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95-161 INDIANA DUNES NATIONAL LAKESHORE

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HEARING

BEFORE THE

SUBCOMMITTEE ON PARKS AND RECREATION

OF THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 2560

A BILL RELATING TO THE INDIANA DUNES NATIONAL LAKE-
SHORE, AND FOR OTHER PURPOSES

AUGUST 10, 1978

Publication No. 95-161

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U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

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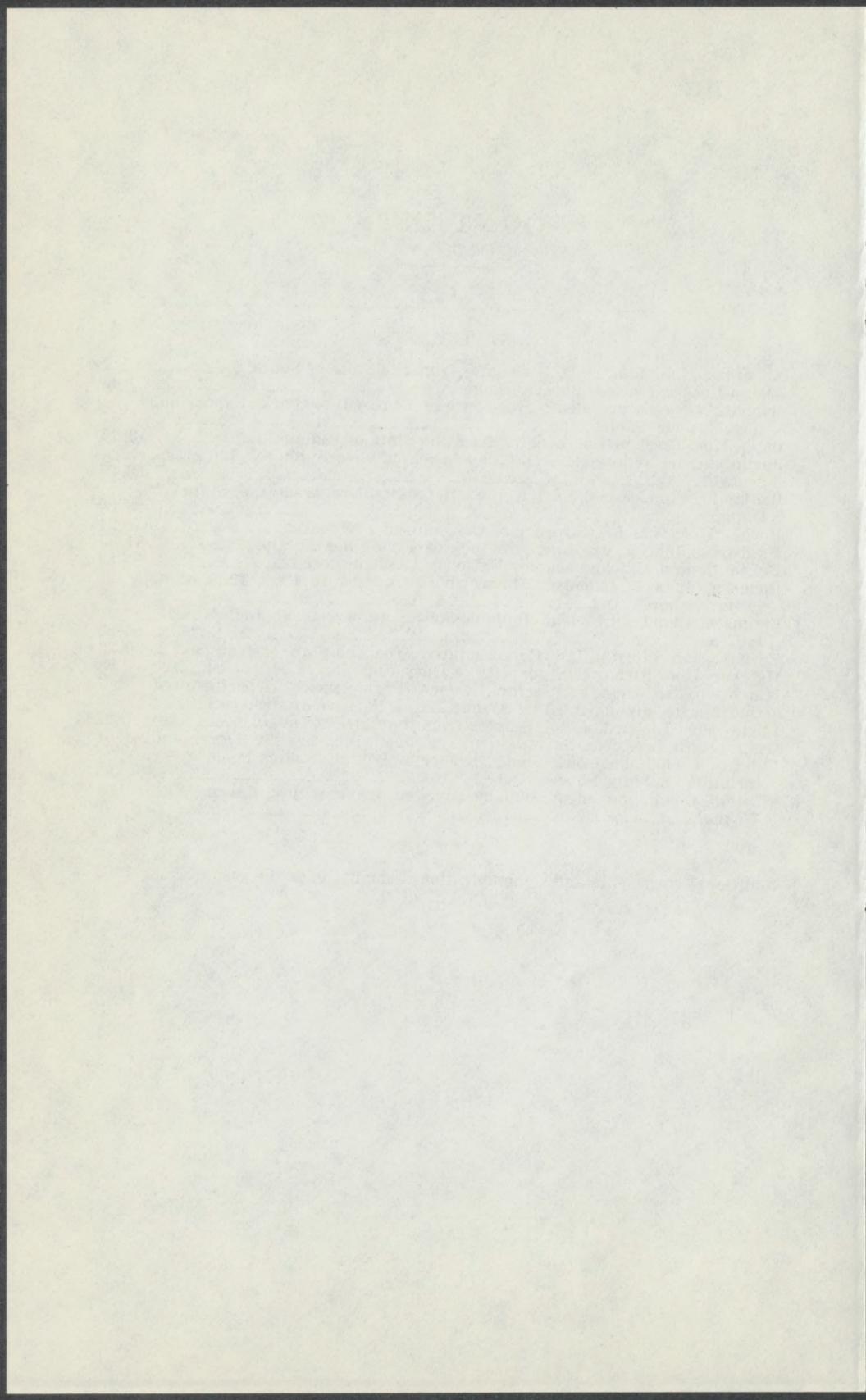
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INDIANA DUNES NATIONAL LAKESHORE

THURSDAY, AUGUST 10, 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 8 a.m., in room 3110 Dirksen Office Building, Hon. James Abourezk, presiding.

Present: Senator Abourezk.

Also present: James P. Beirne, counsel.

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

Senator ABOUREZK. The hearing will come to order. This is the time which has been scheduled for an open hearing before the Subcommittee on Parks and Recreation to receive testimony concerning S. 2560, legislation introduced by Senators Bayh and Lugar relating to Indiana Dunes National Lakeshore.

The legislation is a response to the study of three areas excluded from acquisition by the 1976 amendments to the Indiana Dunes National Lakeshore Act. A copy of the legislation will be made a part of the hearing record at this point. The hearing record will remain open until September 1 to receive any additional comments or material which anyone may choose to submit to the subcommittee.

[The bill follows:]

(1)

95TH CONGRESS
2D SESSION

S. 2560

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22 (legislative day, FEBRUARY 6), 1978

Mr. BAYH (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

Relating to the Indiana Dunes National Lakeshore, 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 last sentence of the first section of the Act
4 entitled "An Act to provide for the establishment of the
5 Indiana Dunes National Lakeshore, and for other purposes",
6 approved November 5, 1966, as amended (16 U.S.C.
7 460u), is amended by inserting immediately before "which
8 map", the following: "including the areas identified on such
9 map as 'Study Areas'".
- 10 (b) Section 4 of such Act, as amended (16 U.S.C. 460
11 u-3), is amended to read as follows:

II

1 “SEC. 4. (a) The Secretary’s authority to acquire prop-
2 erty by condemnation shall be suspended with respect to all
3 improved property located within the boundaries of the lake-
4 shore during all times when an appropriate zoning agency
5 shall have in force and applicable to such property a duly
6 adopted, valid zoning ordinance approved by the Secretary
7 in accordance with the provisions of section 4A of this Act.

8 “(b) The term ‘improved property’, whenever used
9 in this Act, shall mean, in the case of improved property
10 located within the areas identified as ‘Study Areas’, a
11 detached, one family dwelling, construction of which was
12 begun before July 1, 1977, in the case of improved prop-
13 erty located within the boundaries delineated on a map
14 identified as ‘A Proposed Indiana Dunes National Lake-
15 shore’, dated September 1966, and bearing the number
16 ‘LNPNE-1008-ID’, such a dwelling construction of which
17 was begun before January 4, 1965, and in the case of any
18 other improved property, located within the lakeshore, such
19 a dwelling construction of which was begun before Febru-
20 ary 1, 1973; together with so much of the land on which
21 the dwelling is situated, such land being in the same owner-
22 ship as the dwelling, as the Secretary shall designate to be
23 reasonably necessary for the enjoyment of the dwelling for
24 the sole purpose of noncommercial residential use, together
25 with any structures accessory to the dwelling which are

1 situated on lands so designated. The amount of land so
2 designated shall in every case be not more than three acres
3 in area, and in making such designation the Secretary shall
4 take into account the manner of noncommercial residential
5 use in which the dwelling and land have customarily been
6 enjoyed: *Provided*, That the Secretary may exclude from
7 the land so designated any beach or waters, together with
8 so much of the land adjoining such beach or waters, as he
9 may deem necessary for public access thereto or public use
10 thereof. All rights of use and occupancy shall be subject
11 to such terms and conditions as the Secretary deems appro-
12 priate to assure the use of such property in accordance with
13 the purposes of this Act.

14 “(c) The Secretary shall be afforded the opportunity
15 to purchase such improved property if the owner thereof
16 desires to sell that property, before a sale to bona fide pri-
17 vate party is consummated, except that such opportunity to
18 so acquire shall terminate upon the expiration of the thirty-
19 day period following the date of notification to the Secretary
20 concerning an offer to purchase by such private party.

21 “(d) Notwithstanding any other provision of this Act,
22 the Secretary’s authority to acquire property by condemna-
23 tion shall be suspended with respect to parcels numbered 22,
24 23, 24, and 25 within the area designated as II-A as depict-
25 ed on the map identified as ‘Area II-A, Land Use Parcels’,

1 bearing the number '626-40041B' and dated February,
2 1978, during all times when there shall be in effect and ap-
3 plicable to such parcels a cooperative agreement between the
4 owner of such lands and the Secretary containing such pro-
5 visions as the Secretary determines necessary in order to pro-
6 tect against the dumping of industrial solid waste and such
7 other future actions by the owner which would have a meas-
8 urable adverse impact on native vegetation, wetlands, and
9 animal life therein and to insure the normal operation and
10 maintenance by the owner of existing and future powerlines
11 and existing and future substations.

12 “(e) Notwithstanding any other provisions of this Act,
13 the Secretary shall be precluded from the removal of the
14 so-called dike located within the area authorized to be
15 acquired pursuant to this Act and shall be required to main-
16 tain such dike, until such time as the Secretary and the
17 Northern Indiana Public Service Company have entered
18 into an agreement or other arrangement sufficient to insure
19 that the Northern Indiana Public Service Company will be
20 indemnified or otherwise protected against financial loss, by
21 the United States, incurred by such company by reason of
22 the continued operations of such company and the subsequent
23 removal of such dike, except that such agreement shall not
24 provide indemnification or other such protection against
25 financial loss arising out of or in connection with pollutants

1 covered by the cooperative agreement referred to in sub-
2 section (d) of this section.

3 “(f) Notwithstanding the provisions of subsection (a),
4 of this section or any other provision of this Act, the Secre-
5 tary’s authority to acquire property by condemnation shall be
6 suspended with respect to parcels 31, 32, 41, 42, and 43
7 within the area designated as ‘II-A’ as depicted on the map
8 identified as ‘Area II-A, Land Use Parcels’, having the
9 number ‘626-40041B’ and dated February 1978 until after
10 December 31, 1985, except that if the Secretary determines
11 prior to January 1, 1986, that any such parcel or part there-
12 of is being used in a manner measurably adverse to its pres-
13 ervation, the Secretary shall have authority to condemn
14 such parcels.”.

15 (c) Such Act is further amended by inserting immedi-
16 ately after section 4 thereof the following new section:

17 “SEC. 4A. (a) As soon as practicable after the enact-
18 ment of this section, the Secretary shall issue regulations
19 specifying standards for approval by him of zoning ordinances
20 for the purposes of this Act. The Secretary may issue
21 amended regulations specifying standards for approval by
22 him of zoning ordinances whenever he shall consider such
23 amended regulations to be desirable due to changed or un-
24 foreseen conditions. The Secretary shall approve any zoning
25 ordinance and any amendment to any approved zoning ordi-

1 nance submitted to him which conforms to the standards con-
2 tained in the regulations in effect at the time of adoption of
3 such ordinance or amendment by the zoning agency. Such
4 approval shall not be withdrawn or revoked, by issuance of
5 any amended regulations after the date of such approval, for
6 so long as such ordinance or amendment remains in effect as
7 approved.

8 “(b) The standards specified in such regulations and
9 amended regulations for approval of any zoning ordinance or
10 zoning ordinance amendment shall contribute to the effect of
11 (1) prohibiting the commercial and industrial use, other than
12 any commercial or industrial use which is permitted by the
13 Secretary, of all property covered by the ordinance within
14 the boundaries of the lakeshore; and (2) promoting the
15 preservation and development, in accordance with the pur-
16 poses of this Act, of the area covered by the ordinance within
17 the lakeshore by means of acreage, frontage, and setback
18 requirements and other provisions which may be required by
19 such regulations to be included in a zoning ordinance con-
20 sistent with the laws of the State of Indiana.

21 “(c) No zoning ordinance or amendment thereof shall
22 be approved by the Secretary which (1) contains any pro-
23 vision which he may consider adverse to the preservation
24 and development, in accordance with the purposes of this
25 Act, of the area comprising the lakeshore; or (2) fails to

1 have the effect of providing that the Secretary shall receive
2 notice of any variance granted under and any exception
3 made to the application of such ordinance or amendment.

4 “(d) If any improved property, with respect to which
5 the Secretary’s authority to acquire by condemnation has
6 been suspended according to the provisions of this Act is
7 made the subject of a variance under or exception to such
8 zoning ordinance, or is subjected to any use, which variance,
9 exception, or use fails to conform to or is inconsistent with
10 any applicable standard contained in regulations issued pur-
11 suant to this section and in effect at the time of passage of
12 such ordinance, the Secretary may, in his discretion, termi-
13 nate the suspension of his authority to acquire such im-
14 proved property by condemnation.

15 “(e) The Secretary shall furnish to any party in in-
16 terest requesting the same a certificate indicating, with re-
17 spect to any property located within the lakeshore as to
18 which the Secretary’s authority to acquire such property by
19 condemnation has been suspended in accordance with pro-
20 visions of this Act, that such authority has been so suspended
21 and the reasons therefor.”.

22 (d) The first Sentence of section 5 (a) of such Act, as
23 amended (16 U.S.C. 460u-5), is amended to read as fol-
24 lows: “Except for owners of property within the area on
25 the map referred to in the first section of this Act as area

1 II-B, any owner or owners, having attained the age of ma-
2 jority, of improved property on the date of its acquisition
3 by the Secretary may, as a condition of such acquisition, re-
4 tain the rights of use and occupancy of the improved property
5 for noncommercial residential purposes for a term ending on
6 his or her death or the death of his or her spouse, whichever
7 occurs last, or for a term of twenty-five years, or such lesser
8 term as the owner or owners may elect at the time of acqui-
9 sition by the Secretary. In the case of owners of property
10 within such area II-B, such owners shall have the same right
11 or rights as that afforded other owners in the preceding sen-
12 tence, if it is determined by the Secretary, on a case-by-case
13 basis, and in consultation with State and local officials, that
14 water pollution problems are not likely to occur as a result
15 of the failure on the part of the Secretary to acquire such
16 property. All rights of use and occupancy shall be subject to
17 such terms and conditions as the Secretary deems appropriate
18 to assure the use of such property in accordance with the
19 purposes of this Act.”.

20 (e) Section 9 of such Act is amended by striking out
21 “\$60,812,100” and inserting in lieu thereof “\$93,312,000”
22 and by striking out “\$8,500,000” and inserting in lieu there-
23 of “\$10,500,000”.

24 (f) Section 15 of such Act (16 U.S.C. 460u-14) is
25 amended to read as follows:

1 “SEC. 15. (a) Within one year after the date of the
2 enactment of this section, the Secretary shall submit, in writ-
3 ing, to the Committee on Interior and Insular Affairs and to
4 the Committee on Appropriations of the United States Con-
5 gress a detailed plan which shall indicate—

6 “(1) the lands which he has previously acquired
7 by purchase, donation, exchange or transfer for admin-
8 istration for the purpose of the lakeshore, and

9 “(2) the annual acquisition program (including the
10 level of funding) which he recommends for the ensuing
11 five fiscal years.

12 “(b) It is the express intent of the Congress that the
13 Secretary should substantially complete the land acquisition
14 program contemplated by this Act, within six years after the
15 date of enactment of this section.”.

16 (g) Such Act is further amended by adding the follow-
17 ing new section:

18 “SEC. 21. The Secretary, in consultation with the Secre-
19 tary of Transportation, shall conduct a study of various modes
20 of public access into and within the lakeshore, including
21 roads, public transportation facilities, and nonmotorized
22 access.

23 “(a) In carrying out the study, the Secretary shall
24 utilize to the greatest extent practicable the resources and
25 facilities of the organizations designated as clearinghouses

1 under title IV of the Intergovernmental Cooperation Act of
2 1968 as implemented by Office of Management and Budget
3 Circular A-95, and which have comprehensive planning
4 responsibilities in the regions where the lakeshore is located.
5 The Secretary shall make provision for timely and substan-
6 tive consultation with the Highway Department of the State
7 of Indiana, local elected officials, and the general public in
8 the formulation and the implementation of the study.

9 “(b) This study shall be completed and presented to
10 the Congress no later than October 1, 1979.

11 “(c) The study shall address the adequacy of access
12 facilities for members of the public who desire to visit and
13 enjoy the lakeshore. Consideration shall be given to alterna-
14 tives for alleviating the dependence solely on automobile
15 transportation and resulting congestion, environmental im-
16 pacts, and management difficulties. The study shall inven-
17 tory the condition of roads in and out of the lakeshore, and
18 the condition of the public transportation rolling stock. The
19 study of public transportation facilities shall cover the dis-
20 tance from cities of thirty-five thousand population or more
21 within fifty miles of the lakeshore. It shall further include
22 the identification of routes, available facilities, and assets
23 of transit operators within this area, and shall discuss their
24 increase or decrease of passengers and their financial condi-
25 tion over the previous five-year period.

1 “(d) The study shall include proposals deemed nec-
2 essary to assure equitable visitor access and public enjoy-
3 ment by all segments of the population, including those
4 who are physically or economically disadvantaged. It shall
5 provide for retention of the natural, scenic, and historic
6 values for which the lakeshore was established, and shall
7 propose plans and alternatives for the protection and
8 maintenance of these values as they relate to transportation
9 improvements.

10 “(e) The study shall present alternative plans to im-
11 prove, construct, and/or extend access roads, public trans-
12 portation, and bicycle and pedestrian trails. It shall include
13 accurate estimates of the costs of such alternatives, to be
14 based upon statistical data available for similar expendi-
15 tures, and shall discuss existing and/or proposed sources of
16 funding for the implementation of the recommended plan
17 alternatives.

18 “(f) There is hereby authorized to be appropriated not
19 to exceed \$250,000 for this study, and such sums as may
20 be necessary to carry out any Federal share of the recom-
21 mendations of the study that may be undertaken by the
22 Secretary under existing provisions of law.”.

Senator ABOUREZK. I would like to thank my colleagues for their appearance here this morning and congratulate them for getting up this early. I have never seen so many witnesses at an 8 o'clock hearing in my life. Is everybody here from Indiana? Are you all farmers? [Laughter.]

The first witness, and I would like to welcome all of the witnesses, is my colleague on the Judiciary Committee and we worked on that committee and on other matters in the Congress, Senator Birch Bayh.

STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator BAYH. I appreciate the chance to be here with my colleagues and the distinguished members of our Indiana delegation in the House. I do want to say on behalf of all of us who have been here, I think they helped open up the building, we want to thank you, Mr. Chairman. I think it is widespread public knowledge the U.S. Senate does not start at 8 o'clock, and after several weeks of going on at 8 o'clock at night we don't get here so early.

Senator ABOUREZK. If it is not public knowledge, let me make it clear now. Nobody starts at 8 o'clock here. They start cleaning up around here at 8 o'clock.

Senator BAYH. If there are no objections, I would like to have unanimous consent to introduce testimony on behalf of several other individuals who would like very much to have testified personally, but because of time constraints would like to have their testimony put in the record as if they had testified.

Senator ABOUREZK. Without objection, all of that testimony will be admitted. I might say, Senator Bayh, we have a great many witnesses this morning and witnesses coming in not even scheduled. I would like to ask all witnesses if they can keep their testimony as brief as possible. If you have written statements, please submit them. I know we cannot control the congressional witnesses this morning; they will probably talk a long time. But if they would set an example for the other civilian witnesses, I think it would be appreciated. Just get everybody in this morning.

Senator BAYH. Your point is well taken. I heard your words, Mr. Chairman, but I did not understand what you said.

I would like to introduce this testimony on behalf of the Indiana State Teachers Association, Cordell Affeldt and Ron Jensen; Jacqueline Becich, of the United Steelworkers Association Local 13796; Linc Cohen of the Steelworkers Local 1010; Vincent J. Panepinto, vice president, Northern Indiana Building Trades Council; and one of our distinguished public officials in the area, Mayor Robert A. Pastrick of east Chicago, has asked to be heard. And Elmer Blankenship, UAW.

I appreciate your putting that testimony in the record.

Now, let me highlight where we are and ask if I might ask unanimous consent to put my statement in the record, and I will try to summarize it in, hopefully, 5 minutes.

We are here at 8 o'clock in the morning in the year 1978 and the mission that brings us here is the result really of a 50-year interest and concern for development in the area of northern Indiana. We are try-

ing to do what some people think is impossible, develop in a comprehensive manner, two basic resources which in most areas of the country have been irreconcilable. We are trying to develop some of the most beautiful assets of nature in the way of a national lakeshore park. We are trying to develop a tremendous industrial potential there as a result of the lake, the port, and the abundance of industry, the likes of which is seen in very few places in the United States.

In 1966, I had the privilege of representing our State and being the author of the first phase of this park which established 5,800 acres. We knew it was not fully complete. Ten years later, we finally got the second phase. The last session, as you know, 3,600 acres. We realized then there were three areas many of us felt should be in the park, but because some members of this committee felt there should be additional study, this was studied for the ensuing period of time.

Senator Lugar and I have introduced this measure. Congressman Fithian and Congressman Benjamin have a deep, abiding interest on the other side of the Capitol. This measure before us contains three parcels of land. The Greenbelt area, which is basically designed to find a way in which we can protect the park from possible industrial intrusions; the Beverly Shores Island, which is a good chunk of real estate—not in terms you describe national parks out in South Dakota—but in Indiana, a 752-acre island there, a large portion of which is for development, and which presents a tremendous administrative problem if it is not brought into the park as well as an asset, in that it provides additional park land.

Highway 12 strip is about 12 acres which provides a kind of scenic entrance, keeping down some of the small businesses which spring around commercial areas; McDonald's hamburgers, shops, things like that, which we would like to have the park entrance as we get to the park look like a park.

Those are important elements of real estate involved. There are also other aspects of this bill that can only be fully appreciated if one has been a part of trying to reconcile not only the physical presence of these resources, but the people very much dedicated to these resources.

The homeowners provision which was encompassed in the first major provision, needs, it seems to me, to be consistent and in a compromise in 1976, we accepted a homeowners provision because we had no alternative and which says in essence those who have been brought into the park in the second phase of homeowners are treated differently than those brought into the park in the first phase.

That has created problems for those of us who feel we have a responsibility representing the citizens in the area. We have also included in this bill, Mr. Chairman, a transportation study. I think that gives us the opportunity to see how we can effectively use modes of transportation to get people in and out of the park area from major metropolitan areas in a way in which we minimize congestion and pollution and emphasize the need for energy-saving transportation.

Also, I would stress the community give careful attention to the matter brought to our attention by Mayor Hatcher, of Gary, in talking about the comprehensive development of that area. The Gary boat harbor is an asset which has not been considered earlier but which seems to me is part of the philosophy of taking advantage of developing all of the assets in the area.

I might mention one item which I know is a sore point with my friend from South Dakota, particularly at 8 o'clock in the morning; perhaps we should not discuss this. But I know my friend from South Dakota is a long-time friend and devotee of a former member of this body, a former friend of mine, Paul Douglas. Without Paul Douglas, the main emphasis for the historic park long ago, the park would not be there and we all know this.

I have suggested to the Park Service it is entirely fitting, in fact I think it is very appropriate, to have the significant Paul Douglas presence there as evidence of what he did, conservation of that area as well as elsewhere.

However, I would suggest the idea of naming the park the Paul Douglas Park is one that does not have much favor in the State of Indiana. It has nothing to do with our lack of respect for Senator Douglas, but it does have something to do with the rather strong feeling of pride in Indiana that before we had a national lakeshore park we had an Indiana Dunes State Park.

As this legislation has passed, it has become a combination of our State and our Nation and we would like very much to maintain that name. I would hope we could do that in a way we could have an Indiana presence and also recognize the significant contribution to conservation made by one of the truly great Members of the U.S. Senate.

I appreciate the courtesy of my friend from South Dakota for listening and taking this time as busy as he is on some of the critical national issues for being with us and for allowing us to be heard this morning.

Senator ABOUREZK. Senator Bayh, thank you. I must say we have so much park legislation stacked up this year, as I explained to you when we first talked about this, that I seriously question whether we can advance another bill, this bill or any other bill, after the pile we have had on park legislation.

But I have to say out of great respect and fondness I have for you and the way we have worked together in the 6 years I have been in the Senate, I have to be honest, that is the only reason we are having these hearings at all this year, or we would not have had them. We just do not have time to do any more legislation on parks this year.

But I want to ask you one question. How do you feel about the name change for the park as the James Abourezk National Park? [Laughter.]

Senator BAYH. I was thinking about that, Mr. Chairman, but I would think if we are going to have a James Abourezk Park it ought to be accompanied by a fifth great face on the side of the mountain that used to be Mount Rushmore National Park.

Someone has suggested our former colleague, Karl Mundt, but I would suggest Senator Abourezk.

Senator ABOUREZK. That proves it. Never give Birch Bayh an opening. Thank you very much for your testimony and your appearance.

[The prepared statement of Senator Bayh and other statements referred to follow:]

STATEMENT OF HON. BIRCH BAYH, A U.S. SENATOR FROM THE STATE OF INDIANA

Mr. Chairman, more than a decade ago Congress enacted legislation to protect the Indiana Dunes, located at the southern tip of Lake Michigan on a fascinating complex of dune ridges, moving dunes, beautiful beaches, marshes, woodlands and

bogs. It was my privilege to sponsor the initial legislation establishing the Indiana Dunes National Lakeshore and subsequent legislation authorizing its expansion.

The legislation which authorized expansion of the Lakeshore in October 1976 added several units to the National Lakeshore, but Congress deferred making a decision about three specific areas until additional information concerning these areas could be reported in a special study conducted by the National Park Service.

The bill before the Committee today, which Senator Lugar and I introduced, is addressed largely to the issues of the study areas. The study required by the 1976 legislation was completed last summer, and it is now appropriate for the Congress to consider the further expansion of the Lakeshore. Our bill would annex the three study areas into the Park with some exceptions for certain parts of area II-A, the "Nipsco Greenbelt." It would also restore the homeowners' provisions of the 1966 Act, so that all homeowners within the Park boundaries would receive equal treatment from the Park Service.

Looking first at the study areas, there are two portions of the town of Beverly Shores which were not included in the National Lakeshore in 1966. Area III-A is the Beverly Shores "island", a 652 acre low density residential area, with minimal commercial development, now completely surrounded by federal lands. Over 500 of the 652 acres are unimproved and immediately available for Park purposes. Area III-C is a 56 acre strip of land lying along both sides of U.S. Highway 12 which supports low-density residential and commercial development.

National Park Service ownership and control of both these areas would eliminate noncompatible uses and ensure preservation of an interesting and unique ecosystem for enjoyment and use by the visiting public. Federal acquisition of the Beverly Shores area would make the federal beach much more accessible than it is now and would ultimately end conflicts between Park visitors and residents. Acquisition of the U.S. Highway 12 strip would add approximately 1.5 miles of continuous highway frontage to the existing 5.2 miles of National Park Service "parkway" frontage and will greatly enhance the scenic quality of the road.

The remaining area discussed in the National Park Service study has become known as the Nipsco Greenbelt. The Greenbelt (Area II-A) is a 92 acre parcel of land owned by the Northern Indiana Public Service Company. This land forms the interface between the heavily developed Northern Indiana Public Service Company power plant site and the National Lakeshore. With the conversion of much of the lakeshore region to heavy industrial uses, the land of this area has taken on importance as a buffer between the steel mills and power plants on the one side and more quiet, natural scene on the other.

I firmly believe, Mr. Chairman, that acquisition of the Greenbelt is essential to the maintenance of the environmental integrity of the Lakeshore. I further believe that acquisition of the Greenbelt should and would have no impact upon the construction of the nuclear power plant by Nipsco. Nonetheless, I fully recognize the concerns of Northern Indiana Public Service Company that this acquisition by the federal government might somehow affect construction of the "Bailly" nuclear power plant. In recognition of this concern, fee acquisition of five parcels in the western portion of the Greenbelt is delayed under S. 2560 until after December 31, 1984, to insure that the completion of the power plant will in no way be jeopardized by such acquisition, provided that Nipsco does not use these parcels in a manner which would spoil them.

Furthermore, there are four parcels of the Greenbelt in the vicinity of the Northern Indiana Public Service Company substation whose natural conditions have been modified by a power transmission line and are the location of a proposed additional power transmission line. While these parcels are essential to maintaining the protection of the dunes ecosystem, fee acquisition by the National Park Service could jeopardize Nipsco operation. Consequently, the proposed legislation specifically exempts from condemnation four parcels around the substation which are needed for power facilities provided there is a cooperative agreement between the Secretary of Interior and Nipsco. This agreement will contain provisions which the Secretary deems necessary to protect the dunes environment. Fee acquisition is proposed for the remaining two parcels located in the eastern portion of the Greenbelt and for the dike located along portions of existing common boundary between the Park and the Nipsco lands in that eastern portion.

I would like to note clearly at this point that it is the intent and understanding of the sponsors that Nipsco will continue to enjoy full use of its private access road both before and after the acquisition of the portions of the Greenbelt to be added to the Park. Further, Nipsco shall be permitted to retain, main-

tain and operate the weather monitoring tower in the western leg of the Greenbelt. This facility is specifically needed to meet stipulations in the Nuclear Regulatory Commission permit regarding the monitoring of meteorological events.

The second major feature of this legislation is the revision of the homeowner provisions. The 1976 legislation established far different terms for homeowners from those enacted in 1966. This resulted in a considerable amount of confusion and discouragement among landholders in the Park, who believe the rules were unfairly changed while the game was in progress.

