the legislation. I think it would make an admirable addition to the system, where it would be protected from dredging and other threats of despoilation.

Mr. Chairman, I did not come here this morning to belabor the particulars of S. 119, but I would like to point out that the bill is the distillation of a tremendous amount of work in the Senate Interior and Insular Affairs Committee.

For example, many long hours were spent in executive sessions hammering out the condemnation and water rights provisions. You will note that subsection 5(d) places a limitation on condemnation. It provides that where 50 percent or more of the acreage within the entire national wild or scenic river area is owned by Federal, State or local governments, neither secretary could condemn in fee title but could condemn for scenic easements. This language was adopted because the committee believed that where rivers flow through this amount of public land there would be ample bank-land areas for public access and public facilities without the need for fee acquisition of private property.

Great care was exercised in the final language concerning water rights in subsection 6(f). It would preserve the status quo, and the committee report on S. 119 stresses that no change is intended.

I would be the last to suggest, Mr. Chairman, that S. 119 is the perfect answer to save some of our wonderful American rivers, but Senator Jordan and I recommend it to you as the bill favored by Idaho, and one that met with the unanimous approval of the Senate, and since Idaho has made so large a contribution to the initial system, we thought it proper to emphasize that the bill does have the support of Idaho. Senator Jordan and I joined in the support of the bill in the Senate, and that understanding was the basis for the unanimous approval of the Senate by a vote of 84 to nothing. So I want to thank you, Mr. Chairman, for the courtesy of giving me this opportunity to appear here this morning.

Mr. TAYLOR. Senator, I commend you on a fine statement. You do have a beautiful State and you do have some rivers that lend themselves to the purposes of this bill.

Senator CHURCH. Thank you, Mr. Chairman.

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ITEM 9

RESOLUTION ADOPTED BY THE ST. CROIX INTERIM MANAGEMENT COMMISSION

Whereas, the Saint Croix Interim Management Commission has been established to monitor, review and recommend implementation efforts to preserve the Saint Croix National Scenic Riverway as provided for in Public Law 92-542, 82 Stat. 906, and its members have been appointed by the Department of Interior, the Governor of Minnesota, the Governor of Wisconsin and Northern States Power Company; and,

Whereas, the members of this Commission were also parties to that certain Cooperative Agreement executed by the United States of America on January 30, 1970, which includes a cooperative plan for preservation and management, and the National Park Service concurrently prepared its own Saint Croix Master Plan which describes in more detail the planning objectives; and,

Whereas, the parties to this cooperative planning effort previously concluded and believe that the purposes of the Wild and Scenic Rivers Act as they apply to the Saint Croix Scenic Riverway can be achieved by acquiring property rights by utilization of scenic and preservation easements and that acquisition of fee title is best used when restoration is the objective or when existing land uses are incompatible with a scenic river concept that such uses must be terminated; and,

Whereas, the present policy being employed by the National Park Service of acquiring, by condemnation if necessary, full fee title to virtually all of the Saint Croix frontage lands has caused widespread adverse public reaction and opposition as it relates to existing homes and seasonal dwellings; and,

Whereas, it is the conclusion of the majority of members of this Commission that the present National Park Service acquisition policy appears to be inconsistent with previous discussions stating preservation rather than restoration of the scenic river and as further substantiated in the stated objectives of the

National Park Service Master Plan for preservation of the status quo rather than elimination of all existing uses: Therefore, be it

Resolved, That this Commission requests and recommends that the National Park Service review its present land acquisition policy on the St. Croix portion of the St. Croix National Scenic Riverway in relation to the purpose and intent expressed in Public Law 90-542 and the National Park Service Master Plan to determine the feasibility of acquiring appropriate scenic and preservation easements on residentially improved property in lieu of fee title condemnation, except where the existing use is so incompatible with the scenic river concept as to require its removal.

ITEM 10

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
NORTHEAST REGION,
Philadelphia, Pa., February 19, 1971.

HON. WALTER F. MONDALE,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR MONDALE: We are pleased to provide the following information to you for your reply to Mr. Michael J. Pisansky regarding the National Park Service's land acquisition program on the St. Croix National Scenic Riverway.

Mr. Pisansky has previously been in contact with the National Park Service, and we believe that his concerns have pretty much been resolved. You may inform Mr. Pisansky that it is the intention of the National Park Service to conform fully with the various statements made both to landowners and the Congress by the Department of the Interior when the legislation was being considered. It is, therefore, our intention to acquire only an interest sufficient to preserve the river-front lands, to make these lands available for public use and to achieve the other purposes of Public Law 90-542. We do not anticipate that this will necessitate the acquisition of full fee title to virtually all of the river frontage, although we still will acquire fee interest wherever and whenever possible. Mr. Pisansky's group involves 13 ownerships totalling 27.08 acres. This property is located on the Minnesota side of the St. Croix river near the site of the former Rush City ferry crossing.

We hope that this letter will provide ample information for your reply.

Sincerely yours,

HENRY G. SCHMIDT,
Director, Northeast Region.

ITEM 11

[From the St. Paul Dispatch]

NEW BATTLE RAGES OVER TWO RIVERS

The St. Croix and Namekagon River valleys once ran red with blood as the Dakota and the Chippewa fought for control of the land and waterways.

Today, another battle is being waged on the bank's of these rivers.

The combatants are the National Park Service and many of the 950 settlers who own land, homes and summer cabins along 200 miles of the two rivers stretching from Taylors Falls, Minn., to near Cable, Wis., designated by Congress as the St. Croix National Scenic Riverway, part of the National "Wild Rivers" System.

Many of the homeowners are resisting Park Service efforts to buy their property. They appear to have scored a key victory last week.

The Park Service, under citizen and congressional pressure, revealed Tuesday that it is changing its land acquisition policy on strips 100 feet deep along both banks of the rivers.

Park Service personnel, working out of St. Croix Falls, Wis., were told by Park Service headquarters in Washington, D.C., that they must now give landowners in the 400-foot strips a choice between selling their land outright or simply selling the federal government easements along the river-front.

James Sewell, Park Service land acquisition officer in St. Croix Falls, said he had been following orders to buy land along the rivers at a rate of 100 acres a mile, which amounts to about 400 feet on both sides of rivers.

When Edward Hummel, a top-ranking Park Service official in Washington, was asked about the land acquisition policy, he said there must "be a misunder-

standing and misinterpretation" of the riverway act by personnel in the St. Croix office.

He telephoned Sewell and told him to, in effect, stop telling riverside dwellers they must sell **their land**.

The cloud of condemnation hovering over the land owners was lifted.

The Park Service change of policy also was precipitated by the request from the St. Croix Interim Management Commission.

The commission, comprised of federal and state officials and representatives of Northern States Power Co. (NSP), recommended recently to the Park Service that it start acquiring easements on improved property instead of trying to buy the land and houses. NSP will donate extensive lands to the riverway.

Much of the confusion surrounding land purchases was spurred by differing interpretations of the riverway act by officials within the Park Service and by residents along the rivers.

About 350 landowners, most of them with property along the Namekagon, organized the River Power Association last year to stop the Park Service from buying their land.

He explained that it "is my understanding of the act that the federal government would only have to buy those lands needed for campsites, canoe landings, parking areas and similar facilities."

The Park Service plans to develop only 10 to 15 spots along the rivers with those facilities.

Scott E. Jarvis, a Topeka, Kan., attorney representing River Power, has informed the Park Service that he will sue the agency if it tries to condemn any property **along the rivers owned by unwilling sellers**.

The Park Service has about \$5 million for acquisition in the riverway.

Sewell said about 50 land-owners have agreed to sell. These transactions, many of which have not been completed involve some \$500,000 in purchase prices.

Because of what Hummel terms the "misunderstanding" within the Park Service, some landowners have sold unaware they had the option of merely selling the agency an easement.

One such landowner is Dr. Raymond H. Gerst, a St. Paul dentist, who sold his cabin near Cable, Wis., for a price he declines to reveal.

Dr. Gerst, 2174 Hoyt Ave., W., said in an interview last week that he was not told of the easement provision. He probably would have gone the easement route if it "had not been too restrictive."

Those who sell their homes and cabins to the Park Service can lease back their property for a minimal fee for a period not to exceed 25 years. Many have chosen to do so, according to Sewell.

Another St. Paul woman, who asked for anonymity, complained that she too was not informed of the easement option prior to selling her home south of Cable.

"They gave me a good price," she acknowledged, "but the sale has not been closed yet. I plan to check into this. I probably would have taken an easement if I had had the chance."

Sewell said he has not received his new orders from Washington and does not know how restrictive the easements in the 400 foot strips will be.

River Power members say the intent of Congress in drafting the riverway act was to "preserve" the status quo along the river, which to them means that existing buildings, except for commercial structures, can remain.

Hummel agrees that "Most of the land could be kept in its present state by simply acquiring easements."

But there are some who look with disfavor on the agency's change in land acquiring policy.

Linn Spattebgren, Chicago County attorney, called the agency's action "a step backward. The Park Service," he said "because of the public pressure, is compromising between the interest of the public and private interests.

"Scenic easements are very hard to enforce and I have seen them violated. Who is going to police the easements if people go out and cut trees on their land by the rivers?"

James Harrison, executive director of the Minnesota-Wisconsin Boundary Area Commission shares some of Spattengren's reservations. The commission is an advisory group guiding development along waterways shared by the two states.

Harrison pointed out that "there is a very good example in the Blue Ridge Mountains, where individuals have signed easement agreements and then violated them by cutting trees and taking other actions."

But he believes that if the easements "are restrictive enough to keep the status quo, I think this would be an acceptable program in both public and private interests."

The act says condemnation can be used "when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give public access to the river and to permit its members to traverse the length of the area...."

The Park Service will continue to acquire limited development easements along 800-foot strips of land adjacent to the 400-foot corridors the agency has been trying to buy.

Single family homes and commercial structures may be built in these 800-foot strips with permission of the Park Service. The density of home development cannot exceed more than one house per acre, ruling out multi-residential developments.

* * * * *

ITEM 12

[From the St. Paul Dispatch, May, 1971]

RIVER FRONT LAND ACQUISITION TO RESUME

ST. CROIX FALLS, Wis.—Land acquisition along the St. Croix and Namekagon Rivers will resume in earnest, according to James Sewell, head of the St. Croix National Scenic Riverway land acquisition office here.

This follows a four-month moratorium of reassessing policies and existing conditions.

The federal government's right to "eminent domain" will be in force as originally announced, in the total fee acquisition of land in 400-foot strips along both river banks. This means, Sewell points out, that present owners of property in the first tier will be required to sell their land for the riverway although they will have the right to lease it back for up to 25 years or lifetime.

There will be no "preservation" easements allowed in this strip, Sewell stressed.

Furthermore, more stringent limitations will be placed on development of land in the second tier, a 900-foot-wide "buffer zone" the length of the riverway, where owners will be allowed to hold easements.

Under this policy, just announced by the National Park Service, holders of easements must obtain the approval of the park superintendent before building a single-family residence. Any construction must be effectively screened from sight from the river, either by dense foliage or the terrain.

The minimum lot size has been raised to 1½ acres, rather than one acre as before stipulated. No multi-residential developments will be permitted.

Sewell adds that it is now further required that the lots have at least 250-foot frontage facing the river, which will preclude attempts of developers to divide the land into odd-shaped lots in order to squeeze in more building sites.

It was last December when the National Park Service "decided to take another look at land acquisition procedures, and after a great deal of study and debate the course of action has now been clarified," according to Sewell.

In the meantime, the St. Croix office, while holding back on condemnation and easement, proceeded with purchase of 41 improved properties along the river bank, in cases where owners were agreeable to the sale.

A first step, as the new restrictions of the limited easement policies are announced, "will be to revise our appraisals to fairly compensate the land owners involved," Sewell said.

Another factor involved in nationwide land acquisition policies, Sewell remarked, is the Uniform Relocation Assistance Act, which became federal law on Jan. 2 of this year.

Under this law, Sewell explained, "we cannot put anyone out of his home unless there is suitable replacement housing available." Other provisions state that the federal government must pay moving expenses for "these displaced persons," be they owners or tenants, and pay owners the difference between the value of their property and the cost of replacing it with "comparable" housing.

It also provides for giving tenants money for a down payment on "suitable replacement housing."

For the past couple of months, Sewell said, "we have been implementing this act by checking all properties along the riverway where people may be displaced, and surveying what replacement housing is available."

ITEM 13

[MEMORANDUM]

To: MWBAC Commissioners.

From: St. Croix Regional Committee.

Subject: Committee Report: Upper St. Croix Federal Land Acquisition Bill.

BACKGROUND

In March 1977, the Commission learned that Senator Gaylord Nelson planned soon to introduce a bill in the Senate to appropriate an additional \$10 million for land acquisition on the Upper St. Croix, and to lift the prohibition on acquiring fee title by condemnation once 50 percent of the project area was in public ownership. In that March meeting, the Commission asked the National Park Service to provide certain background information preparatory to the Commission's taking a position on the bill. Those questions were raised in an April 12, 1977 letter to the Park Service, a copy of which is attached. One of the four questions raised was answered in Superintendent Hultman's letter of April 15, which is also enclosed. In that letter, he states the regional office will prepare the other estimates we requested.

In December 1977 it was learned the bill was expected to go to hearing soon, so the Regional Committee decided to act to support the bill, even though the Park Service had still not responded to the other three questions. That led to the recommendation adopted by the full Commission January 18 in support of enactment of the bill.

Some new information has been received since, most significantly the February 6 response from the National Park Service, which is attached. Both the staff and the Regional Committee were very disappointed with the response, which took nearly 10 months and is basically a refusal to answer the questions raised.

In acting earlier, the Commission was also unaware of the position taken by our sponsor states on this matter. In the Upper St. Croix Management Commission, the states joined Northern States Power Co. in voting 3-0 (the National Park Service abstained) to oppose the use of complete fee acquisition to acquire all riparian lands on the Upper St. Croix. That action supported use of scenic easements over existing-developed lands, following a policy of preservation rather than restoration for the upper river.

At its March 1, 1978 meeting, the Regional Committee also discussed the matter with a large number of Upper St. Croix landowners, owners of seasonal dwellings on the Minnesota side in the Rush City area. They pointed up considerable area opposition to the bill and the great interest in a field hearing by the appropriate Congressional committee. Those owners all were willing to sell scenic easements, but fee acquisition was the only alternative given them by the Park Service. Their main point was that the Congressional intent was that there be fee acquisition only where it was essential, with scenic easements used where possible to protect the river in its present state. Landowners also said they have no objections to the portion of the bill that would appropriate \$10 million for additional acquisition. Earlier appropriations have been exhausted, and additional funds will be needed to complete the project in some form or another.

CONCLUSION

In light of the new information received, the Regional Committee does not feel the 50 percent portion of the bill deserves Commission support. The Regional Committee feels the questions raised in the 1977 letter should be raised again by the appropriate Congressional committee. The Committee believes the analysis and evaluation sought by the Commission in 1977 was reasonable, and as a responsible public body the Commission should at least insist that the Congressional committees themselves seek this information before passing judgment on this legislation. The Regional Committee also feels a field hearing should be held on the bill.

The Regional Committee also agrees with the Upper St. Croix Management Commission, which concluded "that the present National Park Service acquisition policy appears to be inconsistent with previous discussions stating preservation rather than restoration of the scenic river and as further substantiated in the stated objectives of the National Park Service Master Plan for preservation of the status quo rather than elimination of all existing uses."

RECOMMENDATION

The St. Croix Regional Committee recommends the Commission take the following actions:

- (1) Reconsider its action of January 18, 1978, and withdraw support for the portion of S. 1234 that would lift the 50 percent fee acquisition limit.
- (2) Rescind its action of January 18, 1978 directing the staff to appear before the appropriated Congressional committee to testify in support of the bill.
- (3) Recommend the appropriate Congressional committee request from the Department of Interior answers to the questions raised by the Commission in its letter of April 12, 1977.
- (4) Recommend the appropriate Congressional committee hold a field hearing on the bill somewhere in the vicinity of the St. Croix National Scenic Riverway.

ITEM 14

[From the Standard Press, Apr. 6, 1978]

LEGISLATOR CALLS FOR REVIEW OF ST. CROIX RIVERWAY PROJECT

Citing "several areas of increasing concern" about the St. Croix National Scenic Riverway project, Rep. John Clawson (DFL-Center City) during the last week of the 1978 Minnesota Legislature called for a review by Minnesota and Wisconsin State and Federal legislators of the troubled program.

In a House Advisory Bill, Clawson urged Rep. Willard Munger (DFL-Duluth), chairman of the House Environment and Natural Resources Committee, to act as an agent in initiating . . . a review-study . . . of the program."

Enacted by Congress, the Wild and Scenic Rivers Act, as it pertains to the St. Croix, is intended to provide protection to both the upper and lower sections of the river so the stream may forever retain its scenic and recreational nature and be enjoyed in that state by generations to come.

Clawson said the program is "in trouble."

"Its credibility is strained by questions about local administration, land acquisition, who is responsible for law enforcement in the federally-controlled portion of the river, the proportion of scenic-easement to fee-title acquisition of parcels of land and how the states of Wisconsin and Minnesota fit into the scheme of things as far as the future of the project is concerned."

"It was coincidental," he said, "that on the day I introduced the bill, Sen. Wendell Anderson's office in Washington released a report which indicated the National Park Service-administrators of the project have systematically under-evaluated all the land they have been dealing on in the area downstream from Taylors Falls."

"It makes me mad; these programs are difficult enough to initiate and start off without those kinds of shenanigans to contend with."

Clawson explained that his bill, not a legal bill for an act, but rather a proposal for a project, seeks the widest possible involvement of state, local and federal officials along both sides of the river in a "where-are-we-now?" kind of public hearing.

"My goal is to restore public confidence in the essential program," he declared. Following introduction of Clawson's bill on March 24, Rep. Munger indicated immediately he would accept the challenge and initiate such a study.

Exact time and place of the hearing are yet uncertain, but Clawson said he thought it would be before summer, at a location along the St. Croix.

Co-authoring the bill, in addition to Clawson and Munger, were Rep. Sieben (DFL-Newport), Rep. Doug Carlson (I-R-Pine City) and Rep. Gary Laidig (I-R-Stillwater) all legislators whose districts bound the St. Croix.

HAYWARD, WIS., May 15, 1978.

PARKS AND RECREATION SUBCOMMITTEE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SIR: I understand you are holding public hearings on Senator Nelson's amendment S. 1234 to the Wild and Scenic River bill. Is our government getting so indifferent to human rights of its citizens (including Senator Nelson who has lately voted against the wishes of the people of Wisconsin and who says to honor the taxpayer is "frivolous"). We asked to please be notified of this hearing and were told we would be—what happened?

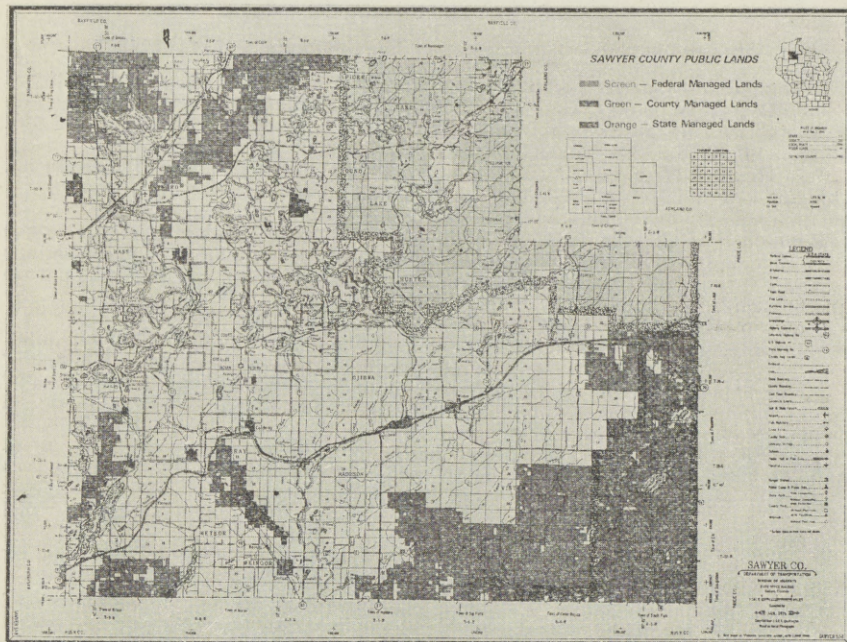
You will make a grave error in passing this amendment. The Riverway is well protected now with zoning regulations and the very few private citizens left can't do anything with their land but live there and there will actually be better protection for the river than the National Park Service, who I understand is being sued by environmental groups for the way they have run Yosemite and the Grand Canyon parks.

Enclosed is a map of my county—and you can see we have more than our share of state and federal lands and can't afford to lose anymore. We need all the taxpayers we can get.

Tell me—where do amendments to a bill stop? First this amendment—then next all creeks and streams running into the river—next like the BWCA only privileged groups get to use it? Is there never a thought to protect the people?

Sincerely,

Mrs. Thomas Barry.



CONKEY & ASSOCIATES, INC.,
CONSULTING ENGINEERS,
May 18, 1978.

Re: Proposed Amendments to Wild and Scenic Rivers Act, Public Law 90-542 (S. 1234).

SENATE PARKS AND RECREATION SUBCOMMITTEE,
Dirksen Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE: The reference amendment which is before your Committee is of deep concern to the undersigned for the following reasons:

1. Assurances had been given by former Senator Hubert Humphrey, Senator Walter Mondale, Representative Fraser and, more importantly, Senator Nelson, that the original legislation was not a land grab, but, in Senator Nelson's words: "We intended the Secretary's powers of condemnation to be used to protect scenic and wild rivers from commercial and industrial destruction, not for indiscriminate acquisition. The bill is not a land grab, and the condemnation power is primarily for acquisition of appropriate public access sites."

Note: Copy of August 8, 1967 Congressional Record attached.

2. The current effort to amend provisions is a violation of faith between ourselves and our government.

3. Let's not forget the NSP gift of land to the government was done in the context of a plan and legislation then proposed not with the thought of the current amendments.

4. If we cannot trust our government to act in good faith, isn't conversation about minority representation and human rights a farce?

5. Finally, the lands that are now proposed for fee title are being sought from persons who are absolutely managing their property in a manner supportive of the purposes of the original legislation—"to preserve and protect the lands".

Please refer to the exhibits attached for support of the foregoing statements. I would urge the Committee to consider the alternate of Scenic River Easement without fee title, which would accomplish the original purpose of the legislation without impairing the faith citizens have in the governmental process.

Respectfully yours,

DAVID R. CONKEY.

[From the Congressional Record, August 8, 1967]

* * * * *

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. MONDALE. I thank the distinguished Senator for permitting me to engage in a short colloquy with the distinguished junior Senator from Wisconsin [Mr. NELSON], with respect to the provisions of the scenic Saint Croix bill, which is now incorporated as a part of this broader scenic rivers proposal.

The Senate Interior Committee limited the power of the Secretary of Agriculture or the Secretary of the Interior to acquire land by condemnation under this legislation. Could the Senator describe how that power is limited?

Mr. NELSON. Yes. We limited the boundaries of any scenic river area to not more than 320 acres per mile on both sides of the river, and within those boundaries restricted fee acquisition to only 100 acres per mile. In addition, on rivers where Federal ownership presently exceeds 50 percent of river bank property, no additional acquisition by condemnation is permitted.

Mr. MONDALE. In allowing the Secretaries to acquire up to 100 acres per mile in fee title, was it the committee's intention that they should in fact exercise that authorization to the fullest extent possible?

Mr. NELSON. No. As a matter of fact, the committee's intention was just the opposite. We intended the Secretaries' powers of condemnation to be used to protect scenic and wild rivers from commercial and industrial destruction, not for indiscriminate acquisition. The bill is not a land grab, and the condemnation power is primarily for acquisition of appropriate public access sites.

Mr. MONDALE. Even in areas where industrial or commercial development threatens the river, would the bill require that the Secretary in every case purchase the fee title to the land for protective purposes?

Mr. NELSON. No. We hope that the Secretaries will in every possible case use their power to acquire scenic easements instead of outright purchase. Not only will this be cheaper and less costly, but also, it will provide suitable protection for the scenic and recreational qualities of rivers without unduly disturbing existing patterns of residential ownership.

Mr. MONDALE. I have special concern about the Saint Croix River in this connection, as does the Senator from Wisconsin. Has the committee expressed its intent in this regard in the committee report in any way?

Mr. NELSON. Yes. The committee report states specifically that it is the committee's intention that local units of government along scenic and wild rivers will be encouraged to adopt suitable zoning ordinances which will protect the river's qualities. Furthermore, and this is the most important protection, the committee report states at page 5:

"For example, it is intended that in that section of the Saint Croix River described in section 3(b) (1) that acquisition will be limited to less than 1,000 acres to be used as access points and that the remainder of that segment will be primarily controlled by local zoning ordinances."

I believe this establishes the committee's intention that the acquisition power of the Secretaries is to be used judiciously—primarily for public access and facilities. On the lower St. Croix River in particular, protection for the river should be accomplished by zoning and, if necessary, by the purchase of scenic easements.

Mr. MONDALE. I believe the answers to those questions have been most helpful. It is my understanding that the Department of the Interior has developed a specific plan for the development and use, within the provisions of this act, of the Lower St. Croix. Is my understanding correct?

Mr. NELSON. The Senator's understanding is correct. As the Senator knows, as the coauthor of the St. Croix scenic river bill, last year we went into the question of the development on the lower St. Croix, Taylor Falls, and St. Croix Falls. The provisions of this bill are intended to implement the intent of the bill that we passed the last time—that is, there will be no more than 1,000 acres used for public access points, and that will involve not more than 6 points.

Mr. MONDALE. And those points have been rather well identified already on existing maps and are known to the committee?

Mr. NELSON. That is correct.

Mr. MONDALE. Is it the intention of Congress to permit the acquisition of homes and cottages beyond those points?

Mr. NELSON. No. The only acquisition of homes or property may be within the access points themselves; and, as the Senator from Minnesota has stated, the access points have been carefully delineated already. Even so, the property owner is entitled to maintain his cottage or his home for his lifetime or for 25 years, at his option.

Because of the Senator's insistence on this point, the committee and its staff gave very detailed and thorough consideration to including several of the provisions of S. 368 in the overall bill now before us. But we were faced with the difficulty of drafting one bill of nationwide application to a number of rivers, and found that some of these provisions would not be helpful in rivers elsewhere in the United States. But I believe that the final version of the wild and scenic rivers bill takes care of the concerns the Senator has, even though these are not spelled out in as detailed a fashion as might be possible. But the committee was unable to do this, because we were working with a national bill. But it is not the committee's intent to take any residences away from homeowners except in isolated cases of public access sites.

Mr. MONDALE. I am glad to have this clarified. One of the problems has been that in the last Congress we had a specific St. Croix scenic rivers bill; but now that it is part of a national program, it is not possible to have all the special problems, as we identified them, incorporated in particular terms. I believe this colloquy helps, so that the same intention exists with respect with development of the St. Croix as was embodied essentially in that measure, as we define them.

I express my profound appreciation for the leadership of the chairman of the subcommittee and the floor manager of this most important measure, and for the leadership of the Senator from Wisconsin [Mr. NELSON], who continues to be one of the great leaders of this country in conservation matters. I have found it most fulfilling and valuable to work with him on this proposal, and I believe it will be a wonderful day for the upper Midwest if the bill is passed.

I am glad to see that the committee included the Big Fork River in its study section, because I believe it is a river of great potential for this purpose.

* * * * *

U. S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C., June 14, 1977.

Mrs. DAVID R. CONKEY,
Edina, Minn.

DEAR MRS. CONKEY: Thank you very much for your letter regarding Senator Nelson's bill to amend the Upper St. Croix River Act (S. 1234).

I am aware of the problems associated with land acquisitions along the Upper St. Croix and appreciate your informing me of your interest.

This measure is presently pending in the Subcommittee on Parks and Recreation and to date, no hearings have been scheduled. I would like to assure you, however, that I will keep your interests in mind when we proceed to consider S. 1234.

I appreciate your writing to me.

Sincerely yours,

HENRY M. JACKSON, *Chairman.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., October 3, 1967.

Mr. DAVID R. CONKEY,
Minneapolis, Minn.

DEAR MR. CONKEY: Thank you for your letter on the St. Croix.

The National Wild and Scenic River System bill which passed the Senate includes the St. Croix. The river is divided by Taylor Falls; south of the town would be a scenic river and north would be a wild river.

The power of condemnation in the bill will be used by the Secretary of the Interior to protect scenic and wild rivers from commercial and industrial destruction, not for indiscriminate acquisition; the bill does not intend to unduly disturb existing patterns of residential ownership. The condemnation power is primarily for acquisition of appropriate public access sites. Whenever possible, the Secretary is directed to acquire scenic easements instead of using the power of outright purchase. On the lower St. Croix River in particular, protection for the river should be accomplished by zoning, and, if necessary, by the purchase of scenic easements. Acquisition along the St. Croix River will be limited to less than 1,000 acres. This is all spelled out specifically in the Senate Report on the bill and a colloquy between Senators Mondale and Nelson on the floor of the Senate.

I am enclosing some information I think you will be interested in—the Mondale-Nelson colloquy, the Senate Report, and the bill itself. If you still have some doubts, I hope you will write me again. I know that the bill is intended to disturb conscientious owners such as yourself.

Best wishes.

Sincerely,

DONALD M. FRASER.

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C., September 28, 1967.

Mr. DAVID R. CONKEY,
Minneapolis, Minn.

DEAR MR. CONKEY: Thank you very much for your recent letter regarding the National Wild and Scenic Rivers legislation which the Senate passed on August 8th.

I do not know where your property is located, and therefore cannot say whether you would be affected by the legislation. However, under the bill as passed by the Senate, the Interior Department would, in all likelihood, purchase the Northern States Power Company lands along the Upper St. Croix River. If your summer cabin is located on NSP land under a yearly rental agreement, then you would certainly be affected by the legislation if NSP carried out its agreement to sell the land to the Federal Government. If you are not located on NSP property, then I do not know whether the boundaries of the wild river area would include your property.

Any exercise of the acquisition power of the Secretary under this legislation is conditioned by an owner's option to retain either a life estate or a 25-year term estate in his property as he wishes.

The purpose of the legislation is to preserve, develop, reclaim, and make accessible for the benefit of all of the American people selected parts of the nation's diminishing resource of free-flowing, wild rivers. Consistent with this intent, prior ownership under the legislation would be gradually phased out, but not abruptly terminated.

If you wish to have more definite information, please let me know more about where your property is located and the nature of your ownership, and I will get in touch with the Interior Department about it.

With best wishes.

Sincerely,

WALTER F. MONDALE.

APPENDIX II

Additional Statements and Communications Submitted for the Record on S. 1906—A bill To Establish the Channel Islands and Santa Monica Mountains National Park and Seashore in the State of California, and for Other Purposes

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

Mr. Chairman, members of the Committee, I appreciate the opportunity to present my views to the Senate Committee on Energy and Natural Resources on legislation to create a Santa Monica Mountains National Park.

Several bills have been introduced in both the House and the Senate on this matter. Some proposals include the Channel Islands while others do not. Although I support the establishment of a Santa Monica Mountains Park, I do not agree that the federal government should spend additional dollars for the Channel Islands to be included in this park. I have several reasons for this, including the fact that we would be taking some of the islands away from the United States Navy to turn over to the Department of the Interior. The Department of the Interior already manages the resources of these islands. The Department of the Interior would not make the Islands easily accessible to the public, but would make an effort to protect them from the public so as to protect the wildlife there. Why not then leave the islands under the care of the Navy and the private owners, instead of taking the privately owned land away from these people, who have no plans to develop the land anyway.

I would like to state my support for the establishment of a Santa Monica Mountains Park. As you are well aware, this beautiful and unique rugged mountain range is very close to Los Angeles, a city with a population of nearly three million. There is easy access from the city to the mountains. Up until now the area is largely undeveloped. To establish a park in the Santa Monica Mountains would be to set aside a lovely park area, very much needed to serve the recreational needs of the people of southern California.

The question of privately owned homes, many of which have been recently developed in the Santa Monica Mountains area, must be approached. I believe that the undeveloped lands—the mountains and the surrounding areas—should be purchased, but should not include the homes or the immediate land surrounding these homes. The people who have moved away from the city are those who appreciate the land in its natural setting, and are those who will appreciate park activity, and who will live in a way that would protect these resources. For this reason I feel that these people should not be forced to give up their homes—once they have been built, the damage is already done to the area.

The real question that must be dealt with, I feel, is future development. There is ongoing development in the area of the proposed park, and I feel it is in our best interest to move quickly on this legislation.

There is some concern about the cost of the park. Purchasing the land around but not including the homes that have already been developed will certainly keep the price down. Any delays in acting on this legislation will mean more development in the proposed park area to deal with in the future. The longer the Congress waits to enact this legislation, the more expensive the land will be.

Some questions have arisen as to local management as opposed to federal management of the land. I support the Goldwater-Lagomarsino approach of greenlining, with federal government grants to state and local governments for 80 percent of the cost for the land, and the local-state contribution at 20 percent. Leaving the local government with the responsibility to manage the land, they will be able to zone surrounding property effectively in order to protect park resources. This will mean that less land will actually have to be purchased in order to protect the natural resources in the area.

Questions about the park boundaries remain unresolved at this time. I would support minimum land acquisition with zoning to protect surrounding areas. Careful land management will result in the compatibility of public and private uses. The Goldwater-Lagomarsino legislation provides for federal approval of a management plan to be submitted by the Santa Monica Mountains Comprehensive Planning Commission which would be responsible for managing the plan. The bill establishes an oversight and administrative commission comprising of seven members from the local levels of government, and specifies certain guidelines for management.

The legislation finally authorizes \$75 million for land acquisition, and to carry out the purposes of the act. I believe that property owners should be paid fair market value for their land, and that the federal share of the funds should come from Outer Continental Shelf revenues.

Mr. Chairman, this legislation has bipartisan support, and it has support on the local, state and federal levels. I would strongly urge the committee to report the bill out by the May 15 deadline.

STATEMENT OF THE CITY OF LOS ANGELES

The city of Los Angeles supports the establishment of a Channel Islands and Santa Monica Mountains National Park and Seashore as proposed by S. 1906. These mountains contain approximately 210,000 acres of open space stretching from Griffith Park, deep within the city, north as far as Point Mugu in Ventura County. The proposed park spans over fifty miles of mountains and seashore and encompasses several existing county, State and federal park areas. In addition, the area includes some of the most valuable remaining open space which will certainly be developed unless some action is taken.

Recognizing the value of this natural resource inherent in the Santa Monica Mountains, and not willing to wait indefinitely for federal action, the city has already taken important steps towards limiting development of the area within the proposed park. In 1976, the City Council established an official policy regarding the development of the park and recreational facilities in the Santa Monica Mountains. This policy stresses the City's Council's concern that the citizens of Los Angeles be provided with adequate recreational facilities and access that are readily available to the area.

The City Council reiterated its support of this policy last August when it took a support position on H.R. 7264, the companion bill to S. 1906. We have provided your subcommittee staff with copies of these two Council actions.

The City Council has taken further steps to preserve existing mountain resources. In 1973, the City Council adopted the concept of a two-lane park road and recreational corridor instead of a six-lane expressway along Mulholland Drive. This road runs along the crest of the mountains.

Additionally, community plans were developed which protect the mountains from overdevelopment. Most land use recommendations of these plans were incorporated into the Santa Monica Mountain Comprehensive Planning Commission's preliminary plan for the mountains.

Moreover, the city predicates development in the mountains on the severity of the slope and the proximity of the proposed development to developed land. Mountain development is limited to areas adjacent to land already developed, and developers are required to provide open space and unhindered access. The city's Planning Commission recently rejected proposals for two subdivisions because of limited access.

The City Council's efforts to preserve the integrity of the mountains includes supporting state and federal legislation which provide for parks. The city is supporting state legislation which would provide \$19 million for the purchase of land in the mountains for park purposes, and the city has consistently supported federal legislation to create a National Santa Monica Mountains Park.

S. 1906 contains a provision which previous legislation did not. This new provision requires the Secretary of the Interior to work in conjunction with the state, appropriate local governments, transportation agencies, advisory groups, and the Secretary of Transportation to plan a coordinated public and private transportation system to the park.

The City Council fully supports this provision of the bill as a means of guaranteeing access to the park for the many thousands of people who do not drive or who have no means of personal transportation. The City Council's

position on S. 1906 and HR 7264 particularly points out that the legislation should provide that the parkland be made accessible to the general public.

State and local governments do not have sufficient funds to buy the land to make the Santa Monica Mountains a sanctuary from city life, to protect shrinking open spaces, to provide for the preservation of natural and scenic resources, to meet recreational needs, and to ensure a clean airshed. Only federal financial assistance will provide sufficient funds to enable the development of a comprehensive park and open space system adequate to the needs of the people of the Los Angeles area.

The establishment of this park will serve scientific, educational and recreational needs and benefit the mental and physical health of millions of people living in the Los Angeles area.

Therefore, the City urges that Congress take action in this Session to protect and save the last open space and natural wilderness in the Los Angeles area for public use. Early enactment of this legislation is essential to move this project ahead in a way that both serves national goals and meets the pressing recreation and park needs of one of the nation's most heavily populated areas.

RESOLUTION

Whereas, the Mayor of the City of Los Angeles appointed staff from the Planning Department and the Department of Recreation and Parks to represent the City of Los Angeles on a joint Technical Committee established by the State Department of Parks and Recreation; and

Whereas, all of the activities of the Committee were to contribute to the development of a comprehensive park and recreation plan element for the Santa Monica Mountains; and

Whereas, the State Department of Parks and Recreation has published its general plan entitled the "Santa Monica Mountains and Seashore Recreation Plan" and has also submitted to the City for support a preliminary draft of the Resource Management Plan and General Development Plan for Topanga State Park, a unit of the Santa Monica Mountain State Park project within the City of Los Angeles; and

Whereas, the Plans do not sufficiently establish a balance between providing much needed recreational opportunities for the large urban population of ten million people in the nearby Los Angeles Metropolitan Region, and meeting preservation needs of the natural environment; and

Whereas, the plans, in their present form, provide for low intensity use by limiting public access, minimizing development of recreational facilities, and over-emphasizing the preservation of the natural resources; and

Whereas, the Plans cover matters or take positions not considered and/or not decided upon by the Joint Technical Committee; and

Whereas, the Los Angeles City Fire Department is directly responsible for fire protection, fire suppression and emergency ambulance and rescue services in the City's portion of the Topanga State Park; and

Whereas, the California public has spent \$54.3 million for acquisition of public parklands in the Santa Monica Mountains (over \$15 million in the Topanga State Park area) and will be further indebted for the development, maintenance, and operation costs; and

Whereas, the Federal Government has in the past expressed an interest in the Santa Monica Mountains to serve the people of the Los Angeles region with high quality outdoor recreation experiences;

Now, therefore, be it resolved that the City Council of the City of Los Angeles finds that the Santa Monica Mountains offer a significant opportunity for the location of nearby recreational facilities within close proximity to the heart of the Los Angeles Metropolitan Region, as well as offer an opportunity for the substantial preservation of natural and scenic resources.

Be it further resolved that to provide a balance between recreational needs and ecological preservation in accommodating a wide spectrum of population without substantially altering the land mass, innovative, non-traditional planning and development methods must be utilized.

Be it further resolved that a balanced transportation system including, but not limited to automobiles, buses, trams, horses, bicycles and walking must be planned to provide adequate public access to parklands in the Santa Monica

Mountains and an interpark hiking and riding trail linkup to connect all public park lands within the mountains, including the Mulholland Parkway. Development of roadway in connection with the park should be for the exclusive purpose of access to park and recreation facilities, and not for non-park development purposes.

Be it further resolved that because the "Santa Monica Mountains and Seashore Recreation Plan" is proposed as a definitive Plan regarding development of State Park lands within the Santa Monica Mountains and could have a significant and lasting impact upon specific park planning as it relates to the Resource Management Plan and General Development Plan for Topanga State Park, the City of Los Angeles strongly advocates that the above-described needs of the citizens of Los Angeles for the availability of appropriate recreational facilities and accessibility to public parks be recognized before the State proceeds with the implementation of any such development of public parklands within the Santa Monica Mountains.

Be it further resolved that the City Council urges the State of California to consider and act upon the position of the City of Los Angeles with respect to the use and availability of the public park lands in the Santa Monica Mountains and that the "Santa Monica Mountains and Seashore Recreation Plan" be revised to reflect said position.

Be it further resolved that the City Council directs City staff to pursue the policies established by adoption of this resolution.

CITY OF LOS ANGELES, CALIF.,
August 31, 1977.

SANTA MONICA URBAN PARK, CHANNEL ISLANDS AND SANTA MONICA MOUNTAINS
NATIONAL PARK AND SEASHORE

I hereby certify that the attached report of the State, County and Federal Affairs Committee was adopted by the Los Angeles City Council at its meeting held August 31, 1977.

REX E. LAYTON,
City Clerk.
By CHARLOTTE S. FRANK,
Deputy.

Attachment.

TO THE COUNCIL OF THE CITY OF LOS ANGELES
(File No. 77-2800 S-37)

Your State, County and Federal Affairs Committee reports as follows:

Your Committee has considered a possible City position on HR 380 (Goldwater) which would establish the Santa Monica Urban Park and HR 7264 (Beilenson) which would establish the Channel Islands and Santa Monica Mountains National Park and Seashore.

HR 7264 would establish the Channel Islands and Santa Monica Mountains National Park and Seashore. The bill provides \$150 million for land acquisition and other unspecified purposes. The Secretary of the Interior would administer the park and seashore. An Advisory Commission would advise the Secretary, but the Secretary is under no obligation to the Commission. The bill provides for the identification of critical areas, most of which must be acquired within three years of enactment. The Secretary is responsible for establishing a detailed plan. All acquisitions must be substantially acquired within five years of enactment.

The Department of Recreation and Parks supports HR 7264, as it will provide funds for the preservation of open space and recreational opportunities in the Santa Monica Mountains. According to the Department, this is necessary for the quality of life in the City.

HR 380 would establish the Santa Monica Urban Park. The bill provides \$50 million in grants to State and local governments for the acquisition of land for the park on an 80%/20% federal/city match basis. A Planning Commission, with specified members, would be established by the Secretary of the Interior to prepare a park plan. Among other things, this plan would identify the jurisdictions which

would be eligible for the funds. These jurisdictions would be responsible for implementing the plan and administering the park.

HR 380 is no longer under active consideration, as Congressman Goldwater is now a cosponsor of HR 7264.

HR 7264 will be the subject of a Congressional hearing beginning at 10:00 a.m., September 1, 1977. The hearing will be held by the Subcommittee on National Parks and Insular Affairs of the House Interior and Insular Affairs Committee, chaired by Congressman Phil Burton of California. The hearings will be held in Santa Monica.

Your Committee heard testimony from a variety of persons supporting HR 7264, including a Commissioner of the Department of Recreation and Parks and the Executive Director of the Santa Monica Mountains Comprehensive Planning Commission. A representative of Congressman Beilenson was also heard.

Basic issues which your Committee discussed were, among other things, the desirability of federal funding, the necessity of a balanced transportation system and the preservation of natural, historic and scenic resources.

We therefore recommend that the City include in its 1977-78 Legislative Program support of HR 7264 (Beilenson), and/or any other legislation having a similar effect, which would provide federal funds to acquire parklands in the Santa Monica Mountains, and seek provisions that: (1) provide for strong local government representation in the administration of the parkland; (2) ensure that any such parklands will be used in accordance with the policies previously adopted by the City Council on August 11, 1976 (C.F. 76-1054) with respect to the use and availability of the parklands; and (3) provide that such parkland be made accessible to the general public.

Respectfully submitted,

STATE, COUNTY AND FEDERAL AFFAIRS COMMITTEE.

CITY OF LOS ANGELES,
August 11, 1978.

Corrected letter.

Note: Amended resolution.

City Planning Department CPC 25611 with resolution.

Recreation and Parks Department with resolution.

Police Department with resolution.

Fire Department with resolution.

Chief Legislative Analyst with certified letter and resolution.

Los Angeles County Board of Supervisors with certified letter and resolution.

California State Department of Recreation and Parks with certified letter and resolution.

PARKLANDS IN SANTA MONICA MOUNTAINS

I hereby certify that the attached report of the Planning Committee was adopted by the Los Angeles City Council at its meeting held August 11, 1976. The attached resolution was also adopted, as amended.

REX E. LAYTON,
City Clerk.

Deputy.

THE RESOURCES AGENCY OF CALIFORNIA,
Sacramento, Calif., June 21, 1978.

HON. HENRY M. JACKSON,
Chairman, Senate Energy and Natural Resources Committee,
Washington, D.C.

DEAR SENATOR JACKSON: The Santa Monica Mountains is an area of national significance located near one of the largest urban centers in the country—Los Angeles. It is being considered under S 1906 for designation as a National Recreation Area. We support this designation which would add the Santa Monica Mountains to the National Park System. Such designation is also supported by California legislators, Los Angeles City and County, the California Coastal Commission, the Santa Monica Mountains Comprehensive Planning Commission, local citizens and many others.

The enclosed copy of my testimony to the Senate Subcommittee on Parks and Recreation expresses the concerns the State of California has over the preservation and management of the Santa Monica Mountains. Therefore, I will not reiterate those concerns in detail here.

The State has already spent \$65 million for the acquisition of lands for State parks in the Santa Monica Mountains and we are committed to spending an additional \$30 million. We are pleased by the provisions in S 1906 that provide for the acquisition of State parks by donation or exchange and for the reimbursement for State park purchases made in the area after January 1, 1978. These provisions will provide an opportunity for the State to exchange lands and to develop additional State parks. In addition, reimbursement will allow the State to follow through with acquisitions before land values escalate further. The entire Santa Monica Mountains area must be acquired, preserved and managed as a unit to ensure an open space, recreational experience for people living in the urban center.

I urge you to support passage of S 1906 to create the Santa Monica Mountains National Recreation Area and thus ensure a better quality of life for the millions of urban dwellers of this and future generations.

Sincerely,

HUEY D. JOHNSON,
Secretary for Resources.

STATEMENT OF HUEY D. JOHNSON, SECRETARY, CALIFORNIA RESOURCES AGENCY

INTRODUCTION

The Los Angeles area has one of the largest urban populations in the country—over 10 million people—and it is growing. The demands for development in the areas in and adjacent to Los Angeles are intense. Consequently, the 220,000 acres of open space in the Santa Monica Mountains are threatened with suburbanization.

The Santa Monica Mountains area is unique to Southern California because it can provide an open space, park and even a wilderness experience to urban dwellers in close proximity to their homes. A visitor to the Santa Monica Mountains can experience a wide range of environments—mountain wilderness, coastal beaches, urban areas, parks, agricultural, cattle grazing and organized recreation to name a few.

The Santa Monica Mountains is currently the scene of many controversies—development pressures and restrictions, coastal planning, fires and fire management, sewage treatment and water quality problems, etc.

The area has high value as a park and it must be preserved before it is too late.

The State of California believes that the best solution to the problems and challenges in the Santa Monica Mountains is: (1) outright purchase of an adequate park area; (2) operation of the park by the Federal Government; and (3) strong planning incentives in the areas surrounding the purchased park area, including central Los Angeles.

The State supports the general principles of Senator Cranston's S. 1906 to preserve and enhance the Santa Monica Mountains and Channel Islands by making them a National Park and Seashore.

CURRENT PURCHASES

The State has purchased property within the area at the cost of \$65 million. The basis for those purchases was to preserve significant natural and cultural resources and to provide for the use of those resources by the public. \$30 million is scheduled for State acquisition in the area during the next five years. The State will continue its acquisitions in the area and expects Congress to show good faith in providing a full cash return for all lands purchased after January 1, 1978. The reason for this is obvious. The State could move its purchase funds to other State projects if it thought the Federal Government would be moving on acquisition in the Santa Monica Mountains. For the State to do this while the legislation is still pending, however, would allow property values to escalate and would be in opposition to the general intent of both the State and Federal Government—preservation of the nationally significant Santa Monica Mountains and Channel Islands.

CHANNEL ISLANDS

As stated in S. 1906, the Channel Islands and the channel waters need to be managed in a manner consistent with their status as a fragile resource and an integral component of the Santa Monica Mountains and Seashore. We would favor purchase of the Channel Islands for park purposes.

STATE PARKS AND EMPLOYEES

The provisions in S. 1906 regarding transfer of the State Parks to a federal park are acceptable to the State. State Park employees who opt to stay with units of the State Park System during transfer of that unit to the Federal Government should, at their option, be employed by the National Park Service with no loss of benefits.

OPERATIONS

The Federal Government should operate the proposed park. Further, many of the other bills introduced on this matter would establish oversight Commissions with various decision-making authorities. Any Commission included in the final legislation should deal only with advisory and planning functions and should not have final decision-making authority on acquisition and operation of the park and its environs.

LAND AND WATER CONSERVATION FUND PENALTIES

Any provision to withhold Land and Water Conservation Fund monies to force local land use control within the area would be onerous to the State and local governments of California. Such a provision is contained in the April 12, 1978 version of H.R. 12095. The fund has been manipulated politically in past administrations, and we should avoid that potential in the future.

CONCLUSION

The urban environment must be high on the environmental agenda for the future. As the Sierra Club has pointed out, "The future of the urban area is linked to the future of our coasts and parks." If we continue to raise generations of citizens cut off from clean air, freshwater and open beaches; if the urban area is segregated from nature and a place of squalor; how can we expect its millions of people to exercise a stewardship of the environment?

The addition of Santa Monica Mountains and Channel Islands to the National Park System would be an important step in preserving nature where people live and thereby respond to the environmental needs of our urban citizens both within the Los Angeles Basin and the millions who visit there.

NATIONAL PARKS & CONSERVATION ASSOCIATION,
Washington, D.C., April 26, 1978.

HON. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: The National Parks and Conservation Association supports the enactment of S. 1906 with certain amendments. S. 1906 would establish the Channel Islands and Santa Monica Mountains National Park and Seashore. We believe that S. 1906 should be amended to upgrade the Channel Islands from National Monument to National Park status and to establish a new unit of the park system, the Santa Monica Mountains National Recreation Area. The Channel Islands are qualified to be a national park, and should become a national park. While the Santa Monica Mountains and Seashore do not meet the criteria for national park status, they definitely qualify for inclusion in the national park system as a national recreation area.

The Santa Monicas are a valuable resource from several perspectives. First, the area contains approximately 200,000 acres and about 50 percent of these acres have the potential to serve as park land. There are very few metropolitan areas which still contain such a large and beautiful open space. Second, the area is close enough to Los Angeles to meet some of the open space needs of its citizens. With an appropriate transportation program, the area could serve

many people who do not have access to automobiles. Third, the area serves as a source of relatively fresh air for much of metropolitan Los Angeles. If the area was lost to development, air quality problems would worsen in an area already plagued by pollution. Finally, and possibly most important, the Santa Monicas are a magnificent natural area with deep canyons, flowing creeks, sand dunes, beaches, and a diversity of native plants and animals. The area could serve many of the outdoor recreation needs of metropolitan Los Angeles and, because of its great value, could be expected to attract many national visitors as well. Attached to my statement is an article from the February 1978 issue of the National Parks and Conservation Magazine by Representative Anthony Beilenson. The article more fully explains the reasons why the Santa Monicas are a valuable resource that should be added to our national park system. [See Congressman Beilenson's statement.]

The article also discusses the Channel Islands, which provide habitat for a large population of seals, sea lions and sea elephants, and for numerous rare and endangered plants, animals and sea birds. The islands are a very fragile resource that should provide very low intensity use to ensure adequate preservation, and should be administered separately from the proposed national recreation area. Currently, two islands, Santa Barbara and Anacapa, are part of the national monument. These islands should be included in the Channel Islands National Park along with Santa Cruz, Santa Rosa, and San Miguel Islands.

S. 1906 recognizes the need to protect the Channel Islands and the Santa Monicas from the adverse effects of incompatible development. Section 4(f) encourages the Secretary to consult with local governments concerning the establishment of zoning laws or ordinances which will assist in achieving the purposes of the Act. Unfortunately, Section 4(f) does not assure that adjacent lands will be developed in a compatible manner. We believe there are several approaches which could be taken to provide additional protection from adverse development.

First, the Secretary could be given the authority to review any proposed federal license, permit, loan, loan guarantee or grant for the area surrounding the park. If the Secretary found that a license, permit, loan, loan guarantee or grant would have an adverse effect on the park, then it could not be issued. An approach similar to this is included in S. 2817 which would establish the Lowell National Historical Park.

Second, the Secretary could be authorized to provide technical and financial assistance to local communities to help defray the cost of developing and implementing land use plans and controls designed to protect the park. The cost of such assistance would be minimal in comparison to the millions of dollars which have been and will be expended by various levels of government to acquire land for recreational purposes in the Santa Monicas. A precedent for this approach already exists in PL 91-479 which established the Sleeping Bear Dunes National Lakeshore.

Third, the Secretary could be required in the development of the general management plan to identify those lands which are subject to incompatible development. Local governments, with the assistance of the Secretary, could develop measures which would be taken to protect those lands from incompatible development. This approach could be taken in conjunction with the second one discussed above.

Fourth, a commission could be established to develop and help implement a plan for the protection of lands adjacent to the park. Much work in this regard has already been done by the Santa Monica Mountains Comprehensive Planning Commission. The commission which would be established could build upon this work. Other proposals for new units of the park system also utilize the commission approach. Included among these are the proposals for the Lowell National Historical Park and the Pine Barrens National Ecological Reserve.

There are many approaches for dealing with the problem of adjacent development. Given the strong pressures for energy, residential, commercial, and other types of development in and around the Channel Islands and Santa Monica Mountains, we believe that added protective action must be taken to protect local, state and federal investments. All of the approaches discussed above will provide some measure of additional protection. They could be used together and we recommend that all of these approaches be included in S. 1906.

Section 5 of S. 1906 requires the Secretary, with the cooperation of local, regional and state government, to plan for a coordinated public and private transportation system. We believe it is very important to provide means of access

to and within the park for all potential users. To accomplish this, it will be necessary to ensure adequate public transportation. For many years, NPCA has supported much greater reliance on public transit and decreased use of automobiles both to and within national park system units. Public transportation should be a major element of the transportation system developed pursuant to section 5.

Section 7(b) requires the Secretary within one year to develop a final master plan for the development of the park. Decisions on development should be made as part of the general management plan. Too often, inappropriate development decisions are made prior to an adequate analysis of alternatives in the general management planning process. In addition, the one-year time frame does not allow for adequate public participation. Section 7(b) should be altered to require a general management plan within two years. Decisions concerning development would be included in the general management plan.

We appreciate the opportunity to provide our comments on S. 1906 and would be happy to work with you and members of your staff on our recommendations.

Sincerely,

WILLIAM C. LIENESCH,
Administrative Assistant, Parks and Land Use.

[Mailgram]

LOS ANGELES, CALIF.
May 5, 1978.

Senator JAMES ABOUREZK,
*Chairman, Senate Subcommittee, Parks and Recreation,
U.S. Senate, Washington, D.C.*

The Federation of Hillside and Canyon Associations, representing 31 homeowner associations and many thousands of residents in the Hillside areas of the City of Los Angeles, has voted unanimously to give strong support to S. 1906, or any similar legislation which would establish a Channel Islands and Santa Monica Mountains National Park.

SHIRLEY C. COHEN,
Chairman of the Board.

APPENDIX III

Additional Statements and Communications Submitted for the Record on S. 2270—A Bill To Amend the Wild and Scenic Rivers Act To Designate a Segment of the Delaware River as a Component of the National Wild and Scenic Rivers System, and for Other Purposes

STATEMENT OF JOHN B. BONIFACE, REPRESENTING THE DELAWARE VALLEY SHAD FISHERMEN'S ASSOCIATION

In preparing this brief testimony, I have reviewed what has gone before, and what has been put in by interested parties in between. In 1961, we all thought that a dam was inevitable, and our testimony was so slanted. Today, however, the picture has changed so substantially, that I propose to say now is far removed from what I thought when the legislation was first being considered.

To begin with, the cost has risen so substantially, that the original concept of the dam has been lost. If it is ever built, the rules will have been changed very materially. And the entire concept will be very different from what we were considering in the early days of the planning for the Tocks Dam.

The cost of the project has risen, almost astronomically. From less than \$100,000,000 to perhaps \$400,000,000 seems to be the kind of numbers we have to consider now. In any event, we are in another ball game. But, that is not the primary basis for my comments.

From 1934 to 1978 is a long time. Much has happened. And the most serious sequence is the inflation in construction costs. No project of this size can be built today keeping within cost estimates made in 1965. But, I do not propose to discuss this aspect.

The wild life which has kept my interest in the valley is unique, and must be kept. The shad and bass fishing are superb, without equal anywhere in the east coast. And the wall-eyed pike is an excellent fish to catch, although not quite up to the bass or shad. And the pan fish are tops for the small fry.

As a fly way, we have the Canadian geese, the mallards, the pin-tails, and the mergansers which make the area tops for all hunting, while the grouse and the pheasant and perhaps the turkey will bring thrills to the spring and fall hunter. And an occasional bear will also help to make the hunting season a bit more thrilling.

The opportunity to develop the hunting, fishing and the general enjoyment of the wild life of the area is present now, and can be developed so that many of us oldsters can have a continuing close relation with the area. Small units of say 15 to 25 camps per unit are, I believe, feasible and should be planned now for our campers who are, in effect now being retired from the active business world. Six or seven months in valley, every year would make life much more attractive for many of us than any alternative that I can think of.

STATEMENT OF KATHRYN E. GOMORY, SIERRA CLUB, PENNSYLVANIA CHAPTER

The Sierra Club has had a long-standing interest in preserving selected rivers of the nation in their free-flowing condition as demonstrated by its participation and efforts culminating in passage of the Wild and Scenic Rivers Act of 1968, and in its efforts to have segments of the Colorado, Missouri, Allegheny, New Obed, Snake, Flathead and other rivers included in the System. One of the principal purposes of the Sierra Club is to protect and preserve the natural resources and environmental values of rivers and their surrounding environs, such as the Upper and Middle Delaware River, the subject of this bill.

As originally introduced by Senator Case, S. 2270 would designate 114 continuous miles of the river from Hancock, New York to the Delaware Water Gap. Although we would prefer designation of the full uninterrupted 114 mile stretch, we recognize that there are significant differences between the Upper segment, running from Hancock, New York to Cherry Island, New York, and the Middle segment, located within the boundaries of the Delaware Water Gap National Recreation Area, which require separate provisions applicable to each segment.

The Middle Delaware, lying entirely within the National Recreation Area, does not require the taking of any land, nor land use controls and provision for local advisory councils, as in the case of the Upper Delaware. However, the Middle Delaware involves lands which were acquired by the Corps of Engineers in connection with the proposed Tocks Island Dam project, which, therefore, makes it necessary to transfer such lands and land acquisition authority from the Secretary of the Army to the Secretary of the Interior.

As the two segments are now proposed, a gap, approximately 5-6 miles primarily in the Port Jervis-Matamoras area, will result, but this would not detract from including the Upper and Middle Delaware in the Wild and Scenic Rivers System. It is our understanding that this is also acceptable to Senator Case.

The Upper segment has been recommended for inclusion in the Wild and Scenic Rivers System pursuant to the Upper Delaware River Study dated July, 1976, and included in the President's environmental message of May, 1977.

The Middle Delaware, located within the boundaries of the Delaware Water Gap National Recreation Area, has also been recommended for inclusion in the System by the Department of Interior. Both segments have been found to qualify for inclusion under the categories of "scenic" and "recreational" as defined by the Wild and Scenic Rivers Act.

The "outstandingly remarkable" and unique values of both the Upper and Middle Delaware, as defined by the Wild and Scenic Rivers Act of 1968, are in jeopardy because of the increasing pressures of development in this entire area.

The need for immediate protection was one of the criteria resulting in the inclusion of the Delaware from Hancock, New York to Yardley, Pennsylvania, a distance of 181 miles, including the length of the Upper and Middle segments plus 59 miles below the Delaware Water Gap in the Pennsylvania inventory of scenic rivers published in the Pennsylvania SCORP (State Conservation and Outdoor Recreation Plan) of 1976.

As defined by the Pennsylvania Scenic Rivers Act of 1972, this stretch of the Delaware was classified as a first priority "A" Group stream.

It has been argued that designation of the Middle Delaware would have the practical result of deauthorizing the Tocks Island Dam project and therefore is premature in that the Tocks Dam project should be deauthorized first.

We submit that, for all intents and purposes, the Tocks Island Dam project has been deauthorized and that construction cannot be expected to go forward at least in the foreseeable future. The Congress has refused to allocate funds for construction until there is support for this, at least from the Delaware River Basin states. This was rejected in a vote of the Delaware River Basin Commission on July 31, with only Governor Shapp of Pennsylvania dissenting. Governors Carey and DuPont desire to deauthorize the project now and Governor Byrne, although opposed to construction, prefers to defer deauthorization at this time. In addition, all of the Congressmen representing districts bordering on the project are publicly opposed to it, as are Senators Case, Moynihan, and Javits. It is our understanding that Senators Schweiker and Heinz are opposed to construction of the dam, but would defer formal deauthorization at this time.

Finally, EPA, CEQ, the Corps of Engineers and the Department of Interior have recommended deauthorization of the Tocks project.

In effect, therefore, *de facto* deauthorization now exists. In this posture and in the light of intense pressure to develop this area, including pending legislation to authorize casino gambling in the Poconos, there is an immediate need to protect the Upper and Middle Delaware, which may be substantially degraded by the time that the tenuous and time-consuming process of formal deauthorization is completed.

In any case, we submit that Wild and Scenic River designation should be considered on its own merits separate and apart from the Tocks Island Dam project. If some time in the future, 25, 50 or 100 years hence, the Congress is persuaded that a high dam on the Delaware is clearly needed, the river and surrounding

lands will be available, notwithstanding inclusion in the Wild and Scenic Rivers System.

We therefore respectfully urge this Committee to include the Upper and Middle Delaware as components of the National Wild and Scenic Rivers System.

STATEMENT OF JAMES B. HARPER, REPRESENTING THE PENNSYLVANIA STATE COUNCIL
OF TROUT UNLIMITED

I am James B. Harper of Rosemont, Pa., here to represent the Southeastern Pennsylvania Chapter and the Pennsylvania State Council of Trout Unlimited, and my own interests as a property owner and taxpayer in Montgomery and Monroe Counties, both bordered by the Delaware River.

Some 30 Chapters throughout Pennsylvania are represented through the State Council of Trout Unlimited. We urge support and passage of S. 2270.

On November 11, 1977 I appeared before the Congressional Subcommittee on National Parks and Insular Affairs at its hearing in New Hope, Pa. on H.R. 6403, H.R. 7981 and H.R. 8865 the provisions of which are the same as those of S. 2270 which you are now considering. My statement then is fully appropriate to S. 2270 and it was as follows:

The segment of the Delaware River, named in these bills from the confluence of its East and West Branches at Hancock, New York to the Southern boundary of the Delaware Water Gap National Recreational Area was well described in July, 1975 by Nelson Bryant, Wood, Field and Stream editor of the New York Times. He wrote, "The Delaware River is something of a miracle, because it has remained in relatively unspoiled state, particularly in its upper reaches on the very edge of a densely populated region." It is used by thousands of canoers, campers and anglers each year. Unless protection is provided, and quickly, this fabulous recreational asset will be lost beyond recovery and something of all of us will have died. This beautiful scenic river is a recreational resource of great breadth and unparalleled value in the northeast. It has something for all who need to stretch minds and limbs in the best of the natural world for relief from the tensions of congested urban existence. The fishing alone in this stretch of the river is a recreational asset which we can ill afford to lose. We are in danger of losing it by default if the protection of S. 2270 is denied. The developers are swarming in.

Small mouth bass and walleye pike abound in the DWGNRA with lesser population of other game and pan fish. In this area also are several tributary quality trout streams, including Flatbrook, probably New Jersey's finest. Without protection these fisheries are in great danger of destruction. Rainbow and Brown trout, present in both the mainstream and tributaries comprise the major quality fishery in the upper segment between Hancock and Callicoon, New York. This is the area where the fabled Catskill streams enter the river. Many notable large trout are caught annually in the main stream. Tributary streams in this segment contributing to the excellence of the fishing, including among others the Shawocken, Equinock, and Lackawaxen.

The trout in this area of the river are not stocked fish. Ninety percent are wild fish, a vanishing species. So much for the resident fish.

The resurgence of the shad run and its preservation is of major interest and tremendous potential, both as a recreational asset and commercially.

Past records of the commercial shad fishing on the river indicate that if and when the river's yield returns to the volume of the 1890s, the retail value of the harvest would be approximately \$20 million. The main obstacle to recovery of the river is the dissolved oxygen sags in the Philadelphia, Chester, Trenton area. Pollution in this area is being slowly reduced and as this progresses so hopefully will the shad runs increase.

The Bureau of Sport Fisheries and Wildlife in 1975 estimated that 90 percent of the shad entering the Delaware moved to spawning grounds above Tocks Island and used the river from there to well into the east branch. Both branches are productive a spawning areas and for the sport fishery. The Bureau estimated 125,000 man days of sport fishing for Delaware shad and the number is growing yearly.

The U.R.S./Matigan Praeger Inc. report, IX-C which seems to be based on Sport Fisheries and Wildlife Bureau information, discussing the area to be flooded if Tocks Island Dam should be built states, "The potential of the Delaware

River and inundated tributaries has yet to be reached. Undoubtedly the flowing waters of this region represent an extremely valuable and diverse fishery in its present condition." Extremely important as it is, it is only one of the values we seek to preserve through the enactment of H.R. 6403.

The segment of the river from Hancock to Port Jervis has been recommended after study by the Bureau of Outdoor Recreation for inclusion in the Wild and Scenic River System. Extensive studies of the river from Port Jervis through the DWGNRA show this segment as a recreational resource to be amply qualified for inclusion in the System. Its contribution to the value of the upper segment through preservation and enhancement of the shad run must not be lost sight of.

Thank you, gentlemen of the Subcommittee, for this opportunity to express our well-considered thoughts and wishes in this important period of decision.

STATEMENT OF DAVID F. MOORE, EXECUTIVE DIRECTOR, NEW JERSEY
CONSERVATION FOUNDATION

I am David F. Moore, executive director of the New Jersey Conservation Foundation, a private nonprofit organization concerned with environmental quality throughout the state.

Tocks Island Dam and Reservoir, that threat to the Delaware River valley between the Delaware Water Gap and Port Jervis, may at last be confronted with congressional deauthorization.

I hope so. It's been 16 years since Congress approved the project, which rode the crest of public reaction to the 1955 flood in the Delaware.

At this writing, a rumored, and perhaps by the time you read this a publicly released, White House memo strongly supports "efforts to terminate the Corps of Engineers' authority to construct the Tocks Island Reservoir Project . . ." That's good news and so are two other parts of the White House memo.

In one, Congress is urged to transfer the Corps of Engineers' lands and land acquisition authority to the Secretary of the Interior, which would put the whole project area into Delaware Water Gap National Recreation Area. Right now, the actual reservoir site is the Corps' domain, and land purchasing has stopped along the river.

Finally, the Carter White House memo reportedly says, "To further indicate the Administration's commitment to a free-flowing river" it recommends that "the portion of the Delaware River located within the boundaries of the . . . Recreation Area be designated as a component of the Wild and Scenic Rivers System."

The Delaware River Basin Commission staff, which badly wants Tocks Island Dam built, worries about this Scenic River business. It supports bills in Congress sponsored by Sen. Daniel P. Moynihan and Rep. Matthew F. McHugh of New York, which would make the Delaware a member of the Scenic Rivers system from Hancock, N.Y., south only as far as the Recreation Area. That's good, but not good enough!

Scenic River status for the Recreation Area segment to a point south of the Delaware Water Gap might spell automatic deauthorization of Tocks Dam and Reservoir. It would depend on wording of the legislation. So far, bills to deauthorize have not moved at all.

Naturally, the Basin Commission wants no part of Scenic Rivers in the Recreation Area. But we here at the New Jersey Conservation Foundation, and a lot of other people, believe the Recreation Area section of the river qualified for inclusion in the Scenic Rivers system.

That very action is embodied in companion bills sponsored in the Senate by New Jersey's Senator Clifford P. Case and in the House of Representatives by Congressman Peter H. Kostmayer of Pennsylvania. People who want to see the end of the Tocks Dam threat once and for all should write to their representatives in Congress in support of these bills.

Meanwhile, Governor Brendan Byrne is dragging his feet on deauthorization of Tocks, which needs his support if legislation to that effect is to succeed. Byrne has spoken in favor of delay, but has refused to approve deauthorization, despite the fact that both New York and Delaware have endorsed it.

Mere delay will mean that necessary reservoir site land purchases will cost more in the future, jeopardizing both future water supply options and a recrea-

tion area. I think it's time Governor Byrne reconsidered his position in light of this reality, plus the fact that his stance seems to be working against designation of the area as part of the Scenic Rivers system.

Unofficially, staff people at the federal Office of Management and Budget have long referred to Tocks Island Dam as "an economic boondoggle." That should tell us something about its true worth!

In summation, I support Scenic River status for the Recreation Area, and I also emphatically hope for passage of legislation to deauthorize Tocks.

Thank you for the opportunity to present this statement.

STATEMENT OF FRANK OLIVER, DIRECTOR, THE LEAGUE FOR CONSERVATION
LEGISLATION, TEANECK, N.J.

My name is Frank J. Oliver, Teaneck, N.J., testifying in behalf of the League for Conservation Legislation, a New Jersey statewide public interest coalition, of which I am director and past president, and also in behalf of the Conservation Committee, New York Chapter, Appalachian Mountain Club.

On July 24, 1973, at a Public Information Meeting held by the National Park Service at Milford, Pa., I testified in favor of designating the Upper Delaware, from Hancock to Matamoris, Pa., as a Scenic and Recreational River under the Wild & Scenic Rivers Act (P.L. 90-542, 1968). In that testimony I drew comparisons between the classification of the upper reaches of the Delaware and the Rogue River in Oregon, one of the original eight rivers designated in 1968. Those comparisons will be extended to cover the 40 miles of the Delaware designated in S. 2270.

You would suppose that the white-water Rogue would be wholly wild. Surprisingly, 50 percent is classed as Recreational even though most of the river is in a National Forest. Even in the 33 miles classed as Wild, there are a couple of lodges serving rubber-raft voyageurs who would rather sleep indoors than in a tent. Before you reach the wild part, you float down 32.5 miles of the Rogue with parallel roads and occasional commercial lodges. Even in the wild reaches, one of two lodges is served by jet boat, the only kind that can navigate the boulder-strewn rapids. Leaving the wild section, you are soon in sight of a parallel road and pass a decrepit resort area. As the road bears away from the river, the classification becomes Scenic for 10 miles, but changes back to Recreational as the road again comes in sight, along with scattered recreational homes.

The Upper Delaware, which has been studied for years by the then Bureau of Outdoor Recreation, is not much different from the Rogue. The final study, dated July 1976 was only released in late 1977. Of the 75 miles from Hancock, one-third is classified as Scenic, two-thirds, Recreational, the main reason being the presence of a State highway and a freight rail line. Even in the first Scenic reach, the railroad follows the shoreline, but is well screened in leaf time and the road veers away after three miles. In the lower Scenic reach, no road is in sight, but there the railroad crosses the river. The last 28 Recreational miles are paralleled by the railroad and State highway for the entire distance, although one encounters the most spectacular scenery and some of the most challenging rapids. From Hancock to Matamoris, there are 11 bridges crossing the Delaware and 26 border villages are seen in New York and Pennsylvania.

There seems to be general agreement in the Congress and the Administration that the upper reaches of the Delaware should be given the protection of the Wild and Scenic Rivers Act, under the administration of the National Park Service.

Now let me compare the 45 river miles from Matamoris to Delaware Water Gap to be designated as a component of the National Wild and Scenic Rivers System as called for in S. 2270. Except for Interstate highway crossings at each end, there are only two other bridge crossings in this reach, one single lane, privately owned. The only village that is truly visible is Milford, Pa., and the only large resort is hidden from the river voyageur by Shawnee and Depue Islands, both of which are wholly within the present DWG National Recreation Area. The hamlets on the New Jersey side can not be seen from the river.

In Pennsylvania, U.S. Highway 209 is mostly out of sight of boaters and canoeists. On the New Jersey side the historic Old Mine Road is a narrow lightly traveled secondary road and is in view of the river only for a short stretch above the Gap.

Under its Congressional mandate, the Corps of Engineers has been systematically negotiating the purchase of real property within the area that would be

flooded, should Tocks Island dam ever be built. As a result, the land within the artificial flood line is rapidly approaching de facto wilderness.

When Interior Secretary Andrus formally established the DWG National Recreation Area in June 1977, about 70 percent of the upland area was under National Park Service jurisdiction. The Service's tentative plans for natural-resource-based recreation with a free-flowing river does not include mass recreational facilities like golf courses, baseball diamonds, developed playgrounds and swimming pools. Instead, the Service has opted for hiking, bicycling, horseback and cross-country skiing trails and primitive camping, including, of course, canoe campsites accessible only by water. Similar recommendations have been proposed by the Appalachian Mountain Club.

So, what we have is a reach of the Delaware that is rapidly assuming a natural state, more so than much of the Rogue and the Upper Delaware. Some short reaches of the Delaware below Matamoras could conform to Wild status as defined in the National Wildlife and Scenic Rivers Act. This would be especially true if the National Park Service comes to full control of lands of the National Recreation Area, with a free-flowing wild and scenic river.

On that basis, we would nominate for Wild status the 6-mile reach of the Delaware from the Pennsylvania Fish Commission boat launching pad just north of Bushkill (mile 228) to Depew Island (mile 222). This reach includes Wallpack Bend where there is a feeling of true wilderness. What were formerly private camp roads leading down to the river could be chained off by the Park Service and allowed to revegetate.

The rest of the river between the Bend and the Gap should be classified as Scenic. There are by now no recreation homes lining the bank. Water quality is probably better than in the upper 75 miles of the Delaware, since discharges are far fewer.

Combining the upper and lower sections of the Delaware would result in this classification: 6 miles, Wild; 65, Scenic; 49, Recreational (41% compared to the Rogue's 50%).

In recommending that the Upper Delaware be included in the National Wild and Scenic Rivers System, the then Bureau of Outdoor Recreation, Dept. of Interior, proposed that the planning and management of this component of the Delaware be a cooperative endeavor by Federal, State, Interstate, local and private interests, but that the National Park Service be assigned primary responsibility for recreation in the area. Adding 46 miles of river in the DWG National Recreation Area under the Wild & Scenic River Act would place all 120 river miles under National Park Service control.

The two organizations I represent, the League for Conservation Legislation (N.J.) and the N.Y. Chapter of the Appalachian Mt. Club, urge the approval of S. 2270 and referral to the full Committee by the Senate Subcommittee on National Parks.

STATEMENT OF EDITH D. STEVENS, CHAIRMAN, INTERLEAGUE COUNCIL OF THE DELAWARE RIVER BASIN

The Interleague Council of the Delaware River Basin represents 183 local Leagues of Women Voters in the four states of the Delaware River Basin service area, and has concerned itself with water resources management since 1956.

We support the proposed amendment (S. 2270) to the Wild and Scenic Rivers Act which designates a segment of the Delaware River between Hancock, N.Y. and the Delaware Water Gap as a component of the National Wild and Scenic Rivers system. We are particularly concerned that the Matamoras, N.J. to Delaware Water Gap section of the river be included in this legislation.

The Department of Interior has already studied the upper Delaware River from Hancock to Matamoras for possible inclusion in the system and has recommended that it be included. S. 2270 proposes also adding the adjoining section of the river between Matamoras and the Delaware Water Gap to the system. This section of the river has been studied intensively by many groups, including the 1.5 million dollar study by Madigan-Praeger for the U.S. Army Corps of Engineers.