Our bill would provide homeowners with an exemption from condemnation when appropriate zoning laws are in effect, reinstate the 25-year leaseback provisions contained in the initial legislation, and add an option of a life tenancy. These modifications will not thwart development of the park but will give fair and equitable treatment to all landowners within the park and thereby correct the present situation where residents of different areas of the park are subject to different provisions. I am pleased to report that these changes have a broad base of support among all interest groups. The cutoff date for the study areas would be July 1, 1977.

The new legislation also includes provisions to allow homeowners in the Markowitz Ditch area to apply for leasebacks on a case-by-case basis. The State of Indiana opposed any leasebacks in this area because of the potential pollution of the state park, but I believe a case-by-case determination in consultation with state and local government would be more equitable than a blanket prohibition contained in the 1976 Act.

A third provision of this legislation calls for a transportation study. The National Lakeshore is designed to preserve the outstanding natural features of the area and to provide to all people the opportunity for recreation and enjoyment. Unfortunately, the attainment of these worthy objectives is often frustrated by the failure to plan and provide appropriate access to these outstanding areas.

The vast majority of our national parks, lakeshores, and recreation areas are accessible only by private automobile. This reliance on the automobile for park access can have deleterious effects on fragile ecosystems such as the dunes. Extensive use of cars cause environmental damage and requires that more and more precious parkland be devoted to roads and parking lots. Consequently it is essential that all modes of transportation be carefully analyzed to develop those which are the most energy efficient, environmentally compatible and provide the best public service. The study called for in this legislation is aimed at meeting this important need.

I believe the bill we are offering today provides the inclusion of three highly significant areas which will assure protection of the lakeshore environment without infringing on areas which are essential to the continued existence of the options offered residential property owners within the Lakeshore boundaries in order to ensure preservation of the area and an orderly and acceptable property acquisition policy.

Mr. Chairman, I thank you for holding these hearings and for inviting me to testify. I hope the Committee will favorably consider our legislation. The Indiana Dunes is an area which deserves the expanded protection to be afforded by this bill.

INDIANA STATE TEACHERS ASSOCIATION,
Indianapolis, Ind., August 3, 1978.

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

DEAR SENATOR ABOUREZK AND MEMBERS OF THE COMMITTEE: The Indiana State Teachers Association, the state affiliate of the National Education Association, has been a long and avid supporter of environmental education opportunities.

Due to that interest, the ISTA has adopted an official position favoring expansion of the Indiana Dunes National Lakeshore. A copy of our Association resolution on this matter is enclosed.

The National Park Service study strongly documents the necessity for adding the following "Study Area" to the Indiana Dunes National Lakeshore: The Beverly Shore "Island"; The U.S. 12 Parkway Strip (Also in Beverly Shores); The "Greenbelt" area.

The addition of these three areas would provide educational and scientific research opportunities possibly unlike any other resource in the entire nation.

Coupled with this is the concern that the National Lakeshore is located in a highly industrial area where commercial development could destroy in minutes what has taken 15,000 years to form.

The ISTA takes pride in the leadership and sponsorship provided by Senators Bayh and Lugar, and we trust their co-sponsorship will influence likely passage S. 2560.

We urge the Committee's expeditious and favorable consideration of this legislation.

Sincerely,

CORDELL AFFELDT, *President.*

RONALD G. JENSEN, *Executive Director.*

PROPOSED RESOLUTION FOR THE INDIANA STATE TEACHERS ASSOCIATION PERTAINING TO THE EXPANSION OF THE INDIANA DUNES LAKESHORE

Whereas the Indiana Dunes National Lakeshore was established in 1966 as a "compromise park," and

Whereas several thousand acres were excluded from the original proposal, and

Whereas these excluded acres would have created a more comprehensive park, and

Whereas some of these acres would act as buffer zones between the established park and industrial development areas, and

Whereas the Indiana Dunes are a unique area used by scientists and students extensively for the study of ecology and geological development, and

Whereas the added recreational areas are vitally needed by the people living in the surrounding highly industrial areas, Be it

Resolved; That the Indiana State Teachers Association supports the expansion of the Indiana Dunes National Lakeshore.

STATEMENT OF JACQUELYN BECICH, PRESIDENT, USWA LOCAL UNION 13796

My name is Jacquelyn Becich. I am the President of Local Union 13796, United Steelworkers of America, representing approximately 1,000 office and technical workers employed by the Northern Indiana Public Service Company. Our local union is part of U.S.W.A. District 31, in northwest Indiana. However we cover the entire northern third of the state serviced by the NipSCO utility.

The United Steelworkers of America (AFL-CIO) wishes to extend its full support to Fithian/Bayh bill to expand the Indiana Dunes National Lake Shore Park. We urge prompt consideration by the Congress to support the addition of the areas included in the bill. The history of our support for the Indiana Dunes National Lake Shore is well established and dates back to the initial efforts of the late Senator Paul Douglas.

Northwest Indiana is the center of one of the nation's principal concentrations of the basic steel industry. The USWA represents employees of all major steel companies located in this region, as well as workers employed by the local utility, Northern Indiana Public Service Company (NipSCO). District 31, with over 120,000 members in Indiana and Illinois, is on record as supporting addition of all unspoiled dunelands within Northwest Indiana. The International Union, the District, and many Local Unions within the District have supported legislation to expand the Indiana Dunes National Lake Shore since 1971 and nothing transpired since then to alter our support for an enlarged National Lake Shore Park. The areas under consideration in this legislation were included in earlier expansion proposals which we have supported. We believe the time has come for the Congress to add these important areas to the Park.

The United Steelworkers contention that establishment of the National Lake Shore and its enlargement would not hinder industrial growth in Northwest Indiana has been proven correct. However, this growth which continues at a rapid pace, emphasizes the need for adding these important areas to the Lake Shore. Continued exclusion of these areas endangers the integrity of the areas already included in the Park.

Continued exclusion of the "NipSCO Greenbelt" will endanger the delicate ecosystem that has made Cowles Bog a National Natural Landmark. We believe, and the National has found in their study, that the addition of this section will not undermine the ability of NipSCO to construct its proposed nuclear facility.

The inclusion of the Beverly Shores "island" would complete the largest single unit of the Lake Shore. The U.S. 12 highway strip would extend the scenic parkway concept now being developed by the National Park Service. Exclusion of these two areas would permit commercial and residential development incompatible with the Lake Shore land adjoining these areas.

In addition, District No. 31, in accordance with its policy of preserving all presently unspoiled duneland also supports addition of the three areas included in H.R. 12821 sponsored by Congressman Adam Benjamin, which would preserve additional areas not covered by HR 11110.

The membership of District No. 31 will be among those best served by a national park whose size and diversity would be enhanced by these additions. Quality recreation close to home is an elusive goal for the largely urbanized workforce of District No. 31, yet more highly prized than ever due to the rapid development of the area, which has made open space more and more scarce and thus valuable. The National Lake Shore will be better able to serve our membership by addition of the areas envisioned in this legislation.

LOCAL UNION 1010, UNITED STEELWORKERS OF AMERICA,
East Chicago, Ind.

Mr. Chairman, on behalf of the largest local union in the United Steelworkers of America—Local 1010, Inland Steel Co., East Chicago, Indiana—I would like to urge Congress to add the lands to the Indiana Dunes National Lakeshore proposed in S. 2560.

The 18,000 men and women of Local 1010 live and work in the most highly industrialized area the country, hundreds of miles from the kind of open space that is available to much of the nation's workforce. We work 24 hours a day, 7 days a week, 365 days a year, holidays, weekends, in extreme heat and extreme cold. The air and water of our communities are becoming daily more polluted. Industrial and commercial development is proceeding rapidly despite the fact that the region is a non-attainment area in air quality standards.

In the midst of all this lies a unique natural treasure—the dunelands of Lake Michigan's southern tip. Despite the heavy industrialization of the region, far-sighted people have worked hard to preserve this natural resource. These same people are now calling for Congress to add lands to the presently protected dunelands which are essential to the preservation of the Lakeshore Park as an ecologically unique and recreationally rich entity.

The membership of our local are part of the backbone of this nation's economy. We deserve the privilege of having this small but important National Lakeshore Park preserved and protected for ourselves, our families, and our communities, as well as for the rest of the country.

As a representative of Local 1010, as a resident of the Calumet region, and as an individual fortunate to live on the boundary of some of Gary's recently authorized park lands, I urge you to act promptly to make these important additions to the park.

Submitted by,

LINC COHEN,
Environmental Committee.

NORTHWESTERN INDIANA BUILDING AND CONSTRUCTION TRADES COUNCIL,
Gary, Ind., August 7, 1978.

Re Senate bill 2560.

Senator JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation, 3321 Russell Senate Office Building, Washington, D.C.

DEAR CHAIRMAN ABOUREZK: The Northwestern Indiana Building Trades Council would like to be put on record as opposing the inclusion of 2 A, namely, the NIPSCO Green Belt.

It is our firm belief that if this parcel of land were to be included in the National Lake Shore Park, it would just give the interveners, who are presently trying to stop the construction of NIPSCO's Baily Town Nuclear Power Plant I, another opportunity to stop the construction.

We, the Building Trades, desperately need the Nuclear Power Plant and the services that will provide for our present and future employers, namely—steel mills, housing, schools, shopping centers etc.

We as Building Tradesmen, have to the best of our ability, tried to co-exist with the National Lakeshore Park; but if the NIPSCO Green Belt is included, we will cease to exist at all.

It is our thinking as Building Trades-people, that it is not necessary and not a make-or-break situation for the National Park to have this Green Belt; and we view the inclusion of the Green Belt as another means of trying to stop construction of the Nuclear Power Plant.

NIPSCO should maintain it, control it and pay taxes on it.

Sincerely yours,

VINCENT J. PANEPINTO, *Vice-President.*

STATEMENT OF HON. ROBERT A. PASTRICK, MAYOR, CITY OF EAST CHICAGO, IND.

Presented on August 10, 1978 to Subcommittee on National Parks, Committee on Interior and Insular Affairs, U.S. House of Representatives, 95th Congress, relative to H.R. 11110 (Fithian) and H.R. 12821 (Benjamin-Fary-Derwinski), now pending, concerning the proposed expansion of the Indiana Dunes National Lakeshore.

As mayor of the city of East Chicago, Indiana and a lifelong resident of north-west Indiana. I want to thank Chairman Burton and the members of this subcommittee for the opportunity to present written testimony concerning the proposed expansion of the Indiana Dunes National Lakeshore. I regret that pressing local duties prevent me from personally appearing before you.

Our city has almost 47,000 residents according to the 1970 U.S. Census. With 55,000 industrial jobs, East Chicago has been a steel and oil production center since the turn of the century. In its own industrial development East Chicago did not experience the conflict of industrial and recreational uses which prompt these hearings. However, because it is important for our citizens to both work and play, to have income sources and life enrichment resources, we share with the members of this subcommittee an awareness of the significance of your deliberations.

There are four issues upon which we wish to comment: (1) the proposed access study of the National Park Service in conjunction with the U.S. Department of Transportation, (2) the NIPSCO Greenbelt acquisition proposals, (3) the Beverly Shores acquisition proposals, (4) the lakefront marina funding authorization within the City of Gary. The first three issues are included in H.R. 11110, while the last issue is central to H.R. 12821.

(1) As a member of the Northwestern Indiana Regional Planning Commission's Transportation Planning Committee, I have noted the problems created by traffic generated since the West Beach recreational area opened over a year ago. The west Beach access problem, while the most severe, is only one of several such problems which the Indiana Dunes National Lakeshore and surrounding communities need address.

In addition to automobile traffic, other modes of transportation, especially the Chicago, South Shore, and South Bend Railroad, need be explored as alternatives. As an example, educational and recreational trains could bring school children from Chicago, South Cook County (Illinois), Hammond, East Chicago, and Gary to the National Lakeshore. Existing or added flagstops could serve to introduce such groups to both mass transit and natural resources.

(2) As for the NIPSCO Greenbelt, we request the exclusion from consideration of any legislation dealing with either acquisition or a legislated cooperative agreement until the electric power needs of residential and industrial users have been adequately addressed. The coexistence of major power and steel production facilities with natural resource conservation and recreational uses is admittedly already difficult. Nevertheless, to further limit electric power generation and transmission development would, in our judgment, weaken the income ability of resident workers to enjoy the National Lakeshore. Energy shortages, such as in January, 1977, brought steel production to a halt. Energy availability and cost are intimately linked to the earning power of Northwest Indiana citizens.

(3) We endorse acquisition of the entire 652 acres of the Beverly Shores "island." Although the most remote from East Chicago of the three acquisition proposals, federal acquisition will prevent any further detrimental development inconsistent with the currently authorized surrounding National Lakeshore acquisitions.

(4) Congressman Adam Benjamin, Jr., who represents the city of East Chicago, is requesting your consideration of funding authorization for the construction of a marina within the National Lakeshore. At the risk of prematurely addressing this issue, we want to go on record as supporting the authorization concept. Lake County alone had an estimated 1975 demand for 510 slips and 1,245 boats which required launch facilities. East Chicago's Jeorse Park, which accommodates 30 to 40 boats per season, currently is the only existing marina in the county. Our office is under continual demand to provide boat access to and moorings near Lake Michigan beyond the capacity of Jeorse Park. The development of a marina in Gary would help to meet this demand.

In summary, we want to express our appreciation that you are reviewing these issues. We are confident that your efforts will reasonably address the conflicting conservation and development demands that confront you in conjunction with the citizens of Northwest Indiana.

STATEMENT OF ELMER E. BLANKENSHIP, ASSISTANT DIRECTOR, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW)

To the honorable members of the Parks and Recreation Subcommittee of the Senate Committee on Energy and Natural Resources:

I appreciate this opportunity to appear before your subcommittee. My name is Elmer E. Blankenship. I am the assistant director of region 3, UAW, our region represents over 140,000 members in Indiana and Kentucky. The international union, UAW, represents almost 1.5 million members. UAW is dedicated to building a better life not only for our members, but for all citizens of the United States and Canada. We of the UAW are vitally concerned with the preservation of our natural resources and are in complete support of a national effort to restore and preserve America's beauty so that we can enjoy it now and leave it in its natural state for future generations.

I wish to testify in support of the expansion of the Indiana Dunes National Lakeshore. Our union has supported the preservation of the dunes since it first became an issue in Congress. We feel the expansion provided under S. 2560 is imperative at this time. This bill will add three important areas to the Indiana Dunes National Lakeshore, the NIPSCO Greenbelt and two portions of the town of Beverly Shores. One section, area III A, is the Beverly Shores "Island," A 652 acre low-density residential area with minimal commercial development, which is completely surrounded by Federal lands. Over 500 acres in this section are unimproved and immediately available for park uses. Area III C is a 56 acre strip of land lying along both sides of U.S. Highway 12, which also has low-density residential and commercial development. Modifications are made to give fair and equitable treatment to all landowners within the park. The bill also provides for a transportation study to carefully analyze all available modes of transportation to develop those which are most energy efficient, compatible to the environment and provide the best public service.

If the expansion is not done at this time some of the areas may forever be lost for the lakeshore park. We ask for inclusion of all the provisions outlined in the bill. We feel that it will add recreational opportunities, provide additional natural areas for hiking and nature study. The additions will provide protection for, and eliminate noncompatible uses of the Indiana Dunes National Lakeshore.

We feel this area is very important as it is within driving distance of millions of Americans. Over 300,000 UAW members live within a tank full of gas of the dunes.

The success of the trade union movement in reducing hours of work has been one of its historic achievements. Experts predict the work week will continue to drop and that by the end of the century the work week will be down to 31 hours. Some even predict 20 hours. Increased leisure time will provide our citizens with more opportunity to visit our parks and recreational areas. We will also have a larger population. The dunes have been a major attraction for Americans and foreign visitors for a good many years. Not only because of its wild scenic ruggedness and miles of splendid beaches, but also because of its unique assemblage of plant and animal life. The plants of the dunes are a curious mixture of northern and southern types which appeal to anyone with an interest in Botany.

Many species, not found for many miles around, are abundant in the dunes. Certain rare species of these plants seem to thrive in the shifting sands, the swamps and marshlands and on the stable sands of the dunes country.

I and other people of my generation enjoyed hiking, camping and swimming in the dunes area. With society's faster pace, today's youth and the youth of tomorrow will need the facilities even more than my generation.

Alvin Toffler in his book, "Future Shock," said:

"In the three short decades between now and the twenty-first century, millions of ordinary, psychologically normal people will face an abrupt collision with the future. Citizens of the world's richest and most technologically advanced nations, many of them will find it increasingly painful to keep up with the necessary demand for change that characterizes our time. For them, the future will have arrived too soon."

Additional recreational areas will help our citizens meet the future.

We sincerely support the expansion of the Indiana Dunes National Lakeshore.

We appreciate the opportunity, Mr. Chairman, to appear before your subcommittee.

Thank you.

Senator ABOUREZK. Senator Lugar.

STATEMENT OF HON. RICHARD LUGAR, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator LUGAR. Thank you very much, Mr. Chairman. It is a real pleasure to present this testimony with my colleague, Senator Bayh, Mr. Benjamin, and Mr. Fithian, and so many people who have come here from Indiana and who are interested in parks generally. My testimony is concise and I will present it.

I appreciate this opportunity to appear before your subcommittee to testify on S. 2560, a bill to include Beverly Shores, U.S. Highway Strip 12, and portions of the Greenbelt in the Indiana Dunes National Lakeshore Park.

I am hopeful that this bill which Senator Bayh and I have introduced will determine once and for all the final boundaries of this park so that we may proceed with its orderly planning and development for future generations.

Of particular concern to me in the acquisition of any park property is the retention of strong homeowner provisions. The area known as Beverly Shores, which is central to future park development, contains homes whose owners will be affected by the Beverly Shores acquisition. The bill which we have proposed contains the provisions which were included in the 1966 Dunes legislation: Namely, a 25-year leaseback, paid at 1 percent per year, life tenancy, and exemption from condemnation.

I would be opposed to any efforts to minimize these provisions which, I believe, are necessary for the protection of the affected homeowners. Although there has been some opposition on the part of some of the homeowners against inclusion in the park, my conversations with various groups in the area concerning Beverly Shores' constantly eroding tax base have convinced me that the proposals in S. 2560 will provide the best long-term solution to this problem.

Our bill also includes provisions to acquire the Greenbelt area, known as area II-A. This area contains a significant natural resource known as the Cowles bog area. I continue to voice my concern that the acquisition of any property within the Greenbelt must in no way impede the construction of the Northern Indiana Public Service Co.'s Bailly Nuclear I generating station, whose site is located only 800 feet from the Lakeshore boundary.

This concern is shared by Gov. Otis R. Bowen of Indiana who has asked me to present his testimony to the subcommittee. He states in part:

I am apprehensive that the Greenbelt acquisition now being proposed may be used in some fashion to further delay or forestall that project. I would urge that the Congress give this matter its most serious attention and insure that this legislation is not used to such an end.

Indiana's experience during the past winter has demonstrated the urgent need for the construction of this facility. The extreme coal shortages which Indiana suffered show that greater reliance will have to be placed on nuclear energy, solar energy, and second and third generation sources if our electrical and employment needs are to be met.

We suffered extreme cutbacks because we derive over 90 percent of our electricity from coal. Illinois, on the other hand, which derives a significant amount of its energy from nuclear sources, was, to a large extent, spared this crisis.

I feel satisfied that section 4(e) of this bill, pertaining to the protective dike, an earthen structure 1 mile in length which serves as an industrial border between the area of industrial activity and the Lakeshore, properly addresses the need to protect the future of the proposed powerplant. The proposed section 4(e) of the bill would indemnify NipSCO against certain financial losses from damages in the event that the dike, which will eventually be maintained by the Park Service, is subsequently removed or altered by the Secretary of the Interior.

For example, should the National Park Service decide to dismantle the dike, which serves as the current border between the utility property and the park, and which now prevents ground water runoff from contaminating the park grounds, this legislation would express the clear intent of the Congress that the power company not be held accountable for any damage occurring after the dike demolition or for any financial losses resulting from such removal.

To insure that no conflicts are created relative to construction of the powerplant, it is the intent of the bill that acquisition to certain parcels within II-A, known as 31, 32, 41, 42, and 43 be delayed until after December 31, 1985, when the plant is completed. This is an extremely important provision and must be preserved to assure timely completion of this plant.

Lastly, I would like to take this opportunity to indicate my strong concern over efforts to rename Indiana Dunes National Lakeshore after the late Senator Paul H. Douglas. Earlier, I had no intention of raising this closely related issue here but I was prompted to do so by an article which appeared in the July 28, 1978, edition of the Louisville Courier-Journal, reporting a strategy apparently devised by staff of the Committee on Energy and Natural Resources to dodge Senate debate on this issue altogether.

The ploy devised by your staff would apparently avoid even proposing the name change on the Senate floor. Instead, the Senate omnibus Parks bill would be sent to conference committee along with the House-passed parks bill, which contains the name change.

Presumably, since such a minor point would not even be argued in conference, the name change would be passed as a routine matter. This

strategy would ignore Senate tradition, standards of fairness, and the strong sentiment of numerous Indiana officials and citizens groups which strenuously oppose the name change, and I hope the committee will disavow such an approach.

Senator ABOUREZK. I have not heard the staff say that. That was my idea. Staff had nothing to do with it.

Senator LUGAR. You are very gracious in assuming this burden.

In closing, I wish to reaffirm my belief that this bill affects many interrelated issues which must not be ignored. The bill's primary goal is to finalize the boundaries of the park. My chief concern is to preserve natural resources for future generations, without sacrificing necessary growth and development of economic, industrial, and vitally needed energy sources in the area.

Mr. Chairman, I submit for the record the testimony of Indiana Gov. Otis R. Bowen. Thank you.

Senator ABOUREZK. Thank you, Senator Lugar. I appreciate your testimony and your obvious strong feelings on this whole issue.

[The prepared statement of Governor Bowen follows:]

STATEMENT OF HON. OTIS R. BOWEN, GOVERNOR OF THE STATE OF INDIANA

I am appreciative of the opportunity to briefly express, to this distinguished Subcommittee, my views with respect to S. 2560 in the matter of the further expansion of the Indiana Dunes National Lakeshore.

As I stated in my testimony of May 26, 1976, relative to S. 3329, 94th Congress, 2d Session, there are certain cardinal principles which are paramount with respect to the Dunes National Lakeshore, as follows:

1. Indiana cannot support any expansion of the Lakeshore which would hamper the growth and development of the Port of Indiana, nor can it support expansion which would disrupt the overall economy and social functioning of the general area.

2. Indiana will not give the Indiana Dunes State Park to the Lakeshore, although Indiana will cooperate with the Department of Interior on Lakeshore matters consistent with that position.

3. Any new territorial expansion should not delay the facilities planned for the existing Lakeshore.

4. Property acquisition for the Lakeshore should be done expeditiously.

5. It is already past time that the final settlement of the expansion issue be determined in order that regional planning and orderly development of the surrounding area may be accomplished without the continuing cloud of uncertainty and confusion as to what the next expansion proposal will be.

We have given careful consideration to the provisions of S. 2560. It appears that in essence the bill provides for acquisition of Areas III-A, III-B and major portions of Area II-A, and for reverting to the leaseback and life tenancy provisions of earlier legislation.

We have no particular comment to offer with respect to Areas III-A and III-B other than to point out that the III-A acquisition will be costly and that long-term problems may be anticipated in the maintenance of local governmental services in Beverly Shores as it experiences an ever-diminishing tax base as properties are acquired by the Lakeshore.

We must continue to voice our concern, as we did on earlier legislation, with respect to Area II-A, the so-called "NIPSCO Greenbelt." Our concern extends not only to insuring that the electrical utility have uninterrupted access to its existing generating plant, including existing and future transmission lines, but that the acquisition proposed in this bill in no way, directly or indirectly, operate so as to delay or prevent the construction and operation of the Bailey I nuclear generating unit.

Our experience during this past winter has demonstrated beyond all doubt that continued total reliance upon fossil-fueled electrical generating plants places the people and the economy of Indiana in extreme jeopardy.

I must say plainly that the record to date of the Department of Interior with respect to the Bailey I plant has been such that I am apprehensive that the

Greenbelt acquisition now being proposed may be used in some fashion to further delay or forestall that project.

I would urge that the Congress give this matter its most serious attention and insure that this legislation is not used to such an end.

We note, finally, that Section 4A (d) of the bill would extend leaseback and/or life tenancy privileges to owners of property in Area II-B on a case-by-case basis, subject to a finding that water pollution problems are not likely to result from a failure to acquire. This would be a modification of the existing statute, which provides for outright acquisition with a view toward the prevention of water pollution problems in the State Park.

If retention of the presently proposed language is deemed necessary, then we would recommend that Sec. 4A (d) be amended on page 8, line 14, by inserting the words "or drainage" immediately following the word "pollution" in order that the Secretary, in assessing these cases, may give consideration to both water pollution and drainage problems.

Your favorable consideration of these matters will be appreciated.

Senator ABOUREZK. Congressman Fithian.

STATEMENT OF HON. FLOYD FITHIAN, A U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Mr. FITHIAN. Thank you, Senator, and the committee, for holding these hearings. I do want to say I think it would be a fitting tribute to your Senate career if after all of these years Indiana Dunes has been battled by these Halls of Congress, if we could put this park issue to rest with finality. That is really what is available to us here.

We have fashioned a bipartisan bill. We have agreed some time ago to introduce an identical bill on the House side, hoping that your committee will act. I think the entire matter can be wrapped up expeditiously with very, very little time of either the Senate or the House.

As I am sure your committee is aware, the three parcels that are to be included were included in the House bill last time. As Senator Bayh has pointed out, the express need for a study really on the Senate side held us up for a couple of years. But I think now everything is complete and this park is ready to go and we can finalize this in a permanent fashion.

I would underscore what Senator Bayh said concerning homeowner provisions. Senator Lugar has ably explained the details of working out the compromise with regard to the Nipsco Greenbelt. Homeowner provisions really provide for equal treatment of all park people; and the standard of equity is what we ought to expect from our Federal Government. The Beverly Shores property, to which there is only a slight allusion here, is a crucial part from the park management standpoint more than anything else. We have conversed long and in detailed fashion with the Park Service here in Washington and the National Park Service and the study bears out the necessity of including that.

The third parcel, the Highway 12 strip, is essential for the reasons Senator Bayh has alluded to. So, Senator, we are not asking all that much in park boundary changes. It is the final boundary. The final action that would be needed in the Senate and the House. In a parliamentary sense, if I may, Mr. Chairman, I would ask that my prepared statement be entered into the record and I conclude and save your time and the committee's time by saying I have conversed with Chairman Burton on the House side, who assures me the House subcommit-

tee will report out the bill today or tomorrow. As far as action on the House side is concerned, I believe that is geared to expeditious treatment of the legislation and I would hope we could dispense with this legislation even at this very late hour.

Finally, I want to commend those people who have come some considerable distance here today to be with the committee, to talk with members of the staff, Members of the House and Senate, over the last 2 days. I believe it demonstrates the intense interest in finalizing this park acquisition. I would commend, even plead, with your committee to take expeditious action. Not that it is all that large in the Senate or House legislative calendars but it is something that remains an unanswered question mark in our State.

I would deeply appreciate it if the Senate could act and we would make every effort on the House side to complete this. Thank you for the opportunity to testify this morning.

Senator ABOUREZK. Thank you very much. We appreciate your obviously strongly felt feelings on this issue and we appreciate your appearance before the committee.

[The prepared statement of Congressman Fithian follows:]

STATEMENT OF HON. FLOYD FITHIAN, A U.S. REPRESENTATIVE FROM
THE STATE OF INDIANA

Mr. Chairman, I want to take this opportunity to thank the subcommittee on parks and recreation for your dedicated interest and concern about the Indiana Dunes National Lakeshore Park. Over the years, this subcommittee has waged a tireless battle for conservation and preservation of the Indiana Dunes.

The legislation which I sponsored in 1976 authorized expansion of the Indiana Dunes and added nearly 4,000 acres to the national park, but Congress deferred action on three specific areas until additional information could be gathered concerning these areas by the National Park Service. This detailed study was submitted to the Congress on July 1, 1977. The legislation which I introduced on the House side, H.R. 11110, as a companion bill to that introduced by Senators Birch Bayh and Richard Lugar, S. 2560, included these three study areas: (1) the Beverly Shores "Island", (2) the Highway 12 strip, and (3) the Nipsec Greenbelt. The total increase in acreage is about 800 acres. This legislation is not a new park expansion bill which includes new areas, but it is a small, limited bill which completes the work of the Congress and the National Park Service begun years ago and which passed the House last term. The acquisition cost is approximately \$32.5 million.

H.R. 11110 also seeks to modify some of the homeowner provisions previously included in the 1976 legislation. When I first introduced legislation in 1975, the provisions for homeowners included: a twenty-five year leaseback, a life estate, an exemption from condemnation, and the right of first refusal to the federal government. Unfortunately, the 1976 legislation in its final form reduced the leaseback period to twenty years, provided for no life estate or right of first refusal, and eliminated the exemption from condemnation which had existed since 1966. In essence, the Congress and the National Park Service changed the rules of the game in the midstream of park acquisition and development, establishing a discriminatory situation in which some homeowners within the park would be treated differently from others. I believe the government has a commitment to the people to treat all residents in national parks on a fair and equitable basis and not to set up different rules for each national park. I firmly believe that the homeowners at Indiana Dunes should be extended the same rights and benefits that are granted to others in the national park system. Indiana Dunes, I believe, is the only national park in the nation in which homeowners have not been granted a life estate.