The Interleague Council examined in depth the Matamoras-Delaware Water Gap section of the river in 1975 as part of its study of the proposed Tocks Island Dam. The Leagues of Women Voters of the four Basin states concurred that we "urge legislation authorizing the National Park Service to operate a recreational facility in the area presently designated as the Delaware Water Gap National Recreation Area. (Without a dam, the recreation facility should be established in

such a way as to be compatible with the unique features of the area, including the free-flowing river and adjoining lands, historical and archaeological sites, and to preserve existing habitat for fish, game and plants.)" Criteria established in the National Wild and Scenic River Act include: a river "in free-flowing condition" that possesses "outstandingly remarkable scenic, recreational, geological, fish and wildlife, historic, cultural or other similar values". Designation of the Mata-moras—Delaware Water Gap section of the river as part of the National Wild and Scenic Rivers system has been suggested by the National Park Service as a planning option for the management of the Delaware Water Gap National Recreation Area. We feel that such designation would preserve this area's recreational values which the League of Women Voters supports. S. 2270 would also provide funding to accomplish this and would complement the Delaware Water Recreation Area rather than interfere with its present use or future development.

The League of Women Voters' Interleague Council appreciates this opportunity to present our position in support of S. 2270 to you.

NEW JERSEY SENATE,
Phillipsburg, N.J., May 31, 1978.

HON. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources,
Washington, D.C. 20515

DEAR SENATOR JACKSON: It is my understanding that your Committee on Energy and Natural Resources is considering presently the deauthorization of the Tocks Island Dam or at least legislation which would approach by the back door the deauthorization of the project by including the necessary portion of the Delaware River under the Wild and Scenic Rivers Act. I am writing you for the purpose of opposing vigorously *any* attempt to terminate this project.

By way of identification, I am the senior member of the New Jersey State Senate, serving now in my twenty-fifth year. Included in the Fifteenth Legislative District which I represent are the Counties of Sussex and Warren. The full impact of the dam, when and if it is constructed, will fall upon these two counties. Moreover, I sponsored in 1961 the New Jersey statute authorizing construction of the Tocks Island Dam. That legislation had to pass in Delaware, New Jersey, New York and Pennsylvania and the compact was subsequently approved by Congress. In addition, the Delaware River Basin Commission was created consisting of the Governors of the four states and the Secretary of the Interior, with each of the five individuals having one vote.

Having sponsored much water supply legislation (particularly with respect to the Round Valley and Spruce Run Reservoirs in New Jersey) throughout my twenty-five years of service in the Senate and having been intimately concerned with studies of the Delaware River Basin, I believe that the Tocks Island Dam should be constructed and will be constructed one day in order to provide water supply and flood control. I have studied the alleged alternatives proposed by those who oppose the Tocks Island Dam (including desalinization, high-flow skimming, damming the tributaries of the Delaware River and obtaining water from the Hudson River by construction of a huge pipe line or tunnel from north of Poughkeepsie) and find all of them seriously lacking in substance. Water is a necessity of life for a growing population and can not be planned overnight.

In respect to flood control, the Delaware Valley has been just plain lucky in not being disastrously flooded in the last several years, particularly by Hurricane Agnes in 1972, which would have resulted in a flood crest much higher than the worst in the history of the river in August of 1955. The protection of people and property is much too important to leave to luck and should be based upon sound planning.

The Delaware Water Gap National Recreational Area will prove to be a major disaster for the northwestern counties of New Jersey unless it is accompanied by the dam because the recreational area will pose all of the problems (such as, schools, roads, water supply, sewerage disposal systems and satellite hospitals, to name a few) without either of the prime advantages of water supply and flood control that the dam alone can provide. Most of the major studies over the past 50 years have indicated that a dam is necessary. After the flood of August, 1955, it was decided to shift the location of the dam from Walpack Road (where it had been proposed as early as the nineteen twenties) to Tocks Island because

the river is wider at the latter point and better suited for construction of a multi-purpose type of dam.

I need hardly point out to you or anyone else the great amount of inconvenience and frustration which has been caused to former and present homeowners in Sussex and Warren Counties as a result of the entirely inadequate policies of the federal government in acquiring land for the Delaware Water Gap National Recreation Area and for the land to be flooded by the Tocks Island reservoir. Despite numerous requests on my part to our national representatives, neither the Congress nor any President has as yet provided any legislation at the national level to control the acquisition of property, to provide for the maintenance of local roads or to reimburse municipalities for loss of property tax ratables. Part of the legislation I sponsored in New Jersey in 1958 in conjunction with the Round Valley and Spruce Run Reservoirs had to do with reimbursement for loss of tax ratables, and it is inconceivable to me that the federal government has never adopted similar legislation.

I shall be glad to consider seriously any alternative better than the construction of the Tocks Island Dam if one is ever offered by the opponents of the dam. Up to this point I have not received one that I consider as satisfactory as the construction of the dam itself, except that I believe very strongly that the size and magnitude of the dam can be reduced considerably from the proposal of the U.S. Army Corps of Engineers. Water supply is so important that I refuse purely for the sake of obtaining votes and in favor of political expediency to abandon a position which I have long held. I believe that any public servant who is not vitally concerned about adequate and proper water supply is being derelict in his or her responsibilities.

I have been involved in several campaigns for reelection (this now being my eighth term) in which my major opposition has been because of my stand in favor of the Tocks Island project. Obviously, it has not harmed me politically. I am sure that many of my constituents do not agree with my position, but at least they respect my willingness to take a position even though an unpopular one. It is extremely important in the State of New Jersey, which contains the heaviest concentration of people per square mile of any of the fifty states, to plan for water resources for the future. These northwestern counties in New Jersey are growing rapidly in population and there are not enough water supplies (either surface or underground, or both) to take care of our people adequately in the future.

I shall appreciate your considering this letter as an expression of a deeply concerned public servant. I hope also that your Committee will not report favorably any of the bills that would kill this vital project. Perhaps you can include this letter as part of the record of the hearings which your Committee has recently conducted. If you should at any time desire that I testify personally, please advise me.

Thank you very much for your kind consideration and courtesy. With best regards and best wishes, I am

Sincerely yours,

WAYNE DUMONT, Jr.

SIERRA CLUB, NORTHWEST NEW JERSEY GROUP,
Sparta, N.J., May 10, 1978.

HON. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Please support the revised bill introduced by Senator Case to place that part of the Delaware River within the Delaware Water Gap National Recreation Area in the National Wild and Scenic Rivers system.

The middle Delaware is remarkable pure and scenic considering it borders America's most densely populated state. Few who have not actually seen the Delaware can easily accept this as fact; but a parallel 1200 to 1800 foot-high ridge has protected it from western expansion of the East-coast megalopolis and its sprawling suburbia. Between two interstate highways that cross near the northern and southern limits of the Recreation Area the river is crossed by only two bridges—and one of these is a tight two-car squeeze with a rumbling wooden plank floor.

Seeing is believing, but the view from the water's surface is utterly convincing, at least to me. This stretch of the river fully qualifies as "scenic" under the Wild and Scenic Rivers Act; and part of it, Walpack Bend for example, though perhaps

lacking the grand scale of the Columbia is spectacular by almost any standards east of the Rockies.

But as a supplement to the upper section of the middle Delaware has added value, I believe. The turbulence of the upper river that makes it a challenge for whitewater enthusiasts also makes it less than suitable for neophytes. I have canoed parts of the upper Delaware and fully support its inclusion in the Wild and Scenic Rivers system, as does the Northwest New Jersey Group of the Sierra Club; and we urge you to, also.

But the middle Delaware is ideal for beginners, for the elderly, and for those who just prefer to drift with the current and enjoy the scenery and wildlife. It fully qualifies as "recreational" and in a way not duplicated by the river upstream. That's why I specifically urge you to support the revised Case bill to preserve the middle Delaware as a National Wild and Scenic River.

FOR THE NORTHWEST NEW JERSEY GROUP,
ALAN H. MAYNES, *Chairman*.

POLICY STATEMENT

THE DELAWARE RIVER: WILD & SCENIC RIVER STATUS

The Northwest New Jersey Group of the Sierra Club opposes the bill introduced in the Senate recently by Senators Williams of New Jersey, Moynihan of New York, and Heinz of Pennsylvania.

This bill, which would place 75 miles of the upper Delaware River only in the National Wild & Scenic River System, is incomplete and unnecessary; and for these reasons is unacceptable to our Sierra Club Group.

This bill offers no protection to the beautiful middle Delaware River that forms most of the western boundary of our two counties, specifically that portion of the river extending northward from the southern boundary of the Delaware Water Gap National Recreation Area.

Because there already are before the Congress bills that do offer this protection and which we enthusiastically support—namely H.R. 6403, H.R. 8865, & H.R. 7981 in the House of Representatives (the last co-sponsored by Congresswoman Meyner of our district) and S. 2270 (introduced in the Senate by Senator Case)—the Northwest New Jersey Group of the Sierra Club considers the Williams/Moynihan/Heinz bill to be a step backward for New Jersey in general and Sussex and Warren counties in particular; and we recommend its withdrawal or defeat.

PACIFIC NORTHWEST WATERWAYS ASSOCIATION,
Walla Walla, Wash., March 30, 1978.

HON. HENRY M. JACKSON,
U.S. Senator,
Washington, D.C.

DEAR SENATOR JACKSON: This is in connection with my earlier letter to you regarding the administration's proposals to designate a section of the main stem of the Columbia River—the Hanford Reach—and the Wenatchee, Little Wenatchee, Chiwawa and White Rivers as "wild and scenic."

Previously, I notified you that PNWA is opposed to the wild and scenic designation being placed upon these rivers and specific reasons were cited.

Your response of February 24, 1978, identified the fact that no legislation had been introduced in the Senate at that time to accomplish this administration objective.

On March 6, 1978, the administration's proposed amendments to the Wild and Scenic Rivers Act were introduced, by request, by Senator Abourezk and S. 2650 was assigned to the Committee on Energy and Natural Resources where you subsequently sent it to an appropriate subcommittee for consideration.

In your letter of February 24, 1978, you stated that you would watch this legislation very carefully at such time as it was brought before the Senate. You also have discussed the seriousness of the issue and its potential adverse impact upon the region, especially as it will affect energy production potentials, with Congressman McCormack. I have brought the matter to the attention of the entire Pacific Northwest Congressional delegation, including Congressman Foley who has a portion of the affected river reach in his district.

PNWA still opposes the designation of the main stem of the Columbia River between the headwaters of Lake Wallula and Priest Rapids Dam, and the Wen-

atchee area rivers as "wild and scenic." We feel we are well justified in our opposition and have a great deal to lose versus whatever intangible environmental benefits the administration seeks to gain.

Your consideration to eliminate these specific rivers from the legislation now before your committee will be appreciated. I look forward to your response and favorable action on behalf of this request from PNWA and the residents of the states for which we speak: Washington, Idaho, Oregon, western Montana and Alaska.

Sincerely,

ROY C. WEBSTER,
Executive Vice President.

LEGISLATION/NATURAL RESOURCES

MAY 8, 1978.

Re Wild and Scenic River System.

Mr. ROY C. WEBSTER,
*Executive Vice President, Pacific Northwest Waterways Association,
Walla Walla, Wash.*

DEAR ROY: This will acknowledge your recent letter expressing concern about the possible addition of the Wenatchee River and a portion of the Columbia River to the Wild and Scenic Rivers system.

My understanding is that the House Interior Committee has now moved to delete both of those sites from the Omnibus Wild and Scenic River legislation now being considered. I believe Congressman McCormack has had quite a role in seeing that the Subcommittee took such action.

As you probably know, the Omnibus Senate bill, which was introduced at the President's request, does include both of these sites, but no action will be taken until hearings are held on this bill. In an effort to be of assistance, I will see that your letter is added to the official file when the Energy and Natural Resources Committee considers this measure.

With best regards,

Sincerely yours,

HENRY M. JACKSON,
U.S. Senator.

CITY OF PHILADELPHIA WATER DEPARTMENT,
Philadelphia, Pa., May 11, 1978.

Senator JAMES ABOUREZK,
*Chairman, Subcommittee on Parks and Recreation,
Washington, D.C.*

DEAR SENATOR ABOUREZK: Enclosed for your information and evaluation are ten copies of testimony from the Philadelphia Water Department concerning Senate Bills S-2270, S-2653, and S-2611. I would like to request that this testimony be incorporated into the hearing record concerning these bills.

As indicated by the testimony the Philadelphia Water Department supports either Bill S-2611 or S-2653, both of which would incorporate that portion of the Delaware River between Hancock, New York and Port Jervis, New York into the Federal "wild and scenic" river system. We do favor Bill S-2611 over S-2653 because we feel that S-2611 more properly addresses this issue and has been more critically examined by the public and other interested parties.

We are, however, categorically against Bill S-2270 which would incorporate that portion of the Delaware River at the Delaware Water Gap into the "wild and scenic" river system and thereby foreclose forever the possible development of the Tocks Island Reservoir Project (TIRP). As I indicate in my testimony, Tocks Island or its equivalent is an absolute necessity to the water resources management of the Delaware River Basin and those service areas in the states of New York and New Jersey. Therefore, until a viable alternative to Tocks Island is found (and none has yet been found) I must oppose any legislation designed to terminate the possible future development of Tocks Island.

Sincerely yours,

CARMEN F. GUARINO,
Water Commissioner.

CITY OF PHILADELPHIA WATER DEPARTMENT,
Philadelphia, Pa., May 10, 1978.

Re testimony—S. 2270, S. 2653, S. 2611.

Senator JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
Washington, D.C.

DEAR SENATOR ABOUREZK: My name is Carmen F. Guarino and as Commissioner and Chief Engineer of the Water Department of the City of Philadelphia, I am authorized by the City to make the following statements concerning Senate Bills S-2270, S-2653, and S-2611, which bills are intended to preserve certain reaches of the Delaware River as "wild and scenic" forever.

The City of Philadelphia is interested in seeing that part of our national heritage is preserved in its pristine form for posterity and this is as it should be. In particular, the City would support legislation that would preserve the stretch of the Delaware River between Hancock and Port Jervis as a wild and scenic river. Two bills, S-2653 and S-2611, have this as their primary objective. We would favor Bill S-2611 over S-2653 because we feel that S-2611 more properly addresses this subject and has been more critically examined by the public and other interested parties.

The City of Philadelphia is categorically against Bill S-2270 which would as a consequence of its adoption foreclose forever the development of the Tocks Island Reservoir Project (TIRP). In fact, we are vehemently against any bill that would prevent the development of Tocks Island Dam or would serve to terminate the authorization for the TIRP.

The TIRP has been authorized under the Flood Control Act of 1962. Little progress has been made towards achieving the fulfillment of this project other than engineering studies and the purchase of a large part of the land that is needed and necessary to bring this project into fruition. TIRP has experienced difficulty simply due to the long time it has taken to begin this project. The delay has caused people to forget the real reasons TIRP is necessary for the welfare and economy of the Delaware River Basin and supporting service areas in the states of New York and New Jersey. There are several new generations that have to be educated about TIRP, about the needs for Tocks Island, about the possible environmental damage that may be caused by the dam, about the studies concerning the environmental factors and about the real environmental good that this dam will do and its real worth to society. Most of the education is currently done by a small self-serving group of individuals or small organizations whose main purpose is to insure that the dam will not be built. These individuals and organizations never present the full and actual facts about TIRP and the real need for it. However, these individuals and groups do have the attention of certain members of Congress and other political leaders and this has worked to the disadvantage of literally millions of ordinary people. At present, these individuals and groups have actually brought any continuing action on the development of TIRP to a halt and are now attempting to have beguiled political decision-makers and obfuscated the real need for TIRP and that it is imperative to provide for this dam before a disaster happens in the Delaware River Basin. Floods and droughts are natural phenomena that re-occur again and again. The valley has to be ready when the next severe flood or drought happens.

Because of the long time span involved since the initial authorization of TIRP, Congress authorized a study to fully address again all of the issues and alternatives associated with TIRP. This congressionally authorized study is embodied in the U.S./Madigan Praeger Report. The summary review presented by the consultants states, in part, "the purpose of this study is to help decision-makers ascertain future water resource needs of the Delaware River Basin area and ways of meeting these needs". The summary review also states that the Study, "does not make recommendations but rather provides information on all issues for interested parties to assess and form judgements . . ." The Madigan Praeger Report concluded that the Delaware River Basin had need for water supply protection, water-based recreation, flood loss reduction, electric power generation, river water quality improvement, and the conservation of fish and wildlife and that these needs were just as necessary today as concluded by the initial Corps of Engineers Study in 1960. However, all these needs are even more critical at present since time has passed and population and industry has grown with increasing demands for water. The Madigan Praeger Report concluded that Tocks Island could furnish all of these things that are necessary for the welfare and

economy of the Delaware River Basin more cost effectively and least environmentally damaging than any other alternative to this proposed impoundment.

The Madigan Praeger Report also cited other alternatives to TIRP which might be feasible. The report in no way indicated that these alternatives were indeed viable. There were no engineering studies done to see whether or not the local geology of the alternatives would permit the construction of a safe structure nor were there any engineering studies done to determine the economical justifications of these alternatives, as well as what environmental damage would be occasioned by the adoption of these alternatives. Perhaps most important of all there is no indication whatsoever of the political acceptability of these alternatives. I would like to point out that one potential alternative to the TIRP was a series of smaller impoundments on the tributaries of the Delaware River. However, recent experience with the Trexler Lake Project, an authorized Federal multi-purpose impoundment on a tributary, has experienced very strong political opposition and this can be expected to happen to other such proposed tributary projects. Despite the fact that the U.S./Madigan Praeger Report is over three years old, no attempts in even a minor manner have been made to investigate the actual feasibility of the proposed alternatives. If the study of these alternatives is to be done, it should be done immediately since there is a long time between the actual authorization of the proposed alternative (which has yet to be done) and its ultimate implementation.

In view of all of the above, until it is found that there is a technically feasible and politically acceptable alternative, TIRP should not be de-authorized nor should any attempt be made to adopt a project such as a "wild and scenic" river plan which would foreclose the development of TIRP.

I personally experienced the hurricanes and floods of 1955 which caused loss of life and millions of dollars of devastation throughout our Basin. This catastrophe led to the study by the Corps of Engineers which resulted in the recommendation of the TIRP which was eventually authorized by Congress. The further need for this TIRP was dramatically experienced by all the residents of the Delaware River Basin as well as those millions of individuals and industry in the service areas of the states of New York and New Jersey, who were dependent upon withdrawals from the Delaware River during the drought of the 1960's.

At the present time, I am Chairman of the Policy Advisory Committee for the Comprehensive Water Quality Management Plan of the Commonwealth of Pennsylvania for that section of the Delaware Estuary from Trenton to the state line of Delaware. As Chairman, I am also involved with the Federally mandated 208 Studies under the direction of the Federal Water Pollution Control Act of 1972, P.L. 92-500. The information from these two study areas only emphasizes the need for TIRP or its equivalent. My position as Chairman of these Policy Advisory Committees has made me painfully aware of the water deficiencies in the neighboring counties to Philadelphia (Montgomery, Bucks, etc.), as well as those counties on the New Jersey side of the river such as Burlington, Camden and Gloucester Counties. The Pennsylvania COWAMP/208 Study has a chapter dealing with water supply. Under the section concerned with ground water, tabulations show that many water supplies in Chester, Montgomery and Bucks Counties are overpumped to the extent that they are not replenished during the average precipitation year. Of utmost importance is the fact that during the occurrence of a drought with a frequency return interval of as low as seven to ten years, substantial areas are over-pumped. It is apparent that ground water intake counties can barely sustain existing population and industry and thus provide no opportunity but for minor growth. In this Sub-Basin area there are essentially 108 water suppliers. Studies showed that only nine of these suppliers will have no deficiencies by the year 2020 in dependable yield. It is quite obvious that these some 99 public water suppliers cannot depend on existing sources of supplies such as wells and local streams, but must go to the mainstem of the Delaware in the rather near future. What is so critical is that Delaware River water and their needs at this time cannot be guaranteed since there is no major impoundment such as TIRP or its equivalent in any prospect.

The beginning of depletion of ground water on the Pennsylvania side of the Delaware River became evident in the early 1960's, when the Philadelphia Water Department began supplying water to the Bucks County Water and Sewer Authority. It is of interest to note that this agreement contains the words, "Whereas due to the dropping water table . . ."

I would respectfully point attention to the draft report of the Pennsylvania State Water Plan dealing with sub-basin three which includes the metropolitan area of Philadelphia and its contiguous counties. I would like to quote from this document:

"Therefore, considering the economics of the situation, the danger of losing a valuable fresh water aquifer, the ecology of the estuary and the inconvenience of frequent rationing, it is essential that increased storage be developed in the basin to meet this urgent need. To provide sufficient storage would require one large reservoir (i.e., Tocks Island Lake Project) or approximately ten new reservoirs of the size of Beltzville. Because of the efficiency of the large project versus several smaller projects, Tocks Island Lake Project is recommended for construction as soon as possible.

It should be noted that Tocks Island Lake Project offers the potential for pumped storage and hydroelectric development, in addition to the flood control, water supply, recreation and water quality augmentation benefits."

I have not neglected to look into the water needs of my neighbors across the river in New Jersey, particularly the water needs of our sister-city, Camden. Since 1960, ground water pumping caused by growth in Gloucester, Camden and Burlington Counties has caused a severe zone of depression in the Magothy-Raritan Aquifer to the extent that this Aquifer cannot be replenished by average annual precipitation recharge. Observations of the U.S. Geological Survey have disclosed that the potential-metric head of the Magothy-Raritan Aquifer has declined 80-100 feet below sea level for practically the entire area of the Aquifer. Hydrological experts are predicting the depletion of this Aquifer if increase in pumping from this system continues at its present rate. Information about the status of the Magothy-Raritan Aquifer is contained in the 208 Water Quality Management Plan for Burlington, Camden and Gloucester Counties in New Jersey. It is quite obvious that if there is to be growth for industry and population in these counties, then recourse will have to be made to obtain water from other sources such as the Delaware River or the Jersey Pine Barrens. Economics and environmental concerns dictate that the future supplies for these counties should come from the Delaware River and again there is no guarantee that water for these counties will be safeguarded.

During the drought of the 1960's, salt water from the ocean imperiled the water supplies of the City of Philadelphia and Camden. Considering growth on both sides of the river, if the drought of the 60's should re-occur now, then the well fields of Camden and communities in New Jersey drawing well water along the river would be contaminated with salt water forever. The Philadelphia water supply would also be endangered. Studies of the Magothy-Raritan Aquifer have revealed a second source of salt water contamination to be near a fresh water-salt water interface in Winslow Township. Again in the event of a drought with the severity of that of the 60's, this second source of salt water contamination would rapidly converge over Mercer and Burlington Counties into Southern Gloucester County and into Camden. The salt water problem alone for the amount of humans that would be affected is an encouragement to build a substantial impoundment on the Delaware River for river salinity control as soon as possible and should act as a deterrent for forces which would tend to prevent such protective impoundments from being built.

It should be pointed out that the Corps of Engineers has just completed its Northeastern U.S. Water Supply Study (NEWS) dated July, 1977. A major reason for the NEWS Study was the water shortages experienced by the Delaware River Basin during the severe drought of the 1960's. However, the current NEWS Study does not recognize that the Delaware River Basin is a water deficient area and that this condition is becoming more critical as time passes by unless provisions are made to ameliorate or rectify this condition. There is a reason for the negligence of the NEWS Study to consider the Delaware River Basin as a water deficient area. This was because the NEWS Study initially presumed that TIRP would be constructed and had therefore excluded the Delaware River Basin as a water deficient area in its Study. The Corps of Engineers did so because it was obvious that TIRP could adequately provide the water needed for the Delaware River Basin as well as authorize exportations to New York City and Northern New Jersey. Unfortunately with the development of TIRP held in abeyance, the NEWS Study should have paid attention once again to the water needs of the Delaware River Valley. The portions of the current NEWS Study that deal with further exportations of water out of the Delaware River Basin, absent TIRP, are no longer valid. Therefore, any project which

would attempt to de-authorize TIRP should not fail to recognize that by doing so, it would be acting to the detriment of three states, New York, New Jersey and Pennsylvania.

As Water Commissioner of the City of Philadelphia I am further obligated to inform you what Philadelphia has done in contemplation of TIRP, either in expenditures or plans for future water, as well as other related information.

I. In contemplation of this reservoir, the City of Philadelphia abandoned commitment to its plan for upstream impoundment and diversion of mainstream waters to metropolitan Philadelphia.

In doing so the City of Philadelphia undertook a \$25,000,000 rebuilding and upgrading of its Torresdale Water Treatment Plant, which intakes on the Delaware River at Philadelphia. Since completion of the upgrading of the works, the City has spent over \$17,000,000 to maintain this facility. This was done in reliance on the augmented firm flow past Philadelphia which was to be provided by the mainstem impoundment initially designated as the Wallpack Bend Reservoir and which subsequently had as its substitute the TIRP. Having done so, due to population and other development of the upstream area, it is now impossible for Philadelphia to revert to its original plan for an upland water source.

II. In contemplation of Tocks Island Reservoir Project, the City of Philadelphia invested \$464 million in pollution abatement work predicted on a minimum assured sustained flow of 3000 cfs at Trenton to be provided by the Tocks Island Dam.

This 3000 cfs flow can be assured only by Tocks Island in light of diversions out of Basin and predicted future depletive water use. This assured flow, we point out, is not a substitute for pollution abatement control works.

This level of flow, 3000 cfs, was approved by the Federal Water Pollution Control Administration and then the Environmental Protection Agency and the Delaware River Basin Commission and the Commonwealth of Pennsylvania unanimously as the minimum assured river flow required for the efficient operation of this \$464 million pollution abatement investment by the City of Philadelphia.

Without this flow of 300 cfs, which can only be provided by Tocks Island, the City of Philadelphia must increase its expenditure on pollution abatement works to an estimate of about \$1.5 billion in pollution abatement works. This is so as to insure a water quality in the mainstem compared to that provided by our \$464 million investment as assured by a minimum sustained flow of 3000 cfs.

III. Because Tocks Island assured flow past Philadelphia's water intake on the Delaware is not yet available, the City was forced to purchase laboratory boats equipped with instruments at a cost of about \$160,000 and spend over \$3,800,000 to date for a monitoring program to ascertain the treatability and suitability of the water supply for potable, commercial and industrial use.

Absent Tocks' flow, in view of pending EPA standards for sodium, the City must make provisions for potable water for its customers vulnerable to sodium levels above those prescribed by the American Heart Association.

The Water Quality Standards of the Delaware River Basin Commission specify a limit of 50 mg/l (not 250 mg/l) of chlorides at the Torresdale Water Intake. This chloride concentration standard of 50 mg/l corresponds to the upper limit of sodium recommended by the American Heart Association for potable water by patients with heart disease and other ailments, and would be essential for kidney disease, edema, ascites, toxemia of pregnancy, liver diseases, allergies and others. The sodium concentration at Torresdale has exceeded this upper limit in the past, not just during the drought of the 1960's. Tocks Island is needed to prevent this limit from being exceeded.

IV. Absent Tocks Island, the City of Philadelphia must pay more for its municipal energy supply.

The Delaware River Basin Commission has established the policy that in absence of the TIRP, the Basin's electric utilities will be required to provide less cost-effective single-purpose impoundments to meet their water needs to supply the Basic community with needed energy. It is obvious that de-authorizing of Tocks Island and the consequent construction of the single-purpose impoundments will increase electric rates and thereby increase Philadelphia's municipal energy bill, as well as those of its citizens.

What should disturb many environmentalists about the basin's electric utilities, siting and operations, absent TIRP, is that natural resources would have to be destructively consumed to furnish the electric power that the basin needs and in the process, air, water and other types of pollution would necessarily have to result. The dam would provide environmentally clean electricity without the

destructive use of the nation's fixed natural resources. The environmentalists just don't seem to pay attention to this realistic fact of life.

This latter thought has lead me to think that no one has tabulated the environmental good that would result from the building of TIRP. In addition to environmentally clean electricity, the impoundment would insure that adequate conservation releases could be made from the New York City reservoirs such as Cannonsville, Pepacton and Neversink. The additional water which could be released for conservation purposes at each of these New York dams, as a result of TIRP, will certainly enhance the general aquatic and other environments at the base of these dams which would obviously run dry in the event of a sever drought. Since TIRP would assure fresh water inflow of 3000 cfs at Trenton even during extreme conditions, the estuarine water quality would be greatly enhanced as with the conservation releases for the betterment of the aquatic life in the Delaware River Estuary. The flow regulation permitted by the dam would even be of benefit environmentally as far down stream as Delaware since the flow regulation could control the oyster drill. In fact, the presence of Tocks Island's flow would enable the Delaware River to achieve mandated stream water quality standards. This better water, in turn, would improve the human environment since this improved water would be more susceptible to treatment and thus enhance the quality of drinking water.

Construction of TIRP would obviate the need for cities such as Camden and other communities in Burlington, Camden and Gloucester Counties in New Jersey currently using the depleting Magoth-Raritan Aquifer from exporting water from the Jersey Pine Barrens. U.S. Geological Survey reports indicate trillions of gallons of ground water in this unique geological and ecological area. However, the reports also indicate that the environment of this relative pristine county would be destroyed if any substantial water was to be exported from this Aquifer. Gone would be the blueberries, the cranberry bogs and the unique ecology of the Barrens. This is one environment that the presence of TIRP would preserve.

Mention should be made that the entire basin area is very much in need of water-based recreation at affordable prices. TIRP would be the Lake Tahoe of the East except that it would not be open to gaudy commercialism since it would be under the benevolent control of the Federal Government Park System. Thus, prices for using the lake and the associated park area would be quite reasonable so that the economically disadvantaged and middle class could enjoy nature at prices that they could afford to pay. Water-based recreation in the immediate vicinity of Philadelphia, absent TIRP, will only be available at a high premium and I point this out because places like Atlantic City, a great seashore resort, has now recognized gambling. Adventures of this sort most generally inflate prices in the effected area as well as attract criminal elements (prostitutes, etc.) which are not desired or morally acceptable to the majority of the population. TIRP is simply necessary for the recreation of the citizens of the Delaware River Basin and service area.

The economy of the Delaware River Basin is closely tied into water use. Commerce and industry within the City of Philadelphia pay approximately 40 percent of the City's total water bill. Commerce and industry cannot be divorced from labor which supplies the sinews for implementation. Without industry and labor and the fruits of their endeavor, the valley would be truly a wasteland. It is therefore imperative that industry continue to be supplied with adequate water to sustain the great standard of living enjoyed by the inhabitants of the valley. Nor can the nation forget the contributions made to the national good by each of these institutions, again only made possible through the assured supply of water. Therefore, it is very important that an assured adequate supply of water be furnished this valley so that it can earn its fair share of the nation's gross national product. It is of interest that the construction industry in our valley has accepted a rather minor wage increase (3.8 percent) in these days of inflation and a three year contract in order to keep building activities stable so that industry and labor can continue to work hand in hand and make this valley prosperous. The building and continued presence of TIRP will be a stimulus to the economy in this valley and the secondary effects will have their salubrious multiplication throughout the nation.

I believe that I have cited all of the important factors of why nothing should be done to prevent the eventual building of TIRP and I therefore respectfully request your Sub-Committee give serious thought to my testimony since I have attempted to show the comprehensive impact of TIRP (and it is a good one) on

the environment, the preservation of natural resources, the health and stability of our economy, together with some very serious social aspects for your consideration and evaluation.

Very truly yours,

CARMEN F. GUARINO,
Water Commissioner.

PIKE COUNTY PLANNING COMMISSION,
Milford, Pa., April 26, 1978.

Re: Upper Delaware River Wild and Scenic designation legislation.

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

DEAR SENATOR ABOUREZK: The Pike County Board of Commissioners and the Pike County Planning Commission have long been concerned about the Upper Delaware River and its potential designation as a National Wild and Scenic River.

The enclosed paper, "Upper Delaware: Issues and Questions," deals with the issues that concern the Pike County Board of Commissioners and the Pike County Planning Commission. The paper also raises specific questions about the designation legislation introduced in the House by Congressman Matthew McHugh of New York and in the Senate by Senator Daniel P. Moynihan of New York.

We hope that the Subcommittee on Parks and Recreation will take this paper into consideration when it deals with the Upper Delaware designation legislation.

Respectfully yours,

CARSON O. HELFRICH,
Planning Coordinator.

UPPER DELAWARE: ISSUES AND QUESTIONS

The potential designation of the Upper Delaware River as a component of the National Wild and Scenic Rivers System has been on the minds of the people of Pike County since 1968 when the National Wild and Scenic Rivers Act became law. Since that time, uncertainty has been the prevailing theme. What will the impact of designation be? How much land will be taken? Will the River ever be designated?

The River issue has in recent months moved beyond the point of uncertainty. H.R. 11743, the latest designation legislation, has gained support from a number of Representatives and is likely to be passed by Congress sometime this summer. At this time, the main concern of the Pike County Board of Commissioners and the Pike County Planning Commission is that H.R. 11743, after clearing the proper Congressional Committees, addresses the issues raised by the residents of Pike County. The key issues as we see them are as follows: the retention, to the maximum extent possible, of local control; the location of the southern terminus of the designated area; land acquisition; and the provision of the additional services needed to deal with the impact of designation. In order to make our point of view as clear as possible we will deal briefly with each issue.

Local control: Since the greatest impact of designation will be felt at the local level it is important that local people have the opportunity to take part in the planning, implementation and management of the Upper Delaware River. For this reason we believe that the Citizens Advisory Council must be enabled to take an active role in the process. We are concerned that the Citizens Advisory Council doesn't become a "rubber stamp" group but rather a group that will work closely with all involved agencies in an effort to insure that local concerns are incorporated into the planning process and that local people will have the ongoing opportunity to impact the management of the Upper Delaware.

Southern terminus: In H.R. 11743, McHugh's latest bill, the southern terminus has been designated as "the southern tip of Cherry Island." This raises two important questions. 1) On which side of the River will the information/access facility be built? We believe construction of this facility on the Pennsylvania side would be the wrong choice. Not only is a substantial portion of the land developed at that point but the access to the area is very poor. 2) Should the designation legislation lock the lower terminus to a specific point? Suppose the management plan finds that "the southern tip of Cherry Island" really isn't the best location for the southern terminus. Is new legislation needed to change it? We believe the

language in the designation should be such that the most suitable lower terminus can be determined in the management planning process.

Land acquisition: Federal acquisition of land in the Upper Delaware corridor has long been a controversial issue. We believe that land acquisition should be kept to a minimum but adequate provision should be made for the acquisition of those sites necessary for the operation of the project. We agree that relying on local land use ordinances to control development in the river corridor is the most acceptable method. However, if the zoning guidelines that are developed are so restrictive so as to constitute a taking of private property we cannot support this approach.

Additional services: One of the greatest concerns voiced by the residents of Pike County is the impact that the influx of recreators will have on local municipalities. Riverfront municipalities and local institutions will have to provide additional police, fire protection, ambulance, rescue, health and other services. The final Bureau of Outdoor Recreation Report states on page 37 that "much of the expense of providing emergency services is likely to be borne by local governments and institutions." We believe that the costs of additional services cannot be borne solely by local governments and institutions and that the legislation must include a mechanism for assistance in providing these additional services.

H.R. 11743, in our opinion, the best designation legislation to be introduced to date. While H.R. 11743 does address many key issues we hope that the Congressmen will consider the following points and questions concerning the legislation.

SECTION 2

Subsection (b), page 2, lines 12 & 13: Does this language allow the management plan to redefine the location of the lower terminus as it is designated in subsection (a) of section 2? If not, we believe such language should be included.

SECTION 3

Subsection (a), page 2, line 25: Exactly what are the "general guidelines?" More than zoning guidelines?

Subsection (a), page 3, lines 6 thru 12: The Citizens Advisory Council should be on the same participatory level as government and concerned private individuals and organizations.

SECTION 4

Subsection (b) (3), page 4, line 22: This should read "costs to local government."

Subsection (c), page 5, lines 6 thru 14: No provision is made for public participation in developing the interim programs. Such provision should be made. Upon its formation the Citizens Advisory Council should also participate. A time frame for the development and implementation of the interim programs should be included.

Subsection (d), page 5, line 19: Who is "they?" This section would be more understandable if it read as follows: To enable the directly affected States and their political subdivisions to develop and implement programs compatible with the management plan, the Secretary and the Commission shall provide, as they deem appropriate, such technical assistance to the said States and their political subdivisions.

Subsection (e), page 5, line 21: The Citizens Advisory Council is charged with promoting public participation and should be linked with the Delaware River Basin Commission in this section. It should read: The Commission in cooperation with the Citizens Advisory Council shall promote public awareness . . .

SECTION 5

Page 6, lines 20 thru 25 and page 7, lines 1 thru 4: Does the legislation limit acquisition to 1450 acres even if the management plan establishes the need for more? What about individuals who wish to sell or donate their property?

Page 7, lines 7 thru 13: Isn't negotiation built into the normal acquisition procedure and doesn't the procedure apply to all individual property owners as well as commercial establishments?

SECTION 6

Subsection (d), page 9, line 1: Which guidelines are referenced? The zoning guidelines?

SECTION 7

Subsection (a), page 9, lines 18 thru 25 and page 10, lines 1 thru 8: The Citizens Advisory Council should have more power than simply encouraging maximum public involvement and reporting and recommending. Language should be included which directs the Citizens Advisory Council to work closely with the Secretary and the Delaware River Basin Commission in the development, implementation and monitoring of all programs authorized by the Act.

A new subsection should be added to Section 7 authorizing a skeleton staff for the Citizens Advisory Council. In order for the Citizens Advisory Council to fulfill its role as we see it and be able to function on a day to day basis a minimum of one staff person is needed. This person would arrange meetings, publish notices, keep minutes, disseminate information to the public, etc.

SECTION 8

As a whole, the language of Section 8 is complex and somewhat difficult to understand. Would it be possible to rewrite this section to make it more readable? If the section were more understandable perhaps many of the questions listed below would be answered.

Since all other sections in the Act are titled it would be appropriate to title Section 8.

Page 11, lines 11 & 12: The language in these two lines seems to indicate that a cooperative agreement is needed with each non-Federal land owner as well as the appropriate State or political subdivision. Would this system be workable?

Page 11, line 14: What type of assistance will be provided? Funds or staff?

Page 11, line 15 thru 17: Does a "visual use" constitute a "public use" for the purposes of (1)? That is, will the National Park Service be able to enter into cooperative agreements to maintain "the natural or scenic character of lands and waters" that are devoted to a visual rather than a physical use?

Page 11, lines 15 thru 19: Just what do numbers (1) and (2) authorize? Garbage pickup, policing, rescue, fire protection, ambulance, etc?

Page 11, lines 19 thru 25 and page 12, line 1: What is the intent of this language?

Page 12, lines 2 thru 4: The lands referenced here must certainly remain subject to applicable state and local fish and game regulations and the rights of private property owners must also remain unchanged.

SECTION 9

Subsection (3), line 16: Add "and the Citizens Advisory Council" after Commission so that funds will be authorized for the provision of a skeleton staff as was suggested previously.

A new subsection (4) is needed to authorize the sums necessary for the costs incurred for the cooperative agreements in Section 8.

CITIZENS NORTHWESTERN LEHIGH COALITION,
New Tripoli, Pa., May 8, 1978.

Re: Bill S. 2270 bs Senator Clifford Case, (N.J.).

SUBCOMMITTEE ON NATIONAL PARKS,
U.S. Senate
Washington, D.C.

DEAR SIRs: Please include the following as testimony of the Northwestern Lehigh Citizens Coalition in support of Senator Clifford Case's Bill S. 2270:

In our fight to save the Jordan Creek, a part of the Delaware River Basin, we have become acutely aware of the beauty and value of an undammed, unspoiled stream or river.

This bill will provide for immediate designation of 114 miles of the beautiful Delaware River as scenic and recreational in the National Wild and Scenic Rivers System. The northern portion will remain primarily in private ownership and development will be controlled with local and state ownership, although some access points and scenic easements will be acquired. Most of the southern portion falls within the newly acquired National Recreation Area, and little new acquisition would be necessary.

The Delaware's unspoiled scenic, historic, cultural and natural values provide a vast range of high quality outdoor experiences all within 250 miles of over 25% of the nation's population.

You are now presented with the unique opportunity to save this river, and to present it not only to your constituents, but as a legacy to future generations.

The death of a beautiful river by dams, pollution, and overdevelopment is a terrible, irreversible prospect. The Delaware River is threatened and the time to save it is now. Please support its inclusion in the National Wild and Scenic Rivers System.

Thank you.

Sincerely,

J. ROBERT MILLER,
Water Resources Chairman.

DELAWARE VALLEY COUNCIL,
Philadelphia, Pa., May 5, 1978.

Senator JAMES G. ABOUREZK,
Chairman, Senate Subcommittee on Parks and Recreation,
Washington, D.C.

DEAR SENATOR ABOUREZK: The Delaware Valley Council, a non-profit civic organization representing business and industry in our tri-state Delaware Valley, wishes to record its strong opposition to S-2270 which would include the Tocks Reservoir Site in the stretch of river between Port Jervis and Delaware Water Gap as part of the area to be set aside under the Wild and Scenic Rivers Act. We do support S-2261 as it would cover the upper Delaware River from Hancock to Sparrowbush, N.Y.

Our objection to the provisions of S-2270 is based on several factors, all critical to the future water needs and management of water resources here in the Delaware Valley.

First, we agree with the Delaware River Basin Commission that the inclusion of the Tocks Site in Wild and Scenic River legislation is unwise in so far that three federally funded studies on alternatives to the Tocks Reservoir are still being carried out. These studies are being supplemented by current independent efforts by New Jersey and Pennsylvania to develop State Water Management Plans which when completed, will include basic projections of water needs for the Delaware Basin and recommendations for reservoirs. Any decision taken by your committee at this time with regards to Tocks, would be premature until these studies are completed.

Secondly, it is our actual experience that, unconserved, this mainstem's periodic minimum flow is now inadequate to our present needs, as well as to the needs of the many transbasin New York City-Northeast New Jersey million that also depend on it. Our lower basin cannot be sustained in its present and future economic form without this mainstem conservation impoundment.

Thirdly, the placement of the Tocks area in the wild and scenic river system would contradict the legislative process and intent of Congress. The authorization of the project by Congress in 1962 came after long and thoughtful consideration by people in all branches of our society who were willing to think of future needs and plan for them.

We respectfully ask that this letter be placed into the record of your May 5th hearing, and we appreciate your consideration of our views.

Sincerely,

JOHN J. MCGARRY,
Executive Secretary.

DELAWARE RIVER PORT AUTHORITY,
Camden, N.J., May 11, 1978.

Senator JAMES G. ABOUREZK,
Chairman, Senate Subcommittee on Parks and Recreation,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: We understand that hearings are being conducted in your Subcommittee on Parks and Recreation considering Senate Bills 2270, 2653, and 2611.

It is our desire to go on record as opposing Senate Bill 2270, the Case & Ribicoff Bill. We are opposed to this Bill because it includes the Tocks reservoir site in wild and scenic river legislation because the Delaware River Basin Commission is carrying out three federally funded studies which bear on alternatives to the Tocks reservoir. In addition, the States of New Jersey and Pennsylvania are in the process of developing State water management plans which will produce basic projections of water needs for the Delaware Basin recommendation for reservoirs. For these reasons, we believe the Case and Ribicoff Bill, S-2270, to be premature because of its inclusion of the Tocks reservoir site.

We are in support of the Moynihan Bill, S-2611, covering the upper Delaware River from Hancock to Sparrowbush, New York. The Moynihan Bill includes the original recommendations stemming from the work of the States of New York, Pennsylvania, and the local communities representing that stretch of the Delaware River.

We would appreciate your including our comments as a part of the record of the public hearings conducted on May 5, 1978, before the Senate Subcommittee on Parks and Recreation.

Sincerely yours,

W. W. WATKIN, Jr.,
Executive Director.

SIERRA CLUB, NEW JERSEY CHAPTER,
Princeton, N.J., May 9, 1978.

Senator JAMES ABOUREZK,
Chairman, Parks and Recreation Subcommittee,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: The New Jersey Chapter of the Sierra Club supports the proposal by Senator Clifford Case to include in the National Wild and Scenic Rivers System a 39 mile stretch of the Delaware River lying within the boundaries of the Delaware Water Gap National Recreation Area. The N.J. Chapter has over 4000 members, and as you know, the Delaware forms the western boundary of our State. Consequently, we are vitally interested in plans for its future.

The Wild and Scenic Rivers Act, Public Law 90-542, in Section 1(b) lists seven values to be looked for in considering rivers for inclusion in the National Wild and Scenic Rivers System. It seems significant to us that the proposed section of the Delaware as well as its upper stretches has substantial values in all seven categories:

1. Free-flowing.—The main stem of the Delaware has the unusual characteristic among major U.S. rivers of being free-flowing for 190 miles, from above Hancock, N.Y. to the Delaware Bay.

2. Scenic.—The scenic values include the river itself and its rapids, and numerous waterfalls (especially from escarpments on the Pennsylvania side but also on the New Jersey side), the river's varied islands and shoreline, the views of the river from Kittatinny Ridge and other high vantage points, and of course the Water Gap itself. These features comprise a scenic combination unique to the northeast.

3. Recreational.—The river and its valley are already a considerable recreation area, heavily used for swimming, boating, fishing, camping, picnicking, hiking and nature study. The river is famous among canoeists, offering white-water experience to non-experts.

4. Geological.—In geological times the area has been subjected to extensive sedimentation, rock-folding, river-cutting (as seen pre-eminently at the Water Gap), and glacial action. Thus, geological study along the river is an important activity.

5. Fish and Wildlife.—Over 45 species of fish have been identified in the river. More than half of these are game fish, including shad and several varieties of trout, bass, pickerel and pike. About 50 species of mammals live in the area, including deer, otter, raccoon, fox and bobcat. Even a few bear still inhabit the area. Over 2000 species of birds have been identified, including many game birds such as the ruffed grouse, pheasant, and numerous waterfowl. Ospreys and bald eagles are among the many increasingly rare species in the region.

6. Historical.—Much early Dutch and English colonial history is evident in the form of old houses (several of which are listed in the National Register), inns and farms, and the remains of old mining operations along historic Old Mine

Road. The valley also retains some flavor of the 19th century and later, when it was a significant resort area.

7. Cultural.—Aside from the cultural values introduced with the colonial settlements, the region is extraordinarily rich in Indian history. There are over 100 known archeological sites on the valley floor. Those excavated to date have yielded important information on Indian cultures going back to 4000 BC, and subsequent work will in all probability push the record further back in time and add significantly to the information already accumulated on the Indian cultures so far studied.

These seven values seem to us to be good reason for including the section of the Delaware River within the Delaware Water Gap National Recreation Area in the National Wild and Scenic Rivers System.

We also support Senator Moynihan's proposal (S. 2611) to include in the National Wild and Scenic Rivers System a section of the Delaware River from above Port Jervis to Hancock, N.Y. It is recognized that this will leave several miles of the river around Port Jervis out of the National System. We would have preferred the original proposal by Senator Case (S. 2270) to include in the National System the entire stretch from the Water Gap to Hancock, but we realize that this would involve difficulties in establishing land use controls along the developed stretch through Port Jervis. Consequently, we feel that the deletion of this stretch is a reasonable concession to local interests and will not jeopardize the integrity of the lower section to the Water Gap.

Finally, we would like to note that the Pennsylvania Scenic Rivers Inventory of the Pennsylvania Department of Environmental Resources has recommended that the highest priority be given to the inclusion in the State Scenic Rivers System of a 181 mile section of the Delaware River running from Hancock, N.Y. to Yardley, PA.

Sincerely,

ROBERT HUGHES,
Chairman, N.J. Chapter.

SIERRA CLUB,
NORTHWEST NEW JERSEY GROUP,
Sparta, N.J., May 10, 1978.

Hon. JAMES ABOUREZK,
*Chairman, Subcommittee on Parks and Recreation,
U.S. Senate, Washington, D.C.*

DEAR SENATOR ABOUREZK: Please support the revised bill introduced by Senator Case to place that part of the Delaware River within the Delaware Water Gap National Recreation Area in the National Wild and Scenic Rivers system.

The middle Delaware River is remarkably pure and scenic, considering it borders America's most densely populated state. Few who have not actually seen the Delaware can readily accept this as fact; but a parallel 1200 to 1800 foot-high ridge has protected it from western expansion of the East-coast megalopolis and its sprawling suburbia. Between two interstate highways that cross near the northern and southern limits of the Recreation Area the river is crossed by only two bridges—and one of these a tight two-car squeeze with a rumbling wooden plank floor.

Seeing is believing, but the view from the water's surface is utterly convincing, at least to me. This stretch of the river fully qualifies as "scenic" under the Wild and Scenic Rivers Act; and part of it, Walpack Bend for example, is spectacular by any standards east of the Black Hills. It also well qualifies as "recreational."

But as a supplement to the upper section the middle Delaware has added value, I believe. The turbulence of the upper river that makes it a challenge for whitewater enthusiasts also makes it less than suitable for neophytes. I have canoed parts of the upper Delaware and fully support its inclusion in the Wild and Scenic system, as does the Northwest New Jersey Group of the Sierra Club; and we urge you to, also.

But the middle Delaware is ideal for beginners, for the elderly, and for those who just prefer to drift with the current and enjoy the scenery and wildlife. That's why I specifically urge you to support the revised Case bill to place the middle Delaware River in the National Wild and Scenic Rivers system.

For the Northwest New Jersey Group.

ALAN H. MAYNES, *Chairman.*

Enclosure.

POLICY STATEMENT—THE DELAWARE RIVER: WILD AND SCENIC RIVER STATUS

The Northwest New Jersey Group of the Sierra Club opposes the bill introduced in the Senate recently by Senators Williams of New Jersey, Moynihan of New York, and Heinz of Pennsylvania.

This bill, which would place 75 miles of the upper Delaware River only in the National Wild and Scenic River system, is incomplete and unnecessary; and for these reasons is unacceptable to our Sierra Club Group.

This bill offers no protection to the beautiful middle Delaware River that forms most of the western boundary of our two counties, specifically that portion of the river extending northward from the southern boundary of the Delaware Water Gap National Recreation Area.

Because there already are before the Congress bills that do offer this protection and which we enthusiastically support—namely H.R. 6403, H.R. 8865, and H.R. 7981 in the House of Representatives (the last co-sponsored by Congresswoman Meyner of our district) and S. 2270 (introduced in the Senate by Senator Case)—the Northwest New Jersey Group of the Sierra Club considers the Williams/Moynihan/Heinz bill to be a step backward for New Jersey in general and Sussex and Warren counties in particular; and we recommend its withdrawal or defeat.

TROUT UNLIMITED,
EAST JERSEY CHAPTER,
Fort Lee, N.J., May 3, 1978.

Senator JAMES ABOUREZK,
*Chairman, Subcommittee on National Parks and Insular Affairs,
Dirksen Senate Office Building,
Washington, D.C.*

DEAR SENATOR ABOUREZK: The sub-committee on National Parks will consider Friday S2270, Senator Case's bill proposing that the upper and middle stretches of the Delaware River be included in the National Wild and Scenic Rivers System.

The New Jersey State Council of Trout Unlimited fully supports this proposal. Over the years the proposed construction of a dam at Tocks Island has been studied and defeated. Governor Brendan Byrne has opposed the Tocks Island project. The Carter Administration is in opposition to Tocks Island. Trout Unlimited is opposed to Tocks Island. The way is clear to include the upper and middle stretches of the Delaware in the Wild and Scenic designation. Both clearly qualify on their own merits as both scenic and recreational.

We are concerned that the brief number testifying in behalf of S2270 not be interpreted as limited interest. In fact, had all who wished been scheduled for testimony action would have been considerably delayed.

Trout Unlimited is one of seventy-one member organizations of the Save the Delaware Coalition. The Coalition will testify on our behalf. We urge you to consider carefully the facts presented. We urge your support for Wild and Scenic designation for the Delaware River from Hancock, New York to the Delaware Water Gap National Recreation area.

JAMES G. CONWAY,
Vice Chairman, Resource.

SCOTT PAPER Co.,
Philadelphia, Pa., May 8, 1978.

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

DEAR SENATOR ABOUREZK: Enclosed is a copy of Scott Paper Company's statement at the public hearing on HR 8865, held in Solebury, PA on November 11, 1977. We request that this statement be included in the record of the public hearing on related legislation, held by your Subcommittee on May 5, 1978.

Scott is opposed to S 2270, which proposes to extend the "wild and scenic" designation of the Delaware River through the Delaware Water Gap National Recreation area for reasons set forth in the enclosures.

Sincerely,

NICHOLAS J. LARDIERI,
Vice President, Environmental Resources.

Enclosure.

STATEMENT OF SCOTT PAPER COMPANY

My name is Nicholas J. Lardieri, Staff Vice President, Environmental Resources for Scott Paper Company. Scott's Corporate Headquarters are located just south of the Philadelphia Airport. We also operate a large paper mill at Chester, Pennsylvania as well as other facilities in the Delaware River Basin. Scott employs over 4,300 people in the Basin.

Scott is opposed to HR 8865, which proposes to extend the "wild and scenic" designation of the Delaware River through the Delaware Water Gap National Recreation Area. Such a designation would result in de facto deauthorization of the Tocks Island Dam Project, an action which the United States Senate Environment and Public Works Committee wisely refused to recommend after extensive hearings last year on S3106. The House Public Works and Transportation Committee did not even consider deauthorization legislation, nor does it have plans to do so in this Congress.

We believe any action to deauthorize the Tocks Island Project now—directly or indirectly—is premature and not in the best long term interest of Delaware Valley residents. Development of plans for the uses of water and related land resources within the Delaware River Basin for the next 25 years is under an intensive \$1,500,000 Study sponsored by the Federal Government and the Delaware River Basin Commission. The findings and recommendations of that "Level B" Study are not due until early 1979. Other studies dealing with estuary salinity problems are also in progress. We believe it would be unwise to foreclose any water supply and quality management options—including construction of the Tocks Island Dam—until these reevaluations are completed and analyzed.

The fundamental views of Scott on Delaware Estuary water quality problems and the need for flow augmentation to ameliorate these problems are contained in the attached statement incorporated in the hearing record on S3106. We request that these views be also made part of today's record.

SCOTT PAPER CO.,
Philadelphia, Pa., July 28, 1976.

HON. MIKE GRAVEL,
Chairman, Water Resources Sub-Committee,
Committee on Public Works, Dirksen Office Building, Washington, D.C.

DEAR SENATOR GRAVEL: Enclosed is a copy of a letter sent to Senator Schweiker expressing Scott Paper Company's position with respect to the Tocks Island Reservoir Project.

We would greatly appreciate your including this letter as part of the record in the hearings being held on S. 3106.

Generally, we believe it would be a mistake to deauthorize this project at this time. Water from such a reservoir is needed for low flow augmentation to control salt intrusion and to provide the minimum flow on which mandated waste load allocations were determined. Without such augmentation, the over \$750,000,000 spent for municipal and industrial waste water treatment along the Delaware River will be inadequate.

Deauthorization would expose the region to staggering additional costs to achieve the water quality anticipated with the Tocks Reservoir in the picture. The region already bears one of the highest abatement cost burdens in the nation.

If we can provide further information, please do not hesitate to contact us.
Sincerely,

LOREN V. FORMAN,
Vice President.

SCOTT PAPER CO.,
Philadelphia, Pa., July 19, 1976.

HON. RICHARD S. SCHWEIKER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCHWEIKER: We note that your name appears as cosponsor on S3106 which proposes to deauthorize the Tocks Island Reservoir project.

I am writing to make sure that you are aware of the reasons why we feel that deauthorization is not in the best interest of the citizens of Southeast Pennsylv-

vania nor of Scott Paper Company—its 4100 employees in Delaware County—and its shareholders in the Delaware River Valley.

Both the municipalities and the industries on both sides of the river between Torresdale and the Delaware Memorial Bridge, who either use river water, or whose effluents are tributary to the river, have a very substantial economic need for the low-flow augmentation which the Tocks Island Reservoir project was expected to provide.

One problem for river water users in this area is salt water intrusion. When the river flow is high, the interface between salt water and fresh water moves down the estuary to and beyond the Delaware Memorial Bridge. When the river flow is low, this interface moves up the estuary past Scott Paper and in extreme cases, almost to the City of Philadelphia intake at Torresdale.

At Chester, daily salinity tests are made by Scott. The high daily value in each month back to 1951 is shown in Attachment A. The high salinities correlate pretty well with low flows; salinities have exceeded potable limits (250 ppm chlorides) in 65 months over the last 25 years. Corrosion of equipment sets in at 60 to 100 ppm chlorides and increases rapidly as chlorides increase. At Chester we found chlorides over 800 ppm in 25 months in the last 25 years, over 1000 ppm in 19 months; over 1200 ppm in 16 months and over 1500 ppm in 9 months.

During the drought year 1964 we identified extra maintenance and operating costs resulting from salt intrusion at \$500,000. This figure probably would have been higher if we had anticipated the need to identify and document these costs. A similar situation today would, of course, result in a much higher loss in 1976 dollars.

A second problem must be faced by municipalities and industries whose effluents are tributary to the Delaware River. This problem is potentially even more severe than the effects of salt intrusion if low flows are not augmented from a major upstream reservoir.

As you may know, the whole system of stringent waste load allocation developed by the States and the DRBC is based on the assumption that the minimum flow at Trenton will be 3000 c.f.s. This minimum flow requires upstream augmentation for two reasons:

First: Augmentation is needed to offset the lack of mandated releases from the New York City reservoirs on the Upper Delaware needed to maintain the flow at Montague at 1750 c.f.s. See Attachment B.

Second: It is necessary to raise the low flow at Trenton from the level which would now result from 1750 c.f.s. at Montague up to 3000 c.f.s. base needed at Trenton to allow the multi-million dollar municipal and industrial waste treatment plants downstream to meet their legal requirements.

Without the 3,000 c.f.s. flow at Trenton, even the newest waste treatment plants like DELCORA will be undersized even though they already are mandated to achieve some of the highest removals in the country—90 to 95%.

Many more millions of municipal and industrial capital and operating dollars would then be required for additional abatement along the river. When removal goes above 95%, the costs become astronomical. A rule of thumb is that the cost of a waste treatment system tends to double each time the untreated load is cut in half. This is especially true if provision was not made in the original design for easy expansion.

We believe that the URS-Madigan-Praeger Study was correct in evaluating the Tocks Island Project as having a lower capital cost and a higher cost-benefit ratio than socially acceptable alternatives. However, it failed to point out the concerns of informed Delaware Countians and others concerning

A. The exposure to salt intrusion and

B. Escalated costs for waste treatment if the impoundment is not built.

We did point to these concerns in testimony at the "Final Informational Meeting On the Tocks Island Restudy" in Philadelphia on July 22, 1975.

In summary, while we pass no judgment on those facets of the Tocks Island Project which have led to political and social polarization, we are concerned about the ongoing need for a reservoir for low flow augmentation. We point out that all downstream users in or below Philadelphia and down to or below the Delaware Memorial Bridge, will be exposed to significantly higher costs from salt intrusion and from escalated costs for pollution abatement if the Tocks Reservoir Project is deauthorized. Delaware County is in the middle of this reach.

Many of the Pennsylvania users of the Delaware River either for process water supply or for the receiving of treated effluents were here before the

upstream diversion to New York City (Scott since 1910) and before the augmented minimum flow was chosen for the regional pollution abatement program.

We would be happy to meet with you at your convenience if we could be helpful toward a broader understanding of this complex problem. Please let us know if we can be of assistance.

Sincerely,

LOREN V. FORMAN, *Vice President.*

ATTACHMENT A

HISTORICAL DATA CHESTER CHLORIDES, HIGH TIDE MAXIMUM PARTS PER MILLION

Year	January	February	March	April	May	June	July	August	September	October	November	December
1951-----	20	15	15	15	15	30	35	35	370	385	40	20
1952-----	20	20	20	15	20	20	30	20	20	180	560	40
1953-----	20	20	20	15	10	15	80	280	400	1,500	510	90
1954-----	30	20	10	10	10	40	750	1,080	940	1,320	670	15
1955-----	25	20	20	15	20	100	610	880	20	15	10	10
1956-----	215	30	20	20	20	20	30	110	155	310	70	35
1957-----	30	20	20	20	40	110	680	1,430	1,660	2,030	1,730	655
1958-----	40	30	20	20	20	30	35	50	190	140	20	20
1959-----	30	30	20	20	25	95	210	155	90	110	40	20
1960-----	20	20	20	20	20	20	35	30	35	25	25	100
1961-----	70	150	20	20	20	30	35	40	115	700	520	170
1962-----	45	30	25	20	35	75	400	490	635	325	220	20
1963-----	680	40	25	25	30	130	650	900	1,100	1,500	1,700	250
1964-----	35	30	30	25	30	90	260	710	1,575	1,590	1,975	1,305
1965-----	215	112	40	40	45	490	695	1,010	1,350	1,300	1,400	980
1966-----	630	810	25	25	25	75	620	890	1,470	590	385	85
1967-----	37	35	37	21	23	32	34	34	103	170	70	30
1968-----	35	35	55	30	25	25	45	215	385	420	3	30
1969-----	135	420	740	43	36	46	46	36	96	340	420	45
1970-----	53	53	40	37	35	41	40	60	370	385	32	27
1971-----	46	52	33	25	27	37	240	88	40	31	59	30
1972-----	31	46	48	28	26	24	24	75	255	422	148	21
1973-----	24	24	26	21	21	24	24	30	80	281	71	47
1974-----	41	33	35	24	32	33	205	108	60	37	98	43
1975-----	40	57	30	27	55	33	35	60	70	27	25	30
1976-----	48	35	30	33	30							

[Attachment B]

EFFECT OF UPSTREAM WITHDRAWAL ON DOWNSTREAM WATER USERS

By a Supreme Court Decree in 1931, New York City was authorized to withdraw 440 MGD (million gallons per day)—equivalent to 681 c.f.s. (cubic feet per second) from the Upper Delaware River provided it maintained a flow of 1535 c.f.s. at Port Jervis and 3400 c.f.s. at Trenton. The Supreme Court Decree was amended in 1954 to allow (after some interim limitations in the period June 1954 to March 1967) the withdrawal of 800 MGD—equivalent to 1238 c.f.s.—provided a flow of 1750 c.f.s. is maintained at Montague.

The mandated releases from the New York City reservoirs to maintain 1750 c.f.s. at Montague were not made during the drought of the mid-'60's when New York City needed the water. As a result, during the first five days of July 1965 the average flow dropped to 570 c.f.s. at Montague (one-third of the required 1750 c.f.s.) and to 1320 c.f.s. at Trenton (less than one-half of the 3000 c.f.s. needed to validate the downstream waste treatment program).

The purpose of this review is neither to decry the New York City withdrawal nor to suggest that the releases mandated by the Supreme Court Decree be enforced. We are under the impression that Pennsylvania agreed not to question the New York withdrawal as a condition of New York State's participation in the compact which led to the Delaware River Basin Commission.

Our purpose is merely to place the withdrawal in perspective—which is not easy for the layman to do when withdrawals are stated as MGD and river flows are stated in c.f.s.—and to illustrate the real need for adequate low flow augmentation by one means or another under existing circumstances.

The size of the Delaware River Estuary naturally leads to misconceptions about the river flow and makes the withdrawal perspective more difficult to achieve.

If the upstream dams were not there, or if they were there but operated so that the outflow equals the inflow, the flow profile in a time of drought such as the mid-'60's would be estimated about as follows :

Place :	Low-flow (cubic feet per second)
Montague -----	570
Trenton -----	1450
Chester (net flow) -----	2050

These flows would need to be revised downward to reflect the withdrawals to Pennsylvania and New Jersey which have been added over the last ten years.

This emphasizes the need for a new major reservoir or reservoirs above Trenton for low flow augmentation even before some of the planned future withdrawals take place. Against this backdrop, one can get a better perspective on the 1238 c.f.s. withdrawal by New York City and on the low flow augmentation needed—some 1180 c.f.s. to reach 1750 c.f.s. at Montague and some 1550 c.f.s. to reach 3000 c.f.s. at Trenton.

The Western branch of the DELCORA waste treatment system alone will cost well over \$100 million by 1980 and will serve some 600,000 people plus industrial customers. Any short fall in the 3000 c.f.s. design base at Trenton will expose all DELCORA users to very substantial increases in their sewer charges. If the flow is 1500 c.f.s., the treatment system costs could be nearly doubled.

SAMUEL S. BAXTER,
Philadelphia, Pa., May 10, 1978.

Re : S-2270, S-2653, S-2611.

Senator JAMES G. ABOUREZK,
Chairman, Senate Subcommittee on Parks and Recreation, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR ABOUREZK : As a long time practitioner on water resources use in the Delaware River Basin, and with experience on water resources on other river valleys, I express my support for either S-2611 or S-2653 which bills set aside a portion of the Delaware River as a Wild and Scenic River under the terms of the Federal legislation on this subject.

I express my definite objection to S-2270 which designates the Delaware between Port Jervis and Delaware Water Gap as a Wild and Scenic River. My reasons follow.

This portion of the river includes the lake which will be formed when and if the Tocks Island dam is built. This dam, long proposed by those who plan for the future needs of the entire Delaware Valley for water, power, recreation and flood control, has been authorized by the Congress since the middle 1960's, and land has been acquired for the project.

In recent years, groups which are opposed to dam construction for any purpose have been able to delay the project by preventing appropriations for the work. Attempts to have the project deauthorized have not succeeded since Governor Shapp of Pennsylvania and Governor Byrne of New Jersey, both of which states have vital interest in the project, have objected to deauthorization.

Opponents of the dam are now trying to kill the project by having this stretch of the river designated as a Wild and Scenic River. Those who are doing this have not considered fully the needs of future generations for the water resources which will be supplied by Tocks Island dam. If the project is killed, it will put a dead hand on the needs of future generations, and prevent them from making their own judgments.

The Delaware River Basin Commission opposes the inclusion of this part of the river under the Wild and Scenic Rivers Act. They are in the process of making three studies to consider all alternates.

I suggest that the sensible thing to do is to permit the status of the river to remain as is until all alternates have been fully considered, including the present hysteria over construction of any dam. Nothing can be built until Congress authorizes money for construction, and the present use of the river can continue.

Very truly yours,

SAMUEL S. BAXTER.

RESOLUTION

Whereas, the National Wild and Scenic River Act, (P.L. 90-542, 90th Congress, S. 119, October 2, 1968) provides that it is the policy of the United States "that certain selected rivers of the Nation which, with their immediate environments, possess outstanding remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations," and

Whereas, the 114 mile stretch of the Delaware River from Hancock, N.Y. to the Delaware Water Gap has been found to qualify for inclusion in the National Wild and Scenic Rivers System in both "Scenic" and "Recreational" categories, and

Whereas, inclusion of this stretch of the Delaware River as a continuous unit would provide for unified management under the National Park Service in cooperation with local citizen advisory committees as established in the legislation, and

Whereas, such inclusion would complement existing planning for the Delaware Water Gap National Recreation Area, and

Whereas, the legislation is expressly designed to minimize further governmental acquisition of private property and the disruption of lives, commerce and activities of the people of the Delaware River Basin, and

Whereas, this stretch of the Delaware River, especially from Port Jervis, N.Y. to the Delaware Water Gap, has been voluminously studied, establishing its irreplaceable recreational, scenic, natural, historical and cultural resources for the benefit of the people of the Delaware River Basin and the Nation as a whole, and

Whereas, such inclusion would enhance and perpetuate the quality as well-being of the aquatic ecosystem of the Delaware River, and

Whereas, such inclusion would permit long-range water resources planning by local, state and federal governments and resolve existing uncertainties respecting the future of the Delaware River Basin, and

Whereas, this stretch of the Delaware River has been included in the Pennsylvania Scenic Rivers Inventory as requiring immediate protection, and

Whereas, the U.S. Heritage, Conservation and Recreation Service (formerly BOR) has recommended that this stretch of the Delaware River should be included in the National Wild and Scenic Rivers System;

Now, therefore be it resolved, That, for the above reasons, the following organizations hereby support and urge that the Delaware River from Hancock, N.Y. to the Delaware Water Gap be included in the National Wild and Scenic Rivers System.

1. Adirondack Mountain Club—New York Chapter.
2. Adirondack Mountain Club—North Jersey Chapter.
3. American Canoe Association.
4. American League of Anglers.
5. American Rivers Conservation Council.
6. Appalachian Mountain Club—Delaware Valley Chapter.
7. Appalachian Mountain Club—New York Chapter.
8. Appalachian Trail Conference.
9. Bucks County Audubon Society.
10. Chester County Environment Committee—Pennsylvania.
11. Concerned Citizens for Orderly Progress—Pennsylvania.
12. Delaware River Shad Fishermens' Association.
13. Delaware Valley Conservation Association.
14. Environment: Pittsburgh.
15. Environmental Policy Center.
16. Environmental Political Action.
17. Essex County Young Republicans.
18. Federation of Conservationists—United Societies, Inc.
19. Federation of Fly Fishermen.
20. Federation of Sportsmen of New York—Sullivan County.
21. Fontinalis Fly Fishermen.
22. Friends of the Earth—National.
23. Friends of the Earth—Delaware Valley Chapter.
24. Humane Society of the United States.
25. Kayak and Canoe Club of New York.
26. Keystone Trails Association.

27. League for Conservation Legislation—New Jersey.
28. Lenni Lenape League.
29. Luzerne-Lackawanna Environmental Council.
30. Monroe County Citizens for Conservation—Pennsylvania.
31. National Audubon Society.
32. National Committee to Stop Environmental Pollution.
33. National Wildlife Federation.
34. New Jersey Federation of Sportsmen Clubs.
35. New Jersey Public Interest Research Group.
36. New York-New Jersey River Conference.
37. Phillipsburg Jay Cees.
38. Pocono Mountains Audubon Society.
39. Raritan Valley Environmental Council.
40. Rutgers University Law School—Environmental Law Group.
41. Sierra Club—National.
42. Sierra Club—Atlantic Chapter.
43. Sierra Club—New Jersey Chapter.
44. Sierra Club—Pennsylvania Chapter.
45. Sierra Club—Allegheny Group.
46. Sierra Club—Central Pennsylvania Group.
47. Sierra Club—Delaware Group.
48. Sierra Club—Eastern Pennsylvania Group.
49. Sierra Club—Finger Lakes Group.
50. Sierra Club—Governor Pinchot Group.
51. Sierra Club—Lehigh Valley Group.
52. Sierra Club—Mid Hudson Group.
53. Sierra Club—New York Group.
54. Sierra Club—North Jersey Group.
55. Sierra Club—Northwest New Jersey Group.
56. Sierra Club—South Jersey Group.
57. Student Coalition for Environmental Action.
58. Theodore Gordon Flyfishers.
59. Tri State Rod and Gun Club (New York).
60. Trout Unlimited, National.
61. Trout Unlimited, Croton Watershed Chapter.
62. Trout Unlimited, East Jersey Chapter.
63. Trout Unlimited, North Jersey Chapter.
64. Trout Unlimited, Eastern Pennsylvania Chapter.
65. Trout Unlimited, Pennsylvania Council.
66. United Automobile Workers—New Jersey Council—Region 9.
67. Valley Forge Audubon Society.
68. Warren County Anti Pollution League, Inc.—New Jersey.
69. Wayne—Pike County Audubon Society.
70. Wilderness Society.
71. League of Women Voters.
72. Four County Task Force.

NEW JERSEY STATE FEDERATION OF SPORTSMEN'S CLUBS,
Newton, N.J., April 30, 1978.

TOM WILLIAMS,
Dirksen Senate Office Building,
Washington, D.C.

DEAR MR. WILLIAMS: Since I will not be able to attend the public hearing on May 5th, I am enclosing three copies of the statement of the N.J. State Federation of Sportsmen's Clubs for inclusion in the record of the hearing. We feel that the future of the Delaware River, studied ad infinitum, has been too long in limbo. The time has come to act and declare the Delaware a wild and scenic river. Thank you for this opportunity to make our views known.

Sincerely yours,

WILLIAM MEYER.

SPORTSMEN SUPPORT DELAWARE AS WILD AND SCENIC RIVER

The Delaware River from Hancock, New York south to Port Jervis, New York has been proposed several years ago as a Wild and Scenic River. The N.J. State

Federation of Sportsmen's Clubs supports the Kostemayer proposal to include that stretch of the Delaware River from the northern boundary of the National Recreation Area to the Delaware Water Gap as a wild and scenic river in the Omnibus Wild and Scenic Rivers bill. This length of the river has seen little housing or industrial development along its banks and is primarily wooded and picturesque. It qualifies equally as well for wild and scenic river designation as the upper portion of the river. The river's mood, varying from deep, placid pools to a series of riffles, provides a canoeist's dream and demands preservation of the free-flowing river.

Designation as a wild and scenic river will not decrease the outdoor recreational use of the river and its adjacent area along both shorelines. Boating and fishing have been popular recreations for many years. Hiking, camping, nature study, and hunting will continue to enjoy popular acceptance in the area. The Dept. of Interior has developed a recreational plan for the area. No doubt portions of it will be compatible with the wild and scenic river designation.

One of the controversial issues in Pennsylvania has been the relocation of Federal Route US 209 outside the national recreation area boundaries. We can see no reasons for altering the proposed route or deterrents to the relocation caused by wild and scenic river designation. On the contrary, the decision of a wild and scenic river may allow relocation plans to "jell."

The N.J. State Federation of Sportsmen's Clubs, consisting of over 700 clubs with a total membership of over 30,000 sportsmen and conservationists, urges approval of the Kostemayer proposal in the Omnibus Wild and Scenic Rivers bill. It will permit specific planning to begin on that stretch of the Delaware for which plans have long been in limbo due to lack of guidance on the river's future. It will assure the future of one of the Northeast's few remaining free-flowing rivers and give to future generations of Americans an outdoor recreational legacy which is irreplaceable.

DELAWARE RIVER BASIN COMMISSION,
Washington, D.C., April 25, 1978.

Memorandum :

To: John M. Powell, Office of Legislative Counsel through Assistant Secretary
Guy Martin.

From: U.S. Commissioner, Delaware River Basin Commission.

Subject: H.R. 3408 and S. 868—Tocks Island Reservoir Project.

The Secretary should be aware of the following points with regard to Interior's position statement on H.R. 3408 and S. 868, legislation to deauthorize the Tocks Island project, especially in light of his role as Federal Member of the Delaware River Basin Commission.

1. The present position of the DRBC State Commissioners (New York, New Jersey, Delaware and Pennsylvania) is that no decision should be made to deauthorize the Tocks Island project until completion of on-going studies, i.e., non-structural flood control studies of the Delaware mainstream, salinity intrusion studies, the Commission's comprehensive "Level B" planning study, and ground-water management studies.

2. The majority of the Basin Governors (New York, Pennsylvania, and Delaware) have *personally* endorsed full funding and rapid completion of the aforementioned studies to the House and Senate Public Works Appropriations Subcommittees, and it is anticipated that the Governor of New Jersey will do likewise.

3. Contrary to the statement in the third paragraph on page 2 of Interior's draft position statement, the Government *did* specifically address the issue of deauthorization of the Tocks Island project at the Commission meeting held September 24, 1975, (as reflected in the minutes of that meeting), and they refused to vote for deauthorization. To date, of the four Basin Governors, only Governor Carey has recommended deauthorization of the project. However, he is now on record as supporting completion of the aforementioned studies.

4. Each Governor supports the *immediate* completion of land acquisition in both the Tocks Island reservoir area and the Delaware Water Gap National Recreation Area and feels there should be no co-mingling of the Scenic River proposal with the Tocks Island/Delaware Water Gap National Recreation Area projects. The next to the last paragraph of Interior's draft position statement conflicts with the position of the Governors regarding (1) boundaries of the Scenic River and (2) keeping the Scenic River proposal separated from the

Tocks Island issues, which separation is also supported by both the National Park Service and National Heritage Conservation and Recreation Service.