The legislation also provided for a transportation access study of motorized and non-motorized transportation to be completed by October 1, 1979. The cost is \$250,000. The study is designed to allow a regional planning commission the authority to work on it.

I would like to briefly discuss the acquisition of these three areas. When Congress created the Indiana Dunes National Lakeshore Park, it included two-thirds of the community of Beverly Shores, but excluded a 652 acre area in its center, thus creating an "island" in the middle of the park. A one and one-half mile strip along Highway 12, a wooded and sparsely settled area, was also not included.

The federal acquisition of the Beverly Shores area would ensure the preservation of this interesting and unique area, would facilitate Park Service development and management, and would eliminate conflicts between park visitors and local residents. These lands are needed to promote the optimum utilization of the eastern portion of the National Lakeshore. The continuity of the high dune bluff, interdunal ponds, and wetlands in this portion of the park is disrupted by the "island." Over 500 acres of the 652 acre "island" are unimproved and, therefore, readily available for park utilization.

The National Park Service Special Study concluded that the uncontrolled private development of these two areas in Beverly Shores, including multi-family dwellings, high rise, commercial and industrial building, would seriously impair visitor access to the Lakeshore's largest land and beach area.

The remaining parcel of land to be acquired with H.R. 11110 is the so-called NipSCO Greenbelt (area II-A), a 92 acre area owned by the Northern Indiana Public Service Company. Senator Bayh, Senator Lugar and I have worked out a compromise plan for acquisition of these lands which we believe is fair and equitable, protecting the public, the park, and the company. I believe the acquisition of this area is needed to protect and maintain the environmental integrity of the lakeshore and protect Cowles Bog, a natural landmark of national significance.

Several steps have been taken to resolve the existing difficulties between NipSCO and the park. First, the acquisition of the area and the "Bailly" construction are two separate, independent issues which must be resolved on their own individual merits. Second, a policy of delayed acquisition for the western portion of the greenbelt would result in its acquisition after December 31, 1985—provided that NipSCO does not despoil the land or utilize it in an ecologically destructive manner. The delayed acquisition policy will allow adequate time for the completion of the power plant without it being jeopardized by any NPS land acquisition. Third, there are four parcels near the NipSCO substation which have been deleted from this land acquisition proposal because it would impair NipSCO operations. Thus, NipSCO will be able to add additional power transmission lines and expand their substation without any interference from the National Park Service—provided a cooperative agreement between the company and NPS can be worked out to protect the dune environment. Fourth, fee acquisition is proposed for the two other parcels in the eastern portion of II-A, including the dike area. The National Park Service, however, is specifically prohibited from bringing suit against the power company for any damage that might occur from their demolition of the dike, a device constructed by the power company to prevent ground water runoff from contaminating Cowles Bog and adjacent park land. Fifth, it is the clear intent of the Congress that NipSCO will continue to fully utilize the private access service road both before and after land acquisition, to develop security defenses along the road, and control access to the road. Furthermore, NipSCO shall be permitted to maintain and operate the weather monitoring tower in the western portion of the Greenbelt, a stipulation required by the Nuclear Regulatory Commission for monitoring meteorological events. The company also will be permitted to establish easements for power and transmission lines, with the approval of the Secretary of Interior. The federal acquisition of the greenbelt would establish a definite boundary for the lakeshore, without bisecting ponds and wetlands, preserve the environmental integrity of the area, protect Cowles Bog, and allow comprehensive management by the National Park Service.

The struggle to save the Indiana Dunes has been a long, hard-fought battle, a battle in which this committee has played a leading role. We cannot afford to abandon the hopes and dreams of millions of our fellow Americans and become complacent about the Dunes. We must remain steadfast in our determination that future generations will, indeed, have a park to use and enjoy. It is a promise that we have made, not only to ourselves, but to the future generations of Americans. I make this appeal, not only to your generosity, but to your dedication and vision. Thank you.

Senator ABUREZK. Congressman Benjamin.

STATEMENT OF HON. ADAM BENJAMIN, JR., A U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Mr. BENJAMIN. Mr. Chairman, I would like to submit for the record the written testimony of myself along with a copy of H.R. 12821, a map designating areas as well as an exhibit on Marquette Park, and would ask my written testimony be incorporated; the Lake County Recreation Department and the testimony of others.

Senator ABOUREZK. They will be admitted, without objection.

Mr. BENJAMIN. The citizens of Indiana fully appreciate your being here at 8 o'clock in the morning but they felt sure you were here 24 hours a day anyway making sure your colleagues did not act on the natural gas legislation.

Senator ABOUREZK. With Birch Bayh, and I, and Howard Metzenbaum last year we at least delayed passing the legislation for 1 year. That is why Schlesinger is so sick this year.

Mr. BENJAMIN. Mr. Chairman, I am asking that you use your levity to grasp a bill, H.R. 12821. The first of the parcels provide for a marina. The marina is described in the incorporated testimony as Gary Small Boats Harbor, but it would be within Dunes National Lakeshore. We recommend there be a \$25 million appropriation authorized for construction of the marina, a project contemplated for more than a score of years. The marina would provide desperately needed space for boating enthusiasts from the entire midwest region. Presently there are 12,633 registered boats 16 feet or more in length in Lake and Porter Counties, Ind., and Will and Cook Counties, Ill.

There are 68,724 registered motorboats and sailboats more than 12 feet in length in the same area. Unfortunately, the greater metropolitan area offers moorings for little more than 2,500 of these boats. Moreover, almost without exception, there are long waiting lists for slip space with the waiting period for the Chicago Park District being nearly 2 years.

Besides providing safe harbor for those with reserved space, the marina's construction would also provide safe refuge for any craft caught in a sudden storm on Lake Michigan, a not uncommon occurrence.

A lakeshore marina would provide additional recreational alternatives to all those who use the park, including those who enjoy water sports and those who are keen anglers.

Economically, a boat harbor in the Indiana Dunes National Lakeshore would not only generate employment during the construction phase, but it would also include direct and indirect economic benefits to the residents of the area by providing, among other opportunities, permanent employment during subsequent operations.

As recreational opportunities in the area grow, and the quality of life improves, these intangible benefits will further encourage retention of capital investment in the area and attract new commercial development in the industrial center to the west.

All of these benefits can occur with a minimal amount of environmental disruption, a major concern. The testimony of Mr. Robert Nickovich of the Lake County Department of Parks and Recreation addresses this question in more detail and I have submitted it for the record.

As to the specific legislative language, I wish to suggest that two changes be made in the proposed language as set forth in H.R. 12821.

First, beginning on line 6 of page 3, the bill would locate the marina at a site north of a line 600 feet south of the Lake Michigan shoreline and "west of the western boundary of Marquette Park in the city of Gary."

Unfortunately, although the authorized boundary of the park in area I-E extends to just west of Lake Street, the legal boundary of Marquette Park currently extends west to the middle of I-E, as detailed in exhibit C submitted by the United States Steel Corp. on page 58 of the hearings before the Subcommittee on Parks and Recreation of the Committee for Interior and Insular Affairs, U.S. Senate, on May 26, 1976. The purpose of the legislation is to site the marina somewhere within the entire length of the I-E and not simply in that portion of I-E west of the present boundary of Marquette Park.

Therefore, I suggest that the description be redrafted to read: "West of the eastern boundary of area I-E."

Second, as I have stated previously, I am most concerned that, as we provide for park development, we must insure the marina will be constructed with due consideration given to environmental factors.

Therefore, I would also support a change in the proposed language to amend section 21 to include a proviso that the marina be built: "In a manner consistent with the natural and recreational value for which the Indiana Dunes National Lakeshore was established."

A second amendment I wish to propose provides for the acquisition of area VII-C as designated on map numbered 626-91009.

The inclusion of this strip of land would assist in extending Highway 51, north of U.S. 20, to area I-F. Highway 51 intersects Interstate 94 and is a major artery for traffic.

The acquisition of this property would greatly enhance park accessibility from the west and it would insure that those who travel to the Lakeshore from the heavily populated regions of northeast Illinois and southeast Wisconsin would travel less distance in a shorter period of time to enjoy the park which should not be the private preserve of those in Indiana.

Coupled with marina development, the acquisition of VII-C would lead to full utilization of the entire park from its far western boundary abutting the great industrial resources of Lake County to Mount Baldy in the East.

A third amendment would seek authority to acquire area VII-A. Additionally, VII-B would be authorized for purchase if construction of an energy transmission or storage substation located in whole or in part within such area does not begin before January 1, 1986.

I am aware that the Department of the Interior, the State of Indiana, the Save the Dunes Council and the corporation, among others, have strong feelings about whether a substation is required in the area and, if so, what the size of the land parcel should be to accommodate such a facility. Given the concerns of those who will testify later, I ask that the membership of the subcommittee carefully consider their testimony as to the particular merits of the proposed section 20.

Finally, I turn the members' attention to the proposal which would expand the Advisory Commission from 11 to 13 to include an additional representative from Gary and Michigan City, respectively. At

the present time, of the 11 members, Porter County—population 96,327—has 5; LaPorte County—population 105,857—has 1; and Lake County—population 546,757—has 2.

The long-held vision of a small boat harbor in the I-E area must be brought to fruition and I feel that the additional land inclusions are necessary if we are to have meaningful access to the entire Lakeshore.

As to the technical implementation of these provisions, I am, as always, willing to incorporate any suggestions, I am, as always, willing to incorporate any suggestions on these items that would improve the quality of the legislation you have before you. I and my staff will be more than pleased to continue to work with you in this regard.

In conclusion, I wish to emphasize my appreciation for the resource the Indiana Dunes National Lakeshore represents. However, for the park to contribute to an area already rich in industrial development, cultural diversity and community and family cohesion, it must be fully utilized. For a park without people is like a marriage without love. The institution must be actively used with care and concern if it is to provide the support and happiness that is sought.

I believe these objectives can be met by enactment of S. 2560 with the changes suggested above and I respectfully ask for your support.

Thank you.

Senator ABOUREZK. Thank you very much, Congressman Benjamin. That ends the congressional panel's testimony. I want to thank all of you who have appeared to testify.

[The prepared statement of Congressman Benjamin follows:]

STATEMENT OF HON. ADAM BENJAMIN, JR., A U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Mr. Chairman, I wish to thank you and the members of the Subcommittee on Parks for allowing me to address the Subcommittee concerning S. 2560.

The purpose of my testimony is to request that the Subcommittee amend S. 2560 to include provisions similar to those contained in H.R. 12821 which I have sponsored in the House along with Representatives Derwinski and Fary. (Copy attached.)

The proposals as set forth in the House legislation would authorize the construction of a marina within the Indiana Dunes National Lakeshore. It could also provide for the expansion of the Lakeshore and increase the number of members on the Advisory Commission.

We in Northwest Indiana are blessed with a unique and limitless treasure, the National Lakeshore. The Lakeshore is a place where one can listen to the water break on the shore, enjoy the scent of flora, feel the warmth of the sand and watch the sun descend over the horizon. It is a place where one can experience that which refreshes and restores.

It is a natural phenomenon to be shared with the nation and developed to provide varying recreational facilities consonant with an abiding concern for environmental preservation.

It is with these thoughts in mind that I make the following proposals.

I recommend that an appropriation of \$25 million be authorized for the construction of a marina within area I-E, a project that has been contemplated for more than a score of years. The marina would provide desperately needed space for boating enthusiasts from the entire midwest region. Presently, there are 12,633 registered boats 16 feet or more in length in Lake and Porter Counties, Indiana, and Will and Cook Counties, Illinois. There are 68,724 registered motor-boats and sailboats more than 12 feet in length in the same area. Unfortunately, the greater metropolitan area offers moorings for little more than 2,500 of these boats. Moreover, almost without exception, there are long waiting lists for slip space with the waiting period for the Chicago Park District being nearly two years.

Besides providing safe harbor for those with reserved space the marina's construction would also provide safe refuge for any craft caught in a sudden storm on Lake Michigan, a not uncommon occurrence.

A Lakeshore marina would provide additional recreational alternatives to all those who use the Park, including those who enjoy water sports and those who are keen anglers.

Economically, a boat harbor in the Indiana Dunes National Lakeshore would not only generate employment during the construction phase, but it would also include direct and indirect economic benefits to the residents of the area by providing, among other opportunities, permanent employment during subsequent operations.

As recreational opportunities in the area grow, and the quality of life improves, these intangible benefits will further encourage retention of capital investment in the area and attract new commercial development in the industrial center to the west.

All of these benefits can occur with a minimal amount of environmental disruption—a major concern. The testimony of Mr. Robert Nickovich of the Lake County Department of Parks and Recreation addresses this question in more detail and I have submitted it for the record. [See appendix p. 109.]

As to the specific legislative language, I wish to suggest that two changes be made in the proposed language as set forth in H.R. 12821.

First, beginning on line 6 of page 3, the bill would locate the marina at a site north of a line six hundred feet south of the Lake Michigan shoreline and "west of the western boundary of Marquette Park in the City of Gary;"

Unfortunately, although the authorized boundary of the Park in area I-E extends to just west of Lake Street, the legal boundary of Marquette Park currently extends west to the middle of I-E, as detailed in "Exhibit C" submitted by U.S. Steel Corporation on page 58 of the Hearings Before the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, United States Senate on May 26, 1976. The purpose of the legislation is to site the marina somewhere within the entire length of I-E and not simply in that portion of I-E west of the present boundary of Marquette Park.

Therefore, I suggest that the description be redrafted to read: "west of the eastern boundary of area I-E;"

Second, as I have stated previously, I am most concerned that, as we provide for park development, we must ensure that the marina will be constructed with due consideration given to environmental factors.

Therefore, I would also support a change in the proposed language to amend Section 21 to include a proviso that the marina be built "in a manner consistent with the natural and recreational value for which the Indiana Dunes National Lakeshore was established."

A second amendment I wish to propose provides for the acquisition of area VII-C as designated on map numbered 626-91009.

The inclusion of this strip of land would assist in extending Highway 51, north of U.S. 20 to area I-F. Highway 51 intersects Interstate 94 and is a major artery for traffic.

The acquisition of this property would greatly enhance park accessibility from the west and it would ensure that those who travel to the Lakeshore from the heavily populated regions of Northeast Illinois and Southeast Wisconsin would travel less distance in a shorter period of time to enjoy the park which should not be the private reserve of those in Indiana.

Coupled with marina development, the acquisition of VII-C would lead to full utilization of the entire park from its far western boundary abutting the great industrial resources of Lake County to Mount Baldy in the east.

A third amendment would seek authority to acquire area VII-A. Additionally, VII-B would be authorized for purchase if construction of an energy transmission or storage substation located in whole or in part within such area does not begin before January 1, 1986.

I am aware that the Department of Interior, the State of Indiana, the Save the Dunes Council and the Corporation, among others, have strong feelings about whether a substantiation is required in the area and if so, what the size of the land parcel should be to accommodate such a facility. Given the concerns of those who will testify later, I ask that the membership of the Subcommittee carefully consider their testimony as to the particular merits of the proposed Section 20.

Finally, I turn the members' attention to the proposal which would expand the Advisory Commission from 11 to 13 to include an additional representative from

Gary and Michigan City, respectively. At the present time, of the 11 members, Porter County (population 96,327) has five (5), LaPorte County (population 105,857) has one (1) and Lake County (population 546,757) has two (2).

The long-held vision of a small boat harbor in the I-E area must be brought to fruition and I feel that the additional land inclusions are necessary if we are to have meaningful access to the entire Lakeshore.

As to the technical implementation of these provisions, I am, as always, willing to incorporate any suggestions on these items that would improve the quality of the legislation you have before you. I and my staff will be more than pleased to continue to work with you in this regard.

In conclusion, I wish to emphasize my appreciation for the resource the Indiana Dune National Lakeshore represents. However, for the park to contribute to an area already rich in industrial development, cultural diversity and community and family cohesion, it must be fully utilized. For a park without people is like a marriage without love. The institution must be actively used with care and concern if it is to provide the support and happiness that is sought.

I believe these objectives can be met by enactment of S. 2560 with the changes suggested above and I respectfully ask for your support.

Thank you.

95TH CONGRESS
2^D SESSION

H. R. 12821

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1978

Mr. BENJAMIN (for himself, Mr. FARY, and Mr. DERWINSKI) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, to increase the number of members on the advisory commission for the lakeshore, and to authorize the appropriation of funds for the construction of a marina within the lakeshore.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) The first section of the Act entitled
4 "An Act to provide for the establishment of the Indiana
5 Dunes National Lakeshore, and for other purposes", ap-
6 proved November 5, 1966 (16 U.S.C. 460u), is amended
7 by striking out in the second sentence "which map is" and
8 inserting in lieu thereof "plus the additional area included

1 within the boundaries delineated on a map identified as
2 'Boundary Map, Indiana Dunes National Lakeshore', dated
3 May 1978 and bearing the number '626-91009', which
4 maps are".

5 (b) Section 7 (b) of that Act (16 U.S.C. 460u-7 (b))
6 is amended—

7 (1) by striking out "eleven members" and insert-
8 ing in lieu thereof "thirteen members";

9 (2) by striking out in paragraph (4) "one member
10 who is" and inserting in lieu thereof "two members
11 who are"; and

12 (3) by striking out in paragraph (7) "one mem-
13 ber who is" and inserting in lieu thereof "two members
14 who are".

15 (c) That Act is amended by inserting immediately
16 after section 19 (16 U.S.C. 460u-19) the following new
17 sections:

18 "SEC. 20. (a) The Secretary may not acquire before
19 January 1, 1986, any property (or interest therein) within
20 area VII-B, as designated on map numbered 626-91009.

21 "(b) The Secretary may not acquire on or after
22 January 1, 1986, any property (or interest therein) within
23 area VII-B if construction begins before such date on an
24 energy transmission or storage substation located in whole
25 or in part within such area.

1 “SEC. 21. In addition to the amounts authorized for de-
2 velopment by section 9 which are available for such construc-
3 tion, there are authorized to be appropriated to the Secretary
4 \$25,000,000 for the construction of a marina (1) which
5 is located within that portion of area I-E, as designated on
6 map numbered 626-91009, which is north of a line six
7 hundred feet south of the Lake Michigan shoreline and west
8 of the western boundary of Marquette Park in the city of
9 Gary; (2) which provides protected harbor facilities; and
10 (3) which includes slips, moorings, launch ramps, a harbor
11 master's building, a fueling dock, motor vehicle parking,
12 and other related support facilities deemed appropriate by
13 the Secretary.”

14 SEC. 2. Funds appropriated after the date of enactment
15 of this Act for the acquisition of lands and interests in lands,
16 under the authority contained in section 9 of the Act en-
17 titled “An Act to provide for the establishment of the
18 Indiana Dunes National Lakeshore, and for other purposes”,
19 approved November 5, 1966 (16 U.S.C. 460u-9), may be
20 used to acquire lands and interests in lands within the addi-
21 tional area included in the boundaries of the national lake-
22 shore by the amendment made by section 1 (a) of this Act.

23 SEC. 3. Section 21 of the Act of November 5, 1966, as
24 added by the amendment made by section 1 (c) of this Act,
25 shall not become effective until October 1, 1978.

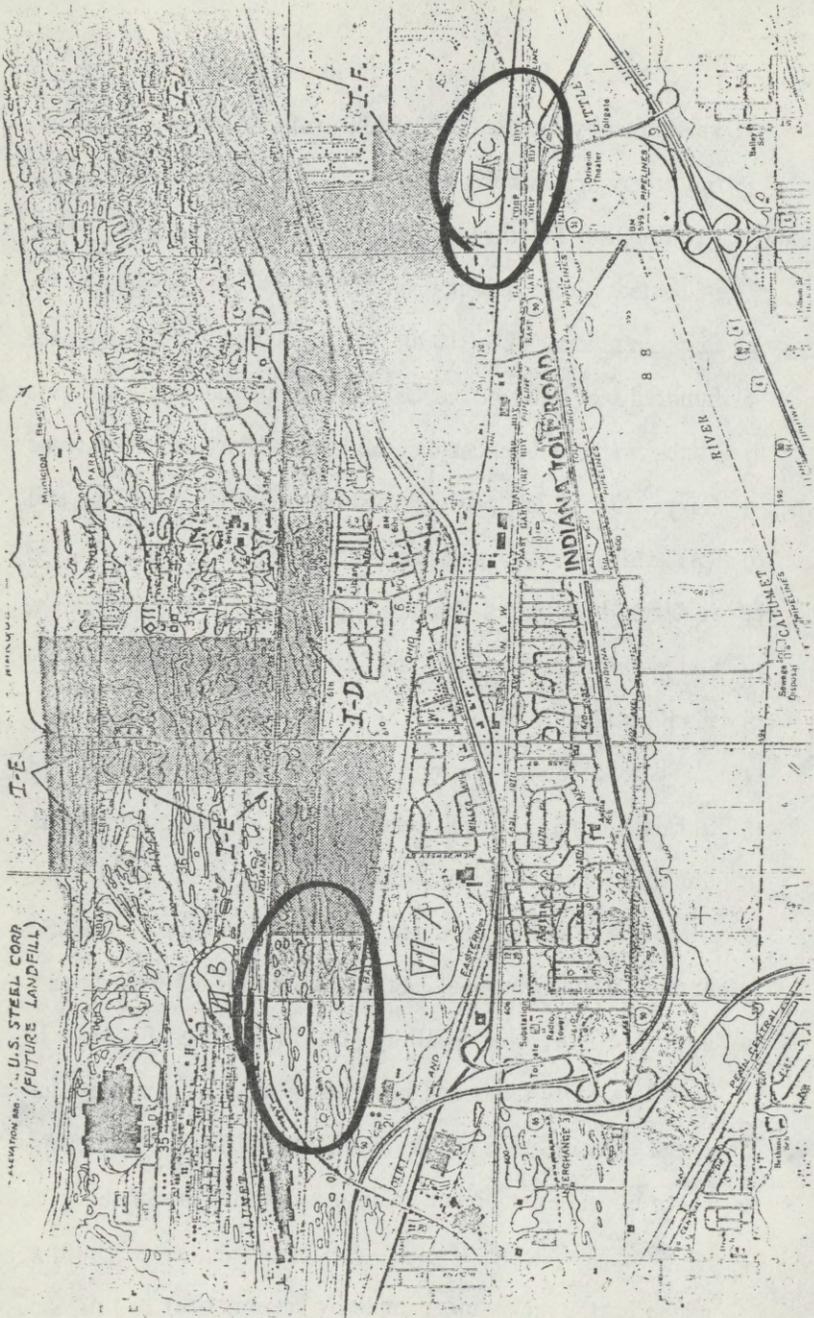
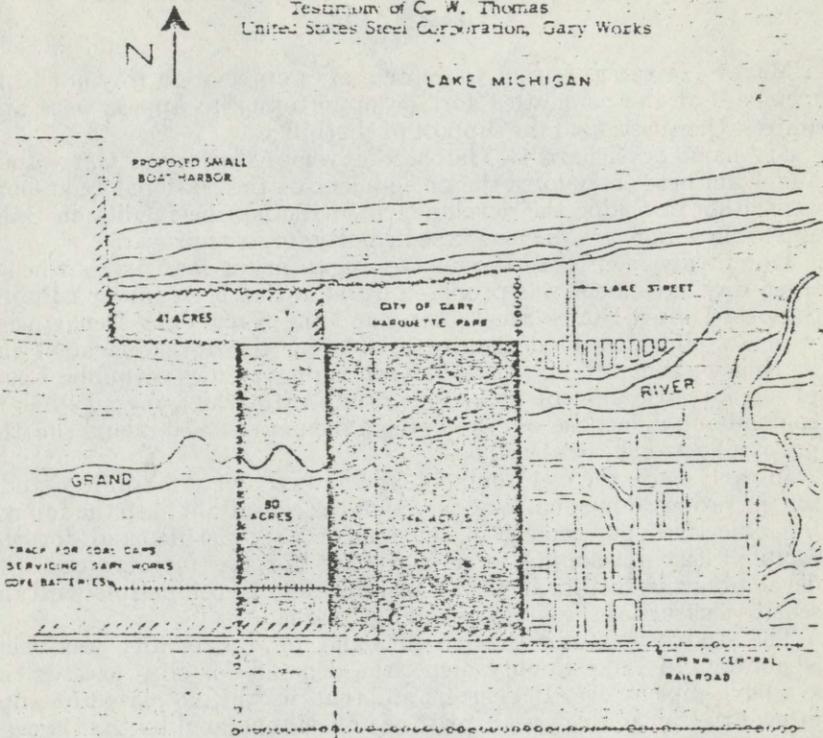


Exhibit B

Testimony of C. W. Thomas
United States Steel Corporation, Gary Works

LAKE MICHIGAN



LEGEND

-  PROPOSED EXPANSION OF INDIANA DUNES LAKE SHORE PARK
-  PROPOSED CONTRIBUTION TO CITY OF GARY
-  U.S. PROPERTY BOUNDARY

PROPOSED DISPOSITION OF LAND

EAST END OF GARY WORKS
GARY, INDIANA

EXHIBIT C

U.S. STEEL CORP.,
CENTRAL STEEL DIVISION,
Chicago, Ill., May 24, 1976.

Senator ABOUREZK. Mayor Hatcher.

STATEMENT OF HON. RICHARD HATCHER, MAYOR, CITY OF
GARY, IND.

Mayor HATCHER. I want to express my appreciation to you and to members of the committee for the opportunity to appear here and address the question of the support of this bill.

My name is Richard G. Hatcher, mayor of the city of Gary, Ind., and I am here to endorse the amendment of the National Lakeshore legislation to enable the development of the marine facility in Gary and to encourage you to move expeditiously for its approval.

Our involvement with the marina began in the late sixties when a three-way agreement was proposed between Northern Indiana Public Service, United States Steel Corp., and the Gary Park Department which would have made land available for the development of the marina without infringing on the remaining 2 miles of public beach in our city. Because of fiscal constraints with which my city has to contend and difficulties of developing a then-envisioned inland site, the proposal was held in abeyance.

In early 1976, the city funded a site and economic feasibility study for the proposed marina. We asked that the consultant keep the following objectives paramount in the study: (1) The demand for the facility; (2) developing economical cost for the facility; and (3) developing the facility in such a manner as to be compatible with the sensitive nature of the environment of the area.

The study concluded that the demand for the facility was overwhelming. In Lake County alone, the demand for slips exceeds the available slips by over 100 percent and that the waiting period for slips in nearby Chicago is 3 years at the facilities operated by the Chicago Park District.

The cost of the facility would be \$20 and \$25 million, depending on the location along the I-E area of the national park. Finally, the consultant indicated that the marina could be developed in harmony with the sensitive nature of the environment.

In the same year, the National Lakeshore expansion bill was passed capturing a unique opportunity by providing recreation activities for our city and surrounding communities. From an ecological standpoint, the dunes are features of the glacial processes and resulting land forms. They are an invaluable natural resource. Their location in the heart of a highly industrialized area, gives them special value to the people of Gary and the Calumet region. Without their existence and preservation, our citizens would have no access to nature and her beauty. The site earmarked by the city for the marina development was included in the expansion bill.

Currently, the park accommodates only passive recreation activities with the most active area being West Beach which is confined to seasonal bathing. The development of the marina will provide an active complement to the passive activities which currently exist. It will provide active recreational resource to residents of Lake County inclusive of the cities of Gary, Hammond, and East Chicago, and will be easily accessible to residents of the Chicago metropolitan area.

Prime consideration is the economic benefits which will be derived by my city from the development of the marina. A successful marina facility would provide numerous, permanent economic benefits to the area. These included: New business activities resulting from expenditures by tourists and nearby recreational features will enhance property values. The harbor would provide additional sources of employment for the community both on a seasonal and yearly operation. The marina would employ from 35 to 50 persons directly. This employment would represent payrolls ranging from between \$150,000 to \$200,000. There would also be a number of indirect jobs resulting from the influx on nonresidents attracted to the harbor. Between 250 and 300 jobs would be created by such enterprises as restaurants, motels, drug stores, grocery stores, bait and tackle sporting goods stores, gasoline stations, garages, and other service enterprises.

Also, a complete marina project would provide a public amenity, improved open-spaced development for public recreation and an attractive resource which would improve the marketability of the city.

The city will move to provide incentives for the private sector to build new residential developments nearby which will be directed at a middle to upper income bracket. The marina facility can provide a prime attraction for the middle and upper income to make the decision to locate in cities. Cities currently struggling to provide services for its citizens and to keep their heads above water must find ways of bringing these citizens back to provide critical tax resources.

It is obvious in looking at other communities what a boat harbor has meant to the community's development. For example, in Michigan City, to the east a boat harbor has become a focal point and that has been utilized for many different activities to attract and stimulate interest in the community. Industries looking to locate in a community, specifically look at the cultural and recreational activities offered by that community in making locational decisions. This harbor project can have a positive impact on attracting new business and industries to the city.

The Dunes Park is one of two national urban parks in America. It is located in one of the most heavily industrialized areas in our country. Over 3 million visitors a year are anticipated to visit the facility. An investment in the park is consistent with the current thrust to save our cities and make them attractive places for working and living.

Congress has a unique opportunity to expand and develop this unique park, nestled in the largest steel producing area in the world. I urge you to take the next necessary step in approving the amendment to allow the development of the marina facility.

Senator ABOUREZK. Thank you very much, Mayor Hatcher. We appreciate your coming this distance to express yourself.

Mr. Hutchison.