In light of the above, it is my recommendation that the Secretary take no position on deauthorization of the Tocks Island project at this time and so advise Congress. It is also my recommendation that the Secretary separately support the Upper Delaware Scenic River legislation as introduced by Congressman McHugh and Senator Moynihan as that legislation has the full support of the Basin Governors and key Members of Congress from the Basin, and that legislation is in line with Secretary Andrus' recommendation to the President last May 12 and with the President's Environmental Message.

SHERMAN W. TRIBBITT,
U.S. Commissioner.

[Western Union Mailgram]

THREE RIVERS, CALIF., May 2, 1978.

Senator JAMES ABOUREZK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The residents of Tulare County are definitely not all opposed to S. 88. We cabin owners in Mineral King are afraid transfer into Sequoia National Park may force us out. Nevertheless in a recent poll 61 percent or our members who live in Congressman Krebs' district would support the bill if they had never had access to a cabin. Furthermore, 93 percent of them support the bill as approved by the House committee.

Many others in this county do not approve of our supervisors lobbying and do not want the growth consequences of the Disney development—for Mineral King or the Gateway Area.

Sincerely,

JIM BARTON,
President, Mineral King District Association.

[Telegram]

PHILADELPHIA, PA., May 3, 1978.

Senator JAMES ABOUREZK,
Chairman Sub-Committee Parks and Recreation,
Dirksen Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: The City of Philadelphia applauds legislation that would preserve the stretch of the Delaware River above Port Jervis as a "Wild and Scenic River." The city of Philadelphia is categorically against any bill that would foreclose forever the development of the Tocks Island Reservoir. This dam is essential to insure fresh water supply to the city of Philadelphia, as well as providing much needed water-based recreation at affordable prices, environmentally clean electricity without the destructive use of the nation's fixed natural resources, and to achieve mandated stream water quality standards in the estuary. This impoundment, in view of the failure of the Corps of Engineers northeast water supply study to recognize and to make provisions for additional water resources for the water deficient Delaware River Basin, becomes of paramount importance to the health and welfare of the citizens of Philadelphia, as well as the economic life blood for all of the five and half million inhabitants of the Delaware River Estuary. We respectfully request that this telegram be read for the record for the hearing being conducted on bills S. 2270, S. 2653 and S. 2611, for which testimony is being heard on May 5, 1978. The city will submit further written testimony by May 12, 1978.

Yours truly,

CARMEN F. GUARIMO,
Water Commissioner, City of Philadelphia.

APPENDIX IV

Additional Statements and Communications Submitted for the Record on S. 2611—A Bill To Amend the Wild and Scenic Rivers Act To Designate a Segment of the Delaware River Between the State of New York and the Commonwealth of Pennsylvania as a Component of the National Wild and Scenic Rivers System, and for Other Purposes

STATEMENT OF HON. JOHN HEINZ, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I am pleased to have the opportunity to express my support for S. 2611, legislation which I sponsored to provide for the inclusion of the Upper Delaware River in the National System of Wild and Scenic Rivers.

This segment of the Delaware River forms part of the boundary between the Commonwealth of Pennsylvania and the State of New York. It is one of the last unencumbered free-flowing rivers in the Northeast and well worthy of being added to the National Wildlife and Scenic Rivers System. The inclusion of the Upper Delaware River to the System has received the overall general support of many interested parties who have recognized the Delaware to be a truly majestic and magnificent river.

At the time the National Wild and Scenic Rivers Act became law, the Delaware River was one of 27 rivers originally named in the Act for study and potential addition to the System. Over the last decade, studies conducted by the Interior Department, state agencies and citizen groups have produced the general consensus that the Upper Delaware River, which meets nearly every criteria in the Wild and Scenic Rivers Act, should be included in the National Wild and Scenic Rivers System. Last year, the Secretary of the Interior forwarded such a recommendation to the President, who subsequently endorsed it in his May 23, 1977, environmental message and then transmitted it to Congress.

The need for the protection of the Upper Delaware River is clear to all concerned. Flowing through the forests of the Pocono and Catskill Mountains, this river has long been the delight of countless visitors who had the opportunity to take in its splendid and beautiful panorama. Sportsmen, whether fishermen, canoeists, or backpackers, marvel at the river's richness and unspoiled grandeur. This is particularly significant because of the river's proximity to the heavily developed northeastern population centers, where often river systems have been severely damaged by industrialization. Thus it is with the full awareness of other rivers that have had their ecosystems destroyed, that the sponsors of this legislation urge your favorable consideration of the Upper Delaware River Protection Act.

This bill not only protects this great river, but also concerns itself with the interests of the people who live and work within the river corridor. S. 2611 first designates an approximately 75-mile segment of the Delaware River, from the confluence of the east and west branches below Hancock, New York, to Sparrow Bush, New York, to be included in the National Wild and Scenic Rivers System.

It also directs the Secretary of the Interior to acquire land along the designated portion of the river, with public hearings being held to assure local participation. An initial limit of 450 acres is set on the amount of land the Secretary can acquire. Authorization is also given for him to acquire an additional 1,000 acres of land if all involved parties deem it necessary to adequately preserve the river. Within three years of designation of the river as being protected by the Wild and Scenic Rivers Act, a land and water management plan will be developed for

the Upper Delaware corridor by the Secretary of the Interior, state, and community representatives.

All too often the federal government has been viewed as the adversary to local interests in its efforts to protect scenic land. This should not be the case, so in this bill we have included language to provide for the concerns of local residents, when planning the river's protection. To provide for the river area residents' interests in the development and implementation of the management plan, an Upper Delaware Citizens Advisory Council would be established, with a majority of the members being representatives of the riverine counties. This community involvement is necessary to give the federal government added knowledge and insight to the best approach for the inclusion of the Upper Delaware River in the Scenic Rivers System.

The National Wild and Scenic Rivers Act has provided us with the mechanism to protect our valued but all too often overlooked natural water resources. In order to preserve a beautiful and natural country for all Americans, as it was seen by the first Americans, it is incumbent upon us to include the Upper Delaware River as a part of our National Wild and Scenic Rivers System.

STATEMENT OF MORGAN D. DUBROW, STAFF ENGINEER, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Chairman Abourezk and members of the Subcommittee: my name is Morgan D. Dubrow. I am the Staff Engineer of the National Rural Electric Cooperative Association (NRECA). NRECA is the national trade association of nearly 1,000 non-profit cooperatives which deliver central station electricity to approximately 25 million people in rural areas of the United States. There are cooperatives in 46 of the nation's 50 states. Our members are dependent on federal power facilities for about one-third of their power requirements.

We support S. 2611 and S. 2653 which would set aside the upper 75 miles of the Delaware River as a wild and scenic river. However, we oppose S. 2270 which would foreclose the construction of the excellent Tocks Island Lake federal multipurpose project. Tocks Island's hydroelectric facilities can aid in meeting the power requirements in the Mid-Atlantic region.

As you know, NRECA strongly supports the multipurpose public use of those appropriate sections of this nation's rivers needed for public water supply, flood protection, lake recreation, shore-front improvement and other essential purposes, including hydro and other electric power generation. Specifically, we oppose enactment of that portion of S. 2270 that would extend the Delaware River's "wild and scenic" designation downstream and thereby preclude the multipurpose water conservation improvement of the river at Tocks Island. We also oppose any other proposal to delay or otherwise prevent completion of this needed conservation project.

NRECA reaffirms its support for the Tocks Island Lake Project. Our view of the impartial independent study made by Madison-Praeger, Inc. confirms the Corps of Engineers' evaluative report of July 3, 1975, which concludes: "that Tocks Island Lake Project is engineeringly sound, economically justified and the benefits accruing from the project outweigh the institutional and environmental impacts". The Chief of Engineers recommended that this project proceed to construction and not be further delayed, providing it had the full support of the concerned State governors.

Subsequently, by a 3-to-1 vote of all four Delaware Basin governors, they concluded not to recommend Tocks Island's construction at that time—July 1975. We call your attention to the fact, however, that the two concerned State governors of Pennsylvania and New Jersey, where this project will be located, both recommended against any de-authorization or destruction of this long-go authorized (1962) federal water conservation improvement. And so do we.

We believe that the independent study mentioned clearly sets out the dominant facts which establish beyond question—compared with all possible alternatives—the Tocks Island Lake, with its combined 1,300,000-kilowatt hydroelectric development, is the most appropriate way (socially, economically and environmentally) to develop the water resources of the Delaware River Basin and satisfy the Compact for the benefit of the people, the economy and the environment. For these reasons, we urge the Subcommittee to reject S. 2270 and to preserve this valuable multipurpose water resource project.

Let me briefly review for this Subcommittee the findings of the comprehensive, 6-volume, \$1.5 million report by Madison-Praeger, Inc., for the Corps of Engineers. We believe this report sets out the following salient points:

1. The Basin area will require much additional domestic, municipal, commercial and industrial water supply by the time Tocks Island Lake or any possible alternative can be constructed, even if minimum population and economic growth are assumed.

2. Tocks Island Lake supplies the required water for the Basin area needs far more economically than any possible alternative.

3. Any possible water supply alternative must be funded by its user states.

4. Tocks Island Lake enables New York to withdraw a larger amount of its authorized diversion from the Upper Delaware, without critically reducing its downstream flow as in the past.

5. There is early need for all Tocks Island Lake water supply, even if none were assigned or released solely to improve or maintain water quality down in the estuary.

6. Tocks Island Lake provides cooling water essential for needed base load electric power generators downstream, while maintaining fresh water flow to prevent degradation of the estuary.

7. Tocks Island Lake supplies 1.3 million kilowatts of (hydroelectric) peaking power, in an underground powerhouse at site far more economically than any alternative and with conservation of oil. A portion of its annual power cost savings repays much of the construction cost of Tocks Island Lake.

8. Tocks Island Lake supplies flood protection needed for people and property downstream.

9. Tocks Island Lake supplies water recreation for the needs and desires of large numbers of people.

10. Tocks Island Lake's recreational use will not be seriously affected by draw-down or eutrophication, as demonstrated by the success of similar multipurpose reservoirs elsewhere.

Since the region needs peaking power and our members are dependent on federal power facilities for so much of their power requirements, we strongly oppose any further obstruction of the Tocks Island Project.

We note that the proposed Kittatinny hydroelectric development includes five reversible pump turbine units rated at about 260,000 kilowatts each. This includes the capability for developing about 40,000 kilowatts of firm conventional hydroelectric power. All of this power machinery will be underground or invisible from the surface. We believe that this is an environmentally desirable project.

We point out that this Kittatinny development is to be constructed by the local private power companies. We recognize and support the need for this hydro development to bolster the Mid-Atlantic power supply region. The 40,000 kilowatts of dependable power could supply about one-fourth of the present power requirements of Pennsylvania and New Jersey consumer-owned rural electric cooperatives.

We invite the Subcommittee's attention to the fact that the rural cooperatives and the private utilities are in full agreement in their support of this vitally needed project. In fact, in most localities throughout the nation, the power needs are so critical that all utilities—federal, public, private and cooperatives—have joined forces to meet power requirements. We have combined our efforts in support of research and development to meet the nation's power needs as economically as possible in an environmentally acceptable manner.

Our association has supported this project from its inception. I am proud to say that every factual review of the project has continued to demonstrate its great worth. In fact, the Tocks Island Lake will provide the essential storage capacity needed to enable the States, and particularly the State of New Jersey, to obtain its water entitlement under the terms of the United States Supreme Court Delaware River Allocation Decree of 1954.

Before concluding, I respectfully state that it has been my privilege and life's work to be engaged in the planning, development, construction and operation of water resource projects throughout the entire United States. To mention a few, I would point to Bonneville and Grand Coulee dams on the Columbia River in the States of Washington and Oregon; Shasta Dam in California; Hoover Dam on the Colorado River; Hartwell on the Savannah River between Georgia and South Carolina and literally dozens of other such multipurpose river basin development projects. These include the great multipurpose Allegheny River

Reservoir Lake at Kinzou and the great beauty spot at Raystown Lake, both in the Commonwealth of Pennsylvania.

In conclusion, we respectfully urge the Subcommittee to take no action on S. 2270 to prevent development of the need Delaware Basin water conservation project at Tocks Island. We respectfully express our support for S. 2653 and S. 2611 to designate the upper 75-mile section of the Delaware River as part of the "natural wild and scenic views system".

We thank the Committee for this opportunity to submit this statement.

SULLIVAN COUNTY PLANNING BOARD,
MONTICELLO, N.Y., April 28, 1978.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, D.C.

DEAR CHAIRMAN JACKSON: I am writing to you regarding S. 2611, a bill introduced by Senator Daniel P. Moynihan to designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System. The Upper Delaware Clearinghouse, an informal, intercounty and interstate organization of planning agencies, held public informational meetings during March to solicit public comments, criticisms, and suggestions concerning Senator Moynihan's bill. The purpose of this letter is to provide you with a copy of the summary of these comments.

For your background information, I am also enclosing a copy of a brief description of the Upper Delaware Clearinghouse and a copy of the news release which publicized these public informational meetings.

I hope this information is useful to you and the committee in the review of this legislation. If I can be of further assistance in this matter, please let me know.

Very truly yours,

DAVID R. SEIBERT,
Commissioner of Planning and Economic Development.

Enclosures.

SUMMARY OF COMMENTS RECEIVED AT PUBLIC MEETINGS HELD BY THE UPPER DELAWARE CLEARINGHOUSE

DESIGNATION OF THE DELAWARE RIVER

The Delaware River from Hancock, New York, to the Delaware Water Gap should be included in the National Wild and Scenic Rivers System (please see the attached statement provided by the Delaware Valley Conservation Association)

GENERAL GUIDELINES

River Towns and Townships which are currently in the process of preparing land use control measures need immediate guidelines to assist them

MANAGEMENT PLAN

Land owners should be reimbursed for land use restrictions imposed by zoning ordinances

Does the bill allow the Delaware River Basin Commission to set limits to recreational uses?

Could the United States Coast Guard be designated as the managing agency?

The National Park Service should be given the authority to protect private property, but only at the request of the landowner

A 1974 Wall Street Journal article reported that after the National Park Service took control of Yosemite, the crime rate rose 251% but park usage increased only 51%; what will the Federal Government do to protect us from a similar occurrence?

The Management Plan should come before designation

The Management Plan must take into account the fact that the River is currently overused by recreationists, especially canoeists

There is need for better control of reservoir releases

It is unfair to be told by any governmental agency what can and what cannot be done with privately-owned land

How many access sites will there be and where will they be located? Will they be maintained by the Federal Government with Federal funds or will local municipalities be forced to pay for these expenses, including the construction of new roads and the improvement of existing roads?

How strict will zoning restrictions be? How much of a voice will local residents have in the preparation of local zoning ordinances if the River is designated into the National System?

The southern terminus of the designation area should be Matamoras

If the southern terminus is to be Cherry Island, no traffic should be allowed to any access site in Mill Rift because the Mill Rift road is not suited to heavy travel nor is the River access suitable

Will people have the right to walk on privately-owned property and will they also have the right to stop on public bridges to watch canoes?

How will the width of the corridor be measured, on the horizontal plane or on the vertical plane or on a combination of both? Congressman McHugh previously told the Sullivan County Board of Supervisors that the boundaries would be 1,250 feet from both sides of the River

Could a private land owner be denied access to the River from his/her property?

How much use is being made of the geological information being gathered by Landsat in the planning and management of the River?

Will the planning for the Upper Delaware River and the Delaware Water Gap National Recreation Area be coordinated?

Can the authority to collect small fees for use of the River from persons who come from outside the area be granted to the National Park Service? The money collected could be turned over to the towns and townships along the River to help pay for the extra services required

Will limits on commercialism, such as recreational development, be imposed?

What problems would exist if the southern boundary were extended to the boundary of Port Jervis, New York (Tri-States Rock)?

With the present congestion of Route 97 and the expected increased congestion of this two-lane highway, what provisions will be made to develop another means of transportation within the River corridor? Can the ConRail line be used for this purpose?

Has any provision been made to purchase land along the River if a land owner wants to sell?

LAND ACQUISITION

Is 1,450 acres an upper limit to all forms of acquisition? Could the Management Plan recommend a larger amount of acquisition and, if so, how would that be achieved, through legislative or administrative action or both?

Too much land has been authorized for possible acquisition.

Much land has been bought for resale and development and landowners would be interested in selling to the Federal Government but only at fair prices.

REVIEW AND APPROVAL OF LOCAL LAWS

The Federal Government should tell what it is going to do in return for its land use restrictions.

UPPER DELAWARE CITIZENS ADVISORY COUNCIL

Members should be elected from river townships.

The Council should be composed of elected riverfront landowners.

County members should come from river towns only (at-large members should come from anywhere).

The Council should have planning and zoning powers, not just advisory powers.

There should be a recall procedure for removing Council members.

AUTHORIZATION

Compensation for lands to be acquired should specifically be provided for in the legislation.

The bill must have appropriations included.

Police, garbage, fire, and ambulance services should be financed by the Federal Government directly to river townships which would assume the responsibility for these activities.

CLARIFYING PROVISIONS

No comments or questions.

MISCELLANEOUS

Please list advantages of the bill to residents of local communities particularly to those communities which are presently zoned.

What will become of the riparian rights claims of river property owners against New York City? This matter has not been completely adjudicated. Will the Federal Government honor these claims?

UPPER DELAWARE CLEARINGHOUSE.

NARROWSBURG, N.Y., MARCH 14, 1978

*Attendance List**Name**Affiliation*

Edward Anderson_____	
Philip Blanchard_____	WVOS
Carol Cambio_____	
Mr./Mrs. James Card_____	Custletunk Campground & Canoe Rental
Betty Crandall_____	
Mr./Mrs. Larue Elmore_____	Damascus Upper Delaware River Association
Peter Garrison_____	Orange County Department of Planning
Richard Jones_____	Orange County Department of Planning
Regina Kelly_____	Sullivan County Department of Planning and Economic Development
Joe Kilker_____	
Brigitte Klug_____	
Ulrich Klug_____	
Theodore Kunkeli_____	
Harriet Kuta_____	
Bob Lander_____	Delaware River Canoe Association
Wendy Lovett_____	Sullivan County Department of Planning and Economic Development
Robert Milani_____	
Glenn Pontier_____	The River Reporter
Robert Rasmussen_____	
Walter Reile_____	Town of Highland Civic Association
Kathy Rentlinger_____	The River Reporter
Oscar Ropke_____	Damascus Township River Association
Edward Rosenfeld_____	
Marie Rosenfeld_____	Damascus Township Upper Delaware River Association
Bruce Schalek_____	
Lizette Schilling_____	Delaware Valley Arts Alliance
David Seibert_____	Sullivan County Department of Planning and Economic Development
Harold Stoll, Jay Strunk_____	Lava Volunteer Fire Department/Tusten Rod and Gun Club, Inc.
Edward Thompson_____	Sullivan County Department of Planning and Economic Development
Andrew VanBenschoten_____	Office of Congressman Matthew F. McHugh
Joe Wolff_____	

CALLICOON, N.Y., MARCH 20, 1978

Carl Abbe_____	Manchester Township Planning Commission
Ralph Calkin_____	Town of Cochection Planning Board
Robert Dexter_____	
Mr./Mrs. Larue Elmore_____	Damascus Upper Delaware River Association

Peter Garrison.....	Orange County Department of Planning
O. Donald Hewitt.....	Delaware County Planning Board
Charles Holcak.....	
Richard Jones.....	Orange County Department of Planning
Roy Ohman.....	
Roger Ricco.....	Catskill Lands & Rivers/Town of Hancock Planning Board
Edward Rosenfeld, Marie Rosenfeld.....	Damascus Township Upper Delaware River Association
Adelaide Vonderhorst.....	Tusten Forest Acres, Inc.
David Seibert.....	Sullivan County Department of Planning and Economic Development

MILFORD, PA., MARCH 22, 1978

Anne Abbadessa.....	
William Bauersfeld.....	Office of the Delaware River Master
Chris Curtis.....	
George Fluhr.....	Shahola Township Board of Supervisors
Peter Garrison.....	Orange County Department of Planning
Mrs. A. M. Hampton.....	
Doug Hay.....	Pike County Dispatch
Carson Helfrich.....	Pike County Planning Commission
E. J. Hendershot.....	
Edith Hull.....	Delaware Valley Conservation Association
Paul Kean.....	Town of Lumberland
Lester Krause.....	Stone Lodge
Irene Miller.....	
John Patterson, Jr.....	Eddy Farm Hotel
Frances Ridley.....	Eddy Farm Hotel
Karen Ridley.....	Eddy Farm Hotel
Carl Rinehart.....	Lackawaxen Planning Commission
Richard Roberts.....	City of Port Jervis
David Seibert.....	Sullivan County Department of Planning and Economic Development
Joe Staley.....	Pike County Planning Commission
Shirley Zeller.....	Town of Deepark

DELAWARE VALLEY CONSERVATION ASSOCIATION

SAVE THE DELAWARE COALITION, STROUDSBERG, PA., MARCH 18, 1978

Twenty four delegates from four states and The District of Columbia attended a special meeting today, adopting a resolution which could preserve the last free flowing river in the eastern United States. Drafted in support of upcoming action in both houses of congress, the resolution supports pending legislation which would include the Delaware River from Hancock, New York to the Delaware Water Gap in the National Wild and Scenic Rivers System. The Save the Delaware Coalition is composed of sixty four civic and environmental organizations representing over four million conservation minded citizens belonging to groups as diverse as The National Wildlife Federation, the Phillipsburg New Jersey Jay Cees and the Adirondack Mountain Club.

RESOLUTION

Whereas, the National Wild and Scenic Rivers Act, (P. L. 90-542, 90th Congress, S. 119, October 2, 1968) provides that it is the policy of the United States "that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations", and

Whereas, the 114 mile stretch of the Delaware River from Hancock, N. Y. to the Delaware Water Gap has been found to qualify for inclusion in the National Wild and Scenic Rivers System in both Scenic and Recreational categories, and

Whereas, inclusion of this stretch of the Delaware River as a continuous unit would provide for unified management under the National Park Service in cooperation with local Citizen Advisory Committees as established in the legislation, and

Whereas, such inclusion would complement existing planning for the Delaware Water Gap National Recreation Area, and

Whereas, this legislation is expressly designed to minimize further governmental acquisition of private property and disruption of lives, commerce and activities of the people of the Delaware River Basin, and

Whereas, this stretch of the Delaware River, especially from Port Jervis, N. Y. to the Delaware Water Gap, has been voluminously studied, establishing its irreplaceable recreational, scenic, natural, historical and cultural resources for the benefit of the people of the Delaware River Basin and the Nation as a whole, and

Whereas, such inclusion would enhance and perpetuate the quality and well-being of the aquatic ecosystem of the Delaware River Basin, and

Whereas, such inclusion would permit long-range water resources planning by local, state, and federal governments and resolve existing uncertainties respecting the future of the Delaware River Basin, and

Whereas, this stretch of the Delaware River has been included in the Pennsylvania Scenic Rivers Inventory as requiring immediate protection, and

Whereas, the U. S. Heritage, Conservation and Recreation Service (formerly BOR) has recommended that this stretch of the Delaware River should be included in the National Wild and Scenic Rivers System;

Now, therefore, be it resolved, That, for the above reasons, the following organizations hereby support and urge that the Delaware River from Hancock, N. Y. to the Delaware Water Gap be included in the National Wild and Scenic Rivers System:

SAVE-THE-DELAWARE COALITION,
Philadelphia, Pa.

SAVE THE DELAWARE COALITION

Member Organizations

1. Adirondack Mountain Club—New York Chapter.
2. Adirondack Mountain Club—North Jersey Chapter.
3. American Canoe Association.
4. American Rivers Conservation Council.
5. Appalachian Mountain Club—Delaware Valley Chapter.
6. Appalachian Mountain Club—New York Chapter.
7. Appalachian Trail Conference.
8. Bucks County Audubon Society.
9. Chester County Environment Committee—Pennsylvania.
10. Concerned Citizens For Orderly Progress—Pennsylvania.
11. Delaware River Shad Fishermens' Association.
12. Delaware Valley Conservation Association.
13. Environment—Pittsburgh.
14. Environmental Policy Center.
15. Environmental Political Action.
16. Essex County Young Republicans.
17. Federation of Conservationists—United Societies, Inc.
18. Federation of Fly Fishermen.
19. Federation of Sportsmen of New York—Sullivan County.
20. Fontinalis Fly Fishermen.
21. Friends of the Earth—National.
22. Friends of the Earth—Delaware Valley Chapter.
23. Humane Society of the United States.
24. Kayak and Canoe Club of New York.
25. Keystone Trails Association.
26. League for Conservation Legislation—New Jersey.
27. Lenni Lenare League.
28. Luzerne-Lackawanna Environmental Council.

29. Monroe County Citizens for Conservation—Pennsylvania.
30. National Committee to Stop Environmental Pollution.
31. National Wildlife Federation.
32. New Jersey Federation of Sportsmen Clubs.
33. New Jersey Public Interest Research Group.
34. New York-New Jersey River Conference.
35. Phillipsburg Jay Cees.
36. Raritan Valley Environmental Council.
37. Rutgers University Law School—Environmental Law Group.
38. Sierra Club—National.
39. Sierra Club—Atlantic Chapter.
40. Sierra Club—New Jersey Chapter.
41. Sierra Club—Pennsylvania Chapter.
42. Sierra Club—Allegheny Group.
43. Sierra Club—Central Pennsylvania Group.
44. Sierra Club—Delaware Group.
45. Sierra Club—Eastern Pennsylvania Group.
46. Sierra Club—Finger Lakes Group.
47. Sierra Club—Governor Pinchot Group.
48. Sierra Club—Mid Hudson Group.
49. Sierra Club—New York Group.
50. Sierra Club—North Jersey Group.
51. Sierra Club—South Jersey Group.
52. Student Coalition for Environmental Action.
53. Theodore Gordon Flyfishers.
54. Tri State Rod and Gun Club.
55. Trout Unlimited, National.
56. Trout Unlimited, Croton Watershed Chapter.
57. Trout Unlimited, East Jersey Chapter.
58. Trout Unlimited, North Jersey Chapter.
59. Trout Unlimited, Eastern Pennsylvania Chapter.
60. Trout Unlimited, Pennsylvania Council.
61. United Automobile Workers—New Jersey Council—Region 9.
62. Warren County Anti Pollution League, Inc.—New Jersey.
63. Wayne-Pike County Audubon Society.
64. Wilderness Society.

UPPER DELAWARE CLEARINGHOUSE

The Upper Delaware Clearinghouse was created in the fall of 1975. It is an informal, inter-County and inter-State organization of planning agencies in the Upper Delaware Valley which was formed to share ideas and to exchange information on land use guidance and management measures now in effect and to develop a cooperative approach to the federal proposals to include the Upper Delaware River in the National Wild and Scenic Rivers System. It was organized as the result of a meeting of the County planners of Orange, Pike, Sullivan, and Wayne Counties with Maurice Arnold, Regional Director of the Bureau of Outdoor Recreation, to discuss the status of the federal proposals. With the encouragement and support of Mr. Arnold, it was agreed that a group should be organized locally to advise all levels of government and to have input with regard to the implementation of these proposals in the Upper Delaware Valley. This group became known as the Upper Delaware Clearinghouse and is composed of the County Planning agencies at Delaware, Orange, Pike, Sullivan, and Wayne Counties.

The Clearinghouse has been meeting at least monthly since the fall of 1975. Attending and participating in these meetings have been representatives of the County Planning Departments, local legislative bodies, local planning boards, river and canoe associations, the Delaware River Basin Commission, the Pennsylvania Department of Environmental Resources, the New York State Department of Environmental Conservation, and interested residents from the Upper Delaware Valley.

The activities of the Upper Delaware Clearinghouse have been concentrated in two areas. The first is the area of the creation of a land use guidance system, a system which would provide a framework within which land use patterns could be evaluated and land use decision-making could be coordinated with the goals and objectives of the federal Wild and Scenic Rivers Act. The second

is the area of protecting the Upper Delaware River and its surrounding environment from the negative impacts of heavy recreational usage which are increasingly evident and which may become more evident with the inclusion of the River in the National Wild and Scenic Rivers System. It is anticipated that these activities will result in a position statement which embodies the recommendations of the Clearinghouse concerning zoning guidelines on the one hand, and control of river usage on the other hand.

These ongoing activities have been temporarily superseded by attempts to draft recommendations concerning the proposed legislation which would include the Upper Delaware in the National Wild and Scenic Rivers System. These recommendations will be based upon widespread public discussions of the various alternatives proposed and they will be submitted to appropriate members of Congress and those congressional committees considering such legislation.

The members of the Upper Delaware Clearinghouse anticipate that they and the residents of the Upper Delaware Valley will continue to take an active part in future activities related to federal, state and local governmental actions concerning the Upper Delaware River. The Clearinghouse will continue to hold public meetings on the fourth Friday of each month at various locations along the Delaware River Corridor.

SULLIVAN COUNTY PLANNING BOARD—NEWS RELEASE

CLEARINGHOUSE MEETINGS TO DISCUSS M'HUGH'S UPPER DELAWARE BILL

The Upper Delaware Clearinghouse has scheduled three public meetings to discuss a bill introduced into Congress by Congressman Matthew F. McHugh, D-27, which would designate the Upper Delaware River as a component of the National Wild and Scenic Rivers System. The purpose of the meetings is to obtain public comments on the bill. These comments will be provided to Mr. McHugh. The meetings will be held as follows:

Tuesday, March 14 at 7:30 p.m. in the Narrowsburg Central School auditorium, Narrowsburg, New York.

Monday, March 20 at 7:30 p.m. in the Delaware Valley Central School cafeteria, Callicoon, New York, and

Wednesday, March 22 at 7:30 p.m. in the Delaware Valley High School auditorium, Milford, Pennsylvania.

The Upper Delaware Clearinghouse was established in the fall of 1975 as an informal, inter-County and inter-State organization of planning agencies in the Upper Delaware Valley. It was formed to share ideas and to exchange information on land use guidance and management measures now in effect and to develop a cooperative approach to the Federal proposals to include Upper Delaware River in the National Wild and Scenic Rivers System. It holds public meetings on the fourth Friday of the month at various locations along the Delaware River Corridor.

ORANGE COUNTY FEDERATION OF SPORTSMEN'S CLUBS, INC.,

Newburgh, N.Y., May 9, 1978.

HON. HENRY M. JACKSON,

Senate Sub-Committee on Parks and Recreation, Russell Senate Office Bldg., Washington D.C.

DEAR SIR: The Orange County Federation of Sportsmen's Clubs, Inc., with a membership of over 25,000 sportsmen and the Rock Tavern Rod & Gun Club, Inc., with a membership of over 500 sportsmen from the States of New York and New Jersey would like to go on record as supporting Senate Bill 2611 for including the Upper Delaware River from Hancock, N.Y. to Sparrowbush, N.Y. in the Wild and Scenic Rivers Act.

Senator I would appreciate a copy of these public hearings when they have been printed and are available also I would appreciate it if you would place my name on your committee mailing list for any information on future legislation on Parks & Recreation on Energy and Natural Resources that your committee will be called on for public hearings.

Sincerely,

WILLIAM L. SHAFFER,

Chairman, Legislative Committee.

PIKE COUNTY FEDERATION OF SPORTSMEN'S CLUBS, INC.,
Matamoras, Pa., April 29, 1978.

Re: S. 2611 Wild and Scenic River Designation for Upper Delaware River.

HON. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: We would appreciate if you and your committee would consider our arguments for establishing the southern terminus of the Wild and Scenic River Area for the Delaware at the southern limits of the present Penna. Fish Commission Access Area located just above Matamoras, Pa. Our reasons are stated in the attached letter sent to the subcommittee on National Parks and Insular Affairs.

We believe that establishing a reasonable and natural southern boundary that is consistent with motives of the project is most important in gaining public acceptance and retaining our high regard for our public servants in Washington.

Please contact us for any additional information you might desire.

Sincerely,

WILLIAM G. CLARK, Jr.,
Secretary.

PIKE COUNTY FEDERATION OF SPORTSMEN'S CLUBS, INC.,
Matamoras, Pa., April 29, 1978.

Re: S. 2611 Wild and Scenic River Designation for Upper Delaware River.

HON. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: Our organization, representing over 700 sportsmen, would like to point out that locating the southern terminus of the Wild and Scenic River Area for the Delaware River at the southern tip of Cherry Island (at Mill Rift, Pa.) or at the Erie Lackawanna Railroad Bridge No. 2 which is 400 feet below Cherry Island is most unfortunate and a disservice to the entire project.

The river in this area and for some distance upriver is very swift (white water) and extremely difficult to navigate let alone trying to exit or enter the river. Additionally, the bank on the Pennsylvania side is fairly high and steep. The little usable land on top of the bank is already occupied by dwellings. Road access on the Pennsylvania side is remote. The New York shore line in this same area is extremely rough and not readily accessible by road.

For a distance of approximately one mile below No. 2 Bridge, the Pennsylvania shore line is composed of sheer cliffs rising several hundred feet from the river's edge. This area is unique and should be protected. On the New York side, a summer resort occupies most of the shore line.

Immediately below the above area and running for a distance of approximately 0.8 miles to the southern edge of the Pa. Fish Commission Access (which was originally proposed as the southern terminus), the river is slow enough for good exiting and entering. The banks on both sides of the river (especially on the Pennsylvania side) offer excellent access. Additionally, both sides of the river in this area are readily accessible by existing roads. Two canoe liveries are already located in this area in addition to the Fish Access Area.

The Matamoras Borough line is another 0.7 miles below the Fish Access Area. Both sides of the river in this area are considerably developed and access to the river is not practical.

We strongly recommend that the southern terminus be located at the southern edge of the Pa. Fish Commission Access Area as originally planned and proposed by earlier House bills. This will provide for reasonable control of the river and those using it. It will also protect the area immediately above it from being devastated by commercial interests.

Failing the above, a reasonable compromise might be to control (include in the Wild & Scenic Area) a few hundred feet from the river's edge on both sides of the river, from No. 2 Bridge down to the Pa. Fish Access Area or even to

the Matamoras Borough and Port Jervis City limits on their respective sides of the river.

We will be glad to furnish any additional information you might seek on the above or provide for an onsite tour of the area by yourself or anyone on your committee.

Respectfully,

WILLIAM G. CLARK, Jr.,
Secretary.

WATER RESOURCES ASSOCIATION OF THE DELAWARE RIVER BASIN,
Valley Forge, Pa., May 8, 1978.

Senator JAMES G. ABOUREZK,
Chairman, Senate Subcommittee on Parks and Recreation,
Washington, D.C.

DEAR SENATOR ABOUREZK: Water Resources Association of the Delaware River Basin (WRA/DRB) reiterates its support for S. 2611 the Wild and Scenic Rivers designation for the Upper Delaware River between Hancock and Sparrowbush, N.Y., as a Scenic and Recreation River. We do not support S. 2270 which would incorporate the Delaware Water Gap National Recreation Area from Port Jervis to Delaware Water Gap in the Scenic-Recreation River.

WRA/DRB, was organized in 1959 to provide citizen support for sound water management programs for the Delaware River Basin. Our 700 members represents more than 100 non-profit organizations throughout the 13,000 square mile Basin.

WRA has consistently supported the Tocks Reservoir and worked diligently for the combination of the National Recreation Area and Tocks Lake as a badly needed recreation installation for the crowded East.

We urge you not to include the Tocks Reservoir Proposal in the National River at this time since five separate and distinct studies are now on-going in the Basin that will have a bearing on the necessity for the Tocks Proposal, they are—the Salinity Study of the Estuary; the Non-Structural Flood Damage Study; The Level-B Delaware Basin Comprehensive Study (These three have Federal funding of over \$2.6 million); and both the New Jersey and Pennsylvania Water Plan Studies which both consider the Delaware Basin. We believe the recommendations of the five studies must be considered before the Tocks Site is locked-up under the Wild and Scenic Rivers Act.

We earnestly ask you not to include the Tocks Site in the Upper Delaware Scenic and Recreation River.

Sincerely,

PAUL M. FELTON,
Executive Director.

LACKAWAXEN, PA., April 29, 1978.

Re: S. 2611

Hon. JAMES ABOUREZK,
Chairman, Subcommittee on Parks & Recreation, Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: As a long time resident of the Upper Delaware River area, I sincerely hope you will consider these two provisions to Senate Bill S. 2611.

1. Since we have kept the beauty of the Upper Delaware all these years, we request that LOCAL residents be allowed to continue management and control of this area.

2. With the influx of tourists (canoeists, campers, etc.), and, in order to retain this area as a clean and secure place to live, some Federal assistance be appropriated to help share our financial burden for the required added police and sanitation personnel.

If we are to prevent the problems of Maine's Allagash River and retain the beauty of our Delaware River, I believe these two provisions are essential and sincerely hope you will consider them in Senate Bill S. 2611.

Thank you.

Sincerely yours,

MADELINE NUESKE.

MOUNTAINHOME, PA., May 25, 1978.

Re: Wild and Scenic Rivers Act

JAMES ABOUREZK,
U.S. Senate
Washington, D.C.

DEAR SENATOR ABOUREZK: On behalf of the Pocono Mountain Audubon Society board, I am voicing our unanimous support of the Wild and Scenic Rivers Act concerning the protection of the Delaware River from Hancock, N.Y. through the Delaware Water Gap. Pocono Mountain Audubon has previously submitted at hearings the signatures of 3,000 Monroe County residents supporting bills S. 2270 and S. 2611.

The Delaware is the last, great Eastern river which might still run free with your strong support of these bills. Congress has been surprised by the outrage with which so many thousands of residents have been fighting for the preservation of our river, but it is our primary state issue. The voters of northeastern Pennsylvania have repeatedly expressed our determination to protect the Delaware, and we hope that you will express the consensus of so many voters by voting for bills S. 2270 (Case) and S. 2611 (Moynihan).

Sincerely,

THE POCONO MOUNTAIN AUDUBON SOCIETY,
JULIE HOUSTON,

Corresponding Secretary.

HANKINS, N.Y., April 29, 1978.

HON. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
Dirksen Senate Office Bldg.,
Washington, D.C.

DEAR SIR: In the immediate future, your committee will be reviewing Bill #H.R. 11743, authored by Messrs. McHugh, McDade, Gilman, Bingham, Kostmayer and Mrs. Fenwick and which has been referred to the Committee on Interior and Insular Affairs. The Bill relates to the designation of the Delaware River as a component of the National Wild and Scenic Rivers System. The Bill has the endorsement of Governor Carey of New York, Governor Shapp of Pennsylvania and is supported by Senator Moynihan of New York through Bill #S. 2611.

The Bill is excellent and if adopted in its total will serve the needs of the public, preserve the integrity of the river and protect the interests of the river residents and the business community. There are unique features in this segment of the Delaware in that it flows through a number of small townships which could be adversely affected by shortsighted legislation. I particularly invite your attention to Section 7 a & b, which establishes an Upper Delaware Citizens Advisory Council to assist with the Management Planning. The experience and expertise that can be offered to the responsible agencies would be invaluable in implementing the entire program.

In conclusion, I thank you for this opportunity to offer my views and I urge favorable consideration of the Bill.

Yours truly,

WOODROW R. FREESE.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, Pa., May 2, 1978.

HON. CECIL D. ANDRUS,
Secretary, Department of the Interior,
Washington, D.C.

DEAR SECRETARY ANDRUS: This letter is in support of my request that the Administration not seek deauthorization of the Tocks Island dam and reservoir at this time. Various proposals are now before committees of the Congress to deauthorize this project through amendment of the National Wild and Scenic Rivers System. The Tocks Island project is of such major importance to this region it should not be deauthorized until the Congress and the Delaware Basin states are certain that feasible alternatives can be developed.

In 1975, the Delaware Basin governors voted against proceeding with the construction of Tocks Island at that time. However, they also agreed that the

project should remain authorized and that completion of technical studies of alternatives should precede any final decision on Tocks Island Reservoir.

There are presently under way several critical water resource investigations by the respective states, the Army Corps of Engineers and the Delaware River Basin Commission. These are summarized as follows:

1. A study by the Corps of Engineers of the nonstructural flood control alternatives that might be possible in place of the substantial flood protection that Tocks Island would provide. Flood protection is particularly important to the 200,000 people who live in the communities along the lower Delaware from the Water Gap down to Trenton and Burlington, New Jersey. If the storm center of Agnes had struck 70 miles to the east in 1972, the devastation along the Delaware River to Pennsylvania and New Jersey communities, including Easton, Phillipsburg, Trenton and Philadelphia, would have been far worse than the double-hurricane disaster of Connie and Diane in 1955.

2. A study by the Commission and the Corps of Engineers of salt water movement and concentrations in the Delaware Estuary, and the extent to which drought-induced incursions of sea water would endanger municipal and industrial water supplies. Fresh water flow augmentation from Tocks Island Reservoir would provide a significant measure of protection against salt water intrusion in the upper estuary during low flow periods. That protection should not be foregone prior to completion of technical studies of the risk involved. Resolution of this matter is of extreme importance and dire necessity to the Philadelphia-Camden water supply systems and to various industries located along the estuary.

3. A \$1.6 million "Level B" comprehensive study of the Delaware Basin by the Commission and many cooperating Federal and State agencies supported under a \$1.1 million grant from the Water Resources Council. This study will form the basis for a reformulation of the Commission's long-range plan for the Delaware, including a possible revised system of future water storage reservoirs. Neither Tocks Island nor any particular alternative to it should be rejected before that plan reformulation effort is complete. Many segments of the public interest are actively participating in this effort.

4. Statewide water supply planning studies in New Jersey and Pennsylvania. These studies will pinpoint more precisely the extent to which Delaware Basin water sources will be needed in future decades by each of these states, and will shed further light on the question of the extent to which Tocks Island may or may not be required for that purpose.

My support for keeping Tocks Island authorized pending completion of the foregoing studies should in no way be interpreted as opposition to amending the National Wild and Scenic Rivers Act so as to include the Upper Delaware between Hancock and Sparrow Bush, New York. All of the Delaware Basin governors are supporting designation of that 75-mile segment of the Upper Delaware. The Upper Delaware designation should be kept separate from issues concerning Tocks Island Reservoir.

A meeting of the four Delaware River Basin governors and yourself, in our capacity as members of the Delaware River Basin Commission, is essential in developing an agreed-upon position concerning Tocks Island and the completion of studies. It is absolutely critical to the millions of people served by the Delaware River that such a meeting be held before any action is taken by the Administration or Congress to deauthorize or otherwise change the status of Tocks Island. I believe a proper position at this point in time would be to restate our Commissioners' position given on the Kostmayer bill hearing in New Hope on November 11, 1977—don't build or deauthorize now, but defer that decision until the hypothetical alternatives to the Tocks Reservoir are validated.

Sincerely,

MILTON J. SHAPP, *Governor.*

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, Pa., May 11, 1978.

HON. MORRIS K. UDALL,

Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR REPRESENTATIVE UDALL: On behalf of this Commonwealth, I must express my extreme concern regarding the ill-considered proposal now pending before Congress, in the form of H.R. 12356, to seek a "back-door" deauthorization of

the Tocks Island reservoir project through designation of the middle portion of the Delaware River within the National Wild and Scenic Rivers System. The Tocks Island project is of such major importance to this region it should not be deauthorized until the Congress and the Delaware Basin states are certain that feasible alternatives can be developed.

In 1975, the Delaware Basin governors voted against proceeding with the construction of Tocks Island at that time. However, they also agreed that the project should remain authorized and that completion of technical studies of alternatives should precede any final decision on Tocks Island Reservoir.

There are presently under way several critical water resource investigations by the respective states, the Army Corps of Engineers and the Delaware River Basin Commission. These are summarized as follows:

1. A study of the Corps of Engineers of the non-structural flood control alternatives that might be possible in place of the substantial flood protection that Tocks Island would provide: Flood protection is particularly important to the 200,000 people who live in the communities along the lower Delaware from the Water Gap down to Trenton and Burlington, New Jersey. If the storm center of Agnes had struck 70 miles to the east in 1972, the devastation along the Delaware River to Pennsylvania and New Jersey communities, including Easton, Phillipsburg, Trenton and Philadelphia would have been far worse than the double-hurricane disaster of Connie and Diane in 1955.

2. A study by the Delaware River Basin Commission and the Corps of Engineers of salt water movement and concentrations in the Delaware Estuary, and the extent to which drought-induced incursions of sea water would endanger municipal and industrial water supplies: Fresh water flow augmentation from Tocks Island Reservoir would provide a significant measure of protection against salt water intrusion in the upper estuary during low flow periods. That protection should not be foregone prior to completion of technical studies of the risk involved. Resolution of this matter is of extreme importance and dire necessity to the Philadelphia-Camden water supply systems and to various industries located along the estuary.

3. A \$1.6 million "Level B" comprehensive study of the Delaware Basin by the Commission and many cooperating Federal and State agencies supported under a \$1.1 million grant from the Water Resources Council: This study will form the basis for a reformulation of the Commission's long-range plan for the Delaware, including a possible revised system of future water storage reservoirs. Neither Tocks Island nor any particular alternative to it should be rejected before that plan reformulation effort is complete. All segments of the public interest, including environmental advocates, are actively participating in this effort.

4. Statewide water supply planning studies in New Jersey and Pennsylvania: These studies will pinpoint more precisely the extent to which Delaware Basin water sources will be needed in future decades by each of these states, and will shed further light on the question of the extent to which Tocks Island may or may not be required for that purpose.

Unlike proposals to include the Upper Delaware River between Hancock and Sparrow Bush, New York, within the National Wild and Scenic Rivers System, there has been no study by the Department of the Interior or the Basin States of the eligibility and feasibility of designating the Middle portion of the Delaware as a wild and scenic river. No management plan for this portion of the river has been prepared.

Most important, no environmental impact statement has been prepared regarding the major implications of this proposal on water management in the Delaware Basin. Before Congress acts, it ought to know the full impacts of this course of action on the Delaware Basin and the millions of people, from New York City to Philadelphia, served by the Delaware River.

Congress should be particularly aware that effective deauthorization of the Tocks Island project and permanent foreclosure of a mainstem impoundment of the Delaware would seriously disrupt, if not abrogate, the equitable allocation of water rights among the Delaware Basin States established by the United States Supreme Court's 1954 Decree in *New Jersey v. New York*, 347 U.S. 995 (1954). In settlement of that litigation between New York, New Jersey, Pennsylvania and Delaware, the Basin States—with the Court's approval—established a finely balanced arrangement of water rights and duties. Fundamental to provisions allowing New Jersey and New York to divert water from the Delaware to serve the New York City-Northern New Jersey Metropolitan Areas, was the

agreement by the Basin States to allow construction of a reservoir on the Delaware mainstem above the Delaware Water Gap, to compensate for diverted flows and protect the vital interests of downstream citizens. New Jersey's right to divert up to 100 m.g.d. was specifically conditioned upon authorizing Pennsylvania, or its agent, to undertake this project.

The 1954 Decree refers to Wallpack Bend, a few miles upstream from Tocks Island proper. Shortly after entry of the Decree, in July 1955, the floods of Hurricanes Connie and Diane struck the basin. In response to the request of the Basin States, Congress ordered the Corps of Engineers to undertake a comprehensive survey of the flood control, water supply and other Delaware basin needs, including a determination of the "feasibility of construction and operation of a reservoir on the mainstem of the Delaware River above Delaware Water Gap near Wallpack Bend or Tocks Island." On February 6, 1957, the Corps reported to Pennsylvania's Governor that the Tocks Island site had numerous advantages over the Wallpack Bend location, including increased yield, less cost per acre foot of storage, and enhanced recreational opportunities. Following the hurricane floods of 1955, special Pennsylvania appropriations in 1956 were used to buy out flood-damaged properties in the project area, to be held for eventual construction of the "Tocks" or "Wallpack Bend" dams, which were then under consideration as alternative proposals to fulfill the requirements of the 1954 Decree.

Following completion of the Corps' study in 1961, the Corps recommended, and the Basin States unanimously agreed to, the construction of the project at Tocks Island. With the full support of the Basin States, acting jointly through the Delaware River Basin Commission, Congress authorized construction of Tocks in the Flood Control Act of 1962. Throughout the 1960's, the Governors of the Basin States and the United States Commissioner repeatedly endorsed construction of the Tocks Island project as part of DRBC's comprehensive plan and water resources program. The project remains in the Basin's Comprehensive Plan.

Congress should not lightly undertake an action which would, in purpose and effect, abrogate the water rights of several sovereign States. Designation of the Middle Delaware as a scenic river would preclude, not only the federally authorized Tocks Island project, but any State project authorized under the 1954 Supreme Court Decree or found necessary to fulfill obligations imposed under the Decree.

Moreover, any such action by Congress would be inconsistent with the solemn pledge of the United States, as a party to the Delaware River Basin Compact. Article 11 of the Compact provides:

Section 11.1—Federal Agencies and Projects: For the purposes of avoiding conflicts of jurisdiction and giving full effect to the commission as a regional agency of the signatory parties, the following rules shall govern federal projects affecting the water resources of the basin, subject in each case to the provisions of Section 1.4 of this compact:

(a) The planning of all projects related to powers delegate to the commission by this compact shall be undertaken in consultation with the commission;

(b) No expenditure or commitment shall be made for or on account of the construction, acquisition or operation of any project or facility nor shall it be deemed authorized, unless it shall have first been included by the commission in the comprehensive plan;

(c) Each federal agency otherwise authorized by law to plan, design, construct, operate or maintain any project or facility in or for the basin shall continue to have, exercise and discharge such authority except as specifically provided by this section.

Public Law 87-328, ratifying the Compact, further provides: "(W)henver a comprehensive plan, or any part or revision thereof, has been adopted with the concurrence of the member appointed by the President, the exercise of any powers conferred by law on any officer, agency or instrumentality of the United States with regard to water and related land resources in the Delaware River Basin shall not substantially conflict with any such portion of such comprehensive plan * * *" The proposal to designate the Middle Delaware as a wild and scenic river has not been planned with the cooperation of DRBC, as required by Article 11, and has not been included in the Delaware Basin Comprehensive Plan. It is, therefore, inconsistent with the existing plan as adopted with the concurrence of the United States Representative. The Comprehensive Plan now in effect specifies the use of this reach as a National Recreation Area, and eventual implementation of a storage project to protect downstream citizens.

This letter should in no way be interpreted as opposition to amending the National Wild and Scenic Rivers Act so as to include the Upper Delaware between Hancock and Sparrow Bush, New York. All of the Delaware Basin governors are supporting designation which should be kept separate from issues concerning Tocks Island Reservoir and the Middle Delaware.

In conclusion, I urge you and the members of Congress to seriously reconsider and delete the provision in H.R. 12356 for designation of the Middle Delaware as a wild and scenic river. The question of whether to construct or deauthorize the Tocks Island project, to designate the Middle Delaware the scenic river, and to reformulate the water rights of the Basin States should await the completion of the studies now underway. Congress should defer any preemptory decision until the possible alternatives to the Tocks Island Reservoir are validated and the real implications of this action are understood.

Sincerely,

MILTON J. SHAPP, *Governor.*

A REPORT TO THE HONORABLE MILTON J. SHAPP, GOVERNOR OF PENNSYLVANIA, PREPARED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES ON THE CURRENT STATUS AND NEEDS—TOCKS ISLAND DAM AND RESERVOIR PROJECTS

PREFACE

In reviewing the Delaware River Basin's water problems and potential alternatives (including the Tocks Island Dam and Reservoir Project) to help solve those problems, three simple facts must always be kept in mind.

First, the Delaware River is an interstate stream, and consequently, each of the four Basin States enjoy rights to its flow.

Second, the use and management of the Basin's waters is constrained by the Supreme Court Decree of 1931 and its subsequent amendment of 1954. The 1954 Decree permits the export of water from headwaters of the Basin to the City of New York and Northern New Jersey, conditioned on certain flow release requirements and other conditions for the protection and benefit of the downstream States. The Decree greatly increased the Basin's Service Area, with over 20 million citizens in the Basin States relying on the Delaware for all or a major part of their water needs. However, we now know that the estimate of the Basin yield upon which the Decree allocations were based were too high—the drought of the mid-1960's made that all too clear. Indeed, officials of the New York City Water Department have indicated that, if a drought in the magnitude of that which occurred in the 1960's were to recur, the City would have a deficit of 250,000,000 gallons per day; and even under severe conservation measures, it is unlikely that required releases to protect downstream states could be maintained.

Third, the Delaware River, a relatively small river, is now faced with a huge task—it must serve the water needs and demands of the greater concentration of population and industry in this Nation. It cannot continue to meet those needs and demands without the proper conservation development, and management of the Basin's water and related land resources.

These facts underlie virtually all of the current and future water and water-related problems of the Basin. All Basin interests must recognize that the water resources of the Delaware Basin are definitely limited and, without proper conservation, development, and management, cannot be expected to meet present and future demands, particularly during periods of drought.

The purpose of this report is to provide an overview of the pressing problems now confronting the Basin States, particularly in the context of the proposed Tocks Island Dam and Reservoir Project and its potential alternatives.

A decade after the Basin's severest drought of record and over 20 years after its most devastating floods, the need for interstate decision, commitment and action may seem less immediate than in the midst of dramatic crisis.

Since 1975, when Basin State Governors deferred construction of Tocks, a series of developments have underscored Pennsylvania's belief that further delay threatens the present and future health, safety and economic welfare of the Delaware River Basin and its Service Area.

I. BACKGROUND OF THE TOCKS ISLAND PROJECT PROPOSAL

Since the early 1920's the Delaware Basin States have confronted the dilemma of a developing metropolitan region reliant on finite shared water resources.

Forty years of interstate litigation and rivalry in carving up Basin waters, interspersed with attempts at interstate cooperative planning and negotiation, resulted in the development of the Delaware River Basin Compact and preparation of the Basin's Comprehensive Plan.

The concept of a mainstem reservoir on the Delaware is not new. Through studies by the Basin States and Interstate Commission on the Delaware River Basin (INCodel), the need for a storage project in the vicinity of the Delaware Water Gap was identified and endorsed prior to 1950.

In the 1952-54 Delaware River litigation before the Supreme Court, each of the four Basin States presented conflicting claims on the Delaware's limited resources.

After two years of negotiation, resulting in the Consent Decree of 1954, the Basin States explicitly recognized the eventual need for a major project in the area of Wallpack Bend to secure adequate water supply for downstream areas while allowing diversions to the New York and Northern New Jersey Service Areas.

In the course of the 1954 litigation, New Jersey and Pennsylvania negotiated a compact explicitly authorizing the Commonwealth to construct a reservoir project on the Delaware mainstem (with New Jersey's option to participate in benefits and expenses), as a quid pro quo for diversions to North Jersey communities. However, before the compact could be presented to Congress and consummated, devastating floods from Hurricanes Connie and Diane struck the Basin in August, 1955.

The Basin States then requested Congress to authorize a comprehensive study of Delaware Basin needs, including the siting of a mainstem project. The result of that study, presented to the Basin States and Congress in 1961, was the U.S. Army, Corps of Engineers' Delaware Basin Comprehensive Plan, which included, as an integral part, the Tocks Island Dam and Reservoir Project proposal.

The Tocks Island proposal involves a multiple-purpose project designed to help meet the water supply, flood control, power, and recreational needs of the Delaware River Basin and its Service Area. It was, and still is, the key element of the Delaware River Basin Commission's Comprehensive Plan, which includes both structural and non-structural measures, as well as, various programs and policies designed to meet the Basin's water needs through progressive conservation, development, and management.

The Tocks project was strongly supported by all Basin States through the 1960's, as the critical nature of Basin problems was rediscovered by the severist drought of record.

At the same time, it was one of the most studied projects in the nation. Assessments conducted by the Delaware River Basin Commission, the States and Federal Government were culminated by a 6 volume study prepared by URS/Maidgan-Praeger, Inc. & Conklin and Rossant, submitted to the Basin Governors in 1975.

In July, 1975, a majority of the governors voted to defer construction of Tocks in the face of rising concern over the environmental and social impacts of Tocks and the associated Delaware Gap National Recreation Area.

However, the Governors simultaneously recognized need for the mainstem project and advisability of preserving Tocks as an option for future implementation. The issue before the Basin leaders today is whether, in the face of mounting evidence from ongoing state and regional water resources planning efforts, as well as, a more critical assessment of proposed alternatives, any further deferral of action can be justified if we are to responsibly assure the health and security of Basin citizens.

II. BASIN WATER SUPPLY NEEDS AND THE SALINITY PROBLEM

While all of the Basin's water problems are serious, the most critical in terms of the Basin's health, safety, welfare, and economy is water supply.

Major droughts experienced in the 1930's and 1960's emphasized the recurrent cycle of water crises which threaten the Basin's citizens.

In the absence of definitive action to stabilize water demands and provide for a balanced program of conservation measures and storage, the imbalance of existing needs compared with available resources has grown worse.

It is a natural fact—unaffected by politics, human action or inaction—that another major drought can hit the Basin at any time.

Because our historical records are constrained in a short span of 50 to 80 years, the possibility of a drought more intensive or of longer duration than those recorded to date cannot be lightly discounted.

But bluntly, then, the Delaware Basin faces a natural disaster waiting to happen!

A. History of the water supply and salinity problems

Since the early 1920's, water supply and salinity problems have been a prime focus of the Basin States' attention.

The Supreme Court litigation of 1929-31 and again in 1952-54 concentrated upon the competing needs of water for diversion to the upper Basin Service Area (including New York City and North Jersey) and instream flows to protect lower Basin users.

Much of the testimony and debate revolved upon the central issue of diversions and consumptive uses versus salinity control and impacts on public water supplies, fisheries and water quality in Southeastern Pennsylvania, Southcentral New Jersey and Delaware.

The accommodation reached by the States in 1954 authorized New York's diversion of up to 800 m.g.d. from the upper Basin, conditioned upon maintenance at all times of a flow of 1750 cubic feet per second at Montague, New Jersey.

Diversions of up to 100 m.g.d. by New Jersey through the Delaware and Raritan Canal were allowed without compensating releases, subject to agreement by the States empowering construction of a main stem reservoir near the Delaware Water Gap.

These two arrangements were implicitly designed to permit limited diversions for necessary water supplies in the northern metropolitan region, while assuring flows of at least 3000 cfs at Trenton to protect downstream areas.

Maintenance of the target flows at Montague, Trenton and below is vital for the protection of downstream municipal, industrial, recreational, fishery and other uses.

It is not simply a legal requirement, but a physical necessity.

During drought conditions, these minimum flows are crucial in assuring water supplies to southeastern Pennsylvania and southcentral New Jersey.

Without adequate flow, saline intrusion migrates up the River from the estuary, encumbering industrial water users along the lower River, threatening both Philadelphia and Camden public water systems, and severely impacting the ecosystems including oysters and other valuable fisheries.

The problems faced by the downstream states were unequivocally demonstrated during the drought of the mid-1960's. Despite the imposition of severe conservation measures and virtual commandeering of available public and private reservoir storage, the Basin States were barely able to slow the migration of the salt front up the Delaware.

The Philadelphia water system experienced salt levels bordering on nonpotable levels. The sea salts front reached Philadelphia's main Torresdale intake in the summer of 1965, with chlorides measured in excess of 60 mg/l. Total dissolved solids contamination was severe. The 250 mg/l isochlor was less than 10 miles below Torresdale, and had the drought not broken, would have reached Philadelphia's system within one to two months.

A chlorides level of 250 mg/l represents more than an "aesthetic" problem for public water supply users, and more than and more than a mere violation of both the old Public Health Service and new EPA Drinking Water Standards.

When resulting from saline intrusion from an estuary, 250 mg/l of chlorides means concomitant contamination of sodium equivalent to approximately 150 parts per million. Such sodium levels are far in excess of amounts identified by medical studies as posing a health threat to those with heart disease, pregnancy or other sodium-sensitive conditions.

During the 1960's drought, drastic actions by the Basin States narrowly averted temporary contamination of Philadelphia's system and permanent saline pollution of the aquifers supplying public water for Camden and neighboring communities.

Despite mandatory conservation measures, reducing diversions to New York and water use by all downstream communities, the Basin suffered a severe natural and economic disaster.

The 1960's drought also provided the Basin States a vital lesson regarding over-optimistic appraisals of available resources and complacent failure to undertake precautionary measures prior to crises.

Prior to 1960, the safe yield of the New York reservoir system was calculated to be 800 m.g.d., predicated on maintaining 1750 cfs at Montague during a drought such as experienced in the 1930's.

Thus, in 1954, the parties to the Supreme Court proceedings apparently assumed that the system could, at all times, supply up to 800 m.g.d for the authorized New York City diversion and make releases required under the Montague Formula.

The drought of 1960–1967 proved this assumption grossly over-optimistic. During the drought, the Delaware River Basin Commission was forced to exercise its emergency powers, reducing New York City's diversions and permitting releases at less than the Montague Formula rates.

As a result of that experience, the estimates of the reservoirs' safe yields were recalculated in three studies to be in the range of 482–510 m.g.d. Thus, the upper Delaware reservoirs, upon which most of the downstream areas rely for minimal flow maintenance, cannot realistically be expected to provide anywhere close to the releases required to protect the lower Basin while serving upper Basin demands.

B. The current and projected water supply situation

The problems encountered in 1965 have not diminished. Despite the Madigan-Praeger Study's contrary conclusions, the salinity problem facing the lower Basin remains a significant threat.

Experts called in to assess Madigan-Praeger's salinity work repudiated the consultant's methodology, and disputed the assertion that the possibility of significant salinity intrusion into the Philadelphia and Camden water supply systems was very low, obviating the requirement for additional flow augmentation.

Most important, Madigan-Praeger's theoretical productions of salt front behavior did not, by any stretch of the imagination, match observed facts documented during the 1960's crisis.

The Delaware River Basin Commission currently has a new salinity study nearing completion designed to develop a new mathematical model to determine the interface and interaction between fresh and saltwater flows.

In addition, DRBC is working with the Corps on another study, designed to determine the flow patterns required to keep the salt front in check, together with associated costs and benefits which would accrue by preventing seawater intrusion.

Data accumulated to date indicates lower basin users already incur significant economic costs and losses due to saline intrusion, with conditions further exacerbated as consumptive uses upstream increase.

There is no reliable evidence indicating that the 3000 cfs target at Trenton is overly conservative, and indeed there is a significant possibility higher minimum flows may be justified to protect water supply and fisheries in the lower Basin.

Since the 1960's drought, conditions affecting water supply in the Delaware Basin have not remained static. Several developments in the past decade have made the imbalance of demands and resources even more critical.

Primary among these is the increase of consumptive water use in power production, industry and agriculture. An irony of the environmental effort to control thermal and other waste discharges, has resulted in replacement of once-through cooling techniques by evaporative cooling technology.

While somewhat reducing total withdrawals for industry and power, consumptive water use in the industrial power section has grown by over 50 m.g.d. in just the Pennsylvania portion of the Basin.

Since 1965, in major reliance on the projected availability of flows from Tocks, commitments have been made toward construction of four electric generating projects (Limerick, Salem, Gilbert, and Martins Creek), which will, by 1990, engender an additional consumptive loss of 61 m.g.d. (or 94 cfs) above the Delaware-Schuylkill confluence.

In the absence of storage to makeup consumptive losses, five power plants on the Delaware (Limerick, Summit, Hope Creek, Gilbert and Martins Creek) have been put on a "river follower" system, requiring curtailment or shutdown of operations when river flows fall below target levels. However, the combined capacity of these plants is close to the projected reserve capacity of the Pennsylvania-New Jersey-Maryland (PJM) interconnection power pool.

If a major drought struck the Delaware Basin forcing discontinuance of consumptive use in these plants, sufficient generating capacity to meet loads in the early 1980's could be maintained only if virtually all other PJM plants were operational.

This scheme appears to leave little room for emergency conditions and normal maintenance shutdowns in other parts of the PJM system. Continued reliance on the river follower system may leave the basin and public with an unenviable

choice in a future drought: to suffer shortages of electricity, to face even more critical water scarcity, or to allow discharge of untreated thermal wastes.

Losses due to irrigation are multiplying at an even faster rate.

Available land has diminished while food demands have increased, leading to more intensive agricultural practices, including irrigation, to sustain or enhance yields. Surveys of Pennsylvania farmers in the Delaware Basin reveal a projected increase of irrigation use from 62 m.g.d. in 1970 to over 290 m.g.d. by 1980 with possible use in 1980 topping 400 m.g.d.

The problems posed by consumptive water use are compounded by increasing reliance on surface sources for domestic water supply in the lower Basin. Downstream areas in Bucks and Montgomery Counties which, in the past, have been almost totally dependent on groundwater supplies, can no longer count solely on that source and must now turn to surface streams particularly the Delaware main stem.

Severe shortages of groundwater occurred in the summer of 1977, caused by overpumping and consequent depletion of the underground aquifers. Evidence of groundwater mining in Southeastern Pennsylvania has been preliminarily documented in state COWAMP studies and individual cases heard by the Delaware River Basin Commission.

While DRBC is presently seeking a means to fund a basinwide groundwater study to more accurately predict available safe yields, drops of as much as 40 feet in water table levels have stimulated water supply and local government officials to seek early implementation of previously proposed projects to divert Delaware waters.

We should emphasize that this assessment of Pennsylvania's current water demands, and projections for the near future, are not predicated on rampant development in the Delaware Valley. On the contrary, a fundamental assumption of the present state and regional planning programs, is the limited nature of available resources.

Population projections developed in the late 1960's, have been recently revised downward by Southeastern counties, such as, Bucks.

Assessments of power needs assume a low "conservation-era" growth rate, with virtually no new plants constructed in the freshwater areas of the Basin beyond those already slated.

Agricultural use is based on intensive set of surveys and special census data, and reflects a conservative approach compared to far higher projections advocated by local agencies and farmer organizations.

Pennsylvania, then, assumes a development picture which must be stabilized and constrained to live within limited resources through limited growth policies and implementation of conservation measures basinwide.

Simultaneously, pressures to utilize Delaware flows to serve upper Basin demands are also mounting. New York City demands are rapidly approaching full use of its 800 m.g.d allowance. New sources for the City in the near term are unlikely to materialize, and the proposed Hudson project is, at best, projected to meet additional demands imposed by the Service Area around the year 2000, when that project—if authorized and constructed—would come on line.

While New Jersey officials have long considered the possibility of increasing Delaware diversions through the Delaware and Raritan Canal by up to 300 m.g.d., it is clear that no increased transbasin withdrawals can or will be tolerated without makeup storage and compensating releases.

It is unfortunate that, because the heaviest-hit areas during the 1960's drought centered in New York and New Jersey, the Madigan-Praeger Study concentrated on alternatives for meeting water needs in the North Jersey region. Lower Basin needs were apparently dismissed as being less urgent and inconsequential. That simply was not, and is not, true.

Madigan-Praeger's failure to address the water needs of Pennsylvania and lower basin portions of New Jersey is underscored by the consultant's analysis of water supply alternatives. The alleged seven alternative water supply reservoirs (six on tributaries in Pennsylvania and one in New Jersey) would yield only 332 million gallons per day, the rough equivalent of the 300 m.g.d. identified as Northern New Jersey's needs.

These seven reservoirs would provide only one-half the proposed yield from the Tocks Project, and would yield benefits in Pennsylvania only to areas between the storage reservoirs and the point of diversion to North Jersey.

The fundamental fact remains that all of the Basin's competing water needs will become most stringent exactly when available resources are most limited.

It is in a major drought that municipal water needs, salinity problems, irrigation requirements, and power use are greatest. And despite commitments to impose water conservation and pronounced intent to allocate waters in future emergencies among priority uses, we foresee no way to reconcile the existing demands without severe impacts on the Basin's health, safety, economy, and environment. The issue is not how to support unfettered development, but how to adequately provide for our existing economical, social, and environmental base.

III. FLOOD CONTROL

The Delaware River Basin, like all other areas of the Commonwealth, is flood-prone.

The Basin's geographic location with the respect to major storm paths, both from south and west, assures that, it is only a matter of time until another major flood occurs.

Because there has been no major flood on the mainstem of the Delaware since the Connie and Diane floods of 1955, the public has become complacent and apparently many feel that major flooding will not occur again—a somewhat surprising attitude in view of the fact that Tropical Storm Agnes caused record flooding on the Schuylkill, a Delaware tributary, as late as 1972.

Average annual damages (in 1975 dollars) are estimated to be \$3,945,000, for the area below Tocks Island site.

A. The current and projected flood control situation

The Delaware River Basin Commission is currently working on a Delaware River Basin Comprehensive Study, a new Level B study, which is scheduled for completion in 1979, the study will include a review of potential reservoir sites identified in past studies by the U. S. Army, Corps of Engineers, and the electric utilities and an update of the costs associated with these sites.

Obviously, some, but not all, of those sites may prove to have feasible flood control storage potential.

The Commission is also involved in the development of a strong Flood Plain Management Program for use by local jurisdictions in managing the Basin's flood plains. As part of this program, it is presently engaged in mapping and delineating the Basin's flood plain areas.

Flood Plain Management (non-structural measures) has been advanced by many as a cure-all for eliminating future flood damages which would negate the need for construction of additional structures for flood control.

While non-structural measures, if fully implemented, do prevent new construction and growth of the flood plains, and thus will lessen future damages, they will not prevent recurrent damages to the homes, industries, services, and communications and transportation facilities already existing in the flood plain.

In short, Flood Plain Management, while an important part of the overall system, is not a panacea for future flood problems, particularly in the lower Basin area which is highly populated and industrialized, and where we expect little change to occur in already established patterns over the next 50 years.

It should also be noted that, while the existing Flood Insurance Program, another non-structural measure, repays direct economic loss, it does not reimburse secondary losses, such as, loss of employment, taxes, or lives.

The Delaware River Basin's flood control needs can only be met by a balanced flood control system which incorporates both structural and non-structural measures working in concert.

Accordingly, the flood control storage which would be made available by construction of the Tocks Island Dam and Reservoir Project is urgently needed now as a part of that system.

IV. RECREATION

The Delaware Water Gap National Recreation Area was conceived by the Basin States as a companion project to the Tocks Island Dam and Reservoir Project, designed to take full advantage of the recreational opportunities which would be afforded by the Tocks Island Lake.

Because it was authorized on that basis by the Congress in 1965, if the Dam and Reservoir Project should ever be deauthorized, new enabling legislation would be needed to dispose of, or transfer, the lands acquired for the reservoir project.

A. History of the recreation problem and needs

Early opposition was aimed as much, if not more, at the park visitor load, which was originally planned to accommodate 10½ million visitors a year, as at the reservoir. Opponents protested that this large number of visitors would put an unbearable strain on access roads and other public facilities and accommodations.

Early in 1975, Governor Cahill advised the other Delaware River Basin Commission members that, while New Jersey realized there were no readily available or feasible alternative means of realizing the project benefits that would be "less expensive and less environmentally destructive" than Tocks, he found it necessary to present a series of conditions and said that after receiving assurances that they would be met, he would give his approval for construction of Tocks to begin.

Because of the Governor Cahill's conditions reflected the local protest on the size of the visitor load, the Park facilities were replanned and scaled-down to serve 4 million visitors a year instead of the 10½ million previously programmed. The Commission then enacted an amendment to its Comprehensive Plan to incorporate the change.

Gradually, the Projects opponents took to supporting a lakeless park that would offer "low density" activities more attractive to small numbers of outdoor people than to family or group outings.

B. The Current and projected recreational situation

The Park Service is presently completing a new plan for the development of the Delaware Water Gap National Recreation Area, both with and without the lake. It is anticipated that this plan will be released late this spring or early this summer.

Acquisition of the Park lands by the U.S. Army Corps of Engineers for the Park Service has moved ahead, although acquisition by the Corps for the interior lake area has been stopped except for hardship cases.

As of September 30, 1977, 16,822 acres at a cost of about \$52,300,000, have been acquired for the Tocks Island Dam and Reservoir Project. In addition, 31,916 acres have been acquired for the Park Service for the Delaware Gap National Recreation Area at a cost of \$60,146,000. To date, then, a total of over \$112 million has already been expended on the two projects for almost 49,000 acres of land.

For a number of years, the Delaware River Basin Commission has been working closely with the Upper Basin States to have the 75-mile stretch of the Delaware above the Tocks Island Reservoir between Madamoras and Hancock, New York incorporated into the National Wild and Scenic Rivers System.

It has done so because it was recognized that inclusion of the reach in the National Wild and Scenic River System would complement the lake and park atmosphere of the National Recreation Area, and keep both the banks of that reach development-free. Legislation to incorporate the area is presently being prepared for introduction in the Congress.

Legislation has also been introduced in the Congress (Kostmayer Bill and others) to include additional river mileage downstream to the Delaware Water Gap.

Because the provisions of the National Wild and Scenic Rivers-System Act would permanently prevent the construction of any dam in that downstream area, this Legislation is an obvious move by the opposition to prevent construction of the Tocks Island Dam and Reservoir Project.

As noted earlier, if the Delaware Water Gap National Recreation Area were to be developed without the reservoir, the National Recreation Area would cater to "low density" activities more attractive to small numbers of outdoor people rather than to family or group outings. These activities would concentrate on hiking, bicycling, nature trails, canoeing, but would not meet the Basin's need for additional swimming, fishing, boating and other similar day-use activities which could be accommodated by the lake.

With the Trexler project apparently out of the picture, the need for additional facilities to serve family-type outings becomes even more important.

As an illustration of this need, our newly-opened State Parks at Nockamixon and Beltzville, which provide water-based recreation, are already being used to capacity, and indeed, on many summer weekends the gates must be closed early in the day and many families turned away.

V. WATER QUALITY

A. Needs for flow augmentation

In the past fifteen years, under the mandates of the Delaware River Basin Commission and Basin States and, more recently, Federal regulations, the Delaware River has experienced vast improvements in water quality. Both industrial and municipal dischargers are cleaning up one of the nation's formerly most polluted rivers.

Yet, the Basin continues as a highly industrialized, urbanized region with limited waste assimilative capacity. Even basinwide use of "best available control technology" may not be sufficient to provide optimum water quality meeting the national goals of fishable, swimmable waters.

Augmented flows from the proposed Tocks project were designed not only to control salinity intrusion, but also to help assimilate residual waste discharges to maintain water quality in critical river reaches below Trenton. The urgent need for this downstream flow, both for the above purposes and as make-up water for consumptive power and agricultural water losses, cannot be emphasized too strongly.

For example, the City of Philadelphia is currently upgrading its treatment facilities based on present standards and flow criteria which, in turn, are predicated on the maintenance of a minimum 3000 cubic feet per second flow at Trenton. The Tocks Island project is the only single, authorized project which can assure this.

The present estimate for the City's upgrading is in the neighborhood of 360 million dollars. If the flow is not maintained, Philadelphia could be the first and only major city in the Country forced to go to tertiary treatment, and the increased cost would be nothing short of astronomical.

B. The eutrophication issue

One of the most controversial points raised in connection with the construction of the Tocks Island Dam and Reservoir Project was concerned with the possibility of eutrophication of the lake from upstream non-point pollution sources, such as feed-lots and the poultry industry. It was claimed that the eutrophication would be so severe as to make the lake unusable for water supply and other purposes, and that the visitor load of the National Recreation Area would further contribute to the eutrophication problem.

To minimize the pollutant contribution from the Recreation Area visitors, the Delaware River Basin Commission proposed a regional ring sewerage system.

However, in response to Governor Cahill's demands, the Delaware River Basin Commission redesigned the system to provide decentralized facilities targeted to serve local population areas.

In either case, the potential pollution problem from recreation visitors would be avoided by properly designed and located sewerage systems.

The question of Tocks placing treatment burdens on upstream discharges is equally misleading. The Federal Water Pollution Control Act of 1972 requires all point discharges, including feed-lots and poultry processors, to implement best practicable control technology and eventually best available control techniques whether or not Tocks is constructed. In addition the Clean Water Act of 1977 mandates study of non-point pollution with the objective of developing best management practices, designed to help abate wasteloads from non-point sources. These regulatory efforts will, in the near future, reduce pollution from upstream sources and further lessen any chance that the reservoir would be highly eutrophic.