STATEMENT OF IRA HUTCHISON, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ARTHUR ECK, LEGISLATIVE AFFAIRS SPECIALIST

Mr. HUTCHISON. Mr. Chairman, I will soon be joined by our legislative affairs specialist, Arthur Eck, who is probably gathering some last-minute information.

Senator ABOUREZK. He is probably just getting up.

Mr. HUTCHISON. No; he is in the room. He probably underestimated the time.

Mr. Chairman, it is a privilege for me to appear before you this morning to offer testimony on S. 2560, a bill relating to the Indiana Dunes National Lakeshore. We recommend the deferral of action on Indiana Dunes for this year. As you know, we are working on a National Park Service authorization package in this session that will be the largest and most costly in U.S. history. We must be very careful to avoid assuming commitments and making promises that we may not be able to meet financially. Therefore, we deem it most desirable to postpone consideration of additional commitments for Indiana Dunes until the next Congress.

We would, nevertheless, like to take the opportunity of this hearing to raise certain issues pertaining to S. 2560 about which we are particularly concerned: First, the acquisition of study area II-A, and second, the broadening of homeowners' rights to insure their permanent residence within the Lakeshore's boundary.

We do not recommend the inclusion of area II-A, otherwise referred to as the NipSCO Greenbelt, within the Lakeshore. The study of this tract conducted by the National Park Service in the spring of 1977 described the Greenbelt as a much-altered area where preservation and restoration would be extremely difficult. The prime value of area II-A is in its capacity to serve as a buffer between Indiana Dunes National Lakeshore and heavy industrial development.

There is nothing in the foreseeable future that indicates area II-A will not continue to serve primarily as a buffer. In any event, the recent agreement reached between the Department of the Interior and Northern Indiana Public Service Co. regarding the ash-settling ponds demonstrates that we have the determination and the wherewithal to protect that portion of Indiana Dunes adjacent to the Greenbelt without acquiring the property.

The second aspect of S. 2560 we wish to discuss is the broadening of homeowners' rights for the residents of Indiana Dunes National Lakeshore. The centerpiece of this proposal would be the resurrection of a provision whereby the Secretary's power to condemn improved properties within the Lakeshore would be suspended, so long as an appropriate zoning agency has in force ordinances acceptable to the Secretary. We believe that in view of the relatively small size of this park unit and the number of potential visitors it must accommodate, it would be unwise and unfair for all concerned were Congress to reestablish the practice of permanent inholdings at Indiana Dunes.

In recommending the legislation which was to become the 1976 Indiana Dunes amendment, the House Committee on Interior and Insular Affairs concluded "that * * * the earlier procedure of allowing continued inholdings did not satisfy the need to assure protection of the resources of the area and need to make them available for the purposes of the National Lakeshore."

Mr. Chairman, we believe Congress was correct in its findings and its course of rectification appropriate; the authority of the Secretary to acquire properties at Indiana Dunes National Lakeshore should not, again, be abridged.

Mr. Chairman, this covers the main points of my testimony. Taking about one additional minute, I would like to touch on two other

aspects of S. 2560, about which we feel the subcommittee should be appraised.

The first concerns the \$2 million increase in development authority for Indiana Dunes. In passing the 1976 Indiana Dunes legislation, Congress expressly limited further development authority, requiring that such increases be supported by adequate planning.

In the recent omnibus legislation an increase of \$920,000 would be authorized to complete work on the West Beach and Baily Homestead units. This work has been supported by thorough planning. Further increases in development, however, cannot be justified by the Department at this time until completion of the general management plan in October 1979. In similar fashion, we would point out the transportation study authorized in the last section of the bill is at least in part already covered by the general management plan, to the extent that the plan covers transportation needs within the Lakeshore boundary and title III of the act of August 8, 1978—enrolled bill H.R. 8336.

Mr. Chairman, this concludes my remarks on S. 2560. I would be happy to answer any of the subcommittee's questions pursuant to this matter.

Senator ABOUREZK. Thank you, Ira. We do have a few questions for you to answer at this time. First of all, to summarize your position, you are adamantly opposed to expansion of the park at this time?

Mr. HUTCHISON. That is not the position. I believe it is that we defer. We point out we are in a position to oppose or support that acquisition.

Senator ABOUREZK. Defer it until when?

Mr. HUTCHISON. Until the next Congress when we are prepared to consider it.

Senator ABOUREZK. What is the current status of the land acquisition plan at Indiana Dunes?

Mr. HUTCHISON. Can you speak to that?

Mr. ECK. The current status is by the end of next year the acquisition program will be completed, by the end of the next fiscal year, approximately \$10 million more.

Senator ABOUREZK. What is the current situation at the Markowitz Ditch?

Mr. ECK. As I understand it, there were 45 homes in the area in the 1976 amendments. These homes were slated for immediate condemnation. It was feared the water was unhealthy. Of those 45 homes, 40 have been acquired, 4 are in condemnation, and 1 is not being touched.

Senator ABOUREZK. The status of the general management plan is what?

Mr. HUTCHISON. We anticipate completion in October 1979.

Senator ABOUREZK. What is the annual visitation at this point?

Mr. ECK. I do not have the figure with me right now. We can supply it shortly.

Senator ABOUREZK. We would appreciate it if you would supply that to the committee. Would you break that down between Beverly Shores, the other areas?

Mr. ECK. We can probably do that, yes.

Senator ABOUREZK. Can you describe the various areas of the park, the recreational uses, the carrying capacity, and uses of each area?

Mr. ECK. I am sorry, Mr. Chairman, we would have to supply that for the record. [Not received.]

Senator ABOUREZK. All right. If you will do that as well, we would appreciate it. What is the estimated cost of the proposed boat harbor and marina?

Mr. HUTCHISON. The cost has been forwarded to us, speaks to a figure of \$25 million, I believe. That is not our cost assessment, however.

Senator ABOUREZK. You have not made a cost assessment?

Mr. HUTCHISON. No.

Senator ABOUREZK. What would be the cost assessment of Porter Beach, and which would provide the best recreation for low income people?

Mr. HUTCHISON. I will have that researched and provide an answer for the record. [Not received.]

Senator ABOUREZK. Will you check with the staff to make sure you have all of the items? We would appreciate your responses. Can you distinguish between Beverly Shores, Dune Acres, Ogden Dunes, State Park, in terms of inholdings?

Mr. ECK. Indiana Dunes State Park is technically within the National Lakeshore. However, it cannot be acquired under the legislation except by donation from the State of Indiana. Beverly Shores, Ogden Dunes, Porter Beach, are essentially similar in that they are inholdings or there are communities inside the lakeshore which affect the islands, the principal difference is Ogden Dunes is, as I understand it, the most heavily populated and most commercial of the three areas.

Porter Beach, Dune Acres, would be half the size of the Beverly Shores island which is 652 acres. These together I believe comprise about 300 acres. But both Beverly Shores and Dune Acres, Porter Beach, are primarily residential.

Senator ABOUREZK. Would you describe what kind of problems each one presents in terms of visitation, administration and the recreation potential of each one?

Mr. HUTCHISON. Mr. Chairman, I will ask in order for us to be specific that we submit the answer to that question for the record. [Not received.]

Senator ABOUREZK. All right. Also, I would like the estimated cost of acquisition of each area including those lands which are in public ownership which are not immediately available to the public.

Mr. HUTCHISON. We will do that.

Senator ABOUREZK. Of the four inholdings that exist, what would be the Park Service's priority for acquisition?

Mr. HUTCHISON. Mr. Chairman, this speaks to our deferral. We have not had time to study the acquisition process, expansion. We are just not prepared to answer that question.

Senator ABOUREZK. Assuming the Congress offered for acquisition this year, what is the Park Service's position with respect to the retaining of the rights of use and occupancy?

Mr. HUTCHISON. That is the point I attempted to make in my testimony, that we certainly do not support and adamant might well be

the term here, any exemption from condemnation. Anything other than that, I think would have to be determined by exploration and discussion with the parties involved.

Senator ABOUREZK. Then if you would provide those answers to the staff, we would appreciate that. The staff has one more question. Have you made an evaluation of the visual impact of the tower for the nuclear cooling plant, and have you proposed any alternatives?

Mr. HUTCHISON. This is Lee Purkison.

Mr. PURKISON. I am an environmental scientist with the National Park Service. We did not do an extension evaluation of the visual impact. Some drawings have been made by people interested in the park. We did consider other alternatives and consulted EPA about that and decided it would be best—we decided to leave it as is and leave the cooling tower to be built.

Senator ABOUREZK. Do you think it has an adverse visual impact in terms of Park Service objectives or is it beneficial?

Mr. PURKISON. There will be an impact, of course, in the visual.

Senator ABOUREZK. Adverse or beneficial?

Mr. PURKISON. Adverse, I guess. There are other visual intrusions in the area. A cooling tower in the park, powerlines, steel mill, all of these close by. Some of these can be seen from the top of the Dunes. Once you get on the other side of the Dunes they are out of sight, particularly if you are on the beach. You can only see the powerplant when you are near the unit itself.

If you are some distance up the beach, it cannot be seen unless you are way out some distance from the water.

Senator ABOUREZK. Thank you very much.

Mr. Akers.

STATEMENT OF ROBERT AKERS, TRUSTEE, BEVERLY SHORES, IND.

Mr. AKERS. I am Robert Akers, town trustee, representing the town board of Beverly Shores, Ind.

The town board supports the inclusion of area III-A and III-C, the remaining portions of incorporated Beverly Shores currently excluded from the Indian Dunes National Lakeshore Park system. We support the homeowner provisions stipulated in S. 2560 which restore the homeowners' rights contained in the Indiana Dunes Lakeshore legislation of 1966, as well as the following:

(1) An exemption from condemnation for all owners of improved property; (2) a new cut-off date of July 1, 1977, for all study areas; (3) right of first refusal, limited to 30 days; (4) a 25-year lease-back, and at 1 percent per year; and options for a life estate.

We, the town board, along with community groups and interested citizens of Beverly Shores, have worked for many years to see that the remainder of Beverly Shores becomes an integral part of the Indiana Dunes National Lakeshore. We believe this to be in the best interest of the Lakeshore and the town of Beverly Shores. Support for inclusion of these areas has always been, and continues to be, predicated on the homeowners' provisions of 1966.

By the early 1970's it had become very obvious to Beverly Shores residents that a municipal monstrosity had been created by taking two-thirds—1,548 acres—of the incorporated town and allowing the

town to retain 652 taxable acres of property to support the remaining part of the town. In fact, the town of Beverly Shores became known as the island since it is completely surrounded by the National Park. An island that Congress created.

Faced with the prospect of being too small to be self-supporting or of having to make drastic alternations in the building density and character of the town in order to survive, and faced also with increased problems created by park impact and realizing that these would only intensify as the lakeshore grew and developed, the townspeople reached a consensus.

The consensus was that the best solution to this singular situation was for the remaining one-third of Beverly Shores to be included in the Lakeshore under the same terms that existed in 1966. Accordingly, we did our best to make our case and convince the National Park Service, the Interior Committee, and the Congress, of the desirability of inclusion.

The passage of 1976 legislation removed or deleted some of the provisions contained in the 1966 bill. This has caused a serious erosion in the support by the townspeople for further park expansion. We have seen one Congress change or delete many of those terms that made the first bill so equitable. Restoration of the 1966 provisions would help restore community confidence in Government and direct attention to the solving of the very real problems facing the town of Beverly Shores and the Indiana Dunes National Park Service.

Two recent studies show the magnitude of the problems and the limited possible solutions. The first study conducted by the National Park Service under congressional mandate and completed in July 1977, discusses the adverse effects on the lakeshore if Beverly Shores is not included in the park system.

With noninclusion the National Park Service study showed: (1) Intensified resident-visitor conflicts, and increased pedestrian and vehicular congestion; (2) increased trespassing, crime, vandalism, litter, and trash; (3) visual and aesthetic degradation of the lakeshore; (4) a potential increase in population from 900 to 8,000; and (5) a potential increase in buildings from 295 to 2,588.

By not including all of Beverly Shores in the Lakeshore, Congress will place a continued limitation on the quality of lakeshore development and perpetuate management problems which can only intensify with time. Although the National Park Service does not discuss the adverse impact to the town because of noninclusion, lakeshore problems become town problems and what affects one affects the other.

In an attempt to identify and propose solutions to town problems, the town board with the planning commission hired the firm of Camiros, Ltd., planning consultants, to conduct a town management study. A preliminary report submitted June 15, 1978, was not encouraging. A copy of the preliminary report is attached.

The report shows that Beverly Shores is experiencing a revenue crisis both on a short- and long-term basis. In the short term, revenue for all town funds has been rapidly diminishing due to the constantly eroding tax base, a result of National Park acquisition and demolition of buildings already in the park boundaries. In the next 25 years, the National Park Service will demolish another 150 homes, a very substantial percentage of our tax base. Our planning consultants have told

us that increased residential construction will not resolve our problem, only substantial commercial development will begin to generate the needed tax dollars.

This has serious consequences for the National Park. Instead of a small, sparsely populated community nestled in the center of the park the town could become out of necessity a heavily populated, garish commercial entity that will seriously complicate park management.

For the past 5 years there has been a State imposed freeze on property taxes. Considering the national climate of opinion toward property taxes, this freeze is not likely to be repealed.

According to Camiros, Ltd., "The town is facing a crisis in the provision of adequate municipal services, primarily police service, fire protection, road maintenance and repair." At the present time the town is providing the minimum level of service possible. Assuming no major revenue breakthrough, the town can continue the present range and level of service only for the next 2 to 4 years. After that period, they will decrease. Yet park impact will create the need for more services while revenue for such services is decreasing.

In conclusion, we believe that inclusion of areas III-A and III-C into the park system is essential to the park and to the town of Beverly Shores.

[The document referred to follows:]

camiros 173 W. Madison, Chicago, Illinois 60602 (312) 782-7427

MEMORANDUM TO: BEVERLY SHORES TOWN BOARD
BEVERLY SHORES PLAN COMMISSION

FROM: CAMIROS, LTD., FRANKEL/ASSOCIATES/AIA

DATE: JUNE 15, 1978

SUBJECT: PHASE I REPORT FINDINGS

THIS MEMORANDUM DISCUSSES IMPORTANT PROBLEM AREAS WHICH BEVERLY SHORES' RESIDENTS MUST FACE NOW AND IN THE FORESEEABLE FUTURE. THE PROBLEM AREAS ARE REVENUE, MUNICIPAL SERVICES, HOUSING STABILITY, FUTURE DEVELOPMENT, AND IMPACT FROM THE NATIONAL LAKESHORE. THIS REPORT IS A PRELUDE TO A QUESTIONNAIRE WHICH WILL BE MAILED TO ALL RESIDENTS TO SOLICIT THEIR VIEWS ON THESE ISSUES AND OPINIONS AS TO PROPER COURSES OF ACTION. THE PROBLEMS DISCUSSED ADDRESS AREAS OF CONCERN WHICH THE TOWN PLANNING COMMISSION, AND CAMIROS, LTD./FRANKEL ASSOCIATES, AIA, THE CONSULTANT TEAM TO THE PLANNING AND MANAGEMENT STUDY, IDENTIFIED THROUGH DATA COLLECTION INTERVIEWS AND ANALYSIS EFFORT.

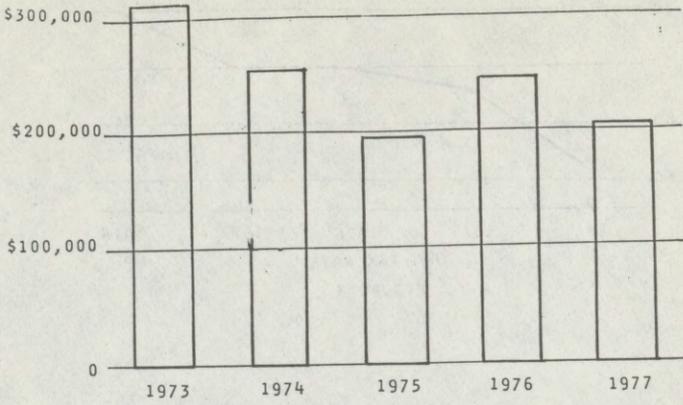
REVENUE CRISIS

SHORT-TERM

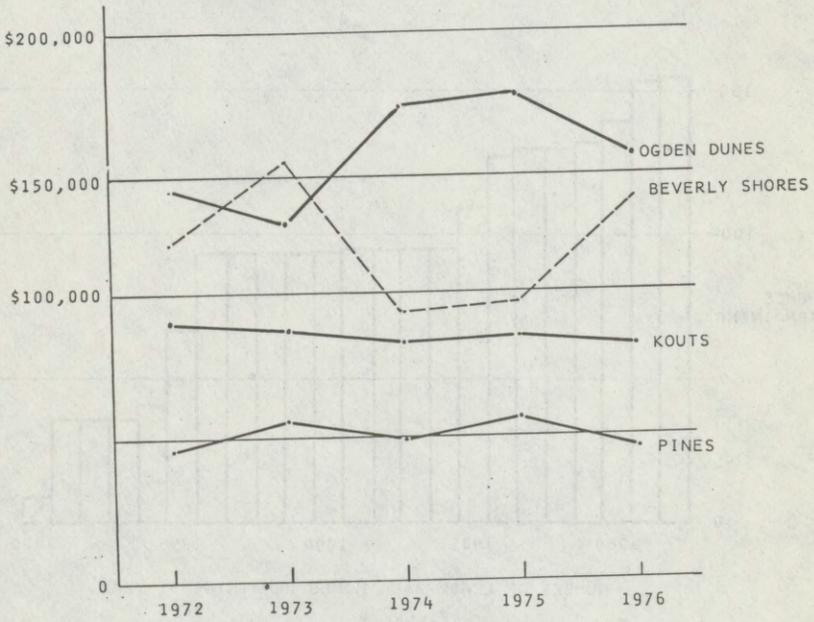
WITHIN RECENT YEARS, BEVERLY SHORES HAS BEEN RECEIVING LESS AND LESS REVENUE FROM ITS TRADITIONAL SOURCES - FEDERAL AND STATE GOVERNMENTS AND LOCAL PROPERTY TAXES. FIGURE 1, WHICH SHOWS THE AMOUNT OF TOTAL REVENUE THE TOWN HAS BEEN RECEIVING FOR THE PAST FIVE YEARS, ILLUSTRATES THIS PROBLEM. REVENUE FOR ALL FUNDS HAS BEEN DIMINISHING DURING RECENT YEARS - GENERAL FUND, STREET AND MOTOR VEHICLE FUND, LOCAL ROAD AND STREET FUND, CUMULATIVE CAPITAL IMPROVEMENTS FUNDS, REVENUE SHARING TRUST FUND, AND PARK FUNDS.

BEVERLY SHORES IS NOT ALONE IN THIS REVENUE SQUEEZE. FIGURE 2 SHOWS THE TREND IN GENERAL REVENUE RECEIPTS FOR OGDEN DUNES, KOUTS, PINES AND BEVERLY SHORES. ALL TOWNS ARE EXPERIENCING STEADY OR DECLINING FUNDS. IF ONE ACCOUNTS FOR THE EFFECT OF INFLATION, THIS TRANSLATES INTO DECREASING REAL INCOME ACROSS THE BOARD. THIS PROBLEM HAS PERSISTED DESPITE INCREASES IN THE TOWN'S TAX RATE (FIGURE 3).

city and regional planning; zoning; community development and design



BEVERLY SHORES: TOTAL REVENUE FROM ALL FUNDS
FIGURE 1



GENERAL REVENUE RECEIPTS
FIGURE 2

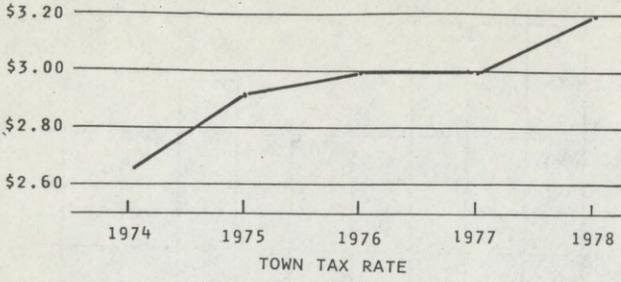
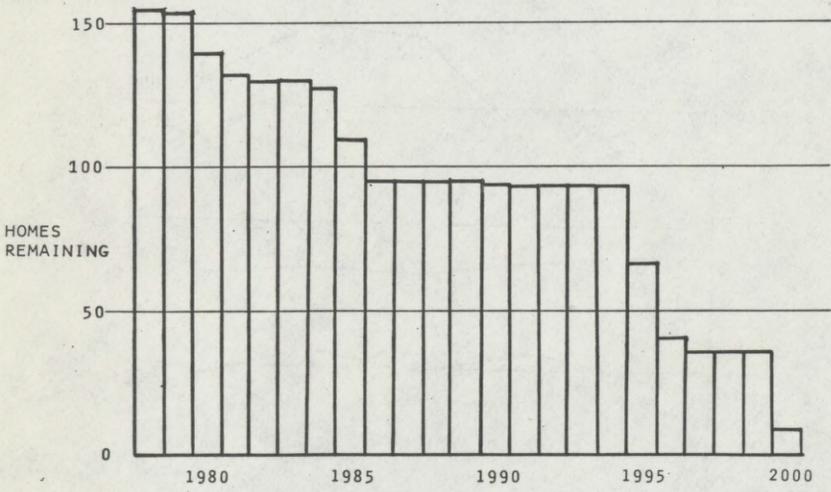


FIGURE 3



NUMBER OF LEASE-BACK HOMES REMAINING BY YEAR

FIGURE 4

FOR THE PAST FIVE YEARS, THE STATE HAS IMPOSED A FREEZE ON PROPERTY TAX. TALKS WITH STATE OFFICIALS INDICATE THAT THE FREEZE MAY NOT BE REPEALED IN THE NEAR FUTURE, THUS RESTRICTING THE MOST DIRECT MEANS OF INCREASING REVENUES. GIVEN THIS OUTLOOK AND EFFECT NATIONWIDE FROM THE PASSAGE OF CALIFORNIA'S PROPOSITION 13 (WHICH WILL REDUCE CALIFORNIA PROPERTY TAX BY 59%), THE ENVIRONMENT FOR INCREASING PROPERTY TAXES IS INHIBITING.

LONG-TERM

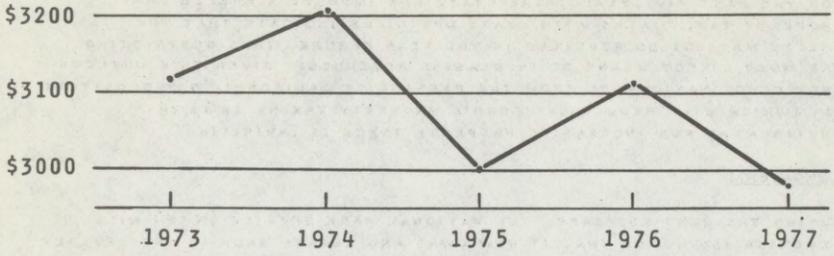
DURING THE NEXT 25 YEARS, THE NATIONAL PARK SERVICE (NPS) WILL DEMOLISH 150 HOMES THAT IT NOW OWNS AND LEASES BACK IN THE BEVERLY SHORE SECTIONS OF THE LAKESHORE. THE TIMETABLE FOR THE REMOVAL OF THESE HOMES IS SHOWN IN FIGURE 4 BELOW. THESE HOMES CONSTITUTE A SIGNIFICANT PORTION OF BEVERLY SHORES TAX BASE. ALTHOUGH THE NPS DOES REIMBURSE THE TOWN FOR THE LOSS OF REVENUE, THE PAYMENT IS A FIXED AMOUNT PAID FOR SEVEN YEARS AFTER A HOME IS TORN DOWN. THE CURRENT RATE OF NEW RESIDENTIAL CONSTRUCTION (GENERALLY LESS THAN 8 HOMES PER YEAR DURING RECENT YEARS) IN THE ISLAND WILL NOT REPLACE THIS LOSS OF TAX REVENUE. UNLESS GROWTH AND DEVELOPMENT ACCELERATE, THE TOWN FACES A STEADY DECREASE IN ASSESSED VALUATION FOR THE REMAINDER OF THE CENTURY. THIS TREND IS ALREADY VERY APPARENT AS EVIDENCED BY THE DECLINE IN ASSESSED VALUATION PER CAPITA BETWEEN 1973 AND THE PRESENT AS SHOWN IN FIGURE 5.

MUNICIPAL SERVICES

SHORT-TERM

THE TOWN IS FACING A CRISIS IN THE PROVISION OF ADEQUATE MUNICIPAL SERVICES, PRIMARILY POLICE SERVICE, FIRE PROTECTION, AND ROAD REPAIR AND MAINTENANCE. AT THE PRESENT TIME, THE TOWN BY NECESSITY IS PROVIDING THE MINIMUM LEVEL OF SERVICE POSSIBLE:

- FOR POLICE SERVICE, THE TOWN EMPLOYS TWO FULL TIME AND FOUR PART TIME DEPUTY MARSHALLS AND IS SEEKING A CHIEF MARSHALL TO ADMINISTER THE DEPARTMENT. THE TOWN CAN AFFORD ONLY ENTRY LEVEL SALARIES. ONCE THE DEPUTY MARSHALLS HAVE COMPLETED THEIR STATE-REQUIRED TRAINING, THEY ARE ATTRACTED TO OTHER POLICE DEPARTMENTS BY HIGHER PAY SCALES. IN ADDITION, TWO OF THE THREE PATROL CARS NEED TO BE REPLACED. THE CURRENT AVERAGE COST OF NEW EQUIPPED PATROL CARS IS APPROXIMATELY \$6,000.



ASSESSED VALUATION PER CAPITA

FIGURE 5

- FOR FIRE SERVICE, THERE IS SUFFICIENT MANPOWER BECAUSE OF THE NUMBER OF VOLUNTEERS, BUT THE FIRE EQUIPMENT IS COSTING THE TOWN SEVERAL THOUSANDS OF DOLLARS EVERY YEAR IN REPAIR, AND THE FIRE TRUCK SHOULD BE REPLACED. (THE ESTIMATED COST IS \$60,000).
- FOR ROAD REPAIR AND MAINTENANCE, THE TOWN CAN ONLY PROVIDE MINIMAL REPAIR AND MAINTAIN ROADS DURING THE NEXT FEW YEARS. AFTER THAT TIME IT MAY BE MORE EFFICIENT TO CONTRACT THIS WORK TO PRIVATE COMPANY AGAIN BECAUSE OF THE RISING COST.

COSTS WILL, OF COURSE, CONTINUE TO INCREASE. A SURVEY OF 650 CITIES CONDUCTED BY THE INTERNATIONAL CITY MANAGERS' ASSOCIATION SHOWED THAT THE AVERAGE POLICE ENTRANCE SALARY INCREASED 37.9% BETWEEN 1972 AND 1977; AND THE AVERAGE CITY LABORER'S ENTRANCE SALARY INCREASED 33.0% DURING THE SAME PERIOD. SINCE SALARIES CONSTITUTE THE MAJOR OUTLAY FOR A MUNICIPAL SERVICE THERE WILL BE INCREASING OPERATING COST PRESSURE ON THE PROVISION OF THESE BASIC SERVICES.

MUNICIPAL EXPENDITURES FOR CAPITAL OUTLAY HAS RISEN ON THE AVERAGE FROM \$1.12 PER CAPITA TO \$1.80 (60.7%) FOR POLICE DEPARTMENTS AND FROM \$.88 PER CAPITA TO \$1.21 (51.2%) FOR FIRE DEPARTMENTS OVER THE PAST FIVE YEARS.

OVER THE SAME PERIOD BEVERLY SHORES HAS AVERAGED A 15 PERCENT ANNUAL DECREASE IN CAPITAL OUTLAY. SUCH INCREASES IN SALARY, EQUIPMENT AND OTHER COST WILL REQUIRE MORE REVENUE TO MAINTAIN THE SAME LEVEL OF SERVICE. REVENUE HAS NOT BEEN KEEPING UP WITH INCREASING COSTS. DEFERRED CAPITAL INVESTMENTS (FOR NEW POLICE CARS AND FIRE TRUCKS, FOR EXAMPLE) HAVE APPARENTLY ALLEVIATED THE PRESENT REVENUE SHORTAGE SOMEWHAT, BUT ONLY FOR THE PRESENT.

LONG-TERM

ASSUMING NO MAJOR REVENUE BREAKTHROUGH, THE TOWN CAN CONTINUE THE PRESENT RANGE AND LEVEL OF SERVICE ONLY FOR THE NEXT 2-4 YEARS. ANY SERVICES WHICH THE TOWN MAY WISH TO CONTINUE OR INITIATE SIMPLY WILL MEAN ADDITIONAL BURDENS ON THE TOWN'S FINANCIAL RESOURCES. BEYOND THAT TIME, THE TOWN WILL NEED TO FIND ADDITIONAL SOURCES OF REVENUE OR A DIFFERENT STRATEGY FOR

PROVIDING BASIC MUNICIPAL SERVICES. PARK IMPACTS WILL AGGRAVATE THIS SITUATION. ALTHOUGH STATISTICAL DATA IS NOT AVAILABLE, AN INTERVIEW WITH ONE OF THE TOWN'S DEPUTY MARSHALLS INDICATED AN INCREASE IN THE NUMBER OF CALLS DUE TO PARK VISITOR/RESIDENT CONFLICTS.