VI. ENVIRONMENTAL IMPACTS

No one has ever denied that construction of the Project would have some adverse impacts on the environment of the region—it is a fact that few, if any, public works projects have ever been constructed without environmental changes and impacts, some adverse and some beneficial.

It has been our contention that, in the case of Tocks, the severity of some of the adverse impacts has been highly overrated; that the effect of some may be minimized through carefully planning and operation, and that some may well be off-set by the environmental improvements.

The possible impact of eutrophication on the reservoir, discussed elsewhere in this paper, is a prime example of an overrated, adverse impact.

Others which may be minimized through carefully planning, operation, and implementation are many of the impacts on local governments; impacts on fish and wildlife; and impacts on the ecology and on historic sites.

Although many will disagree, we believe that construction of Tocks will engender many environmental improvements—recreation and a fishery which can be used by a greater number of people will be provided; a firmer energy and economic base will be established, and the Basin's citizens will be assured of urgently-needed flood control and water supply.

While the possible adverse environmental impacts associated with the Tocks Project were carefully analyzed in the Madigan-Praeger study, little or nothing was done to analyze the social, political, economic, or environmental impacts which would accrue to the Basin and its Service Area if the project was not constructed, and we believe that those impacts are already showing themselves to be more devastating than those associated with construction.

VII. THE DELAWARE BASIN COMPREHENSIVE PLAN: TOCKS AND ITS ALTERNATIVES

The central issue is how and when the Basin States will address the problems facing the Delaware region, and resolve the imbalance of demands and available resources.

The Delaware Basin Commission's Comprehensive Plan, resulting from over fifty years of interstate planning studies and negotiation, is the only existing blueprint for Basin action.

As unanimously adopted by the Basin States in 1961, and updated to the present day, it comprises a carefully balanced system of allocation and conservation programs, coupled with comparatively limited development of storage facilities to cover a portion of the most serious water supply deficiency, flow augmentation, flood control and recreation needs.

A key element of the Plan is the completion of a mainstem project, Tocks, together with several smaller reservoirs to provide for critical demands during emergency periods.

Obviously, if you remove the key element of a balanced plan without a viable substitute which will accomplish the same task and fulfill the same need, the plan is out of balance.

Since adoption in 1961, a few of the lesser elements of the Comprehensive Plan have proceeded. Beltzville, Nockamixon, Marsh Creek have been constructed, and Blue Marsh is nearing completion.

These reservoirs will help the water supply situation to some degree, but cannot be relied upon to provide for current needs, much less future demand.

For the year 2000 and beyond, even assuming limited growth and conservation, the effect of these projects will be minimal. All together, these facilities barely add 93 m.g.d. in available supplies to the Delaware Basin above Philadelphia-Camden,¹ compared with conservation estimates of increased consumptive losses for Pennsylvania alone in the range of 280 m.g.d. by 1980.

Thus, the question is: "What other measures can and must be implemented to meet the Basin's needs?"

A. Conservation

A strong, basinwide water conservation program has often been touted as an alternative to water supply storage in Tocks and other facilities, as a means to satisfy present and future water supply needs.

Unfortunately, however, while we can assure some water savings through water pricing and improved conservation programs and methods, even with full public cooperation, these alone are not a panacea for the Basin's water supply programs. During the 1960's drought, the Delaware River Basin Commission and the States, acting under emergency powers, imposed conservation mandates. Unnecessary uses (lawn watering and car washing) were prohibited. Diversions to New York City were cut back, as was water use throughout the Basin.

Based on that experience, the Delaware River Basin Commission has adopted strong water conservation policies, encouraging voluntary water conservation programs to be soon complemented by mandatory measures applied on an on-going basis to stabilize and eventually reduce water uses.

¹ The Marsh Creek project, located on a tributary to the Brandywine, does not contribute to upstream Delaware flows.

However, water conservation must be considered a part of the Basin's overall development and management program rather than a substitute.

At best, effective conservation can help stretch available supplies further into the future; it cannot alone meet present and future needs.

While the "brick in the toilet" and water saving devices for domestic uses are often cited as laudable measures, they do nothing to address the Basin's greatest challenges, rising consumptive losses resulting from industry, power and irrigation uses.

Alternative technology for waste heat disposal or use to replace evaporative processes required to meet thermal discharge standards, have been conceived, but not developed to cost-effective, implementable stage.

Optimistic projections of research, development and implementation lead-time, indicates that no measurable impact of these conservation technologies will be seen until after the year 2000, as the current generation of power generating and industrial facilities are replaced or improved.

Because our irrigation use projections are already based on minimal applications of water calculated to match soil, climatic and crop conditions, any appreciable reduction in agricultural use must be accomplished by sacrificing all, or part of production, during a drought.

B. Move Philadelphia's water supply intakes

Some have argued that the Basin's salinity problem could be solved by moving Philadelphia's water supply intakes upstream to lessen the dangers of "salt front" intrusions during drought periods. Indeed, emergency plans to move Torresdale's intakes were prepared during the critical months of the 1960's drought. However, this simplistic "quick fix" to salinity problems is illusory.

Moving Philadelphia's intakes will provide no help to other downstream industries and communities. Camden's municipal well-fields are recharged from the Delaware River several miles south of Torresdale, and confront the real possibility of permanent contamination if saline waters enter the aquifer.

Industries south of Philadelphia in both Pennsylvania and New Jersey experience even higher levels of salinity, incurring millions of dollars annually in filtration, treatment and increased maintenance costs.

Moreover, protecting Philadelphia's water supply will do nothing to protect aquatic ecosystems, particularly the valuable oyster beds in Delaware and the Basin's fisheries.

C. Alternative projects

The Madigan-Praeger Study purported to identify seven alternative projects to serve the Basin's water supply needs. These seven projects on Delaware tributaries—six in Pennsylvania and one in New Jersey—would have a combined yield of 332 million gallons per day.

At best, they would provide only one-half the proposed yield from Tocks, and make up for the roughly 300 m.g.d. diversion identified as Northern New Jersey's needs.

They would supply no augmentation of mainstem flows to make up for existing or future in-basin consumptive use or to help control salinity in the lower Basin.

The only flow augmentation benefits to Pennsylvania would accrue to areas between the storage reservoirs and the point of diversion to North Jersey, and they would have to be constructed at State cost.

Moreover, the seven alternate projects would provide little or no flood control storage, thus excluding a prime benefit inherent in Tocks.

Madigan-Praeger's responsibility with respect to alternatives was limited to identifying "technically feasible" alternatives meeting the Basin's resource needs to serve as a basis for comparison with the proposed Tocks Island Project. As limited by the Study Management Team's definition, "technically feasible" simply meant the conceptual projects or actions could be constructed or implemented as substitutes for various functions of the Tocks project, providing that they were later proved viable politically, socially, environmentally and economically.

A careful review of those alternatives, however, reveals that they are not acceptable or viable from a practical standpoint when political, social, environmental and economic factors are taken into consideration.

Generally, they called for dispersal of various functions and projects to other locations, a procedure which would only serve to compound environmental impacts, reduce multiple purposes, increase delivery requirements, reduce cost-effectiveness and distribute consequential social, environmental, and economic impacts over a larger area.

Any attempt by the States or the Federal government to implement the suggested alternate projects and programs, would immediately precipitate severe resistance in the areas affected on the basis of environmental, social, and economic impacts. It was unfortunate that, without thoroughly examining the conceptual alternatives, many of the opponents of the Tocks Project, including some Congressmen and Senators, seized upon the alternatives and proclaimed them totally viable before further consideration of their practicality and possible impacts.

In 1975, Pennsylvania's representatives severely questioned the real world practicability of the alleged "feasible" alternatives. As borne out by subsequent developments, our analysis was correct.

Construction of other facilities in the Delaware Basin will be no easier than Tocks.

Trexler Reservoir in Lehigh County, for example, was considered a short-term backstop when Tocks was deferred. As part of the original Comprehensive Plan, Trexler was designed to provide water supply storage and flood control in the Lehigh Valley.

Lehigh County for many years, had indicated its desire to contract DRBC for Trexler storage for water supply purposes.

When the County determined its need was not immediate, but would be realized in around 1990, DRBC worked out an interim arrangement to sell Basin electric utilities a portion of the storage to cover consumptive use makeup requirements for a firm 10-year period and at a declining rate for the next 5 years. When the County commenced use, the utilities would have been required to seek other sources.

In early 1977, the Trexler project was ready to move immediately into construction, with the utilities defraying a major portion of the reservoir's water supply costs. However, at the point of construction, following 20 years of planning, Trexler, like Tocks, confronted adamant local opposition, culminating in a lop-sided referendum.

At this point, Trexler Reservoir is effectively stopped and may never be constructed.

The failure of long-planned, publicly owned multi-purpose projects to materialize has forced Basin users, particularly the utilities, to scramble in search of less-effective, and for more expensive, single-purpose projects.

In order to makeup consumptive losses, DRBC ordered the utilities to study sources for compensating releases, and the utilities surveyed many possible storage sites in the Delaware River Basin.

In August, 1976, they eliminated all but four: The Little Martins Creek site in Northampton County, the Red Creek site in Schuylkill County, Mill Creek site in Berks County, and Merrill Creek near Phillipsburg, New Jersey.

Immediately after the utilities announced the four possible sites, strong local and political opposition developed at all three of the Pennsylvania locations. Following deferral of Trexler and detailed study of the four options, the utilities applied to DRBC on December 30, 1977, for the approval of the Merrill Creek site in New Jersey, where the matter presently rests.

Merrill Creek would be single-purpose project used only to provide makeup water for consumptive use during drought periods. Water could be pumped from the Delaware during high flow periods to fill the reservoir. The utilities estimate that its construction cost will be about 80 million dollars.

D. The costs of alternatives

The last firm estimate of the capital cost of the Tocks Island Project in 1975 was \$575 million, which included \$249 million for the pumped storage project. Since the later cost would be borne by the utilities, the \$575 million figure reduces to \$326 million. In addition, inclusion of the pumped storage project permitted a reallocation of the project costs to other project purposes, and the allocation to water supply was reduced by \$3 million.

The present estimate of the unit cost of water supply from the Tocks Island Project is 2.6¢ per thousand gallons. This compares to 4.0¢ per thousand gallons of water from the Beltzville project; 7.1¢ per thousand gallons from the Blue Marsh project and 15.2¢ per thousand gallons from the proposed Trexler project.

Any way you look at it, this is cheap water, and the Tocks is probably the last, really low cost storage site that can be developed in the Delaware River Basin.

In the absence of Tocks, plans must now proceed to implement less efficient and more expensive single-purpose facilities to meet short-term needs.

As part of a federally-financed multi-purpose Tocks Island project, makeup water for consumptive power uses would have cost basin utilities and consumers much less.

Interim storage from Trexler was estimated to cost the utilities \$17 million, and, if constructed, the Merrill Creek project will require an immediate investment of \$80 million by Basin utilities. The full cost of the latter will be borne by electric consumers with no supplemental benefit derived.

Similarly, the States may soon be forced to implement one or more of the short-term water supply alternatives identified in Madigan-Praeger (assuming an acceptable site can be found).

Because each of the seven alternative reservoirs are solely for water supply, federal financing is unavailable. All capital funds and project design, management and operating costs would have to be borne by the States.

Any newly-conceived alternative multi-purpose projects would face far less advantageous cost arrangements than presently-authorized federal projects. Interest rates for new Federally financed projects have increased from 3.256 percent when Tocks was authorized, to 5.683 percent currently.

Federal cost-sharing arrangements are presently in a state of flux. As a result of current National Water Resources Policy Study, it appears likely that State and local interests will have to pick up a far larger share—if not all—of project costs associated with flood control, water quality maintenance and flow augmentation, which were previously paid through Federal contributions.

The decision in 1975 was to defer construction of Tocks. At that time and since, representatives of New Jersey and New York have repeated their desire to keep the Tocks option open and proceed with implementation "at a later time when needed". But deferral is not free! In the absence of definitive action implementing the Comprehensive Plan, it is all too likely that short-term solutions at much higher costs—such as Merrill Creek—will be forced to proceed.

Tocks will never be cheaper to construct that it is right now. Further deferral will only increase costs, and may within a short period, render it impossible to obtain Congressional appropriations despite cost-effectiveness or critical Basin needs.

Because Tocks Island is already authorized, its low interest rate and present cost-sharing formulas continue unchanged and represent a definite advantage. It is unlikely that any project conceived or authorized in the future will be as advantageous to the States.

[Mailgram]

THEODORE GORDON FLYFISHERS, INC.,

May 11, 1978.

MS. SUSAN FETCHKO,
Senate Committee on Energy and Natural Resources,
Dirksen Senate Building, Washington, D.C.

Esteemed members of the subcommittee, I present this statement representing Theodore Gordon Flyfishers Incorporated. I presently serve on the board of directors of TGF. I am an immediate past vice president of National Trout Unlimited. I am a member of the Outdoor Writers Association of America and am the outdoor editor for the Record, the largest daily evening paper in New Jersey. I'm also a regular columnist for the New Jersey Fisherman.

As indicated by my stated credentials I represent major sport fishing and recreational interests. I wish to record, particularly on behalf of TGF, unqualified support for S. 2611, Senator's Moynihan's bill, to include the upper Delaware River in the Federal Wild and Scenic River System. We also strongly support H.R. 6403, Representative Kostmayer's bill for wild and scenic designation including the middle Delaware. Recreation and the need for adequate recreational resources is a growing requirement in our country and particularly in the heavily populated northeastern area.

Today as a free flowing river the Delaware serves as a large recreational resource. In its upper reaches below Hancock exists one of the finest wild trout sport fisheries in the Nation.

Growing numbers of anglers from all over the country are learning of the trophy size browns and rainbows swimming in these waters. Further downstream both above and below Port Jervis are areas of prime natural habitat for the native American smallmouth bass, one of the world's finest game fish. As a development of State-sponsored fisheries management plans the Delaware also

holds a population of the much prized muskellunge. Delaware anglers also fish successfully for walleyes, carp, and a host of pan fish species.

Each spring the river witnesses the unfolding of one of nature's marvelous mysteries. Thousands of American shad migrate up river from the ocean on a spawning run that was an annual occurrence long before the white man first set foot on this continent.

Each of these fisheries provides an invaluable and renewable recreational resource. Countless thousands of anglers utilize the Delaware for this purpose each year.

In addition to the anglers the river also hosts large numbers of canoers, float-trippers and white water boating enthusiasts. The areas immediately adjacent to the river provide excellent opportunities for hikers, campers, bird watchers and all lovers of the great outdoors.

Each year hunters harvest white tail deer, ruffed grouse, woodcock and other small game from the wet lands and woodland margins of the Delaware. Clearly, the river plays a vital role in the lives of hundreds of thousands, if not more, of citizens seeking the multiple pleasures of outdoor recreation and sport.

With absolute certainty the Delaware fully qualifies as a recreational and scenic river. As such, it must be protected from ecologically damaging water projects, dams, power projects, and destructive development. From a recreational point of view, the river today gives of its many benefits without the spending of millions of public dollars to alter or dam its course. If beach areas are needed by the public, the New Jersey shore can provide more than enough area to suit our population's needs, and these salt water areas already have the needed roads and other facilities to manage large influxes of people.

It would be an environmental tragedy to attempt to artificially create other forms of recreation on the Delaware by destroying the natural environment which already provides high quality recreational opportunities. None of the studies that have been made show any justification for the trading off of present forms of recreation for others at an unjustifiably high cost to taxpayers. We fervently urge you members of the subcommittee to support S. 2611 as well as wild and scenic river designation for the middle Delaware. The mighty Delaware, the last large free flowing river in our area, must be preserved for our people today and for the many generations yet unborn. Thank you for this opportunity to express our views.

DONALD A. ECKER,
Director.

RESOLUTION No. 179

RESOLUTION INTRODUCED BY THE COMMITTEE ON PLANNING, ECONOMIC DEVELOPMENT, PUBLIC INFORMATION AND PUBLICITY:

Whereas, Congressman Matthew F. McHugh has introduced into the House H.R. 11743, a bill which would designate a segment of the Delaware River as a component of the National Wild and Scenic Rivers System, and

Whereas, Senator Daniel P. Moynihan has introduced into the Senate S. 2611, a bill which is identical to H.R. 11743, and

Whereas, these bills would serve to protect the rights and interests of Sullivan County and its residents who live along the Delaware River, and

Whereas, these bills would provide for assistance to local municipalities for the removal and disposal of solid wastes and the enforcement of applicable State or local laws and regulations, now, therefore, be it

Resolved, That the Sullivan County Board of Supervisors hereby endorses and supports H.R. 11743 and S. 2611, and be it further

Resolved, That copies of this resolution be provided to the Honorable Matthew F. McHugh, Member of Congress, the Honorable Phillip Burton, Chairman of the House Subcommittee on National Parks and Insular Affairs; the Honorable Morris Udall, Chairman of the House Committee on Interior and Insular Affairs; the Honorable Daniel P. Moynihan, United States Senator; the Honorable Jacob K. Javits, United States Senator; the Honorable James Abourezk, Chairman of the Senate Subcommittee on Parks and Recreation; and the Honorable Henry M. Jackson, Chairman of the Senate Committee on Energy and Natural Resources.

Moved by Behling, seconded by Mr. Ingber, and adopted on motion May 8, 1978

STATE OF NEW YORK,
County of Sullivan, ss:

Morris L. Rosenbloom, Clerk of the Board of Supervisors of the County of Sullivan, do hereby certify that I have compared the foregoing copy of Resolution with the original thereof now on file in my office, and that the same is a correct transcript therefrom and of the whole of said original.

Witness my hand and seal of said Board this 10th day of May, 1978.

MORRIS L. ROSENBLOOM,
Clerk.

APPENDIX V

Additional Statements and Communications Submitted for the Record on S. 2653—A bill To Authorize the Secretary of the Interior To Designate a Segment of the Delaware River, New York and Pennsylvania, as a Component of the National Wild and Scenic Rivers System, and for Other Purposes.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1978.

Hon. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the Administration is about to implement a new National Water Policy. There is much in the President's program to applaud, although I would have wished that more emphasis had been placed on the water problems which confront those of us who live in the Northeast and that more recognition had been given the regional entities that we have created to deal with our water problems.

I have particular reference to the Delaware River Basin Commission, which consists of the States of New Jersey, Pennsylvania, New York and Delaware with the United States as a full partner. The Commission has the responsibility to preserve and cleanse the waters in the Delaware River and to allocate those waters to the States in the Basin Compact. That allocation must be consistent with the Supreme Court Decree of 1954. (Copy attached.) The River's resources provide half the daily usage of the City of New York; by diversion through the Delaware and Raritan Canal a goodly portion of the daily usage of municipalities and industry in central New Jersey; (a listing of the diversion users is attached) and, of course much, and in some cases all, of the daily requirements of the population of Philadelphia, Trenton, Burlington, and other municipalities and industry on the main stream. In short, the River is crucial to the health and well-being of millions of our citizens.

Mr. Chairman, I make mention of New Jersey's diversion right and those who benefit from it because in the hearing held in the last Congress on S. 3106 the City of Philadelphia took the position that New Jersey's diversion right is "forfeit" if the Tocks Reservoir or some similar impoundment is not constructed. Philadelphia's position in this regard is rooted in Section V of the Decree that sets forth the Conditions under which New Jersey may divert Delaware water to the Raritan Basin. Loss of New Jersey's diversion would obviously have a crucial impact upon the Fourth Congressional District which I have the honor to represent.

Given the above facts, I must strongly oppose the Interior Department's recommendation that the acreage comprising the site of the Tocks Island Project be included in the Wild and Scenic Rivers System. I might add that this recommendation has been made in disregard of the Federal Government's legal obligations to the Compact States. Moreover, it was made in the face of the explicit assurance given by the White House on March 23, 1977 that the Tocks Island Lake Project was one of 307 water projects which had been screened and approved for funding. I find it particularly distressing, as a matter of public policy that Secretary Andrus and his associates unilaterally elected to terminate the project by the device of having the reservoir site placed in the Wild and Scenic Rivers System as recommended by the Director of the National Park Service and the Director of the Heritage Conservation and Recreation Service in their memorandum of April 11, 1978. (Copy attached.)

In my mind that memorandum undermines the clear intent of the Statute and represents an unacceptable misuse of the Wild and Scenic Rivers Act. There are appropriate procedural methods by which public work projects may be deauthorized. Indeed, the Senate Committee on Public Works held extensive hearings, July 23 and 26, 1976 on S. 3106, a bill to terminate the authorization of the Tocks Island Lake Project. After compiling 535 pages of testimony from dozens of witnesses for and against the bill, the Committee exercised its judgment and tabled it.

In my testimony at those hearings I said that it would defy common sense to legislate out of existence a major on-stream reservoir site when no government agency on the federal or state level has evaluated a viable alternative or alternatives to meet the Basin's future water needs. Mr. Chairman unless and until DRBC changes its Comprehensive Plan, I must assume that New Jersey's notice of intent to the DRBC of October 24, 1966 to apply for an additional Diversion right of 300 million gallons daily from the Tocks Island Project is still in effect. (See Governor Hughes letter attached.)

The DRBC and the Corps of Engineers have underway a Salinity Study of the lower River to determine the potential impact on our municipal water supplies and industry should a drought of the dimensions of that of the 1960's once again confront us. It will be recalled that in 1965 the failure of New York to make fresh water releases into the main stream as required by the Decree so diminished the River's flow that the saline front advanced to a point less than ten miles from Philadelphia's main water intake, and threatened Camden's well field with saline pollution. This situation was so serious that a state of emergency was declared. The bald fact is that New York City cannot, in dry years, utilize its full diversion right and make the releases required to maintain the lower River in a healthy state. The DRBC and the Corps are also conducting a non-structural flood control study to determine the economic impact of a repetition of the flood of 1955. Additionally, DRBC will soon undertake a much needed survey of the Delaware Basin's underground water supplies. Finally, the Federal, State and local governments within the Basin are cooperating in a "Level B" study financed by the Water Resources Council. In sum, we simply do not know at this point how the Basin will meet its future water needs, much less how we are to meet them without the Tocks Island Reservoir.

Those of us who live on the Delaware River suffered through the flood of 1955. A decade later we saw our water supplies and our economy menaced by drought. We live with the certainty that these two perils will confront us again. The proposed termination of the Tocks Island Project as projected in the bills pending before you ignores the lessons of 1955 and 1965. I urge the Subcommittee to approve the designation of 75 miles of the Upper Delaware as Wild and Scenic and reject inclusion of the "Middle River" segment for the reasons stated above and those enunciated to this Subcommittee by Mr. Gerald Hansler, Executive Director of the DRBC, who delivered the views of the Basin Governors in opposition to inclusion of the Middle Delaware River as a component of the National Wild and Scenic Rivers System.

In conformance with these views I would also urge that the Committee reject any language that would transfer the Tocks Island Reservoir site from the Corps of Engineers to the National Park Service. I think it is vital that the reservoir site remain with the Corps inasmuch as the Park Service has not conducted the requisite surveys for the "Middle River" designation as required by law. In this connection, I think it rather ironic that the Department in recommending the "Middle River" designation may well be in violation of the provisions of the National Environmental Policy Act.

I respectfully ask that this letter and its attachments be included in your hearing record on the National Parks bill.

Respectfully and sincerely,

FRANK THOMPSON, Jr.

Enclosures.

[From Supreme Court Decree, June 7, 1954]

AMENDED DECREE—347 U.S. 995, JUNE 7, 1954

No. 5, Original, October Term, 1950, *New Jersey v. New York, et al.*

The Court, having considered the amended petition of the City of New York, joined by the State of New York, to which is appended the consent of the State of New Jersey, the answer filed by the State of New Jersey seeking affirmative relief and the answers filed by the Commonwealth of Pennsylvania and the State

of Delaware, the evidence and exhibits adduced by the parties, the report of Kurt F. Pantzer, Esquire, Special Master, and statements from all the parties addressed to the Court expressing the intention of the parties not to file exceptions or objections to the report, and being fully advised in the premises, now enters the following order:

I. REPORT OF SPECIAL MASTER APPROVED

The "Report of the Special Master Recommending Amended Decree," filed May 27, 1954, is in all respects approved and confirmed.

II. 1931 DECREE SUPERSEDED

The decree of this Court entered May 25, 1931 (238 U.S. 805) is modified and amended as hereinafter provided and, upon the entry of this amended decree, the provisions of the decree of May 25, 1931, shall be of no further force and effect.

III. DIVERSIONS BY THE CITY OF NEW YORK ENJOINED EXCEPT AS HEREIN AUTHORIZED

The State and City of New York are enjoined from diverting water from the Delaware River or its tributaries except to the extent herein authorized and upon the terms and conditions herein provided.

A. Authorized Diversions

1. *440 M. G. D.*—The City of New York may divert from the Delaware River watershed to its water supply system the equivalent of 440 gallons daily (m. g. d.) until the City completes and places in operation its reservoir presently under construction on the East Branch of the Delaware River.

2. *490 M. G. D.*—After completion and commencement of operation of the East Branch reservoir, the City may divert the equivalent of 400 m. g. d. until the completion of its proposed dam and reservoir at Cannonsville on the West Branch of the Delaware River, provided, however, that in the event of an abnormal or unforeseeable interruption of its facilities, the City may divert in excess of the equivalent of 490 m. g. d. to meet its emergency requirements, but in no event shall such diversion impair the obligation of the City to make the releases hereafter specified.

3. *800 M. G. D.*—After the completion of the Cannonsville reservoir, the City may divert the equivalent of 800 m. g. d.

4. *Computation of diversion.*—At no time during any twelve-month period, commencing June 1, shall the aggregate total quantity diverted, divided by the number of days elapsed since the preceding May 31, exceed the applicable permitted rate of diversion.

B. Conditions and obligations imposed in connection with diversions and releases by city

The diversions and releases by the City of New York from the Delaware River shall be made under the supervision and direction of the River Master, hereinafter appointed, and shall be subject to the following conditions and obligations:

1. *Compensating releases—The Montague formula.*—The City shall release water from its reservoirs as follows:

(a) Until the East Branch reservoir is completed and placed in operation, on the day following each day in which the average flow in the Delaware River falls short of 0.50 cubic feet per second per square mile (c. s. m.), either at Montague, New Jersey (below the mouth of the Neversink River), or at Trenton, New Jersey (0.50 c. s. m. being equivalent to a flow of 1740 cubic feet per second (c. f. s.) at Montague and 3400 c. f. s. at Trenton), the City shall release water from the Neversink reservoir at an average of 0.66 c. s. m. or 61.38 c. f. s.

(b) Upon the completion and placing in operation of the Neversink and East Branch reservoirs, the City shall release water from one or more of its storage reservoirs in the upper Delaware watershed. Such releases shall be in quantities designed to maintain a minimum basic rate of flow at the gaging station of the United States Geological Survey (U. S. G. S.) at Montague of 1525 c. f. s. (985.6 m. g. d.) until the Cannonsville project is completed and its reservoir first filled to the extent that 50 billion gallons above the lowest outlet are available for diversion and release, and of 1750 c. f. s. (1131.1 m. g. d.) thereafter. Compliance by the City with directions of the River Master with respect to such releases shall be considered full compliance with the requirements of this subsection (b).

(c) At the commencement of the calendar year following the completion and placing in operation of the Neversink and East Branch reservoirs and of each calendar year thereafter, the City of New York shall estimate and report to the River Master the anticipated consumption of water during such year to be provided for by the City from all its sources of supply. The City shall, as hereinafter provided, release in the aggregate from all its storage reservoirs in the upper Delaware watershed, in addition to the quantity of water required to be released for the purpose of maintaining the then applicable minimum basic rate of flow as hereinabove provided, a quantity of water equal to 83 per cent of the amount by which the estimated consumption during such year is less than the City's estimate of the continuous safe yield during such year of all its sources obtainable without pumping. In any such year the City's estimate of anticipated consumption shall not exceed by more than 7¼ billion gallons the actual consumption in any previous calendar year; and its safe yield in any such year, obtainable without pumping, shall be estimated at not less than 1355 m.g.d. after the Neversink and East Branch reservoirs are put into operation; and at not less than 1665 m.g.d. after the Cannonsville reservoir is put into operation. If, at any time after the completion of the Cannonsville reservoir and prior to the year 1993, the continuous net safe yield for water supply of all of the City's sources of water supply, obtainable without pumping, is increased by the development of additional sources, such greater safe yield shall be used in determining the excess releases.

(d) The City of New York shall release the excess quantity provided for in subsection (c) at rates designed to release the entire quantity in 120 days. Commencing with the fifteenth day of June each year, the excess releases shall continue for as long a period, but not later than the following March 15, as such additional quantity will permit. Such period is hereinafter referred to as the "seasonal period." The excess quantity required to be released in any seasonal period shall in no event exceed 70 billion gallons. In releasing the excess quantity specified for any seasonal period, the City shall not be required to maintain a flow at Montague greater than the applicable minimum basic rate plus the excess quantity divided by 120 days, or in any event greater than 2350 c.f.s., nor to release at rates exceeding the capacity of its release works. The City shall in each seasonal period continue its excess releases until March 15 or until the aggregate quantity of the flow at Montague in excess of the basic rate or in excess of such higher rates as are not the result of the City's prior releases, is equal to the total specified excess quantity.

(e) The terms and conditions provided in subsections (b), (c) and (d) hereof shall continue to be applicable in all respects in the event that the U.S.G.S. gaging station at Montague shall be relocated at a point below the confluence of the Neversink River with the Delaware River.

2. *Minimum capacity of release works at reservoirs of city.*—In constructing the Cannonsville reservoir, the City shall install release works of such capacity as will provide a minimum aggregate release capacity from all its reservoirs in the Delaware River watershed of not less than 1600 c.f.s. under conditions of maximum reservoir depletion.

3. *Releases to be continued in spite of interference.*—In the event that any works hereafter constructed by public or private interests in the watershed of the Delaware River outside of the State of New York shall prevent the proper operation of the U.S.G.S. gaging station at Montague or interfere with the effective operation of the above release requirements by diverting water past the station or by intercepting the nature flow and sorting it in reservoir with an aggregate storage capacity in excess of 25 billion gallons, the City of New York shall continue to make the releases above specified which would be required in the absence of such interference, and appropriate gaging stations shall be established for that purpose.

4. *Inspection permitted.*—The States of New Jersey and Delaware and the Commonwealth of Pennsylvania, through accredited representatives, and the River Master, shall at all reasonable times have the right to inspect the dams, reservoirs and other works constructed by the City of New York, to inspect the diversion areas and the inflow, outflow and diverted flow of such areas, to inspect the meters and other apparatus installed by the City of New York and to inspect all records pertaining to inflow, outflow and diverted flow.

IV. TREATMENT OF PORT JERVIS SEWAGE

The effluent from the sewage treatment plant at the City of Port Jervis, New York, shall be treated so as to effect a reduction of 85 per cent in the organic impurities and shall be treated with a chemical germicide, or otherwise, so that the *B. coli* originally present in the sewage shall be reduced by 90 per cent. Untreated industrial waste from plants in the City of Port Jervis shall not be allowed to enter the Delaware and Neversink Rivers. The treatment of such industrial waters shall be such as to render the effluent practically free from suspended matter and nonputrescent. The treatment of both sewage and industrial waste shall be maintained so long as any diversion is made from the Delaware River or its tributaries.

V. DIVERSIONS BY NEW JERSEY AUTHORIZED UNDER SPECIFIED CONDITIONS

A. Authorized diversions

The State of New Jersey may divert outside the Delaware River watershed, from the Delaware River or its tributaries in New Jersey, without compensating releases, the equivalent of 100 m.g.d., if the State shall not, prior to July 1, 1955, repeal Chapter 443 of the New Jersey Laws of 1953, and if, when the Commonwealth of Pennsylvania accepts the conditions as specified in Section 19 of that Chapter, the State of New Jersey shall join with the Commonwealth of Pennsylvania in requesting the consent of Congress to the agreement embodied in Chapter 443 of the New Jersey Laws of 1953 and an Act of the Commonwealth of Pennsylvania accepting the conditions of such New Jersey Act.

B. Conditions and obligations imposed in connection with diversions by New Jersey

The diversions by New Jersey from the Delaware River shall be made under the supervision of the River Master and shall be subject to the following conditions and obligations:

1. Until the State of New Jersey builds and utilizes one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diverting the same to another watershed, the State may divert not to exceed 100 m.g.d. as a monthly average, with the diversion on any day not to exceed 120 million gallons.

2. If and when the State of New Jersey has built and is utilizing one or more reservoirs to store waters of the Delaware River or its tributaries for the purpose of diversion to another watershed, it may withdraw water from the Delaware River or its tributaries into such impounding reservoirs without limitation except during the months of July, August, September and October of any year, when not more than 100 m.g.d. as a monthly average and not more than 120 million gallons in any day shall be withdrawn.

3. Regardless of whether the State of New Jersey builds and utilizes storage reservoirs for diversion, its total diversion for use outside of the Delaware River watershed without compensating releases shall not exceed an average of 100 m.g.d. during any calendar year.

VI. EXISTING USES NOT AFFECTED BY AMENDED DECREE

The parties to this proceeding shall have the right to continue all existing uses of the waters of the Delaware River and its tributaries, not involving a diversion outside the Delaware River watershed, in the manner and at the locations presently exercised by municipalities or other governmental agencies, industries or persons in the Delaware River watershed in the States of New York, New Jersey and Delaware and the Commonwealth of Pennsylvania.

VII. RIVER MASTER

A. Designation

Subject to the concurrence of the Director of the U.S. Geological Survey, the Chief Hydraulic Engineer of the U.S. Geological Survey, or such other engineer of the U.S. Geological Survey as shall at any time be designated by the Chief Hydraulic Engineer, is hereby designated as River Master.

B. Duties

The River Master shall either in person or through his assistants possess, exercise and perform the following duties and functions:

1. General duties.

(a) Administer the provisions of this decree relating to yields, diversions, and releases so as to have the provisions of this decree carried out with the greatest possible accuracy;

(b) Conserve the waters in the river, its tributaries and in any reservoirs maintained in the Delaware River watershed by the City of New York or any which may hereafter be developed by any of the other parties hereto;

(c) Compile and correlate all available data on the water needs of the parties hereto;

(d) Check and correlate the pertinent stream flow gagings on the Delaware River and its tributaries;

(e) Observe, record and study the effect of developments on the Delaware River and its tributaries upon water supply and other necessary, proper and desirable uses; and

(f) Make periodic reports to this Court, not less frequently than annually, and send copies thereof to the Governors of Delaware, New Jersey, New York and Pennsylvania, and to the Mayor of the City of New York.

2. Specific duties with respect to the Montague release formula. In connection with the releases of water which the City of New York is required to make under Par. III-B-1(b) of this decree, the River Master, in co-operation with the City of New York, shall, by appropriate observation and estimates, perform the following duties:

(a) Determine the average times of transit of the flow between the release works of the several reservoirs of the City and Montague and between the release works of other storage reservoirs in the watershed and Montague;

(b) Make a daily computation of what the average flow observed on the previous day at Montague would have been, except for that portion previously contributed by releases of the City or as affected by the contributing or withholding of water at other storage reservoirs, for the purpose of computing the volume of water that would have had to be released in order to have maintained precisely the basic rate on that day;

(c) Take account of all changes that can be anticipated in the flow from that portion of the watershed above Montague not under the City's control and allow for the same by making an appropriate adjustment in the computed volume of the daily release; and

(d) After taking into consideration (a), (b) and (c), direct the making of adjusted daily releases designed to maintain the flow at Montague at the applicable minimum basic rate.

C. Distribution of Costs

The compensation of, and the costs and expenses incurred by, the River Master shall be borne equally by the State of Delaware, State of New Jersey, Commonwealth of Pennsylvania, and the City of New York.

D. Replacement

In the event that for any reason the Chief Hydraulic Engineer of the U.S.G.S. or his designee cannot act as River Master, this Court will on motion of any party, appoint a River Master and fix his compensation.

VIII. NO PRIOR APPROPRIATION NOR APPORTIONMENT

No diversion herein allowed shall constitute a prior appropriation of the waters of the Delaware River or confer any superiority of right upon any party hereto in respect of the use of those waters. Nothing contained in this decree shall be deemed to constitute an apportionment of the waters of the Delaware River among the parties hereto.

IX. DECREE WITHOUT PREJUDICE TO THE UNITED STATES

This decree is without prejudice to the United States. It is subject to the paramount authority of Congress in respect to commerce on navigable waters of the United States; and it is subject to the powers of the Secretary of the Army and Chief of Engineers of the United States Army in respect to commerce on navigable waters of the United States.

X. RETENTION OF JURISDICTION ; NO ESTOPPEL

Any of the parties hereto, complainant, defendants or intervenors, may apply at the foot of this decree for other or further action or relief, and this Court retains jurisdiction of the suit for the purpose of any order or direction or modification of this decree, or any supplemental decree that it may deem at any time to be proper in relation to the subject matter in controversy. The fact that a party to this cause has not filed exceptions to the report of the Special Master or to the provisions of this decree shall not estop such party at any time in the future from applying for a modification of the provisions of this decree, notwithstanding any action taken by any party under the terms of this decree.

XI. COSTS OF THIS PROCEEDING

The costs of this proceeding shall be paid by the parties in the following proportions : State of New Jersey, $26\frac{2}{3}$ per cent, City of New York, $26\frac{2}{3}$ per cent, State of New York, 10 per cent, Commonwealth of Pennsylvania, $26\frac{2}{3}$ per cent, and State of Delaware, 10 per cent.

Theodore D. Parsons, Attorney General of New Jersey, Robert Peacock, Deputy Attorney General, and Kenneth H. Murray for complainant.

Nathaniel L. Goldstein, Attorney General, Wendell P. Brown, Solicitor General, and Edward L. Ryan, Assistant Attorney General, for the State of New York ; and Denis M. Hurley, John P. McGrath, Jeremiah M. Evarts, James J. Thornton, Richard H. Burke and John Suglia for the City of New York, defendants.