THE ENVIRONMENT FOR HOUSING

AN ANALYSIS OF A HOUSE-BY-HOUSE SURVEY UNDERTAKEN AS PART OF THIS STUDY INDICATES THAT THERE ARE A NUMBER OF AREAS OF RELATIVE HOUSING INSTABILITY IN BEVERLY SHORES. MOST, BUT NOT ALL, OF THESE AREAS ARE LOCATED IN THE LAKESHORE PORTIONS OF THE COMMUNITY. HOUSING STABILITY WAS EVALUATED ON THE BASIS OF SPECIFIC FACTORS WHICH CAN CONTRIBUTE TO THE DETERIORATION OF THE RESIDENTIAL ENVIRONMENT. THESE FACTORS ARE:

- 1) ABANDONED STRUCTURES: IN ADDITION TO ACCELERATED DETERIORATION, ABANDONED STRUCTURES ARE PRONE TO VANDALISM;
- 2) BUILDING CONDITION: WHETHER THE BUILDING IS RATED AS (1) SOUND, (2) IN NEED OF MINOR REPAIR, (3) IN NEED OF MAJOR REPAIR, OR (4) SUBSTANDARD.
- 3) LEASED RATHER THAN OWNER-OCCUPIED HOUSING: EMPIRICAL EVIDENCE DRAWN FROM THE TOWN SHOWED THAT RENTERS OF LEASE-BACK HOMES SPEND LESS TIME AND EFFORT ON MAINTENANCE AND IMPROVEMENTS. ONE EXPLANATION FOR THIS IS THAT AS TIME REMAINING ON THE LEASE RUNS OUT, RENTERS HAVE BEEN LESS WILLING TO INVEST TIME AND MONEY INTO THESE STRUCTURES.
- 4) THE BUILDING VALUE AND BLIGHTING INFLUENCES: BLIGHTING INFLUENCES REFER TO MIXED USES, PROPERTY MAINTENANCE, AND POOR STREETScape CONDITIONS.

IN EVALUATING OVERALL HOUSING STABILITY, EACH OF THESE FACTORS WAS WEIGHTED TO REFLECT ITS IMPACT ON THE RESIDENTIAL ENVIRONMENT. AREAS WHERE A NUMBER OF THESE FACTORS TOGETHER PRODUCE AN AREA OF HOUSING INSTABILITY WERE DENOTED, MAPPED, AND ANALYZED. THE TOWN SHOULD REGARD THESE AREAS AS POTENTIALLY CONDUCTIVE TO FUTURE HOUSING DETERIORATION - AREAS WHICH SHOULD BE MONITORED CLOSELY. NOTE WELL THAT THESE ARE NOT AREAS OF SUBSTANDARD HOUSING. (THE HOUSING SURVEY TAKEN NOTED ONLY 25 HOMES IN THE TOWN WHICH WERE SUBSTANDARD OR NEEDED MAJOR REPAIRS.) THEY ARE,

RATHER, AREAS UNDER STRESS. THEY ARE IDENTIFIED BECAUSE RENEWAL FACTORS ARE PRESENT WHICH POTENTIALLY COULD CAUSE A DECLINE IN HOUSING QUALITY.

AS A MUNICIPALITY, BEVERLY SHORES HAS A RESPONSIBILITY TO MAINTAIN, PROTECT, AND MONITOR THE TOWN'S COMMUNITY "HEALTH" IN TERMS OF HOUSING VALUE, DETERIORATION, BLIGHT, AND POLLUTION. IT PERFORMS THESE RESPONSIBILITIES THROUGH THE ENACTMENT AND ENFORCEMENT OF DEVELOPMENT CODES AND ORDINANCES. ESPECIALLY IMPORTANT ARE THE ZONING, SUBDIVISION, BUILDING, HOUSING MAINTENANCE, ENVIRONMENTAL, AND FIRE PREVENTION CODES.

BEVERLY SHORES DEVELOPMENT CODES ARE LIMITED TO A BUILDING CODE AND ZONING ORDINANCE. EVEN WITH THE CODES IT DOES HAVE, THE TOWN DOES NOT HAVE SUFFICIENT FUNDS TO FULLY ENFORCE THESE CODES. AGAIN, THE PROBLEM STEMS FROM THE LIMITED REVENUE IN THE TOWN BUDGET.

FUTURE GROWTH AND DEVELOPMENT

WHILE ACCEPTABLE NEW GROWTH IS A POSSIBILITY, IT IS AT PRESENT, CONSTRAINED BY POOR LAND USE CONTROLS, LACK OF UTILITY SERVICE, LACK OF A PLAN, AND AN UNCERTAIN MARKET. THE ZONING ORDINANCE SHOULD CONTROL GROWTH OF THE TOWN. AT THE PRESENT TIME THERE ARE 100 ACRES OF LAND ZONED FOR COMMERCIAL USES AND 14.5 ACRES OF LAND ZONED FOR INSTITUTIONAL USES. THIS AMOUNT OF LAND FOR THE TWO TYPES OF USES GENEROUSLY EXCEEDS THE DEMAND FOR SUCH DEVELOPMENT. THIS OVERSUPPLY OF LAND MAY RESULT IN SPOTTY AND DISPERSED DEVELOPMENT WITHIN THE ZONE, RATHER THAN MORE CONCENTRATED AND ORDERLY DEVELOPMENT. THE ZONING MAP SHOULD BE DESIGNED TO BE RESPONSIVE TO THE MARKET REALITIES AND COMMUNITY OBJECTIVES FOR THE TOWN'S FUTURE DEVELOPMENT.

SECONDLY, THE COMMUNITY DOES NOT HAVE A PLAN FOR FUTURE DEVELOPMENT. THE REAL PURPOSE OF A ZONING ORDINANCE IS TO REGULATE DEVELOPMENT ACCORDING TO THE COMMUNITY'S PLAN. IF NEW DEVELOPMENT IS ANTICIPATED TO TAKE PLACE IN THE TOWN AND IS DESIRED, THE COMMUNITY MUST ESTIMATE:

- HOW MUCH DEVELOPMENT AND WHAT TYPE OF DEVELOPMENT WILL OCCUR.
- WHERE SUCH LAND USES SHOULD BE AND TO WHAT AMOUNT AND DENSITY.

- WHAT TYPES OF RESIDENTIAL, COMMERCIAL, OR OTHER LAND USE IS DESIRABLE TO THE TOWN.

THE DEVELOPMENT OF PLANS OR NEW DEVELOPMENT CODES AND ORDINANCES WILL REQUIRE FUNDING AND THEIR IMPLEMENTATION AND ENFORCEMENT WILL DEMAND MORE MANPOWER. AS DISCUSSED ABOVE, THE TOWN DOES NOT HAVE THE RESOURCES TO IMPLEMENT ITS PRESENT ORDINANCES.

THIRD, ANY FUTURE DEVELOPMENT WILL REQUIRE ADEQUATE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM. THE AVAILABILITY OF BOTH IS QUESTIONABLE. POTABLE WATER FROM WELLS IS SCARCE, AND THERE IS REASON TO BELIEVE THAT SEPTIC SYSTEMS ARE PRESENTLY POLLUTING THE LOW LANDS OF THE TOWN - A SITUATION WHICH COULD WORSEN WITH EXTENSIVE NEW DEVELOPMENT. SUBSTANTIAL AMOUNT OF NEW DEVELOPMENT IN THE TOWN MAY WELL REQUIRE SEWER LINES AND A SEWAGE TREATMENT CAPACITY.

FOURTH, THE MARKET FOR NEW DEVELOPMENT IS UNCERTAIN. THERE HAS BEEN SUBSTANTIAL NEW BUILDING OUTSIDE OTHER MUNICIPALITIES IN PORTER COUNTY, SUCH AS VALPARAISO, BUT IN BEVERLY SHORES ITSELF THE AMOUNT OF NEW DEVELOPMENT HAS BEEN LIMITED. IN THE PAST THIS CAN BE ATTRIBUTED TO THE UNCERTAINTIES OF PARK EXPANSION. HOWEVER, THE BROADER ISSUE OF REAL MARKET DEMAND FOR NEW TAX PRODUCING DEVELOPMENT REMAIN UNANSWERED. ANALYSIS OF THE AREA AND OUR ASSESSMENT OF PARK DEVELOPMENT ALTERNATIVES INDICATE THAT THE ROUTE 12 STRIP WILL NOT BE THE MAIN ATTRACTION AREA FOR MAJOR COMMERCIAL INVESTMENT. WHILE IT WILL HAVE SOME COMMERCIAL ATTRACTIVENESS, IT CANNOT COMPETE WITH ROUTE 49 AND COUNTY LINE ROAD NORTH OF WHERE THEY BOTH INTERCHANGE WITH INTERSTATE 94 FOR NATIONAL FRANCHISE USERS IN THE HOTEL AND RESTAURANT INDUSTRIES.

IMPACT FROM THE INDIANA DUNES NATIONAL LAKESHORE

VISITORS TO THE NATIONAL LAKESHORE WILL HAVE INCREASING CONFLICTS WITH RESIDENTS.

SHORT-TERM

AT THIS TIME, THE NATIONAL PARK SERVICE (NPS) HAS NOT FINALIZED THEIR DEVELOPMENT PLANS FOR INDIANA DUNES NATIONAL LAKESHORE. FROM CONVERSATIONS WITH NPS OFFICIALS AND STUDIES OF THE PROBABLE USE OF THE NATIONAL LAKESHORE LAND, IT IS POSSIBLE TO FORECAST THE GENERAL USE OF THE LAKESHORE PORTIONS OF BEVERLY SHORES BY PARK VISITORS.

EVEN THOUGH THE NPS HAS INDICATED THAT DEVELOPMENT OF PARK LAND FOR RECREATIONAL LAKESHORE ACTIVITIES IN BEVERLY SHORES WILL NOT OCCUR UNTIL ALL HOMES HAVE BEEN REMOVED, BEACH USE IN THE BEVERLY SHORES AREA BY PARK VISITORS IS EXPECTED TO CONTINUE TO INCREASE. THE NPS WILL BE CONCERNED WITH PROVIDING ADEQUATE ACCESS TO THE BEACH AREAS FOR USERS THROUGH SUFFICIENT ROADS, PARKING, AND POSSIBLY TRANSIT. IN JULY, 1977, THE BEACH AREA OF BEVERLY SHORES WAS USED BY AN AVERAGE OF 1,094 VISITORS PER WEEKEND DAY. THE NPS ESTIMATES THAT THE BEVERLY SHORES BEACH HAS AN ULTIMATE CAPACITY OF 6,438 VISITORS PER DAY, AND THAT THIS CAPACITY WILL LIKELY BE EXCEEDED ON WEEKEND DAYS BY THE YEAR 2015.

THE INCREASE IN BEACH USERS WILL EXACERBATE THE PARK-RELATED PROBLEMS WHICH BEVERLY SHORES RESIDENTS ARE NOW FAMILIAR WITH:

- VISITORS WHO DRIVE THROUGH BEVERLY SHORES ON TOWN ROADS TO REACH THE BEACH AREA.
- THE SCARCITY OF PARKING AREAS WHICH FORCES VISITORS TO USE RESIDENTIAL ROADS IN THE TOWN FOR PARKING SPACES.
- DISTURBANCE OF THE PRIVACY OF RESIDENTS BY PARK VISITORS.
- OCCASIONAL INSTANCES OF VANDALISM, THEFT OR PROPERTY DAMAGE.

LONG-TERM

THE INCREASE IN VISITOR USE OF THE PARK WILL FURTHER INCREASE THE POTENTIAL FOR CONFLICTS BETWEEN RESIDENTS AND VISITORS. WHEN THE NPS REMOVES THE LAST OF THE 150 HOMES, IT PRESENTLY LEASES TO RESIDENTS (SOMETIME AFTER THE YEAR 2000), IT IS TO BE EXPECTED THAT THESE LANDS WILL BE FURTHER DEVELOPED FOR LOW INTENSITY RECREATIONAL USES -- SUCH AS HIKING, CAMPING, SWIMMING, AND PICNICKING. THIS FURTHER DEVELOPMENT OF THE NATIONAL LAKESHORE'S LAND WILL INCREASE THE CAPACITY OF THE PARK FOR VISITOR USE IN THE IMMEDIATE BEVERLY SHORES AREA.

Senator ABOUREZK. Before we hear the next witness, I would like to compliment all of the folks here from Indiana. That is a show of support I have not seen for an awfully long time. Sometimes when we have field hearings we get this many people out for a hearing but never in Washington.

However this legislation comes out, I think you are to be complimented for this great show of support.

Senator ABOUREZK. Ms. Beglin.

STATEMENT OF ARLENE BEGLIN, REPRESENTING THE ASSOCIATION OF BEVERLY SHORES, IND., RESIDENTS

Ms. BEGLIN. My name is Arlene Beglin, and I am testifying in wholehearted support of S. 2560 in behalf of the Association of Beverly Shores residents. Our organization is a 5-year-old group incorporated under the laws of the State of Indiana. We have a membership of 200 families, all of who are Beverly Shores residents.

Our members include a true cross section of our town, there are members who already live within the boundaries of the Lakeshore; there are members who live within the areas you are considering for inclusion in the Lakeshore today. Some have lived in Beverly Shores for generations. Others have moved to town recently. Some are summer residents, artists live year round in Beverly Shores. The association is governed by a board elected by the membership at our annual meeting. I should like to emphasize three points: First, our group is no Johnny-come-lately organization formed to fight the Indiana Dunes National Seashore; second, all our members live in town; third, we have no axe to grind, we do not represent real estate interests or business interests, just simply the people of Beverly Shores.

Our purpose is to promote activities to improve the quality of life in our town. We publish a monthly newsletter to inform residents of what is going on in the community. We sponsor projects for community improvement such as conducting litter drives or holding a communitywide garage sale to raise funds for the town fire department. We attend meetings which concern Beverly Shores. In short, we are an active group devoted to making our town the best possible place to live.

In 1974, the association sponsored a house-to-house survey among the residents of III-A to determine their position on the then-pending legislation to include the Beverly Shores area in the Indiana Dunes National Lakeshore. The results were overwhelmingly in favor of inclusion—and also indicated that most residents planned to take the then-available 25-year lease back. This is the only house-to-house survey ever undertaken. On that basis, the ABSR has vigorously supported legislation for inclusion ever since that date. We have testified to that support at every hearing both in Washington and in Indiana.

A word of explanation about our town is necessary. Beverly Shores began as a developer's dream of turning undeveloped dunes land fronting on Lake Michigan into a summer resort community. His dream foundered in the Great Depression. Slowly during the thirties and forties a few more homes were constructed and now 50 years later, the town consists of about 1,000 residents scattered over 2,262 acres; 1,558 of these acres are within the boundaries of the Lakeshore. The two

areas still remaining in private ownership, referred to in the legislation as areas III-A and III-C, consist of a 652-acre section known as the island and a 52-acre section known as the U.S. Highway 12 strip.

My testimony will be devoted to considering the negative impact of these areas on the people of Beverly Shores. First of all, let me clear up one area of confusion. The use of the term "Island" to describe III-A has led some people to conclude that the area is literally an island in the midst of Lake Michigan. Let me assure you it is not. A better description of III-A might be that it is like the hole in the doughnut, an area completely surrounded by Lakeshore land.

Compelling reasons exist for the Park Service to acquire the remainder of Beverly Shores for the benefit of Lakeshore. But just as compelling reasons exist from the residents' point of view. You have heard our town board explain the financial impact on town government of two-thirds of the town's land area being already in the park. But from the citizen's point of view, that translates into an awful future.

If Congress continues our present sorry state, we have two horrendous choices. We continue to maintain a low density community. Then we face either escalating taxes to remain at our present level of police and fire protection, which is admittedly on a minimal basis—that is, if the State allows us to pay more taxes; or we can do without governmental services.

Neither of which is a viable alternative. So we are faced with a third and even more horrendous choice: Encourage development, and reach the population projection predicted by the NPS planners, 8,000 people jammed into our available 432 acres. Let me emphasize our town's present ordinance zoning permits multifamily and highrise buildings in town. It has not happened up to now except in isolated cases because the possibility of inclusion in the Lakeshore has dampened developers' enthusiasms for such projects. But if Congress rejects this legislation, the probability of a building boom certainly exists. The NPS planners describe our future well:

Considering the Island's potential for private development and the attractive surroundings of the National Lakeshore, the area could become a magnet for a major recreation complex and tourist development. Given that the town of Beverly Shores could potentially revise existing zoning ordinances in favor of increasing their already diminishing tax base, single-family, duplex, and multi-family uses could potentially be abandoned in favor of highrise condominium development, and a much higher population density would result.

My only change in that language would be that the citizens of Beverly Shores would be forced to change our zoning ordinance.

The pending legislation allows those who choose the right of non-condemnation to retain their property in perpetuity. Based on both the town survey and the association survey, those choosing such an option will be a very small minority.

Finally, we should like to make a plea for Congress to take a long range approach to national parks and in particular to the Indiana Dunes National Lakeshore. Indiana Dunes we consider a pioneering park, where a great experiment in creating a people's park is underway.

The National Park Service study report on the acquisition of III-A and III-C makes abundantly clear that better access, more beach use, preservation of the resource, decrease in park-visitor conflict are only possible with the passage of the pending legislation. The people of

Beverly Shores are also convinced that the pending legislation presents the only possible way to prevent the destruction of the character of their community.

We urge your immediate approval of this legislation. We also appreciate your recognizing so many of us over 40 came down here to make this plea.

Senator ABOUREZK. Thank you.

[The prepared statement of Ms. Beglin follows:]

STATEMENT OF ARLENE BEGLIN, REPRESENTING THE ASSOCIATION OF BEVERLY SHORES, IND., RESIDENTS

My name is Arlene Beglin and I am testifying in wholehearted support of S. 2560 in behalf of the Association of Beverly Shores Residents. Our organization is a five year old group incorporated under the laws of the State of Indiana. We have a membership of 200 families, all of whom are Beverly Shores residents.

Our members include a true cross section of our Town—there are members who already live within the boundaries of the Lakeshore; there are members who live within the areas you are considering for inclusion in the Lakeshore today. Some have lived in Beverly Shores for generations. Others have moved to Town recently. Some are summer residents, artists live year-round in Beverly Shores. The Association is governed by a Board elected by the membership at our annual meeting. I should like to emphasize three points: First our group is no Johnny-come-lately organization formed to fight the Indiana Dunes National Lakeshore; Secondly, all our members live in Town; Thirdly, we have no axe to grind, we do not represent real estate interests or business interests—just simply the people of Beverly Shores.

Our purpose is to promote activities to improve the quality of life in our town. We publish a monthly newsletter to inform residents of what is going on in the community. We sponsor projects for community improvement such as conducting litter drives or holding a community-wide garage sale to raise funds for the Town fire department. We attend meetings which concern Beverly Shores. In short we are an active group devoted to making our Town the best possible place to live.

In 1974, the Association sponsored a house-to-house survey among the residents of 3A to determine their position on the then pending legislation to include the Beverly Shores area in the Indiana Dunes National Lakeshore. The results were overwhelmingly in favor of inclusion—and also indicated that most residents planned to take the then available 25 year leaseback. This is the only house-to-house survey every undertaken. On that basis the ABSR has vigorously supported legislation for inclusion ever since that date. We have testified to that support at every hearing both in Washington and in Indiana.

A word of explanation about our Town is necessary. Beverly Shores began as a developers dream of turning undeveloped dunes land fronting on Lake Michigan into a summer resort community. His dream foundered in the Great Depression. Slowly during the 30's and 40's a few more homes were constructed and now fifty years later the Town consists of about 1,000 residents scattered over 2,262 acres. 1,558 of these acres are within the boundaries of the Lakeshore. The two areas still remaining in private ownership, referred to the legislation as areas 3A and 3C consist of a 652 acre section known as the Island and a 52 acre section known as the U.S. Highway 12 strip.

My testimony will be devoted to considering the negative impact of excluding these areas on the people of Beverly Shores. First of all let me clear up one area of confusion—the use of the term Island to describe 3A, has led some people to conclude the area is literally an Island in the midst of Lake Michigan. Let me assure you it is not. A better description of 3A might be that it is like the hole in a donut—an area completely surrounded by Lakeshore land. The 3C section consists of a narrow band on either side of 1.5 miles of U.S. Highway 12. These two areas, 3A and 3C are all that remain of our town outside the park. They are not connected and this peculiar situation came about because Congress, when it established the Lakeshore in 1966 listened to a loud minority of residents who opposed the Lakeshore in its entirety. It was a decision, which we submit, did not consider the consequences of such an act.

Now, ten years later, the people of Beverly Shores are faced with a situation for which there does not seem to be any possible solution except for total inclusion. Since 1963, the question of inclusion or exclusion has been hanging over the com-

munity with resolution seemingly just around the corner. Meanwhile as you have heard from our Town Board representative, our tax base has eroded.

In general the people of Beverly Shores moved to our community because they prized the open space and natural beauty which exists in our town. By and large, homes are set back unobtrusively in the woods and contrary to what anti-park militants may tell you—we are not a community of millionaires. Some homes are modest retirement residences; quit a few are summer cottages, others are large and imposing. We are truly a cross section of any small American town. Incidentally, in reference to the big and expensive homes in town, the National Park Service planners have suggested in their study of these areas—and we wholeheartedly agree—adaptive use of these structures once they come into National Park Service ownership would provide ready-made facilities now lacking in the Lakeshore such as conference facilities and environmental education centers. The Park Service is following this practice at Cayuhoga National Recreation Area and doing the same thing at Indiana Dunes would save precious development dollars.

The 652 acres which comprise the 3A portion, according to the National Park Service Special Study is a low density area—more than two-thirds of which is to use their language in a “relatively natural state” consisting of marshes, ravines, and covered dunes. Only 31% of the 3A section is developed and that figure includes 54 acres or 21 miles of roads which, we believe and the Park Service agrees, could easily be used without major expense as beautiful winding hiking and biking trails.

The 3C Section would add contiguous highway frontage to the Park Service's already owned 5.2 miles of scenic highway.

Compelling reasons exist for the Park Service to acquire the remainder of Beverly Shores for the benefit of the Lakeshore. But just as compelling reasons exist from the residents' point of view. You have heard our Town Board explain the financial impact on town government of two-thirds of the town's land area being already in the Park. But from the citizen's point of view that translates into an awful future. If Congress continues our present sorry state, we have two horrendous choices. We continue to maintain a low density community. Then we face either escalating taxes to remain at our present level of police and fire protection, which is admittedly on a minimal basis—that is if the State allows us to pay more taxes; or can do without governmental services. Neither of which is a viable alternative. So we are faced with a third and even more horrendous choice—encourage development—and reach the population projection predicted by the NPS planners—8,000 people jammed into our available 432 acres. Let me emphasize our town's present ordinance zoning permits multi-family, and high-rise buildings in town—it has not happened up to now except in isolated cases because the possibility of inclusion in the Lakeshore has dampened developer's enthusiasm's for such projects. But if Congress rejects this legislation, the probability of a building boom certainly exists. The NPS planners describe our future well.

“Considering the Island's potential for private development and the attractive surroundings of the National Lakeshore, the area could become a magnet for a major recreation complex and tourist development. Given that the town of Beverly Shores could potentially revise existing zoning ordinances in favor of increasing their already diminishing tax base, single-family, duplex, and multi-family uses could potentially be abandoned in favor of high-rise condominium development, and a much higher population density would result.”

My only change in that language would be that the citizens of Beverly Shores would be forced to change our zoning ordinance.

We do not believe that Congress, when it established the Lakeshore envisioned such a development in the Park's midst. It would increase the visual blight for the park visitor; exacerbate the access problems and intensify visitor-resident conflict for all time.

But that is the future facing the residents of Beverly Shores unless we become part of the Lakeshore. And to add to our problems, we see additional expense for water and sewer facilities. At present, we rely on septic fields and private wells. Not too well, but we limp along. Our planners tell us that with increased building, the Town will be forced to install municipal water and sewage plants. All residents will be forced to pay for those facilities—whether we can afford them or not.

To summarize, the existence of the Lakeshore in two-thirds of our town has destroyed the viability of the community in the remaining one-third, unless we destroy its character and become either another Gallinberg of a mid-west Disney-

land. In which case, most of our residents will move because they won't either be able to afford to live in town anymore or won't want to.

So much for our depressing future. But to return to the present. During the past 12 years the people of Beverly Shores have made a genuine effort to live as good neighbors with the Lakeshore. We are the only town which has not erected large signs stating: "on access to the Indiana Dunes National Lakeshore" or stationed a guard at the gate to keep park visitors from entering town. Park visitors regularly use our municipally owned and maintained roads to reach the Lakeshore beach which extends the entire length of the northern boundary. The Town passed a building moratorium for a year to keep the lid on commercial and industrial building in 3A and 3C while inclusion legislation has been pending.

I would not pretend that the situation has been ideal. There have been conflicts between park visitors and residents. Trespassing, litter and parking on private property have occurred. But on the whole, cooperation and friendliness has been the rule rather than the exception. But this atmosphere has existed while Park Service development in Beverly Shores has been limited to two small parking lots and the hope for inclusion has remained high. The Park Service estimates that 2,000 visitors on a peak day have used the Lakeshore beach area in town. The capacity they figure could be increased to 8,000 visitors daily. As the years progress and homes now occupied in reservation of use in Beverly Shores become vacant and are torn down, it would be naive not to expect more significant development by the Park Service in the Beverly Shores area. Visitation is bound to increase as facilities such as beachhouses and camping grounds are built. Consequently visitor-resident conflict will accelerate and we foresee a rising crescendo of conflict unless the entire area becomes part of the Lakeshore. The costs to the National Park Service of management time to police and otherwise handle such ever increasing conflicts should be considered by those who claim that acquisition of 3A and 3C carries a high price tag. We submit that the ever lasting cost of trying to manage the Beverly Shores section of the Lakeshore with the exclusion of 3A and 3C will present a bigger burden to the National Park Service than the cost of acquisition ever will. Which brings me to the problems of homeowner provisions for the Beverly Shores area. As has already been testified, the 1966 legislation establishing the Lakeshore contained homeowner provisions which by all unbiased reports worked well. Beverly Shores—as another evidence of our pro-park attitude—became the only community within the Lakeshore to adopt a zoning ordinance which gained the approval of the Secretary of the Interior. The overwhelming majority of our residents opted to sell their property to the Park Service and acquire reservations in use for varying periods of years up to the maximum of 25 years. Twenty-eight improved properties out of a total of 215 remain to be purchased. The other 186 were voluntary sales. One applied for and was given a certificate of non-condemnation. Four other applied for such certificates and were not granted them.

Then under the 1976 dunes additions legislation, the rules of the game were changed. We believe this was a poor policy decision and are pleased that the pending legislation provides for a return to the 1966 homeowner provisions. We also believe that the addition of an option for life estate offers elderly residents the opportunity to remain in their homes for their lifetime and, although we predict it will not be widely elected, it is a compassionate and humane provision which should be available to Indiana Dunes National Lakeshore property owners as it is in other national parks.

We would like to emphasize that the pending legislation provides for the return of homeowner provisions of the 1966 legislation for all properties not yet purchased by the National Park Service within the boundaries of the Lakeshore. This too is a wise policy decision, particularly as it affects Beverly Shores. Many of the 28 residents whose properties are within the 1966 boundaries of the park were not able to conclude their agreements with the Park Service through no fault of their own. For a number of years the Lakeshore land acquisition office was without funds to buy land and for policy reasons, once they were funded, purchase vacant property first.

In effect neighboring property owners under existing law have been treated differently. We think this an unjust state of affairs and needs to be corrected. The pending legislation is essential for this group of property owners in particular.

There has been much made back home in Indiana of purportedly unfair treatment by National Park Service land acquisition personnel in determining the fair market value of property within the Lakeshore in the past two years. Anti-park

groups have made charge, charges and more charges. Congressman Floyd Fithian and the Lakeshore Advisory Commission have conducted independent investigations. Congressman Fithian submitted to the Washington, D.C. office of the National Park Service Land Acquisition Section, 31 complaints—out of more than 750 pieces of improved property within the entire Lakeshore boundaries. According to the Chairman of the Lakeshore Advisory Commission, their investigation produced no evidence of land acquisition malfeasance. We do not, of course, discount the probability that there have been individual problems with NPS personnel. But, we do believe that the passage of the pending legislation which includes provision for the payment of fair market value for property within the Lakeshore boundaries is just and discounting everyone's human propensity to overvalue their castle, that residents of Beverly Shores can look forward to receiving an equitable price for their home.

We cannot stress too strongly that we know community residents are not the avaricious villains some would make them out to be—but are just human beings concerned about getting an equitable price. Beverly Shoreites let me point out, have been and will be making sacrifices under this legislation. Two uses—residential and park—will necessarily have to be accommodated. It can be done and will be done with goodwill. But we do not believe it is the intent of Congress that the affected property owners should, in addition, make financial sacrifices.

The pending legislation allows those who choose the right of non-condemnation to retain their property in perpetuity. Based on both the Town survey and the Association survey, these choosing such an option will be a very small minority. Existing law will permit them to change their mind at some time in the future and we believe that there is a strong probability that they or their heirs will do so. Meanwhile, those who mistrust government will not be able to cry about being forced to do something by what they consider an alien power—not realizing that it is their government they so describe.

Finally, we should like to make a plea for Congress to take a long range approach to national parks and in particular to the Indiana Dunes National Lakeshore. Indiana Dunes we consider a pioneering park—where a great experiment in creating a people's park is underway. The Lakeshore was created, not out of vast expanses of federally owned land, far from the centers of population; but instead the Lakeshore was put together from still available unspoiled dune land within an hour of the Chicago metropolitan area. With the acquisition of land which is now in residential use, instand development of the Lakeshore is not possible. Congress devised the concept of reservation in use for single family property owners to accommodate to that fact. National Parks, we firmly believe, are created for an eternity. The delay in total use of 25 years—even 50 years—when measured against the generations which will enjoy this Lakeshore is inconsequential. Instead of submitting to the present instand gratification syndrome which symbolizes so much of American life, we look to Congress to take a longer view.

The National Park Service study report on the acquisition of 3A and 3C makes abundantly clear that better access, more beach use, preservation of the resource, decrease in park-visitor conflict are only possible with the passage of the pending legislation. The people of Beverly Shores are also convinced that the pending legislation presents the only possible way to prevent the destruction of the character of their community. We urge your immediate approval of this legislation.

Senator ABOUREZK. Mr. Bagnall.

STATEMENT OF GEORGE BAGNALL, PRESIDENT, HOMEOWNERS OPPOSED TO PARK EXPANSION, INC., BEVERLY SHORES, IND.

Mr. BAGNALL. Mr. Chairman, my name is George Bagnall. My home is located within the Lakeshore portion of Beverly Shores. I am the president of HOPE.

In the early sixties when plans and proposed legislation were being formulated for this park, spokesmen for the National Park Service told us that this was to be an innovative, creative park and that homeowners living in it were to be an integral part of the management and development of the urban park concept. We were assure that our rights as homeowners would be respected and protected.

The legislation creating the Indiana Dunes National Lakeshore in 1966 endorsed this commitment to homeowners by providing, in its final form, the right of noncondemnation when each community adopted zoning regulations meeting the requirements of the Secretary of the Interior. The Beverly Shores Town Board met those requirements after some 2½ years of negotiations. The noncondemnation provision was pivotal in dispelling the fears of homeowners and diffusing the then-substantial local opposition to the concept of establishing a park.

In the early seventies, the special interest and conservationist groups lobbied and worked hard for further park expansion and were successful in October 1976. But without warning or prior notice of any kind to the homeowners, legislation was passed that removed the right of noncondemnation.

We began a petition to ask that homeowners' rights be restored and it came as a surprise to find that the majority of those contacted, not only protested the removal of noncondemnation but were in fact opposed to any further expansion of the Lakeshore. HOPE was organized to protest this flagrant violation of homeowners' rights and to articulate the wish of the majority to preserve our town and our homes.

We began then to direct our efforts toward offsetting what we consider undue and unwarranted influence on our elected Representative and the National Park Service by the conservationist groups. Save the Dunes Council, in particular, an organization which does not now nor has it ever represented the interests and consensus of the people who live in Beverly Shores. The vague implications of this group as far as we can ascertain is that they are "going to save our Dunes"—from whom and for what is not exactly clear.

Although our community may be bitterly divided on the issue of park expansion, we are adamantly united in our love of these dunes and are committed to the preservation of the natural beauty of our town of Beverly Shores.

The special study treatment of areas III-A and III-C reflects a strong bias favoring expansion of the Lakeshore into these two remaining portions of Beverly Shores.

The bottom line on page 68 shows a projected buildout of 2,560 buildings with a population of 8,652. This is preposterous, Camiros, Ltd., planning consultants recently hired by the town of Beverly Shores, have indicated that a realistic buildout of the "island" would be an additional 200 family homes.

Current zoning restrictions, domestic water quality, fragmentation of ownership, and county septic permit requirements would further negate the special study figures and give credence to the Camiros figure.

In addition, recent polling of Beverly Shores improved property owners by Camiros, Ltd., indicated no town support of the buildout suggested by the National Park Service study.

Incidentally, the projected 200 additional single-family homes would replace the tax base eroded by the 200 homes lost to the Lakeshore when the park was created in 1966.

However, we must recognize that the 200 homes now in the Lakeshore portion of Beverly Shores cannot be subsidized for 20 years by

the remaining 300 homes in III-A and III-C. These 200 homes do not need a Government subsidy, but the National Park Service must pay a fair share for use of our roads, our police, and our fire department. The increased financial burden that has been placed on the town of Beverly Shores is such that many feel that the town cannot survive and that there are no alternatives but to give up and go into the park.

The fact remains that Beverly Shores is at present a viable, debt-free community.

The 1966 legislation represents the compromise between industry, conservationists and owners of homes of northwest Indiana. It was accomplished after long and bitter fighting between all factions involved. Are we to be continually subject to the pressures of the special interest groups to reopen the issue of park expansion with the resulting animosities, upheaval, and disruption of our private lives?

The time has come to say "no more park expansion" and to get on with the business of managing and developing the existing park.

Senator ABOUREZK. Thank you.

Mr. Daraska.

**STATEMENT OF JOHN R. DARASKA, MEMBER, HOMEOWNERS
OPPOSED TO PARK EXPANSION, BEVERLY SHORES, IND.**

Mr. DARASKA. My name is John Daraska. I am a homeowner in Beverly Shores, Ind., and a member of Homeowners Opposed to Park Expansion. I am against my further expansion of the Indiana Dunes National Lakeshore to include the town of Beverly Shores. There are two main reasons for my opposition.

The first reason is human rights. This country is already plagued by too much Government involvement in its citizens' lives. I do not want to sell my home to the Government and be a tenant in its at the mercy of a Government agency and the arbitrary whims or the bureaucrats who run it.

I do not elect these bureaucrats and so I cannot control them by voting them out of office when they do not respect my right. This is an affront to the very concept of liberty and freedom. I do not want to live in a dying community. The town of Beverly Shores has existed for many years as a small and slowly growing community with a cross-section of socioeconomic levels which should be a model to other communities. Even today this town is debt free and its potential tax base is growing. There are eight new homes under construction right now and I know of at least eight more people who are ready to begin construction if the town is not included in the park. Beverly Shores can and should be left to determine its own destiny as other communities like it are doing. If it is taken into the park, it will die—a victim of the National Park Service.

My second reason for opposition is the cost. As a taxpayer, I am opposed to the Government spending such a large amount of money for parkland. The prime mover for inclusion is the Save the Dunes Council. In 1953, that group purchased 56 acres of swampland, now called Cowles Bog, for \$1,760 and sold it to the National Park Service for \$100,800 in 1973. I presume this profit from the U.S. Government is the reason they have been able to exist for so long and I can see where the Save the Dunes Council's deal with the National Park Service has inspired many people to support park expansion.

I maintain that this same mentality exists among many of them. That is, they believe they are going to make a financial killing by selling their property to the Government while at the same time maintaining their residences in a choice community where others will be kept out.

Already the expert condemnation and lease-back attorneys are finding their presence welcome in our community. This summer the president of the National Park Inholders Association visited our town and was enthusiastically received by propark residents as well as those opposed to park expansion. These people are telling our people:

If you don't like the price you're offered, take the government to court. Also, everybody should form groups and stick together and fight the National Park Service collectively.

Even our Congressman has given this advice to property owners who have complained about low National Park appraisals at his town meetings. Under these circumstances, do you really think the town of Beverly Shores can be bought for the already conservative estimate of \$33 million?

This does not even include the extensive building which has gone on since that estimate was made.

Gentlemen, the HOPE organization—which I and over 125 other homeowners in Beverly Shores belong to—has prepared an opposition report at our own expense. Each of you has been sent a copy of this report. I hope that you read it along with the special study you asked to have prepared by the National Park Service. Then you will get a more balanced opinion of the situation that exists.

Thank you.

Senator ABOUREZK. Thank you. How many families live in Beverly Shores?

Mr. DARASKA. There are approximately 301.

Mr. BAGNALL. 301, plus the new homes. Maybe about eight. So that would be 309.

Senator ABOUREZK. How many belong to your organization opposing this?

Mr. DARASKA. 125 families.

Senator ABOUREZK. So almost half.

Mr. AKERS. I think he is referring to the number of households in the proposed addition. The entire incorporated limits of Beverly Shores of which two-thirds is already in the National Park consists of 497 homes, and a good percentage of the membership, to the best of my knowledge, is made up of people who live within the National Park and not within the island.

Mr. BAGNALL. We are talking about III-A and III-C.

Senator ABOUREZK. I would like to thank you all for your appearance here.

Ms. Osann.

**STATEMENT OF RUTH OSANN, PRESIDENT, SAVE THE DUNES
COUNCIL, INC., BEVERLY SHORES, IND.**

Ms. OSANN. Mr. Chairman, I am Ruth Osann, president of Save the Dunes Council, Inc., testifying in general support of the bills before this committee to enlarge the Indiana Dunes National Lakeshore. I appreciate the opportunity afforded by these hearings to present

this statement. As you may already know, the council is a 26-year-old citizen organization founded for the sole purpose of preserving and protecting the Indiana Dunes for public use and enjoyment.

My statement is too long but it does represent the position of the Save the Dunes Council. I will summarize it in order to meet the committee's time limit on testifying.

The council has grown during the past quarter century from a dedicated few to a membership over 2,000 strong. Its members consist of Hoosiers and other citizens, many of whom have visited or studied in the Indiana Dunes and realize the importance of safeguarding this national treasure. The council has also grown in awareness that preserving and protecting the Indiana Dunes for public use and enjoyment requires broad public support.

Many of our friends and allies in the Save the Dunes coalition are represented here today in person—labor union, teachers' organizations, community groups, environmental organizations, scientists, and laymen. Others are represented through their letters and statements of support to this committee. Together we have learned that the challenge of preserving and protecting the Indiana Dunes does not end with the passage of a law.

The so-called island in the town of Beverly Shores was created by an unfortunate compromise in the original 1966 act authorizing creation of the park. Two-thirds of the area of the town were included within the park boundaries, but the center of the town—containing about one-half of its population—was left out. Hence the omitted area became known as the island. It is an island of private properties surrounded by 1,600 acres of park land and all contained within the town of Beverly Shores. Indeed, the island is actually a creature of Congress.

In 1971, when the Save the Dunes Council and other groups began the effort to enlarge the Indiana Dunes National Lakeshore to the size originally proposed in the 1960's, inclusion of the island was among our highest priorities.

In addition, as the National Park Service special study points out, if the island is not included within the Lakeshore, nearly 5 miles of National Lakeshore beach in this area will become, in effect, a private beach for town residents, purchased at public expense.

The three areas have been studied by the Park Service and that study was completed 1 year ago, and we feel these three areas should be included.

An equally important reason for inclusion of these Beverly Shores areas is that they contain natural values worthy of preservation. The island in particular is marked by beautiful wooded ravines. Wild flowers grow in there in great abundance and deer, fox, and birds live among its inhabitants. Miraculously, the island's building density has remained low despite the ever-increasing pressures of residential growth. It still has the lowest density of any major residential dune area outside the National Lakeshore.

The National Park Service special study report contains a review of geological and botanical values in area II-A and clearly indicates that there exist largely the same natural values as exist on the park side of the boundary. Preservation of typical and representative resources of the Indiana Dunes was precisely the reason for which the National Lakeshore was established and later enlarged.

Furthermore, the preservation and restoration of wetlands is now a national policy and a responsibility of all Federal agencies, as articulated by the President in his environmental message.

I would emphasize that preservation and restoration of these 94 acres of dunes and wetlands is of prime importance to the Save the Dunes Council. The council spent several years advocating the preservation of numerous parcels of dune land that were smaller than area II-A. Six of these small areas were added to the National Lakeshore by Public Law 94-549. Therefore, the issue of preserving II-A boils down first to the preservation and restoration of intrinsic natural values on these 94 acres, and, second, to consideration of buffer management.

Additionally, we must strongly object to proposed section 4(e) and 4(f) concerning management of the dike and deferred acquisition. Section 4(e) would unduly tie the hands of the Secretary in administering this sensitive area. That the Federal Government should indemnify Nipsco for its environmental myopia as a condition for modifying or removing the dike is outrageous to contemplate. This entire provision is unworkable and unfair and should be stricken.

Similarly, section 4(f) would bar the Secretary from acquiring the 60 acres forming the westerly portion of II-A until 1986. The sponsors freely admit that this deferral is in response to unfounded fears that its acquisition "might somehow affect construction" of a proposed nuclear powerplant nearby. Nipsco assertions notwithstanding, acquisition of this portion of II-A will not preempt or delay construction of that plant.

The paranoia of Nipsco management seems unbounded on this matter, but we suggest that this is a poor basis upon which to write legislation.

I would like to announce infrared aerial photographs taken by the council showed dead and dying vegetation on the park edges. Analysis of the photos, documents substantial damage. Dr. Kiefer is an authority on the interpretation of remote sensing photography. With your permission, we request opportunity to enter Dr. Kiefer's report and the accompanying photographs into the record within the next several days.

Senator ABOUREZK. Without objection. [Not received.]

Ms. OSANN. Thank you. The council firmly believes that the creation of a unit of the National Park System in a metropolitan area calls for special sensitivity by both the Congress and the Park Service. The Indiana Dune National Lakeshore will be there permanently. In that perspective, the time allowed homeowners to phase out their occupancy of residential dwellings will be inconsequential.

The council supports H.R. 12821 with certain modifications which have the approval of the city of Gary and the bill's sponsor, Representative Adam Benjamin. As we did in testifying for the dunes expansion legislation before this committee in 1976, we reiterate our support for the establishment of a small-boat facility in the I-E area together with the legislative intent which appeared in the Congressional Record, Senate, September 24, 1976, pages S-16582-3, emphasizing that such a facility must be built with careful consideration for its environmental impact on the ecology of the area. We suggest that the committee add this language to H.R. 12821.

We wholeheartedly support the addition of the 7-A and 7-B areas to the National Lakeshore. These areas, which total less than 150 acres, will round out the Nippissing natural areas added in the 1976 legislation. We do, however, vigorously oppose any restrictions on the acquisition in fee simple of the 7-B property which is owned by Nipsco.

This park has more than its share of problems and the question arises, why add to it? When you authorize the Federal Government to buy this land, you are in fact placing the land in the hands of the people. All of those in this room who have been so much a part of the creation of this park are well aware of our continuing responsibility to safeguard its future. Thank you.

[The prepared statement of Ms. Ruth Osann follows:]

STATEMENT OF RUTH OSANN, PRESIDENT, SAVE THE DUNES COUNCIL, INC.,
BEVERLY SHORES, IND.

I am Ruth Osann, president of Save the Dunes Council, Inc., testifying in general support of the bills before this committee to enlarge the Indiana Dunes National Lakeshore. I appreciate the opportunity afforded by these hearings to present this statement. As you may already know, the Council is a 26-year-old citizen organization founded for the sole purpose of preserving and protecting the Indiana Dunes for public use and enjoyment.

HISTORY OF THE SAVE THE DUNES EFFORTS

The Save the Dunes Council is not the first organization to dedicate itself to preservation of the Indiana Dunes, nor is the present effort the first to seek acquisition of this unique natural area for a national park. In 1916, Stephen Mather, Director of the National Park Service (which was founded that year), proposed to the Congress in a special report that it establish a Sand Dunes National Park along the southern end of Lake Michigan comprised of 25 miles of Indiana shoreline and about 12,000 acres of sand hills, wetlands, and woodlands which make up the total dunes ecosystem. Obviously, this early effort to create a national park in the Indiana Dunes was unsuccessful. However, in the 1920s the State of Indiana established the Indiana Dunes State Park, in response to public concern. Although only a fraction of Mather's proposal, its three miles of shoreline and 2200 acres of dunelands are enjoyed today by over 1-million visitors a year.

In 1952, the Save the Dunes Council was formed to make a renewed effort to save those unspoiled dune areas still remaining which were threatened with destruction by industrial and residential growth following World War II. The history of these early Council efforts is described briefly in the attached brochure entitled "Help Save the Last of the Dunes."

The Council has grown during the past quarter-century from a dedicated few to a membership over 2,000 strong. Its members consist of Hoosiers and other citizens, many of whom have visited or studied in the Indiana Dunes and realize the importance of safeguarding this national treasure. The Council has also grown in awareness that preserving and protecting the Indiana Dunes for public use and enjoyment requires broad public support. Many of our friends and allies in the Save the Dunes coalition are represented here today in person—labor unions, teachers' organizations, community groups, environmental organizations, scientists, and laymen. Others are represented through their letters and statements of support to this committee. Together we have learned that the challenge of preserving and protecting the Indiana Dunes does not end with the passage of a law.

LEGISLATIVE BACKGROUND

The Council is no stranger to this committee nor is the preservation of the Indiana Dunes a new issue. The legislation under consideration here today would add three small but important areas to the Indiana Dunes National Lakeshore, areas that we have supported for addition to the park since 1971. The introduction of this legislation followed the completion of an intensive, six-month special study of the importance of these areas to the Indiana Dunes National Lakeshore. That study, done by the National Park Service, was mandated in the dunes

expansion bill passed by the Congress in 1976. The three areas, totaling an additional 800 acres, are:

- (1) The 650-acre Beverly Shores "Island"—Area III-C on the map;
- (2) The 50-acre U.S. 12 Parkway Strip also in Beverly Shores—Area III-A on the map; and
- (3) The 94-acre Nipsco "Greenbelt"—Area II-A on the map.

We believe that the Park Service special study confirms the Council's position that these areas must be added to the Indiana Dunes National Lakeshore now. They are described briefly in the attached pamphlet, "Additions to the Indiana Dunes National Lakeshore," which the Council prepared for this hearing.

BEVERLY SHORES AREAS

(1) *The "Island"*

The so-called "Island" in the town of Beverly Shores was created by an unfortunate compromise in the original 1966 act authorizing creation of the park. Two-thirds of the area of the town were included within the park boundaries, but the center of the town—containing about one-half of its population—was left out. Hence the omitted area became known as the "Island". It is an island of private properties surrounded by 1600 acres of park land and all contained within the town of Beverly Shores. Indeed, the Island is actually a creature of Congress.

In 1971, when the Save the Dunes Council and other groups began the effort to enlarge the Indiana Dunes National Lakeshore to the size originally proposed in the 1960s, inclusion of the "Island" was among our highest priorities. It is the largest single section of Indiana duneland still outside park boundaries. It contains nearly two miles of high dune ridges and wetlands that will surely be destroyed by development if not included in the park.

In addition, as the National Park Service special study points out, if the "Island" is not included within the Lakeshore, nearly five miles of National Lakeshore beach in this area will become—in effect—a private beach for town residents—purchased at public expense.

(2) *U.S. 12 Parkway Strip*

This 50-acre parcel, consisting of two narrow strips extending along both sides of U.S. Highway 12, is zoned "General Business" under present Beverly Shores town zoning. It is contiguous to the five miles of U.S. 12 now within the Lakeshore which are being developed by the National Park Service as a scenic parkway. Its inclusion affords the Park Service the opportunity to extend this scenic parkway an additional 1½ miles east. Its continued exclusion from the National Lakeshore will result in an incompatible commercial strip at the eastern entrance to the scenic parkway.

INCLUSION OF BEVERLY SHORES AREAS NECESSARY

Inclusion of the "Island" and the U.S. 12 Parkway Strip will provide for eventual total absorption of the town of Beverly Shores within the Indiana Dunes National Lakeshore and complete the preservation of the largest single unit within the park. Inclusion of these areas also will provide town residents, local officials, and the National Park Service with a predictable future on which to base both present and future decisions. Inclusion will also permit the National Park Service eventually to acquire ownership and control of town roads—which are the only means of access for park visitors. All access roads to the park are now owned by the town of Beverly Shores.

The National Park Service is in the process of preparing a Congressionally mandated General Management Plan for the Indiana Dunes National Lakeshore. With both the "Island" and the U.S. 12 Highway Strip outside park boundaries, Park Service planners can neither plan for optimum public use of that part of Beverly Shores which is now within the park boundaries, nor devise a workable system to reduce conflicts between users and town residents. The natural attributes on both sides of the present boundary are such that there is no way the park visitor can distinguish between the land that belongs to the National Lakeshore and that which is private property.

Continued exclusion of the Beverly Shores areas will saddle the Park Service with an insoluble administrative problem. The Service will be expected to operate in an area whose ownership is split among federal, local government, and private property owners, and whose management is divided between federal and local

government, each with different responsibilities and goals. The solution is obvious—add these areas to the park now.

An equally important reason for inclusion of these Beverly Shores areas is that they contain natural values worthy of preservation. The Island in particular is marked by beautiful wooded ravines. Wild flowers grow there in great abundance and deer, fox and birds live among its inhabitants. Miraculously, the Island's building density has remained low despite the ever-increasing pressures of residential growth. It still has the lowest density of any major residential dune area outside the National Lakeshore.

NIPSCO GREENBELT—COWLES BOG BASIN

Save the Dunes Council continues to support the acquisition of area II-A, sometimes called the NipSCO Greenbelt, as an integral part of the Indiana Dunes National Lakeshore. This area is situated between some thousand acres of Class IC land and the East-West leg of the site of NipSCO's coal fired Bailly plant. These thousand Class IV acres include the Cowles Bog wetland and the dune complex to the North and West of the bog. Dr. Henry C. Cowles of the University of Chicago, who pioneered in the science of ecology, noted the scientific importance of such areas. He said:

"There are few places on our continent where so many species of plants are found in so small a compass * * * Within a stone's throw of almost any spot, one may find plants of the desert and plants of the rich woodlands and plants of the swamps, plants of the oak woods and plants of the prairies * * * species of the most diverse natural regions are piled here together in such abundance as to make the region a natural botanical preserve * * *"

The present park boundary in this area follows surveyed property lines rather than topographic features, and thus leaves a key tract of low dunes and wetlands in private, industrial ownership.

(1) *Park values of area II-A*

The NPS Special Study Report contains a review of geological and botanical values in Area II-A and clearly indicates that there exist largely the same natural values as exist on the park side of the boundary. Preservation of typical and representative resources of the Indiana Dunes was precisely the reason for which the National Lakeshore was established and later enlarged. Furthermore, the preservation and restoration of wetlands is now a national policy and a responsibility of all Federal agencies, as articulated by the President in his Environmental Message. I would emphasize that preservation and restoration of these 94 acres of dunes and wetlands is of prime importance to the Save the Dunes Council. The Council spent several years advocating the preservation of numerous parcels of dune land that were smaller than Area II-A. (Six of these small areas were added to the National Lakeshore by Public Law 94-549). Therefore, the issue of preserving II-A boils down first to the preservation and restoration of intrinsic natural values on these 94 acres, and, secondly, to consideration of buffer management.

(2) *Terms of acquisition*

In evaluating the relative effectiveness of fee acquisition, easement, or cooperative agreement for Area II-A, it is necessary to consider how the objectives set out by Congress in the study mandate (sec. 19, P.L. 94-549) might translate into specifics. What must happen with II-A to meet these objectives? We believe the following:

(1) Immediate and permanent cessation of the dumping of fly ash and other fill material in the area;

(2) Retention of all natural landforms, vegetation and animal life in the area in perpetuity;

(3) Such remedial action as may be prescribed by the National Park Service for the restoration of natural conditions in disturbed portions of the area;

(4) Unencumbered right of public access throughout the area, both for the appreciation of its resources and the monitoring of its condition, subject only to the normal guidelines and restrictions upon visitor activity applicable elsewhere in the National Lakeshore;

(5) A foolproof enforcement mechanism that can be effectuated on very short notice (8 hours) to assure that neither the present property owner nor any third party will be able to carry on unauthorized activities damaging to the natural features of II-A.

In sum, it can be seen that the full achievement of these objectives requires the managerial and proprietary authority of full fee acquisition. Less than full fee acquisition must necessarily provide for less than full protection and control over Area II-A.

Regarding the specifics of S. 2560/H.R. 11110, the Council supports the division of lands between fee acquisition by NPS and retention by Nipsco under cooperative agreement as depicted on the supplemental map numbered 626-40041B. This proposal will secure in NPS ownership the lands which have historically received active visitation. Retention by Nipsco of lands in the vicinity of its substation and transmission corridor is appropriate so long as no further degradation takes place. However, references to "future" powerlines and "future" substations on p. 4, line 11, are ambiguous and would inevitably provide a loophole for further filling of wetlands by the company. We urge that these references be stricken.

Additionally, we must strongly object to proposed Sections 4(e) and 4(f) concerning management of the dike and deferred acquisition. Section 4(e) would unduly tie the hands of the Secretary in administering this sensitive area. That the Federal government should indemnify Nipsco for its environmental myopia as a condition for modifying or removing the dike is outrageous to contemplate. This entire provision is unworkable and unfair and should be stricken.

Similarly, section 4(f) would bar the Secretary from acquiring the 60 acres forming the westerly portion of II-A until 1986. The sponsors freely admit that this deferral is in response to unfounded fears that its acquisition "might somehow affect construction" of a proposed nuclear power plant nearby. Nipsco assertions notwithstanding, acquisition of this portion of II-A will not preempt or delay construction of that plant. The Nuclear Regulatory Commission has so stated in a letter to Senator Bayh dated May 28, 1976:

"In answer to your inquiry, if this parcel [parcels 31, 32, 41, 42, and 43] of section II-A land were included in the expansion of the National Lakeshore, there would be no impact on the licensing and development of the Bailly Station since the boundaries of the Station's exclusion area would remain the same as proposed by Nipsco in its application for a construction permit and subsequently approved by the Commission."

The paranoia of Nipsco management seems unbounded on this matter, but we suggest that this is a poor basis upon which to write legislation.

(3) *Security Assertions*

Recently, Nipsco spokesmen have made vague assertions about "security problems" resulting from the acquisition of Area II-A for park purposes. Concern is expressed for security along Nipsco's plant access road if the westerly portion of II-A is thus acquired. It should be noted by the Committee that the Nuclear Regulatory Commission completed a two-and-one-half year rule-making on "Physical Protection of Plants and Materials" just last year (42 FR 10836, February 24, 1977). Nothing in the NRC security regulations can be construed as either requiring Nipsco to retain title to the lands of Area II-A, or barring the Park Service from acquiring them for their preservation and public use.

NIPSCO'S HISTORY OF NONCOOPERATION

Ever since the National Lakeshore was authorized in 1966, Nipsco has successfully blocked the purchase by the Park Service of 9.11 acres included within the original boundaries of the Lakeshore. It has managed to get its 126 acres within the Miller Woods section of the Lakeshore, authorized in the 1976 legislation, excluded from the list of properties which your committee recently agreed should be acquired by a Declaration of Taking because of the threat of destruction by off-road vehicles. It also appears to have stalled the purchase of 37 acres known as the Crescent Dune which the 1976 legislation stated must be acquired by October, 1978. This is the same company that the Department of the Interior had to threaten with court action for despoiling the Cowles Bog area of the park by dumping ash refuse in ponds adjacent to the Bog. The Department and Nipsco subsequently signed an agreement in which Nipsco agreed to stop dumping but not one spade of earth has yet been turned to implement the agreement.

The track record of this company shows that it has allowed only 5.52 acres total of its property to be purchased for the National Lakeshore—far less than any other corporation in the dunes area. We are therefore concerned that the II-A greenbelt acreage will also slip between the cracks of National Park Service land acquisition unless this legislation carries a firm Congressional mandate.

HOMEOWNERS PROVISIONS

Most of the residents in the Beverly Shores area chose to live there because they appreciated the special beauty of the Indiana Dunes environment. This has resulted in strong community support in that area for inclusion within the Lakeshore. However, the changes in the terms of acquisition of residential property provided in the 1976 amendment have led to much confusion and controversy. We believe those changes were ill-advised and have created a situation in which both the Congress and the National Park Service have lost a great deal of credibility among local citizens. An examination of the record will clearly demonstrate that acquisition between 1967 and 1976 worked well. Acquisition from 1976 to date has not. The 20 year leaseback provided under the 1976 legislation is the shortest leaseback of any park in the System. This, combined with the 1976 reinstatement of the Secretary's authority to condemn improved property including homes, has been frustrating to homeowners in the existing park.

The Council firmly believes that the creation of a unit of the National Park System in a metropolitan area calls for special sensitivity by both the Congress and the Park Service. The Indiana Dunes National Lakeshore will be there permanently. In that perspective, the time allowed homeowners to phase out their occupancy of residential dwellings will be inconsequential.

TRANSPORTATION STUDY

We wholeheartedly support the provision in S. 2560/H.R. 11110 authorizing a transportation study for the Indiana Dunes National Lakeshore. Public access to the Lakeshore and intrapark transportation need to be examined carefully in a much more detailed manner than the present general management plan study permits. The Lakeshore is too small an area to allow its acreage to be gobbled up for massive parking lots. We believe the use of America's last interurban electric line, the South Shore Railroad, to bring visitors to the park must be encouraged as well as the railroad's intra-park capability. Shuttle systems to carry visitors between the railroad and the areas of the park should be implemented. There is a clear need for a judicious mix of public transportation and strategically situated access points outside the boundaries of the park. Here, we believe, is an opportunity for private enterprise and the National Park Service to forge a working partnership in the best interests of park visitors. We hope the transportation study will examine such solutions.

GMP STUDY PREREQUISITE TO INCREASE IN AUTHORIZED DEVELOPMENT CEILING

We oppose the provision for an increase in the authorized development ceiling for the Lakeshore at this time. Until the general management study due in October 1979 has been completed by the NPS and subjected to required public hearings and environmental impact studies, we would have no assurance that construction projects in the park would represent a justifiable use of tax dollars and optimum placement of facilities.