Frank F. Truscott, Attorney General, George G. Chandler, Bernard G. Segal, Wm. A. Schnader and Harry F. Stambaugh for the State of Pennsylvania ; and H. Albert Young, Attorney General, and Vincent A. Theisen, Chief Deputy Attorney General, for the State of Delaware, intervenors.

CURRENT WATER SALES CONTRACTS—DELAWARE AND RARITAN CANAL, BUREAU OF WATER FACILITY OPERATIONS, DIVISION OF WATER RESOURCES,
SUMMARY AS OF NOV. 4, 1977

Application No.	Contract No.	Purchaser (name and location)	Purpose of supply	MGD contract allocation	Date Government approved	Date charges	Expiration date	Remarks
DR-13Aa	C-16-563	(1) East Brunswick Township	Public	4	July	1, 1975	June 30, 2000	Done ¹
DR-4A	C-12-562	Elizabethtown Water Co., Elizabeth	do	15	Dec. 1, 1975	June 30, 1977	Do. ²	Do. ²
DR-8	C-16-305	(2) Johnson & Johnson, New Brunswick	Industrial	7.5	July 1, 1975	do	do	do
DR-3A	F-2-154	Lambertville Quarry Co. (1st contract)	do	2.326	June 16, 1953	Feb. 28, 1978	do	do
DR-37A	C-5-791	Lawrence Hose Co., Lawrence Township	do	.06	Oct. 10, 1969	Mar. 31, 1979	Mar. 30, 1979	do
DR-11A	F-3-562	Lambertville Water Co., Lambertville	Industrial standby	.3	Oct. 15, 1975	Oct. 31, 1980	Oct. 31, 1980	do
DR-34	C-6-786	Mercer County Park Commission, Princeton Golf Course	Public	.2	Aug. 23, 1975	do	June 30, 1985	do
			Irrigation and standby	.135	Dec. 5, 1969	Nov. 1, 1969	Oct. 31, 1994	do
DR-35A	F-4-788	Mercer County Park Commission, ski area	Snow making and standby	.1	Mar. 31, 1975	Nov. 1, 1974	Oct. 31, 1979	do
DR-27	C-16-773	Middlesex Water Co.	Public	10	Oct. 26, 1966	July 27, 1967	Dec. 17, 1989	Do. ¹
DR-5A	C-16-563	City of New Brunswick, New Brunswick	do	7.5	Feb. 8, 1951	June 30, 2000	do	Do. ¹
DR-13A	C-16-563	do	do	3	July 1, 1951	do	do	Do.
DR-15A	C-10-670	North Brunswick, North Brunswick Township	do	8	Jan. 1, 1976	do	do	do
DR-31A	C-8-568	Princeton Nurseries, Princeton	Irrigation and standby	.1	Aug. 23, 1975	do	June 30, 1985	do
DR-18	C-7-552	Princeton University (Forrestal), Princeton	Industrial	3	Feb. 1, 1960	June 30, 1984	do	do
DR-17A	C-7-567	Princeton Water Co. (1st contract), Princeton	Public	1	July 1, 1975	do	do	do
DR-30A	C-7-721	Princeton Water Co. (2d contract), Princeton	do	1	do	do	do	do
DR-36A	C-7-802	Princeton Water Co. (3d contract), Princeton	do	2	do	do	do	do
DR-1B	C-4-90	Public Service, Trenton	Industrial	3	Jan. 1, 1976	do	do	do
DR-32B	C-12-712	Steve Selody & Sons, Inc.	Irrigation and standby	1.6	Oct. 15, 1975	Dec. 31, 1979	do	do
DR-12A	C-5-666	Shell Chemical Co.	Industrial	1	Nov. 26, 1974	May 1, 1974	Apr. 30, 1979	do
DR-21C	C-11-151	Somerset Rubber, East Willstone	do	1.250	May 14, 1976	July 1, 1975	June 30, 1985	do
DR-26B	C-7-688	Springdale Golf Club, Princeton	do	.05	Jan. 1, 1976	Oct. 1, 1975	Sept. 30, 1985	do
DR-24B	C-5-690	Thiokol Corp., Trenton	Fire (standby)	.15	Oct. 4, 1973	May 1, 1973	April 30, 1978	do
F-6-94		Trenton Country Club, Trenton	Irrigation and standby	2	Nov. 4, 1974	Mar. 1, 1972	Feb. 28, 1978	do
DR-38	C-13-534	Union Carbide, Bound Brook	Industrial	.133	Nov. 6, 1975	July 1, 1972	June 30, 1977	do
DR-38	C-6-770	Vaccaro Bros.	Irrigation and standby	.2	May 2, 1975	Feb. 22, 1974	Feb. 29, 1984	do
			do	.2	Nov. 4, 1974	May 1, 1974	May 30, 1979	do
		Total		73.904				

¹ Insurance documentation not received.

² Contract has expired. Water policy and supply council has authorized continuation of allocation through June 30, 1977. Public hearing to be scheduled.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., April 11, 1978.

Memorandum to : Legislative counsel.

Through : Assistant Secretary for Fish and Wildlife and Parks.

From : Director, National Park Service, and Director, Heritage Conservation and Recreation Service.

Subject : H.R. 3408 and S. 868—Termination of Tocks Island Reservoir project.

I. SUMMARY OF LEGISLATION

These bills would terminate the authorization for the Corps of Engineers' Tocks Island Reservoir Project in Pennsylvania, New York, and New Jersey on the Delaware River. The bills would transfer from the Secretary of the Interior all real property acquired pursuant to the Tocks Island Reservoir Project plus all authority and unexpended appropriations granted under the Delaware Water Gap National Recreation Area Act of 1965 and the Tocks Island Reservoir Project authorization for administration as part of the Delaware Water Gap National Recreation Area.

II. REASON FOR THE LEGISLATION

The purpose of the legislation is to deauthorize the Tocks Island Project and dispose of project lands by transferring them to the Secretary of the Interior for inclusion in the Delaware Water Gap National Recreation Area.

III. ALTERNATIVES

Basically two alternatives are available to the Congress should it choose not to enact this legislation. Congress could select a "no action" plan and permit the controversy to remain unsettled, or Congress could appropriate funds for further land acquisition and construction.

IV. RESULTS OF ENACTMENT

Any impact which might be expected to be felt by the National Park Service must be measured against the projected impact that would be expected to occur pursuant to actual construction of the Tocks Island dam.

A. Personnel ceilings.—Personnel ceilings can be expected to increase by far greater numbers with the reservoir than with the decision to retain a free flowing river. With the uncertainty which currently exists, staffing levels have been kept to a minimum while still attempting to carry on a viable recreation program. At the same time, however, 17 Corps of Engineer land acquisition positions remain filled pending a resolution of the question.

B. Land acquisition costs.—Enactment of any of the pending bills would transfer to the Secretary of the Interior from the Secretary of the Army all land acquisition authority within the project boundaries. Further, these bills set priorities for completion of the land acquisition program.

C. Capital development costs.—Enactment of the pending legislation would transfer all authority of the Secretary of the Army pursuant to Section 203 of the Flood Control Act of 1962 to the Secretary of the Interior. The bills are silent as to any development requirements of the National Park Service. It should be understood, however, that as with personnel ceilings development of a reservoir-oriented national recreation area would be far more costly than development of an area based on a free flowing river.

D. Operation and management costs.—As with personnel ceilings and capital development costs, operating costs have been kept to a minimum pending a resolution of the question at hand. Enactment of any one of these similar measures would call for a smaller increase in operating costs than would construction of the dam and development of the resulting reservoir-based recreation area.

The proposed legislation would deauthorize the Corps of Engineers Tocks Island Reservoir Project and turn over the involved lands to the Secretary of the Interior for administration as part of the Delaware Water Gap National Recreation Area.

The Tocks Island Project was authorized in the Flood Control Act of 1962, primarily in response to floods in the Delaware River Basin during the 1950's and drought conditions in the early 1960's. The project would consist of an earth-

fill dam on the main stem of the Delaware River, approximately 5 miles north of Stroudsburg, Pennsylvania with the impounded reservoir stretching some 37 miles upstream to Matamoras, Pennsylvania and Port Jarvis, New York. The project's benefits would include flood control (13.8 percent), storage for water supply (37.9 percent), recreation (36 percent) and hydroelectric power (12.3 percent).

The project has generated controversy particularly with respect to environmental matters. In 1974 it was concluded that the Corps of Engineers, working with the Delaware River Basin Commission, would undertake a 1 year study of the project to determine whether it should proceed. The Corps selected a New York consulting firm whose general conclusions were that: (1) there are alternatives to the project; (2) the project itself is more cost effective than the alternatives; but (3) the adverse environmental effects of the project are considerably greater than those of the alternatives.

The project would have serious negative impacts from an environmental standpoint. The development of the Tocks Island Reservoir would choke a free flowing river and flood a superb valley to create a lake which would deteriorate over the years with siltation. The project would eliminate, with no possibility of replacement, abundant wildlife resources found in the riparian ecosystems both within and downstream from the impoundment site. It would reduce spawning habitat for American shad and other anadromous fish in the Delaware River and would cause substantial reductions in runs of these fish.

Construction of the Tocks Island Reservoir Project would necessitate the relocation of U.S. Highway 209 as portions of the road would be inundated. The proposed relocation route recently offered by the Corps of Engineers have given the Fish and Wildlife Service cause to express its opposition in light of disruption or destruction which would come to valuable wildlife habitat. It is the opinion of the National Park Service that the relocation of U.S. Highway 209 may be necessary regardless of whether the Tocks Island Reservoir Project is constructed in order to insure its viability as a park road.

V. HISTORY OF SERVICE POSITION ON SIMILAR OR RELATED LEGISLATION

A number of bills have been introduced in the recent past, the purposes of which have been to deauthorize the Tocks Island Project and transfer lands acquired by the Corps of Engineers to the Secretary of the Interior for administration as part of the Delaware Water Gap National Recreation Area. The basic tenets of these bills have been the subject of reports by both the Fish and Wildlife Service and the National Park Service.

In the 94th Congress H.R. 12462 and identical bills proposed authorization and funding to the Secretary of the Interior for the relocation of U.S. Highway 209 for the purpose of reducing environmental impacts on the national recreation area. The report of this Department recommended enactment, but did not support this transfer of authority, contending that the Corps of Engineers was better suited for this task.

In the current Congress, the National Park Service memorandum of May 4, 1977, to the Legislative Counsel recommended the enactment of H.R. 3408, with amendments.

VI. SUMMARY OF LEGISLATIVE INTEREST

S. 868 was introduced by Senator Case, for himself and Senators Biden, Javits, Nelson, Proxmire, and Roth. H.R. 3408 and similar House bills are sponsored by Representatives Fenwick, Kostmayer, Hubbard, Van Deerlin, Holtzman, Beilenson, Badillo, Ertel, Stockman, Meyner, Edgar, Forsythe, Seiberling, Gilman, Maguire, McHugh, Carr, Moffett, and Bingham.

VII. PUBLIC STATEMENTS ON THE ISSUE

We are unaware of any statements of commitments made by this Administration on the issue of Tocks Island.

VIII. SUMMARY OF MAJOR POLICY QUESTIONS

As noted earlier, bills introduced in the 95th Congress for the deauthorization of Tocks Island Project have committed specific reference to the issue of the relocation of U.S. Highway 209. Consequently, under section 2(b) of these

measures the Secretary of the Interior would become authorized to carry out such a relocation.

Also under section 2(b) of the bills the Secretary of the Interior would acquire all authority previously granted the Secretary of the Army in connection with the Tocks Island Reservoir Project. Presumably this would include construction of the dam.

IX. RECOMMENDATIONS

We strongly support efforts to terminate the Corps of Engineers' authorization to construct the Tocks Island Reservoir Project and transfer Corps lands and land acquisition authority to the Secretary of the Interior.

Section 2(b) of the bills should be modified to ensure that only the Corps of Engineers authority to acquire lands and relocate U.S. Highway 209 be transferred to the Secretary of the Interior. In this regard language should be included which directs the Secretary of the Interior to conduct and transmit to the Congress within 1 year a regional transportation survey which would address such issues as the nature of the existing highway transportation network, the existing and foreseeable future highway transportation needs, and the role that either the existing or proposed relocated Route 209 would play in that network.

We recommend that the National Park Service be permitted to retain administrative flexibility in determining land acquisition priorities. Consequently, we recommend against section 3 of the bills under consideration.

In view of the frustrations and delays that have been encountered at the project, it is now highly doubtful that the present funding authorization is sufficient to acquire lands in the presently described boundaries. Likewise, additional funds are needed if all the lands within the Tocks Island Reservoir Project are to be acquired. We estimate that completing the land acquisition for the Tocks Island Reservoir Project will cost an additional \$21,700,000. Further, an additional \$3,700,000 is needed to satisfy relocation payments and excess awards for those tracts which are already in condemnation. Accordingly, we recommend that these bills be amended to increase the land acquisition authorization from the present \$65,000,000 to a new ceiling of \$90,400,000.

In order to further indicate the Administration's commitment to a free flowing river, we recommend that that portion of the Delaware River located within the boundaries of the Delaware Water Gap National Recreation Area be designated as a component of the Wild and Scenic Rivers System, provided that the land acquisition restrictions enumerated in Section 6 of the Wild and Scenic Rivers Act (82 Stat. 906) not apply.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, N.J., October 24, 1966.

HON. CHARLES L. TERRY, Jr.,
Chairman, Delaware River Basin Commission, Dover, Del.

DEAR GOVERNOR TERRY: This is to advise you that the State of New Jersey intends to apply to the Delaware River Basin Commission for an allocation of water up to 300 million gallons daily from the Tocks Island Project, for diversion and use in New Jersey. We request at this time that appropriate provisions to this end, if necessary, be included in such contracts as the Commission may conclude with the U.S. Army Corps of Engineers, relating particularly to the design and operation of the project.

The State of New Jersey is also prepared at this time to enter into joint studies with the Commission for the proper location, timing, amount and method for such withdrawals. If a formal memorandum of understanding is required, I would be pleased to have your suggestions.

Sincerely,

RICHARD J. HUGHES,
Governor.

APPENDIX VI

Additional Statements and Communications Submitted for the Record on S. 2656—A Bill To Designate a Segment of the Pere Marquette River in the State of Michigan as a Component of the National Wild and Scenic Rivers System, and for Other Purposes

STATEMENT OF HON. DONALD W. RIEGLE, A U.S. SENATOR FROM THE STATE OF MICHIGAN

I would like to announce my support for S. 2656, designating the Pere Marquette river in Michigan as a component of the National Wild and Scenic Rivers Act.

The Pere Marquette is located in Western Michigan, within easy access of millions of recreationists, naturalists, and sportsmen. This free-flowing river is of remarkable recreational, wildlife, historic, archeological, and aesthetic value. The Pere Marquette is also still one of the finest trout streams in the United States.

However, in the past decade or so, there have been increasing pressures to urbanize and develop the riverbanks. As the popularity of the area swelled and as large numbers of people were attracted by its outstanding resources, there evolved a proportionate strain on the river's natural capabilities.

Clearly, the Pere Marquette is in need of protection if the river's natural environmental condition is to survive.

The kind and degree of protection has been a topic of controversy over the last few years. Meanwhile, the condition of the Pere Marquette worsens.

In supporting this bill, I have given a great deal of thought to the rights of the owners of property along the 66.4 mile stretch. It is exceedingly difficult to decide between human interests and long-term environmental exigencies, but I believe that we can save the Pere Marquette without injuring the interests of the property owners.

It is not the goal or intention of this bill to randomly throw landowners off their lands or cause massive dislocations of undue hardships. Rather, the right of condemnation will be used only in the last instance, when the Forest Service determines that it is vital to protect natural values and ecological integrity; the Forest Service will use other methods of control whenever possible, and landowners will be adequately compensated for their property rights and any inconvenience should condemnation occur. Inaction or only limited zoning measures, however, will result in merely slowing down the deterioration process, until the Pere Marquette loses its unique character and becomes a backyard stream. This set of circumstances would benefit no one and would in fact be detrimental to landowners and land value in the long run.

I would now like to address myself to some of the possible foreseeable deficiencies in this bill. I am concerned that some sort of management plan for the major tributaries was not drawn up in the Federal bill, as in the State bill, and I feel that they too could also greatly benefit from a more restricted development.

But my fundamental concern has to do with river overuse and abuse. Conservation groups, while applauding the stricter federal controls on riverbank development, are fearful that river users will increase dramatically in numbers, lured by the prospect of an outdoor park. The worry is that many of these recreationists will be insensitive to the local rights and ecological demands of the area.

Quite simply, they are anxious lest too many use the river and overwhelm it in a human flood.

I support and agree with their contentions. I believe that the Federal Bill or management plan should contain stronger language to prevent the kind of river overuse that will have the harmful affect that we had hoped to avoid by drafting

this bill. In drawing a management plan, the U.S. Forest Service must be aware of its responsibilities and in regard to its right of condemnation, proper priority should be placed on the control of river use.

Many have stated that purpose and direction have already been given the Forest Service in the Act and in the study and report recommendations done on the Pere Marquette. But conditions have changed since that time, and the river is presently being used in excess of its carrying capacity, with dangerous levels of overuse threatening to destroy forever the high quality of the users' recreational experience. The study itself confirms projections of large numbers of people who will be drawn to the Pere Marquette in the future. I am especially concerned that too much advertising, created by federal designation, will compound the problem and result in a disproportionate amount of waterway traffic. We must make sure the Forest Service comprehends the gravity of the situation and that consistent with protection of river resources and a high quality of recreation, good land and river management practices will be instituted on the numbers, timing, and/or location of recreationists, so that the Pere Marquette can maintain and preserve a natural and essentially unmodified and undeveloped appearance.

I would like to reaffirm my support for this bill and am convinced of its beneficial impact on this extraordinary river by helping to preserve the Pere Marquette for future generations.

MICHIGAN UNITED CONSERVATION CLUBS,
Lansing, Mich., May 12, 1978.

Re S. 2656—Designation of Pere Marquette River, Mich., as wild and scenic river.
Hon. JAMES ABOUREZK,
Chairman, Parks and Recreation Subcommittee, Energy and Natural Resources Subcommittee, Washington, D.C.

DEAR SENATOR ABOUREZK: The Michigan United Conservation Clubs, a non-profit, citizens organization representing 100,000 conservationists throughout Michigan, supports provisions of S. 2656 which would designate the main branch of the Pere Marquette River in Michigan as a National Scenic River under the Federal Wild and Scenic Rivers Act of 1968.

We believe this river is a natural resource of national significance with outstanding scenic and natural qualities, including a high quality trout fishery. We are concerned about the possibilities of over use of this popular recreational river and trust that mechanisms will be provided for administration by the U.S. Forest Service to control use of the resource.

Enclosed is a copy of the formal resolution passed by the MUCC Board of Directors in February, 1978 supporting this designation. Thank you for your consideration of our views.

Very truly yours,

THOMAS L. WASHINGTON,
Executive Director.

RESOLUTION CONCERNING DESIGNATION OF THE PERE MARQUETTE RIVER

Whereas, 66 miles of the main branch of the Pere Marquette River have been proposed for designation as a National Scenic River under the Federal Wild and Scenic Rivers Act of 1968; and

Whereas, legislation to accomplish that designation is pending in Congress and has been endorsed by the U.S. Department of Agriculture and President Jimmy Carter; and

Whereas, federal designation will provide substantial monies for public land acquisition, purchase of easements to control access, and enforcement by the U.S. Forest Service of use regulations; and

Whereas, the main branch and tributaries of the Pere Marquette River are also proposed for designation by the State of Michigan under the Natural Rivers Act of 1970; and

Whereas, federal designation of the main branch will compliment the state's ability to regulate sound river management and prevent over use of the resource;

Therefore be it resolved that the Michigan United Conservation Clubs recognizes the Pere Marquette River as a natural resource of national significance with outstanding scenic values and natural qualities, and

Be it further resolved that MUCC supports state designation of the river system under the Natural Rivers Act of 1970; and

Be it further resolved that MUCC supports federal designation of 66 miles of the main branch, as proposed by the U.S. Forest Service, as a National Scenic River under the Federal Wild and Scenic Rivers Act of 1968, provided that mechanisms to control over use of the river are provided through that designation.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., May 18, 1978.

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

DEAR MR. CHAIRMAN: The National Wildlife Federation strongly supports the designation of the Pere Marquette, Michigan, The Skagit, Washington, and the Upper and Middle Delaware, Pennsylvania, New York, and New Jersey, as components of the National Wild and Scenic Rivers System.

Our endorsement of these designations reflects the Federation's judgment that these rivers are exemplary of the criteria established for this national system. In this context we would like to associate our remarks with the testimony of our affiliates, which have been forwarded to the Subcommittee, including the Michigan United Conservation Clubs, Inc., The Washington State Sportsmen Council, and the New Jersey State Federation of Sportsmen's Clubs. We join with them in urging support for the designation of these national, natural resources.

We request that these comments be made part of the permanent record.

Sincerely,

THOMAS L. KIMBALL,
Executive Vice President.

Enclosures.

SIERRA CLUB,
MACKINAC CHAPTER,
May 4, 1978.

HON. DONALD RIEGLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RIEGLE: We appreciate this opportunity to present our views on the potential designation of the Pere Marquette river as part of the National Wild and Scenic Rivers system.

The Mackinac Chapter represents nearly 4,000 members throughout the state of Michigan who share a common concern about our natural resources and the environment of the Great Lakes state. As Michigan's chapter of the nationwide Sierra Club, we are pleased that one of Michigan's outstanding scenic resources may soon have national recognition and protection.

Thank you for your leadership and interest in this issue. I hope that we can look forward to your continued support as this legislation progresses through the Congressional process.

Very truly yours,

JANE E. ELDER,
Mackinac Chapter, Sierra Club.

STATEMENT OF JANE ELDER, MACKINAC CHAPTER, SIERRA CLUB

Members of the committee; while Michigan is a state rich in water resources, it has borne witness to the damaging environmental impact of an intensive agricultural and industrial system. The system has taken a heavy toll in effaced and channeled streams, heavy silt loads, chemical pollution, and the resulting destruction of flora and fauna. In essence, the altering of our watersheds has been so complete as to render them unrecognizable to the south Michigan resident of a century ago.

The Pere Marquette too, has paid a heavy price for growth and development in the last half of the 19th century. The river's watershed of White Pine had been logged and burned in a very short period of time, and the thin, sandy soils were required to carry the burden of an agricultural system they were incapable of sustaining. Even so, the river has recovered from these assaults.

Today the Pere Marquette represents a diverse and healthy ecosystem. It sustains populations of native brown trout, beaver, mink, muskrat, deer, waterfowl and other flora and fauna too numerous to mention. The unique quality of this river is attested by this great variety of wildlife, coupled with clean water and pleasant scenery. It is representative of the northern woodland river eco-

systems, and as it is largely undeveloped, would make a fine addition to our Nation's Wild and Scenic Rivers system.

This committee has the opportunity to recommend preservation of a river which represents both a rich natural heritage and a recreational resource of national significance. We urge Congress to take advantage of the opportunity presented and include the Pere Marquette in the National Wild and Scenic River System—a system which can manage the river consistent with the harmony between man and the land that presently exists.

The Pere Marquette is also a valuable resource that lies in relatively close proximity to a large number of users in Michigan, Ohio, Illinois and Indiana. Managed as a Wild and Scenic River, it can continue to provide recreation for canoeists, hunters, fishers, campers and photographers; as well as provide an education experience for urban dwellers who may be unfamiliar with natural systems.

We do however, have one reservation regarding designation of the Pere Marquette. Because of its recreational opportunities, the notariety achieved by designation could increase use of the river and its environs to such proportions that the very resource we are seeking to protect could become seriously threatened. It is in this light that we would recommend amendments in the case of the Pere Marquette that would allow for the managing agency or agencies to regulate in some fashion, use on the Pere Marquette and its tributaries.

PERE MARQUETTE WATERSHED COUNCIL, INC.,
Baldwin, Mich., August 14, 1978.

SENATE ENERGY COMMITTEE,
Park & Recreation Subcommittee,
Dirksen Office Building,
Washington, D.C.
(Attention Thomas B. Williams)

DEAR COMMITTEE MEMBERS: Since it will be impossible for the Pere Marquette Watershed Council to be represented in person at your August 18, 1978 Public Hearing in Washington regarding the designation of the Pere Marquette River under the Federal Wild and Scenic Rivers Act, we ask that this letter be seriously considered and recorded as part of the testimony.

We strongly request that the Pere Marquette River designation portion in H.R. 12536 or any other bill containing such purpose be *deleted* from the bill for numerous reasons, some of which are listed below.

1. The river no longer needs any Federal program protection. At the regular July 14, 1978 meeting of the Natural Resources Commission, the Commissioners unanimously designated this river under the protection of the Michigan Natural Rivers Act.

2. Involved township boards, Lake & Mason County Commissioners, The Lake County Riverside Property Owners Association, The Lake County Conservation League, The Pere Marquette Rod & Gun Club, The Pere Marquette Watershed Council and numerous individual citizens strongly supported the state's designation and strongly opposed any form of Federal designation.

3. The Federal G.A.O.'s report on the Federal Wild and Scenic Rivers program is on record as recommending no Federal designation when a state is willing and ready to protect an entire river under the state program. Michigan has done this, therefore, the Federal Government should step aside and allow the state to proceed under it's own protective provisions without interference or control.

4. The Federal program cannot compliment the state program. Federal regulation regarding zoning, administration, personnel, acquiring of land, camping and public access sites, etc., by the very provision of the act does not allow for compromising, negotiating, or subjecting its controls to state and local governmental units.

Both Senator Robert Griffin and Senator Donald Riegler have been made aware of the opposition to Federal designation and the support for the state designation.

Your Committee can help both the Senators and their supporters by not recommending for Senate action the inclusion of the Pere Marquette River under the Federal Wild and Scenic Rivers Act.

Your cooperation and understanding will be greatly appreciated.

Sincerely,

EDWARD R. ROBERTS, *President.*

APPENDIX VII

Additional Statements and Communications Submitted for the Record on S. 2658—A bill To Amend the Wild and Scenic Rivers Act by Designating the Skagit River in Washington as a Component of the National Wild and Scenic Rivers System

STATEMENT OF JOHN W. ELLIS, PRESIDENT, PUGET SOUND POWER & LIGHT CO.

Puget Sound Power & Light Company is currently in the process of securing a license from the Nuclear Regulatory Commission for its proposed Skagit Nuclear Plant. Assistant Secretary Cutler recently determined that the Wild and Scenic Rivers Act will not bar federal licensing of our proposed Skagit Nuclear Power Project if (1) the Congress adopts the President's recommendations to designate the Skagit River above Sedro Woolley as a component of the National Wild and Scenic Rivers System and (2) certain mitigating measures are applied to various features of the project. We are studying such mitigating measures and are confident that measures acceptable to Dr. Cutler can be implemented.

We urge expeditious action by the Congress to adopt the President's recommendation with respect to designation of the river. In that connection, our attorneys have pointed out that if the Congress does designate the river above Sedro Woolley as part of the National System, as recommended by the President, it would be highly desirable for the Congress—in the same bill—to also expressly provide that the river below Sedro Woolley (i.e., the segment between Mount Vernon and Sedro Woolley) is no longer a "study" river under the Act. Without such an express provision, it could be argued—by those who may choose to challenge Dr. Cutler's decision in court—that the river below Sedro Woolley is still technically a "study" river under the Act and thus still subject to the restrictions of Section 7(b). If successful, this argument could preclude licensing of the Skagit Project notwithstanding Dr. Cutler's favorable decision and favorable action by the Congress.

To make it absolutely clear that the river below Sedro Woolley is not intended to continue to be a "study" river under the Act, we suggest that the bill designating the river above Sedro Woolley as a component of the National System include the following additional provision: "In Section 5(a), delete paragraph (24)."

The effect of this provision would be to delete the river below Sedro Woolley as a study river and thus permit Dr. Cutler's decision to be carried out without risk of needless litigation on this point.

RESOLUTION No. 22—WILD RIVERS IN WASHINGTON

Whereas, the Skagit, Sauk, Suitttle, and Cascade Rivers in the State of Washington possess superlative recreational and aesthetic values of major significance to large numbers of people; and

Whereas, there is a demonstrated need to protect these streams and the associated lands from pollution and development; and

Whereas these streams and their watersheds support native fisheries, provide habitat for many species of wildlife, and offer outstanding recreational opportunities;

Now, therefore, be it resolved that the National Wildlife Federation, in annual meeting assembled March 16-19, 1978, in Phoenix, Ariz., hereby supports classification of the Skagit, Sauk, Suitttle, and Cascade Rivers under the National Wild and Scenic Rivers System.

APPENDIX VIII

Additional Statements and Communications Submitted for the Record on H.R. 10984—An Act To Provide for the Establishment of the Friendship Hill National Historic Site in the State of Pennsylvania, and for Other Purposes

STATEMENT OF HON. JOHN HEINZ, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

I am pleased to have the opportunity to express my support for H.R. 10984, which would establish the Friendship Hill National Historic Site in Fayette County, Pennsylvania. I would also like to express my appreciation to the Committee for its prompt consideration of this bill so soon after the House of Representatives passed it. This legislation will preserve Friendship Hill, the home of Albert Gallatin, one of our nation's principal statesmen and diplomats in its early history.

Albert Gallatin's lifelong work and contribution to our then newly emerging nation have unquestionably established him as one of the leading thinkers of the Jefferson-Jackson period. It is well known that as Secretary of the Treasury under Presidents Jefferson and Madison, Albert Gallatin was instrumental in the formulation of much of our country's early fiscal policy. Many of the basic principles, administrative practices, and accounting methods he initiated are still in use today. With the publication of regular budgets and the detailed reporting of government receipts and expenditures Albert Gallatin set forth the practice of comprehensive Congressional control over the financial operation of the federal government. While serving as Secretary, he was even able to reduce our public debt by 14 million dollars and build up a surplus. For this alone he merits our recognition and respect.

Like many of our founding fathers, Albert Gallatin was born in Europe, on January 29, 1761. He left his birthplace of Geneva, Switzerland and came to the United States in 1780 where he briefly served in the Revolutionary Army. The land, which we seek to include in the national park system, was purchased by him in the late 1780's to begin a community for Swiss immigrants he called New Geneva.

Gallatin's emergence into public life began here in western Pennsylvania as a moderator for backcountry meetings. He soon became the spokesman for the frontier region in councils dominated by more influential Easterners. He went on to serve as a state legislator, and helped revise Pennsylvania's Constitution. Ultimately he was elected to Congress from the western part of the Commonwealth, becoming one of the originators of the House Ways and Means Committee.

After his exemplary service as the fourth Secretary of the Treasury he was asked to apply his many talents to the role of peacemaker and diplomat. Gallatin was head of peace missions to Russia in 1813 and 1815 and was also the chief of the United States diplomats at the signing of the Treaty of Ghent, which ended the War of 1812. He served as the Minister to France for eight years and later became the Minister to England.

His writing and influence had an immense impact on banking and the credit system in this country. Gallatin helped to modernize many of the nineteenth century banking practices and also helped to found one of the nation's leading banks, the National Bank of New York, now a part of the Manufacturers Hanover Trust Company. He further showed his vision in being a proponent of nationally built and federally financed roads, as well as national programs for education, helping to establish New York University.

Mr. Chairman, there can be no doubt about Albert Gallatin's substantial and diverse contributions to our American way of life. It is for these reasons that Friendship Hill, the home of Albert Gallatin, should be included as a part of our national park system.

In 1788, Albert Gallatin purchased land in the western district of Pennsylvania overlooking the Monongahela River in what is now Springfield Township, Fayette County, Pennsylvania. Two years later he built a two-story stucco over red sandstone house that overlooked the river. In 1823, while Gallatin was Minister to France, a two and one-half story stone addition was completed under the direction of his son.

Friendship Hill was designated a National Historic Landmark by the Secretary of the Interior in 1965. The 724 acre estate includes a main 25 room "mansion house", five apartment dwellings, a caretakers cottage, a stable, and three barns. The proposed National Park site includes all of the original acres, with at least two miles of river frontage which could offer the potential for the development of recreational facilities. The buildings also house many of the elegant furnishings of the period which belonged to Albert Gallatin.

At present the main house and some of the surrounding buildings, although structurally sound, are in need of repair. Officials at the National Park Service have indicated that serious structural damage might occur if repairs are not made to the house.

Based on the historical significance of the site, its potential to become an integral part of our national park system, and the imminent threat to the structures, Secretary Andrus in a report to the Congress on November 30th of last year recommended that Friendship Hill be one of 13 sites to be included in the National Park System.

Therefore, I join my colleagues in the House, and the officials at the Department of the Interior to urge your favorable consideration of H.R. 10984, to establish The Friendship Hill National Historic Site.

Further, I would urge that language be included to provide for the acquisition of the period furnishings of the home which belonged to Albert Gallatin.

Mr. Chairman, I would also like to submit a number of letters of support for the Friendship Hill National Historical Site, and ask that they be included in the record of these hearings.

TREASURY HISTORICAL ASSOCIATION,

Washington, D.C., May 1, 1978.

Hon. HENRY M. JACKSON,

Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As Chairman of the Treasury Historical Association I am delighted to write and ask that you take a personal interest in the passage of the bill to save Friendship Hill, the home of Albert Gallatin. I understand that the House bill H.R. 10984, which passed the House on April 3, is now in your committee. I hope the hearings will be scheduled soon.

Albert Gallatin was the fourth and longest termed Secretary of the Treasury, serving from 1800 to 1814. He was the leading financial expert of the Jefferson-Jackson period, but his policies and administrative principles have lasted well into the 20th century. It was Gallatin who began publishing regular budgets of the Federal government, who presented detailed estimates of government receipts, and who gave a full public accounting of our government debt. While serving as Secretary, he reduced our public debt by fourteen million dollars and built up a surplus. Many of the accounting practices still in use by the Treasury today were developed by him.

Albert Gallatin was a statesman who shaped his policy to further the political and social ends he saw as the destiny of a new, free, and powerful nation. Such suggestions as nationally built and federally financed roads and canals and national projects for education were well ahead of his day. And finally, Mr. Gallatin's impact upon the banking and credit system of this country are second only to that of Alexander Hamilton. His treatises on banking, particularly "Currency and Banking in the United States" were long considered the most important works on the subject. He modernized many nineteenth century banking practices and helped to found one of our nation's leading banks, the National Bank of New York, now a part of Manufacturers Hanover Trust Company.

After leaving public service, Albert Gallatin maintained an interest in history and historic preservation. He became President of the New York Historical Society and published works on American Indians and founded the American Ethnological Society.

Preserving Friendship Hill and making it part of our National Park System will help educate Americans on the many contributions of this patriot. I will be pleased to learn of your successful support of this bill and its passage in the Senate.

My personal thanks in advance for your efforts.

Sincerely,

CHARLES E. WALKER,
Chairman of the Board.

COLONIAL PHILADELPHIA HISTORICAL SOCIETY,
Philadelphia, Pa., April 24, 1978.

HON. JOHN H. HEINZ,
*U.S. Senate,
Dirksen Senate Office Building,
Washington, D.C.*

DEAR SENATOR HEINZ: As President of the Colonial Philadelphia Historical Society, I am writing to ask your support in saving the western Pennsylvania home of Albert Gallatin. Friendship Hill is part of a list of historic sites which are to become part of the National Park Service. H.R. 10894, sponsored by Austin J. Murphy, passed the House on April 3 and the bill is now in the Senate Committee on Energy and Natural Resources chaired by Henry M. Jackson.

Albert Gallatin, born in Switzerland, made Pennsylvania his second home. His time in Philadelphia was limited but he was a member of the Pennsylvania Constitutional Convention of 1789-1790 which revised our State Constitution and a member of the State Assembly here from 1790-1794 during which time he proposed laws which later led to the establishment of public schools in Pennsylvania. He later served Pennsylvania in Congress. In the mid 1790's he purchased Friendship Hill and began a community for Swiss immigrants which he called New Geneva. On this site he entertained General Lafayette. The grounds of his estate later housed the first glass factory west of the Alleghenies.

Although Gallatin's impact on banking, treasury accounts and administration as Secretary of the Treasury and leading financier of the Jeffersonian period are generally known; his service to the Commonwealth of Pennsylvania is not.

The Society believes that support of the bill to save Friendship Hill will further educate the American public to the services of this patriot to our State as well as to the nation. Gallatin was part of our colonial heritage. His home is one of the few examples of how the western Pennsylvania frontier, indeed then our national frontier, was developed.

We hope that you and Senator Schweiker will urge Senator Jackson to call the Senate bill up for hearings and will support the bill on the floor.

Thanking you in advance.

Sincerely,

HAROLD S. GILBERT, *President.*

CHARLEROI AREA HISTORICAL SOCIETY,
Charleroi, Pa. April 17, 1978.

HON. JOHN HEINZ III,
*Dirksen Senate Office Building,
Washington, D.C.*

DEAR SIR: Charleroi Area Historical Society would like to be included in backing the project of saving "The Friendship Hill" to be used as a Historical site.

Yours truly,

JUANITA BARTHELOT,
Corresponding Secretary.

Senator JOHN HEINZ,
Washington, D.C.

UNIONTOWN, PA., April 19, 1978.

DEAR SIR: My husband and I are taking this opportunity to write to you concerning the efforts to make the farm and beautiful house located on the banks of Cheat River into a Historical Park.

We have been through that house several times and do believe it is situated so as to make an appropriate park, not only for Fayette Co. but also for travelers to Historical Western Pennsylvania and folks living in West Virginia and Ohio.

Hoping you will have the opportunity to support the "Friendship Hill" project, and thanking you.

Sincerely,

MARY HOARD.

UNIONTOWN, PA., April 17, 1978.

Senator JOHN HEINZ III,
U.S. Senate Committee,
Washington, D.C.

DEAR SENATOR HEINZ: As a member of Fort Gaddis Chapter, Daughters of the American Revolution, I am writing to urge your active support of a measure now in the U.S. Senate, to restore Friendship Hill Mansion, former home of Albert Gallatin, and to make it a National Landmark.

We, in our D.A.R. Chapter would appreciate anything you can do for this project. Thank you very much!

Sincerely,

LEOTA DeBOLT.

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