H.R. 12821

The Council supports H.R. 12821 with certain modifications which have the approval of the City of Gary and the bill's sponsor, Rep. Adam Benjamin. As we did in testifying for the dunes expansion legislation before this Committee in 1976, we reiterate our support for the establishment of a small boat facility in the I-E area together with the legislative intent which appeared in the Congressional Record—Senate of September 24, 1976, pp. S. 16582-3, emphasizing that such a facility must be built with careful consideration for its environmental impact on the ecology of the area. We suggest that the Committee add this language to H.R. 12821.

We take no position on the extension of Route 51, believing that the Indiana Dunes National Lakeshore staff, the Northwest Indiana Regional Plan Commission and the Denver Service Center planners currently working on the General Management Plan for the Lakeshore should agree on access for the West Unit of the Lakeshore.

We wholeheartedly support the addition of the 7A and 7B areas to the National Lakeshore. These areas, which total less than 150 acres, will round out the Nippissing natural areas added in the 1976 legislation. We do, however, vigorously oppose any restrictions on the acquisition in fee simple of the 7B

property which is owned by Nipsco. The restrictions presently contained in the language of H.R. 12821 are tantamount to nonacquisition. We predict that homeowners within the authorized boundary of the Lakeshore would question why the Congress is unwilling to defer acquisition of their property but is willing to give special treatment to the land of a public utility which—incidentally—has its own power of condemnation.

The Council supports the proposed increase in the membership of the Lakeshore Advisory Commission and suggests the Committee Report state that the two new members be appointed from civic and conservation groups in Gary and Michigan City who have demonstrated over the years their support for the Lakeshore.

In conclusion, we urge that the 95th Congress act promptly on the proposals in these bills for three important reasons:

First, because land value escalation makes any delay more and more costly;

Second, because of the need for protection of the areas already within the Lakeshore from the threat of industrial pollution; and

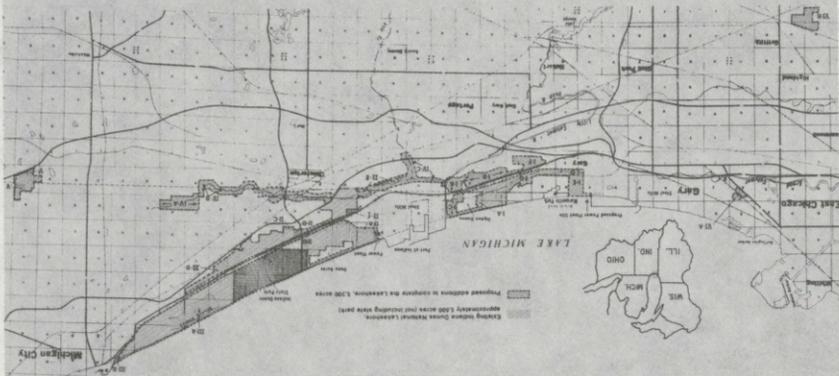
Last, because the additions provided in S. 2560, H.R. 11110 and H.R. 12821 will increase the park visitor's chances to enjoy the diverse opportunities for education and recreation of the Indiana Dunes National Lakeshore and they will improve the capability of the National Park Service to manage this resource wisely and well.

"The Indiana Dunes are to the Midwest what Yosemite is to California, Grand Canyon is to Arizona. They are a signature of time and eternity. Once lost, their loss would be irrevocable."

—Carl Sandburg



Help Save the last
of the Dunes, now,
before they're
gone forever.



Nature worked 15,000 years to create this rare wonder.

Tomorrow may be too late.

Nature worked 15,000 years to create this rare wonder, the Indiana Dunes. It took giant industry only 50 years to erase much of this work. We need your help to hold the little that's left.

Come to the rescue of the Indiana Dunes. This land desperately needs protection.

Today, industry looms over this unique National Lakeshore Park. Unless you add your support to its preservation, another piece of nature may vanish for all time, sacrificed in the name of progress.

We all need to fight for the Indiana Dunes because we all enjoy them. Our children and grandchildren need to enjoy them, too. And your children enjoy may also be threatened.

Make a meaningful commitment to help. Future generations will thank you for it.

It took giant industry only 50 years to erase much of this work.



Why are the Dunes unique?

Location—The Indiana Dunes are a miniature paradise. They stand in stark contrast to the neighboring densely populated and industrialized areas along the southern tip of Lake Michigan. The Indiana Dunes National Lakeshore is the first urban national park in the country. Stretching along the Indiana shoreline from the city of Chicago to the pristine, undeveloped dunes toward dunes, dunes, dunes, are dunes, dunes, woodlands and bogs. The park offers swimming, boating, hiking, nature study, bird watching and all the pleasures of nature to millions of people.

Historical—The dunes were formed some 15,000 years ago during glacial times. They left three distinct shorelines and the remains of ancient Lake Chicago, now known as Lake Michigan.

Scientific Study—Over 1,300 identified species of plants have been found in the Dunes; species from the arctic, the desert, the tropics and eastern and western United States. The Dunes also include dunes, bogs, cattail marshes and wet prairies in varying stages of maturity. More than 40 different types of animals such as deer, fox, raccoon, beaver and rabbit live in the shelter of the Dunes. Since the turn of the century and the pioneering studies by Dr. Henry Cowles, the Dunes have been internationally known for their scientific study value. The Dunes are two National Natural Landmarks: the Pothook Bog and the Lakeshore-Pothook Bog and Cowles Bog.

What dangers face the Dunes?

Of the nearly 13,000 acres covering 20 to 25 miles of shoreline originally proposed for a federal park in 1923, only 5,600 acres and 3 miles of shoreline were included when the Indiana Dunes National Lakeshore was established in 1923. The federal government expanded this reserve by 5,600 acres and 10 miles of shoreline in 1966 when the Indiana Dunes National Lakeshore was authorized by Congress.

But this first urban park represented only a compromise of a compromise. Key representatives because of political pressure from private interests, Part of the Dunes still lies outside the park boundaries. Even now, as the residential and industrial region grows, what was achieved in the 60's stands in constant jeopardy.

Various reasons are needed to protect the ecological values of the Dunes. One of the most pressing population needs more space for public recreation. In 1971, bills were introduced in the U.S. Congress to save an additional 5,328 acres from residential and industrial developers. Air and water pollution problems threatened the fragile Dunes ecology. Construction of power plants along the shoreline are a continuing battle to protect and enlarge the Dunes.

What is the Save the Dunes Council?

After World War II, the population boom and rumors of additional industrial expansion threatened to destroy what remained of the once vast expanse of the Dunes. A group of concerned citizens, dunes enthusiasts and scientists, was spearheaded by Mrs. Dorothy Buell, formed the Save the Dunes Council in 1952. Its mission: preserve the Indiana Dunes for all to enjoy. It was the efforts of this group—with the help of former Senator Paul Douglas—that helped establish the Indiana Dunes National Lakeshore 14 years later.

When the group began, it was learned that the struggle did not end with this achievement. The Indiana Dunes National Lakeshore does not guarantee protection of this unique natural resource from encroachment. The Save the Dunes Council has successfully fought sand-mining, a freight yard and a proposed jetport. Among its many projects, the group has worked for adequate funding and sound management of the parkland.

Planning for urban development and admission to create a balance between recreation and preservation. Industries and commercial interests at the border of the Park still pose a threat. The work of the

Save the Dunes Council is more vital than ever. We need your interest and support to protect this priceless heritage.

How can you help?

- By joining the Save the Dunes Council.
- By urging active support from your government officials at all levels.
- By visiting the Save the Dunes Council Art and Ecology Shop in Beverly Shores on Rt. 12. (phone 219/879-3937)

What benefits come with a Save the Dunes membership?

Save the Dunes Council members receive a regular newsletter explaining what's happening in the Dunes efforts always underway—funding, development, planning, expansion. Two dinners each year serve as general membership meetings with speakers who highlight specific features of the "battle." Members are kept informed of when, where and how to influence policy decisions affecting the Indiana Dunes.

How do you join?

Enclosed is an envelope which details the types of membership available. Just fill in the blanks and mail it with a check for the appropriate amount. We hope you'll join us in this worthwhile cause. We need your help. If you have any questions, please write to box 303, Chesterton, Indiana 46304.

Save the Dunes Council

- Cited as one of the outstanding volunteer citizen organizations in 1972 by the Citizen's Advisory Commission to the Council on Environmental Quality.
- Honored with American Motors Award, National Wildlife Federation Award.



ADDITIONS TO THE INDIANA DUNES NATIONAL LAKESHORE



Save the Dunes Council

P.O. BOX 114 • BEVERLY SHORES, INDIANA 46301

The Save the Dunes Council, Inc. is a
non-profit citizens organization
formed in 1952 to preserve the Indiana
Dunes for public use and enjoyment.

Stop Industrial Pollution, Real Estate Development From Gutting The Indiana Dunes

Today, the Indiana Dunes National Lakeshore offers millions of residents of the Midwest their only opportunity to conveniently enjoy a national park. Its forested shorelines, 14 miles of freshwater beaches, and over 12,000 acres of largely undisturbed dunelands provide a rare natural experience for residents of this highly urbanized region. But three small tracts of dunes and wetlands, totaling a mere 800 acres, remain outside the Lakeshore boundaries, threatening to disrupt much of the unique wonders of this park and reduce the full enjoyment of this natural treasure.

The Indiana Dunes have been over 15,000 years in the making. But it was only in 1966—after 50 years of citizen effort—that Congress authorized the establishment of a 5,800-acre park at the southern tip of Lake Michigan. Ten years later the 94th Congress voted to add 3,600 acres to the National Lakeshore. But two areas within the town of Beverly Shores and the NIPSCO "Greenbelt" were reserved for a special study by the National Park Service of their value to the National Lakeshore. Its report, delivered to the Senate and House Interior Committees in July 1977, indicate that public acquisition of these dune and wetland areas is vital to the successful management of the nation's first urban national park.

ADD THESE AREAS TO PRESERVE AND PROTECT THE INDIANA DUNES



The Beverly Shores Areas

When Congress established the Indiana Dunes National Lakeshore over a decade ago, it included two-thirds of the community of Beverly Shores, but excluded a 650-acre area in its center (later dubbed the "island" by town residents) and a 1½-mile strip along U.S. Highway 12. Still largely undeveloped, the "island" includes high dunes, wooded ravines, and substantial wetlands. The 56-acre highway strip is also wooded and sparsely developed, and is adjacent to 5½ miles of U.S. 12 already under Park Service control.

Without the prompt addition of these remaining lands in Beverly Shores still outside the park, the effective management and optimum use of the eastern portion of the National Lakeshore are seriously threatened. The continuity of high dune bluffs overlooking the Lake Michigan beach and the principal zone of intertidal wetlands in this portion of the park is broken by the "island."

Current town zoning permits multi-family, high rise, commercial and industrial building in the areas proposed for addition to the Lakeshore. Only the prospect of inclusion within the National Lakeshore has prevented rapid development from springing up in the midst of the National Lakeshore.

The National Park Service Special Study report points out that uncontrolled private development in these two areas and the resulting impact will seriously impair visitor access to the Lakeshore's largest land and beach area.

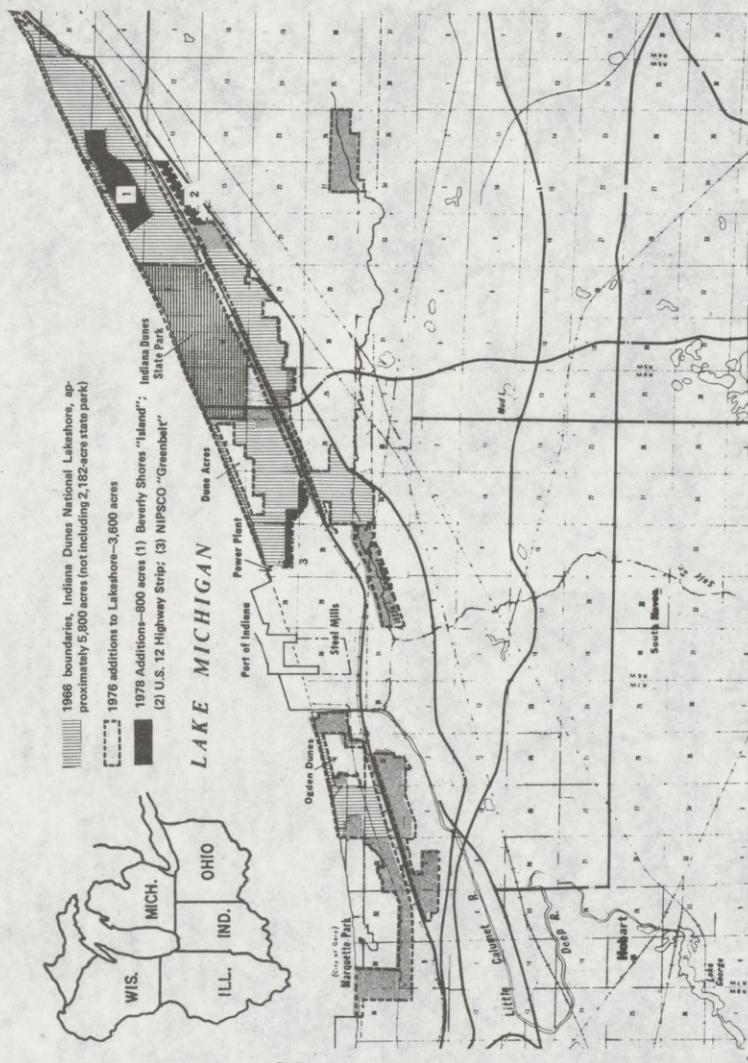


The NIPSCO "Greenbelt"

When the Indiana Dunes National Lakeshore was originally established in 1966, the unspoiled dune areas east and adjacent to Northern Indiana Public Service Company were included, encompassing most of the famed Cowles Bog Area. Later, part of the "Greenbelt"—a 500-foot buffer between the generating station and the town of Dune Acres—was vacated by the county at the company's request. Time has proved that county "Greenbelt" zoning is inadequate to protect the fragile resources of the dunes in this area.

At several places the boundary between the park and the utility bisects ponds and other wetlands, making the task of preserving their integrity nearly impossible for the National Park Service. But even more critical is the fact that utility plans have called for dumping fly ash—a waste product of electric power generation, in the wetland area, contrary to national policies for both solid waste management and the preservation of wetlands. Such dumping threatens to change the quality of water and vegetation in the adjacent National Lakeshore wetlands. Any industrial use of this "Greenbelt" would involve destroying the natural features that now exist—dunes, ponds, marshes—to make way for solid waste dumping. The proposed 90-acre addition follows more natural wetland watersheds, making a more logical and more easily managed boundary for the National Park Service.

SMALL ADDITIONS WITH IMPORTANT DIVIDENDS



Senator ABOUREZK. I don't want to cut anybody off but I would appreciate it if you would make a brief statement. You can put your entire written statement in the record. There is no use being redundant. I am sleepy enough as it is.

Mr. Winters.

**STATEMENT OF DENNIS WINTERS, PRESIDENT, INDIANA DIVISION,
IZAAK WALTON LEAGUE, FORT WAYNE, IND.**

Mr. WINTERS. We are pleased to again appear before your subcommittee on behalf of the Indiana Dunes National Lakeshore, as we have before every congressional hearing on this subject since the first measure proposed in 1958 by the late Senator Paul Douglas.

I am Dennis R. Winters, and I represent the position of the Izaak Walton League's Indiana division, which includes 40 chapters in the State and some 6,000 members from the Ohio River to Lake Michigan. Our position is additionally supported by our national parent organization headquartered in Arlington, Va.

My oral testimony will be brief; however, I am attaching a copy of a March 1978 policy statement adopted by the Indiana Izaak Walton League, and respectfully request that it be incorporated in the record. Our principal testimony deals with S. 2560. We commend the authors of this legislation, primarily Senators Birch Bayh and Richard Lugar, and Representative Floyd Fithian. One other bill is pending, H.R. 12812, and with respect to this bill, I attach a brief resolution, No. 5, adopted June 11, 1978, by our State convention.

From the standpoint of overall park management, we feel the so-called Beverly Shores island is the most important needed addition to the Indiana Dunes National Lakeshore. It consists of a 650-acre enclave entirely surrounded by park lands authorized, and since acquired, under the 1966 legislation. This tract must be regarded as the most significant missing piece of the dunes complex—an area which unless added will represent a continuing shadow and uncertainty over the viability of what is otherwise the largest single portion of the park.

Senator ABOUREZK. Contrary to what you may think, U.S. Senators can read.

Mr. WINTERS. Thank you, and I have other documents to be submitted.

[The prepared statement of Mr. Winters follows:]

**STATEMENT OF DENNIS WINTERS, PRESIDENT, INDIANA DIVISION, IZAAK WALTON
LEAGUE, FORT WAYNE, IND.**

Honorable Members, we are pleased again to appear before your subcommittees on behalf of the Indiana Dunes National Lakeshore, as we have before every Congressional hearing on this subject since the first measure proposed in 1958 by the late Senator Paul Douglas. I am Dennis R. Winters, and I represent the position of the Izaak Walton League's Indiana Division, which includes 40 chapters in the state and some 6,000 members from the Ohio River to Lake Michigan. Our position is additionally supported by our national parent organization headquartered in Arlington, Virginia.

My oral testimony will be brief; however, I am attaching a copy of a March, 1978, policy statement adopted by the Indiana Izaak Walton League, and respectfully request that it be incorporated in the Record. Our principal testimony deals with S. 2560 and H.R. 1110; and we commend the authors of this legislation, primarily Senators Birch Bayh and Richard Lugar, and Representatives Floyd

Fithian. One other bill is pending, H.R. 12821; and with respect to this bill, I attach a brief resolution, No. 5, adopted June 11, 1978, by our state convention.

From the standpoint of overall park management, we feel the so-called Beverly Shores "island" is the most important needed addition to the Indiana Dunes National Lakeshore. It consists of a 650-acre enclave entirely surrounded by park lands authorized, and since acquired, under the 1966 legislation. This tract must be regarded as the most significant missing piece in the dunes complex—an area which unless added will represent a continuing shadow and uncertainty over the viability of what is otherwise the largest single portion of the park.

But out of all proportion to its approximate 90-acre size is the importance of the area known as the Nipsco (Northern Indiana Public Service Company) Greenbelt. This tract should have been authorized in the 1966 bill, or should have been included in 1976. The existing boundary was not a wise one. It cuts through wetland areas which are integral parts of the Cowles Bog National Natural Landmark portion of the existing park. We believe that adjacent activity by the utility has already adversely affected this site, known as the birthplace of the science of ecology in North America, through the early investigations by the late Henry C. Cowles. As you know, the "Greenbelt" has been the subject of great controversy in recent years. In addition to concerns we have expressed, the Department of Interior itself has strongly objected to such encroachments as flyash leaching, effects of dewatering operations for a proposed nuclear power station, and other related encroachments. The "Greenbelt" is an extremely fragile portion of the park, and even small physical or chemical changes can produce a disastrous impact on the biological composition of the marshes and wetlands to the north and east.

I would have to add that we feel excessive concessions have already been made to Nipsco—the only interest in the long history of the dunes which has given nothing to the park but problems; and which promises little but more of the same in the future.

The small, but important strip along U.S. Highway 12 will also contribute to park qualities out of proportion to its approximate 60 acres. Its acquisition will protect several miles of scenic corridor along the principal east-west access road.

Thank you again for the opportunity to testify. We will appreciate consideration of the attachments in addition to the foregoing statement.

POLICY STATEMENT ON INDIANA DUNES NATIONAL LAKESHORE, ADOPTED MARCH 12, 1978, INDIANA DIVISION, IZAAK WALTON LEAGUE OF AMERICA, INC.

BACKGROUND

Beginning in 1952, the Izaak Walton League of America adopted a series of resolutions advocating the preservation of the remaining portions of the Indiana dunes and wetlands. Representatives of the League testified in favor of establishing the Indiana Dunes National Lakeshore, and subsequently in favor of its expansion, and the protection of its natural features. Since the initial authorization of the National Lakeshore in 1966 omitted certain critical areas, the League supported the proposals to expand the National Lakeshore. An expansion was authorized in 1976, but, again, critical areas were omitted and action on three other areas was deferred pending a study by the National Park Service. Additionally, the 1976 amendments removed certain considerations for homeowners within the National Lakeshore boundaries.

The study is now complete, and a bill has been introduced in Congress to add the three areas which were included in the study to the National Lakeshore, sponsored by Senators Birch Bayh and Richard Lugar in the Senate, and by Congressman Floyd Fithian in the House. Additionally, the Department of Interior is preparing recommendations for additions to the National Lakeshore, and one or more additional bills may be introduced for this purpose.

In order to establish areas of priority for additions to the National Lakeshore, and to otherwise provide guidance for recommendations, the Indiana Division of the Izaak Walton League of America advocates the following:

(1) First priority should be the inclusion of the three "Study Areas", which are designated II-A (Nipsco "Greenbelt"), and areas III-A and III-C (the portions of the town of Beverly Shores which now remain outside of the National Lakeshore);

With respect to the Beverly Shores additions, the League fully supports that portion of Sec. (b) of the bills (S. 2560 and H.R. 11110) which revises Sec. 4 of the Act, restoring the homeowners' provisions which were in the 1966 authorization, and Secs. (c) and (d), also related to homeowner rights.

With respect to Area II-A, the League opposes those portions of Sec. (b) of the bill which grant special concessions to Northern Indiana Public Service Company. The provision would legalize existing and future adverse impacts upon the National Lakeshore by NipSCO's facilities and operations, grant financial benefits to NipSCO not received by any other industry or nearby landowner, defer and limit acquisition of portions of II-A by the National Park Service. The existing Act contains sufficient provisions to protect NipSCO's interests in the necessary rights-of-way without the proposed changes.

(2) Equally critical to completing the boundaries of the National Lakeshore is the inclusion of the areas proposed in previous bills by Senator Bayh and Congressman Fithian, such as: (a) Extension of Area I-B eastward to include the dune and wooded area on the west side of Burns Ditch; (b) Area II-F, the Terminal Moraine ridge and archway of trees along U.S. 12, as a scenic entranceway to the existing National Lakeshore; (c) Additional segments of the Little Calumet River eastward from the existing National Lakeshore.

(3) The League also strongly advocates the following additions as being essential to protect values within the existing National Lakeshore: (a) Extension of Area I-D and I-E westward to include interdunal ponds between the Indiana Harbor Belt and B&O Railroad tracks. An extension should also be made eastward to include the natural area up to an existing residential and recreational use area. Consideration also should be given to a natural area south of the B&O Railroad tracks between Taylor Forge and New Jersey Street; (b) Inclusion of the natural dune area between Areas I-B and I-F on the west side of County Line Road. Consideration should also be given to including the residential area known as "Island Manor"; (c) Extending the north boundary of the Blue Heron Unit at least 1,000 feet northward, or authorization of an easement preventing development and use which would disturb the sanctity of the Blue Heron rookery; (d) Extend the West Beach Unit westward to include Wells Street Beach and adjacent dunes; (e) Extend the south boundary of Area I-B to permit acquisition of a tract of land now in single ownership, only part of which is now included within the National Lakeshore; (f) Authorize the acquisition of the remaining vacant land area between the south boundary of Area II-D and U.S. 20.

(4) The League urges the inclusion of additional areas adjacent to the National Lakeshore, some of which are under consideration by the Department of Interior. The League recommends further study and establishment of the most feasible boundaries which would enlarge the park, such as: (a) The area south of Area III-C and north of U.S. 20; (b) The remaining vacant portions of a high dune in the Miller section of the City of Gary, generally bounded by Forest Avenue on the south and Juniper Avenue on the north; (c) The Dune Acres-Porter Beach area presently surrounded by the existing National Lakeshore. This area should be considered assuming: (1) Acquisition of the entire area, or (2) Acquisition of the remaining vacant or low-density portions within the area.

As a general rule, the League recommends that priorities for acquisition within authorized areas should be as follows: (1) Vacant lands; (2) Improved properties subject to condemnation.

The National Park Service should always be alert to impending threats to authorized, but not yet acquired properties, particularly dune areas in danger of sand mining, and wetlands jeopardized by filling or draining. Such properties can and should be acquired immediately by declarations of taking.

RESOLUTION No. 5—1978 STATE CONVENTION, INDIANA DIVISION, IZAAK WALTON LEAGUE OF AMERICA, GRIFFITH, IND., JUNE 11, 1978

RESOLUTION ON H.R. 12821—SPONSOR: REP. ADAM BENJAMIN, JR. (D.—IND.)

Be it resolved, That the Indiana Division of the Izaak Walton League of America, in convention assembled at Griffith, Indiana, June 11, 1978, opposes the authorization of the marina and supports the addition of dune land in the bill, H.R. 12821, introduced by Adam Benjamin. Adopted.

Senator ABOUREZK. Mr. Bunce.

STATEMENT OF GEORGE BUNCE, CHICAGO CHAPTER, NATIONAL
AUDUBON SOCIETY

Mr. BUNCE. Thank you, Mr. Chairman. I am George Bunce, 739 North Indiana Avenue, Griffith, Ind. I am speaking for the some 4,500 members of the Chicago chapter of the National Audubon Society and also for myself as a homeowner near the Indiana Dunes.

I appreciate this chance to speak. I will not attempt to read what I have. I would like it entered into the record.

I am in agreement with this bill. I fully support it. I would, however, like to see an amendment and that is in connection with Nipsco Greenbelt. The reason for that is that there are some areas of dunes, wooded areas and wetlands in the watershed. Even a lay person can see the damage already done by the ash dumps there.

The soil is highly acid. Even pure drinking water entering a bog will soon destroy it after a few years from now. I can show you one in St. Joseph, Mich. They diverted one small stream at one end and in a few years it changed to a sedge-meadow. And Cowles' Bog is on its way.

This yellow portion is that Greenbelt within the watershed of Cowles' Bog. The damage you can see most is in this area. You do not see much over here. There are existing powerlines there. I think the Secretary of Interior has the power there—I have no objection to powerlines there or to any future expansion that would require overhead powerlines. The main thing is to protect it better.

I have a lot more I could say, but thank you.

[The prepared statement of Mr. Bunce follows:]

STATEMENT OF GEORGE BUNCE, CHICAGO CHAPTER, NATIONAL AUDUBON SOCIETY

Thank you, Mr. Chairman. I am George Bunce, 739 North Indiana Avenue, Griffith, Indiana. I am speaking for the same 4,500 members of the Chicago Chapter of the National Audubon Society and also for myself as a home owner near the Indiana Dunes.

I am in support of S-2560 to add the areas identified on the map as II-A, III-A, and III-C, commonly known as the "Nipsco Green belt", the "Beverly Shores Island", and the "Scenic Highway Strip" respectively. These are also known as the "Study Areas" in the Dunes Expansion bill that passed in 1976. When the National Park Service, after completing the authorized studies recommended that these three areas be added to the National Lakeshore, it only reinforced the many years of support and argument of all of us who have been working so long to achieve this Lakeshore Park.

However, there is one part of S-2560 that I would like to see your committee amend in mark-up. That is the area identified as II-A, the Northern Indiana Public Service Company (Nipsco) property. I believe the only solution to the problem with that area and with Cowles' Bog is for the National Park Service to purchase the entire parcel outright and immediately, with no conditions, time limits, or other restrictions—and I believe this is known in legal terms as "fee simple".

Area II-A definitely has park value as there are dunes, ponds, and marshes in the area. More important, however, is the fact that area II-A is in the watershed of Cowles' Bog. A bog is fragile. It has a low pH—in other words it is acidic and must remain acidic or its vegetation changes. The water presently getting into Cowles' Bog from Nipsco's fly ash dumping has a high pH—commonly called alkaline. Even pure drinking water entering a bog will soon destroy it as a bog. Unfortunately, nothing that enters the wetlands of Cowles' Bog will observe the imaginary boundary lines as represented on a map. Anything getting into the water on Nipsco's side of the boundary is soon also in the National Park's side of the boundary.

Already Cowles' Bog has been, and is being harmed—even a lay person can see the death or disappearance of certain plants associated with a bog. A good example, I believe, of what is happening to Cowles' Bog may be seen near St. Joseph, Michigan; there is a sedge-meadow now where there was a bog similar to Cowles' Bog. The reason why it is now a sedge-meadow is that some years ago a small, relatively clean stream was diverted through one edge of the bog. It took only a few years to change. The time limitations presently in S-2560, if allowed to become law, would give ample time for Cowles' Bog to become just another sedge-meadow.

As for the cost to NipSCO of relocating power lines, the Secretary of the Interior presently has authority to provide for the continuance of power lines overhead, and also to continue the weather tower. If I have correct information, additional overhead power lines in the future may also be permitted under present law. I certainly have no objection to that.

The Nuclear Regulatory Commission has also stated that Area II-A does not in any way effect the permit for the nuclear generating station. Whether one favors or opposes the nuclear generating station is immaterial, and is not the issue; adding area II-A to the National Lakeshore will not affect the construction and operation of the nuclear power plant, or of overhead wires that may be needed. The main issue here is to protect Cowles' Bog. Past experience would indicate that only outright, fee simple acquisition of the II-A area will accomplish that purpose.

As for areas III-A and III-C, I believe that restoring the home-owners' provisions of the original 1966 law, in all fairness to everyone, is important; S-2560 provides for that. The areas III-A and III-C are important, not only to round out the park boundaries and to make the park more manageable, but the areas are important also to protect the existing park from such definite probabilities as commercial, industrial, high-rise apartments, and other such development. Such development would destroy the relatively undeveloped natural areas of definite park significance which are actually within or adjacent to the present park boundaries, but that are not yet a part of the park. Such development would also detract from or even destroy some of the existing park's value.

Thank you again for the opportunity to express my support for S-2560, with my suggested amendment to purchase immediately and outright, in fee simple, the II-A area.

Senator ABOUREZK. Mr. Ferguson.

**STATEMENT OF CLAUDE FERGUSON, PRESIDENT, INDIANA
CONSERVATION COUNCIL, INC., MUNCIE, IND.**

Mr. FERGUSON. We support the creation of the lakeshore. My written testimony speaks to the wildlife and points out public lands in relation to population density with illustrations attached. I would like to respond to the resolution of the Wildlife Federation meeting which was adopted. I would like to have that entered into the record also.

Senator ABOUREZK. That will be entered into the record.

[The prepared statement of Mr. Ferguson follows:]

**STATEMENT OF CLAUDE FERGUSON, PRESIDENT, INDIANA CONSERVATION COUNCIL,
INC., MUNCIE, IND.**

I am A. Claude Ferguson, President of the Indiana Conservation Council, Inc. [ICCI]. I am a professional forester and I reside at 1312 24th Street, Bedford, Ind. ICCI is a statewide membership organization representing about 7,000 households throughout Indiana and it is the National Wildlife Federation Affiliate in Indiana. We are concerned with natural resource issues throughout the State. We have supported—and continue to support—a strong, viable and manageable natural resource area at the Indiana Dunes as a representative of the heritage of original landforms and ecosystems of our State and Nation.

The Indiana Dunes National Lakeshore is the only resource-based unit of the National Park System in Indiana. We are proud to share this resource with the Nation, and we support strong action by the National Park Service to preserve its dunes and wetlands for future generations.

The 800-acres contained in the legislation before the Committee today are far more valuable than size alone would indicate. I call the Committee's attention to the fact that there are four National Natural Landmarks within the relatively small area of the present Lakeshore Park (Cowles Bog, Hoosier Prairie, Indiana Dunes State Nature Preserve and Pinhook Bog). The additions proposed by the pending bill are a long-sought objective of Hoosier conservationists.

Areas III-A and III-C, the Beverly Shores additions, are essential for the viability of the eastern portion of this park. The "Island", if left to the whims of developers, will be a permanent headache for park managers, a potential eyesore to park visitors and a major obstacle to the restoration of natural conditions in this area.

Let me be more specific. With reference to wildlife restoration, a completed Indiana Dunes should constitute a viable ecosystem of indigenous species historically present in such a shoreside habitat. It should assist in filling voids in the requirements for migratory and transient species as well—including rare and endangered species.

There are many illustrations of the negative effects that inholdings within public land areas have on attaining the wildlife potentials of such areas. Small inholdings can negate the potential of substantial blocks of surrounding public lands. In short, the so-called "island" at Beverly Shores, surrounded as it is on all four sides by the National Lakeshore, will be critical for the achievement of any comprehensive wildlife restoration program on the surrounding public lands.

Area II-A, the Nipsco Greenbelt, is critically important for somewhat different reasons. Adequate wetland preservation is a prime concern of ICCI throughout the State. It seems to us that the protection and proper management of the entire wetland system here will never be secured without the acquisition of these remaining wetlands now in private ownership. Furthermore, past experience has proven that easements adequate to do the job cost the public about as much as fee title acquisition and leaves the owner with little more than the taxes to pay.

Indiana is a have-not State when population density is contrasted with the distribution of public lands and natural resource areas. This disparity is best illustrated by the graphic maps published in the *Journal of Forestry* (June 1970) as part of an article by Grant W. Sharp and Stephen Butterworth. A copy of that article is attached hereto.

To some it may seem that the effort to add 800-acres to a unit of the National Park System would not be worth the hassle and furor that might ensue. The illustrations in the referenced and attached article dramatically set forth why we are so concerned and persistent in our efforts for such a relatively small area in Indiana.

I thank you for this opportunity to present our views in this matter and stand ready to be of any assistance within my ability.

Visualizing Public Land Distribution

Grant W. Sharp and Stephen Butterworth

PUBLIC RECREATION facilities are the subject of growing concern as people gain more leisure and ability. Of course, in evaluating the recreation land location problem, we must remember that not all people recreate out-of-doors and not all public land is available, or for that matter available for recreation. But the authors wondered how much truth actually existed in the axiomatic complaint, "The people are in the East and our public lands are in the West."

In approaching this problem, we wondered what the continental United States would look like in a population map based strictly on head count. And further, how would a U.S. map look if drawn according to state and federal land ownership, assuming that all public land is available for some form of outdoor recreation? We do not attempt to differentiate between high and low quality recreation lands. Likewise, no attempt is made to tell how it should be, but rather how it is.

Figure 1 shows the total land of each state. The two-letter abbreviations follow the zip code system of the U.S. Post Office. Figure 2 shows the expanded or contracted state as related to its population. Figure 3 is the same for state and federal land ownership.

Methods

We chose a grid paper having 20 intervals per inch, 400 squares per square inch, and transcribed a map of the 48 contiguous states. This established a unit of measure for the other two maps. In Figure 2 we determined the population for each sub-unit, in this case, population of each state. Then we determined the total population of the entire map and applied the following formula to find map size:

AUTHORS are professor of outdoor recreation and graduate student, respectively, Coll. Forest Resources, Univ. Washington-Seattle.

$$\frac{\text{Population of sub-unit}}{\text{Population of entire area}} \times \text{map area} = \text{No. of squares}$$

Alabama, for example, has a population of 3,558,000. The population of the 48 contiguous states is 198,804,000. The size of the U. S. in our map units was 11,330 squares. Then:

$$\frac{3,558,000}{198,804,000} \times 11,330 \text{ squares} = 193 \text{ squares}$$

Then we drew the appropriate shape of the sub-unit, Alabama, to the determined size of 193 squares.

The same procedure was used to construct Figure 3. Using the following formula:

$$\frac{\text{Amount of public land in sub-unit}}{\text{Amount of public land in entire area}} \times \text{map area} = \text{No. of squares}$$

For Alabama it was

$$\frac{779,720 \text{ acres}}{444,686,000 \text{ acres}} \times 11,330 \text{ squares} = 20 \text{ squares}$$

Conclusions

This method could also be applied to counties within states, cities within counties, precincts within cities, or any area with identifiable sub-units. We feel this visual presentation could become a worthwhile tool for people entrusted with the task of providing whole park systems. Perhaps a series of these maps, one set for every five years since 1900, would give new insights in planning for the future. They certainly point up current problems in public land distribution. □

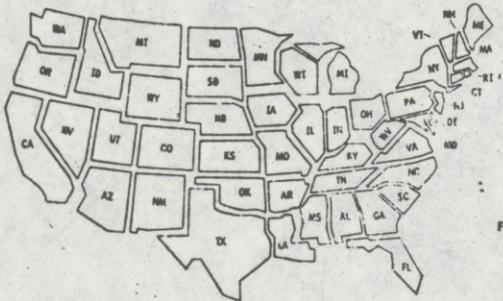


Fig. 1.—The United States, showing each state normal size.

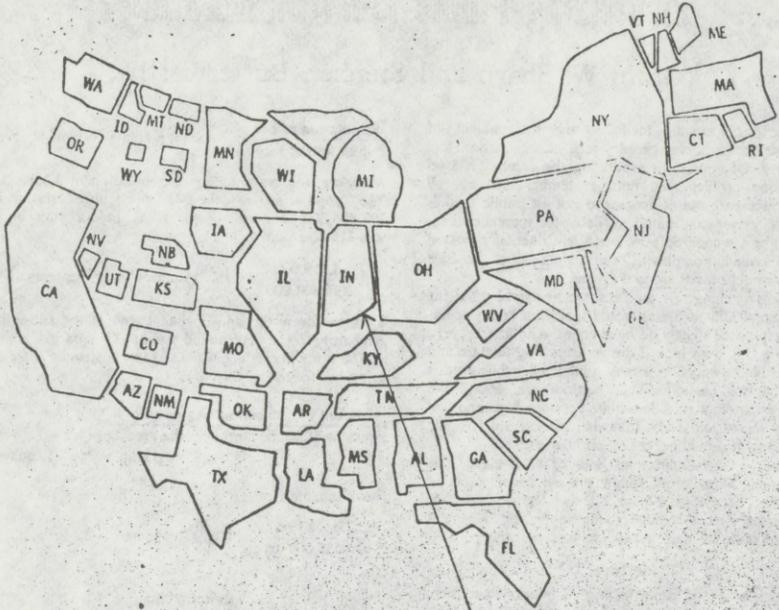
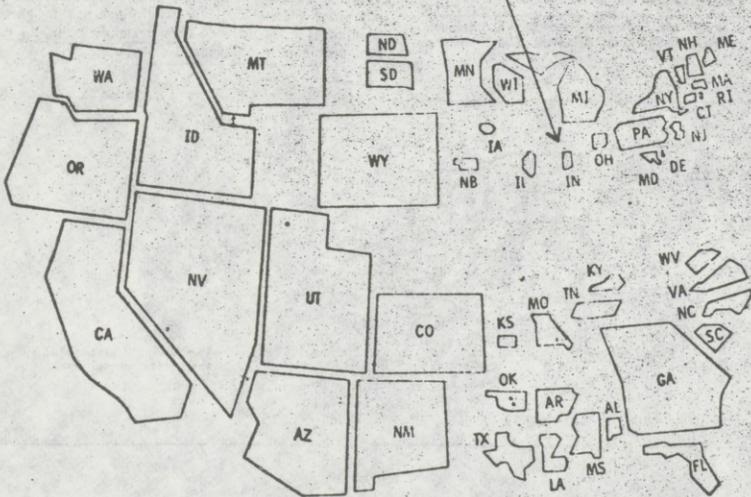


Fig. 2.—"People map," showing each state in proportion to its population.

Fig. 3.—The United States in proportion to public land allocation.



Senator ABOUREZK. Mr. Bradshaw.

**STATEMENT OF JOHN I. BRADSHAW, JR., NORTHERN INDIANA
PUBLIC SERVICE CO.**

Mr. BRADSHAW. I am John I. Bradshaw, Jr., and I am an attorney representing Nipsco, which is the public utility that services this area.

The utility objects to that portion of S. 2560 which would add to the park area II-A which is approximately in the center of the map there. We are also opposed to portions of Congressman Benjamin's bill which would add areas VII-A and VII-B to the bill.

We have a written statement which explains our objections to area II-A. We feel the addition to the park of area II-A would be damaging financially to the utility and its customers and would far outweigh the benefits to the park. We also feel the area, the addition, is not contained in the special study commissioned by this Congress 2 years ago and from what we hear here this morning, the addition of area II-A is not favored by the National Park Service.

We also fear and believe adding this area to the park created a new park utility boundary which would be an administrative nightmare. That is basically not feasible. Further, the addition to this area would threaten our long term ability to operate our facilities, a generating station, in a proper manner.

Lastly, this addition of II-A is not warranted or justified in light of the expensive environmental improvements which have been made in the last few years and which are on the drawing board for the future.

Probably the single greatest problem for us is the enormous financial impact which this would cause for the utility and its customers. We own all of area II-A. It represents 30 percent of the land area, at our Bailly generating station. At that location, we have two coal-fired plants and an oil turbine, a nuclear plant under construction, and numerous support facilities. It is not a large site to begin with, and it is not expandable beyond its present boundaries.

It is hemmed in on the north side by lakeshore and on the south by Bethlehem Steel's property. We will have by 1985, which is the date referred to in S. 2560, we will have an investment on this 350-acre site of something over \$1 billion. We feel by the terms of S. 2560 we would eventually lose control over area II-A. We would lose it by Government acquisition or some form of Government control through a cooperative agreement that would have to be acceptable to the Department of Interior.

We have facilities either actual or contemplated that are in all of this area II-A. We feel we cannot properly operate our plant without these facilities, they cannot be replaced or relocated, and if we suffer a loss of this territory and these facilities, we will have a very substantial financial burden to bear, which would have to be borne by the Federal Government or by our utility and its customers.

We had some material prepared 1 year ago, referred to our written statement, which indicated the damage we would suffer would be something over \$100 million. We really think the figure would be much higher. A simple rule of thumb approach would be to prorate it on the basis of the acreage we would lose in comparison to our total acreage, and that would be about 30 percent.

By 1985 we would have over \$1 billion invested. By that formula, it would be a loss or a severance damage of \$300 million. Admittedly, it is somewhat a conjectural or speculative figure. But we feel the Congress should be aware it would be very costly to us if this legislation is enacted. We do know, for example, our nuclear plant has been delayed some 6 years. The cost during that period has escalated \$650 million above original estimates.

We cannot say that delay is all attributable to park problems, but our nuclear advisors, attorneys and staff, tell us at least 2 years of that delay is attributable solely to issues which would not have existed except for the proximity of the park boundary to our present facility.

Senator ABOUREZK. Is part of that delay due to the problem of waste disposal, nuclear waste disposal?

Mr. BRADSHAW. Not so much.

Senator ABOUREZK. Part of it is?

Mr. BRADSHAW. Yes.

Senator ABOUREZK. You are like the Government. You don't know where to put that waste.

Mr. BRADSHAW. That is certainly a factor.

Senator ABOUREZK. I see in the paper this morning the House has appropriated \$185 million to try to define the nuclear tailings piled up. It is an extremely difficult problem. I don't think anybody who builds a nuclear plant ought to try to avoid it, admittedly it is a severe problem, now and in the future.

Mr. BRADSHAW. We are somewhat envious of those plants that have those problems; our problem is getting our plant built first. Perhaps by that time Congress will have figured out how to solve the waste problem.

Senator ABOUREZK. You are in a hurry to create all of that waste.

Mr. BRADSHAW. We are supremely confident in the Congress solution of this weighty problem.

Senator ABOUREZK. Whose ability?

Mr. BRADSHAW. At least we know, we have been told by our nuclear people, the delay is directly attributable to the proximity of the park. The park so far has not taken one acre of our land. But if 2 years of delay is attributable to park proximity and according to Secretary Schlesinger's testimony on May 18, 1 year of delay converts to \$120 million of excessive costs laid on the backs of the users of that particular utility.

Senator ABOUREZK. Mr. Schlesinger has only selective concerns. He is right now trying to foist on the American public a \$100 billion natural gas deregulation bill, so I will disregard what he says. I will take your word for it.

Mr. Bradshaw, I want to excuse myself. That is the second call on a vote over on the floor. I will ask Jim Beirne, the staff counsel, to wrap up the hearings. Jim will take your testimony and I believe the United Auto Workers has asked to testify. If they would like to, I will try to get back before the finish of the bill. If not, I will ask Mr. Beirne to adjourn the committee hearing.

I would like to thank all of the persons here—it does my heart good to see people take the initiative. The record will be open for 2 weeks.

Mr. VALIULIS. Please stop the expansion of Indiana Dunes National Lakeshore Park. Beverly Shores homes are needed for people to live

in. The Nipsco Greenbelt is needed for the powerplant. To save homes and to have electric power is more important for the economy than to have a bigger park.

Beverly Shores is 40 percent Lithuanian. No one in this group will testify for the park.

Senator ABOUREZK. You say people from Beverly Shores want to testify?

Mr. VALIULIS. I would like to testify.

Senator ABOUREZK. I will instruct Mr. Beirne.

Mr. VALIULIS. Lithuanians want to testify.

Senator ABOUREZK. I will miss the vote. I will leave it to Mr. Beirne to discuss it with you.

Mr. BEIRNE. Please proceed.

Mr. BRADSHAW. We feel we would suffer substantially by whatever yardstick that would be applied if we lose this piece of ground which represents 30 percent of our land base. We feel we have contributed, the park has contributed 2 years to the total delay.

This is bound to increase our severance damages by many times. We feel whatever damage method would be applied, the figure would be enormous, as far as what damage, say if we lose control of facilities situated therein. On the other hand there are no real redeeming park values located in the area. As Ms. Osann said, one side of the boundary is not really distinguishable from the other.

A study has been done but it does not, in our judgment, support the case for acquisition of II-A. It devoted 95 pages of its bulk to this study. I think you could see from the Department of Interior's recommendation that they seem to share that view. Another bad feature of this portion of the bill, it would create a boundary between the park and the utility which would be very difficult to administer. It would entail the Government acquiring ownership or control over our dike which is a structure somewhat controversial at times which was erected for environmental considerations and by and large serves that purpose.

A visual inspection shows that is in the eastern area of II-A, a logical and natural boundary which should not be altered. On the western end, the proposed bill, if enacted, would move the park boundary some 500 feet further south and make it abut directly against our access road.

A right-of-way in the nature of a parkway on one side, this would pose considerable problems, long range, for us in protecting approaches to our nuclear plant. We would expect to have much more intensive truck traffic over this road after the nuclear plant is constructed and after we convert our ash-hauling methods to the methods of dry-ash collection which will be taking it out by truck over the road.

We also think the recent environmental changes and improvements which the utility has made is not consistent in many instances with the Park Service and by and large will overcome many of the reasons advanced in prior sessions of Congress when the inclusion of II-A was advocated.

This has been expensive. The most recent one is an agreement worked out with the Park Service and utility under which the utility will stop the water seepage from its ash basins from the park.

So for a number of reasons we feel it would be a mistake, a serious mistake and a very costly one for area II-A to be added to the park.

Our written statement does not reflect it but I would add we feel those portions of Congressman Benjamin's bill which would add area VII to the park should be deleted because the utility needs this area for a future substation which it intends to construct in the future.

We have no objection to the other portions of Congressman Benjamin's bill or to the portions of S. 2560 other than previously stated here.

[The prepared statement of Mr. Bradshaw and Mr. Valiulis follow]:

STATEMENT OF JOHN I. BRADSHAW, JR., NORTHERN INDIANA PUBLIC SERVICE CO.

NIPSCO'S BASIC POSITION

Northern Indiana Public Service Company ("NipSCO") is the fee owner of Area II-A. As such, it is vigorously opposed to the inclusion in the Indiana Dunes National Lakeshore ("IDNL") of all or any portion of Area II-A, whether by fee acquisition, scenic easement, cooperative agreement, or otherwise. NipSCO believes adding Area II-A to the Lakeshore as provided in the proposed legislation: (a) would inflict substantial financial damage to the utility and its customers, far outweighing any possible benefits to the park; (b) is not supported by the information contained in the Special Study done by the Secretary of Interior and the National Park Service; (c) would create a new park-utility boundary which would be an administrative nightmare that is inherently not feasible; (d) would threaten the utility's long-term ability to operate its facilities at the Bailly Generating Station in a proper manner; and (e) ignores the environmental improvements already instituted by NipSCO in this area which obviate the need for federal acquisition.

BACKGROUND AND SITE DESCRIPTION

NipSCO is an investor-owned taxpaying public utility, distributing gas and electric service in the northern third of Indiana. It, and its predecessors, have been supplying gas and electricity in this territory continuously since 1853 and 1896, respectively. NipSCO services a territory covering 12,000 square miles in thirty counties containing over two million people. The territory extends from Illinois to Ohio, and from Michigan to a point in Indiana slightly south of the Wabash River. It thus services the entire area containing the IDNL and the proposed expansions thereof.

Area II-A contains approximately 100 acres (30%) of a total of 350 acres at NipSCO's Bailly Generating Station, one of four generating stations operated by NipSCO, for the generation and transmission of electricity in its territory. The 350-acre Bailly site is not large to begin with, and is sandwiched between the IDNL on the east, Bethlehem Steel's property on the west and southwest, Lake Michigan on the north, and U.S. Highway 12 on the southeast. The Bailly Generating Station is located very close to some of NipSCO's major industrial customers which utilize large blocks of NipSCO's electrical output. At its Bailly Generating Station the utility maintains and operates two fossil-fueled generating plants, numerous transmission lines, a 345 KV substation, and various other support facilities. In addition, it is constructing a nuclear generating plant at this site. By the completion date of the nuclear plant, NipSCO's total investment at the Bailly Generating Station is expected to exceed one billion dollars, which sum, concentrated on a 350-acre site, is more than ten times the total amount thus far authorized by Congress to be spent for land acquisition in the entire 10,000 acre Lakeshore since its creation.

Area II-A is a vital and integral part of the Bailly Generating Station. Loss of Area II-A would have a substantial and adverse impact upon the future operation of NIPSCO's Bailly plants, the fossil-fueled plant, as well as the nuclear plant, and their respective supporting facilities. Although the generating stations themselves are not actually located within Area II-A, the area does contain a number of facilities vital to the operation of the power plants. The utility's facilities which now exist in, or have long been intended for construction in various portions of Area II-A include:

- (a) Transmission lines to service nuclear and fossil plants (parcels 21, 22, 23, 24, 25, 42 and 43) ;
- (b) Expansion area for the substation (parcels 22, 23 and 21) ;
- (c) Environmental monitoring tower and instrument box related to the nuclear plant (parcel 43) ;
- (d) Protective dike (parcels 10, 21, 24, 31, 32 and 41) ;
- (e) Interdunal ponds and wetlands for monitoring water levels during construction of the nuclear plant (parcels 42-43) ;
- (f) Potential flyash storage sites (parcels 24, 25 and 31) ; and
- (g) Buffer zone (entire area of II-A).

From a review of the maps it can be seen that the utility has a current usage or future need for every component piece in Area II-A.

IMPACT ON UTILITY FROM LOSS OF II-A

The Bailly Generating Station cannot properly be operated without the facilities located in or intended for II-A, and most of NIPSCO's facilities in Area II-A could not be relocated without enormous cost, if they could be relocated at all. The loss of these facilities would permanently impair the operation of the Bailly Generating Station in an amount not readily determinable. It was estimated last year by outside consultants employed by NipSCO, that federal acquisition of Area II-A could well impose on NipSCO and its customers a severe economic burden amounting to direct costs in excess of one hundred million dollars. See NipSCO's *Comments* to Department of Interior, National Park Service, on Legislative Study Objectives With Respect To Study Area II-A, dated May 10, 1977, pages 112-118, copies of which are available on request. Other estimates place the figure much higher. For example, one rule of thumb approach is to prorate the damage on the acreage taken. This method assumes that the damage to NipSCO's investment from loss of the facilities in II-A will be that portion of its total investment at the Bailly Generating Station represented by the portion of its land to be taken in relation to NipSCO's total land at Bailly. This approach, not an unreasonable one in such situations, would mean that the damages could approximate 30% of the total investment. By December 31, 1985, a date referred to in proposed Section 4(b) of the bill, NipSCO's investment at Bailly is expected to exceed one billion dollars so that the damages to NipSCO and its customers by that date would be three hundred million dollars. No precise figure is now available. We do know, however, that the delay in the construction of the nuclear plant has increased the cost by over five hundred million dollars and that a goodly portion of the delay is directly attributable to issues which exist only because of the proximity of the present Lakeshore boundary to the nuclear plant site. Thus the placement of the park boundary so close to the power plant has already inflicted a substantial cost burden on the utility and its customers. It stands to reason that moving the park boundary any closer to the utility's vital facilities, as the proposed legislation would do, can only increase the resulting damages to the utility and the attendant cost burden on the energy users of northern Indiana. In any event, it is no small wonder that Congress in its wisdom has so far not seen fit to add Area II-A to the Lakeshore, notwithstanding frequent requests to do so during the intervening years since the Lakeshore was created in 1966.

SECRETARY OF INTERIOR'S SPECIAL STUDY

Last year the Secretary of Interior and the National Park Service, completed, pursuant to P.L. 95-549, a Special Study of three areas, including II-A, which had been previously proposed for inclusion in the Lakeshore but had not been added thereto. Completed in June, 1977, after considerable investigation and research, the Special Study devoted some 94 of its 185 pages to Area II-A. When fairly and fully read, the Special Study does not make a case for federal acquisition of Area II-A. Though no specific conclusions or recommendations are stated therein, the inescapable inference is that the area should not be added to the Lakeshore, and that doing so would not be in the best interests of the park. As stated on page 117 of the Special Study:

"If II-A were added to the national lakeshore, the park boundary would be set directly against the industrial activity of the power company, with the Bethlehem Steel mill immediately beyond. As compared with most of the lands in the National Park System, preservation and restoration would be more difficult for area II-A because of the harsh industrial border which would adjoin the national lakeshore."

Although we do not know the official position of the Secretary of Interior and the National Park Service regarding Area II-A, we believe that an objective review of the Special Study would lead them, as well as anyone else, to conclude that the area should not be added to the Lakeshore.

Nonetheless, the clamor for federal acquisition of Area II-A persists in some circles. This is partially due to the lingering effect of pledges or commitments made several years ago before the energy crisis, to certain anti-nuclear pressure groups whose primary motive at that time was to thwart the utility's proposed nuclear plant and who saw in the prospect of a park expansion at Bailly another potential weapon to be used in their anti-nuclear efforts. Some of these pledges were also made prior to Nipsco's recent environmental and ecological improvements at its Bailly Generating Station, at a time when alleged problems over flyash and water seepage were seen by some as an environmental threat, curable somehow by enlarging the park at the utility's expense. Although Nipsco's environmental initiatives have mooted these concerns, the old commitments remain and the pressure groups persist.

Others still urging federal acquisition of II-A would have Congress believe that any resulting damage to the utility and its customers should be disregarded, whatever the amount, in favor of some ill-defined social benefits. But the Special Study reveals there are no intrinsic park resources in II-A not abundantly present elsewhere in the Lakeshore. See, also, Nipsco's written *Comments*, referred to above, pp. 1-110. Under these circumstances it would be fiscal folly to ignore the potential impact on the utility.

Other advocates of federal acquisition feel that somehow Area II-A can be added to the Lakeshore, and the pressure groups placated, without inflicting substantial damage upon the utility. Indeed, provisions of the pending expansion bill relative to Area II-A do represent serious efforts to reduce or delay the adverse financial impact upon the utility and its customers which a full and immediate federal acquisition of Area II-A would entail. But most of the provisions concerning Area II-A, like similar provisions in legislative proposals submitted in prior session, are not feasible or justified. They ignore the basic economic fact that Congress cannot, on the one hand, impose federal ownership or federal control over 30 percent of the Bailly Generating Station without, on the other hand, jeopardizing the utility's ability to operate the power plants properly and without inflicting a substantial and permanent impairment on the utility and its customers. While Congress clearly has the power to place 30 percent, 50 percent, 75 percent, or even 100 percent of the Bailly Generating Station in the Indiana Dunes National Lakeshore, it cannot do so without substantial cost to the utility and its customers. While some supporters of the pending bill may disagree, a careful analysis of the map and the bill's provisions indicates that for the most part, this bill will not work.

PROPOSED NEW BOUNDARY

The new boundary line would be a disaster for Nipsco and just about as bad for the park. As noted by the Special Study and referred to above, the new park boundary would be set directly against the "harsh industrial border" of the power company and make preservation and restoration much more difficult than other lands in the National Park System. Both the park and Nipsco would lose the mutual benefits which each now derives from the existence and preservation of a buffer zone to separate the industrial area from the park. The new boundary line would also place Nipsco's protective dike, an earthen structure one-mile long, entirely within the park. There would thus be federal ownership (or federal control through a cooperative agreement) over the dike and over Nipsco's land on its side of the dike (parcels 21-25, 31-32). The proposed legislation would also appear to contemplate three separate and distinct zones of ownership (or control) along the one-mile area of the dike. One zone at the eastern end (parcels 10 and 21) would be subject to immediate federal acquisition; another zone near the western end of the dike (parcels 31, 32 and 41) would be subject to federal acquisition but with condemnation deferred until after 1985, unless prior thereto the Secretary determined it was "being used in a manner measurably adverse to its preservation * * *". A third zone of the dike, being the midsection between the east and west ends, would be left in Nipsco's control, pursuant to proposed section 4(d), subject to a cooperative agreement described therein which conditions Nipsco's retention of control on maintenance of park-like conditions in the area. This multi-zone arrangement makes little sense and is in reality a blueprint for an administrative nightmare. Its likely result would be to entangle the Park Service and the utility in each other's affairs in a manner which neither

desires and which would only serve the interests of those seeking additional opportunities to exhort the Park Service to make bountiful troubles for the utility in the belief that somehow this is the path to social progress. Common sense indicates that if the utility controls the middle section of the dike while the federal government owns the two ends, the situation is simply not workable. This approach also ignores the judgment of prior congressional committees which, having considered the issue, have generally concluded that NipSCO should retain the ownership, control and responsibility for the dike and its operations on the south side thereof. See, Special Study, map, page 121. See also, Senate Interior Committee Report No. 94-1189, Calendar No. 112, dated August 27, 1976, page 10.

SECTION 4(D)

Proposed Section 4(d) of the Bill is inadequate to protect NipSCO's vital interests in the area south of the dike. In the first place, it does not describe the full area which is necessary, which would be the dike plus all of parcels 21-25, 31-32, comprising all the parcels on NipSCO's side of the dike in the eastern portions of Area II-A. In the second place, the bill's provisions provide NipSCO with only a qualified and conditional exemption from condemnation in a portion (parcels 22-25) of the dike and adjoining areas. The exemption from condemnation is conditioned upon execution and maintenance of a cooperative agreement with the Secretary of Interior "containing such provisions as the Secretary determines necessary in order to protect against the dumping of industrial solid wastes and such other future actions by the owner which would have a measurable adverse impact on native vegetation, wetlands and animal life therein * * *." These requirements in essence require the utility to maintain the area in a park-like manner permanently, without compensation, as a price of continued exemption from condemnation. It is unlikely that NipSCO can comply with these requirements. Its long-term plans in parcels 21-25, which is merely a portion of Area II-A, contemplate that by the year 2000, only a little more than 20 years from now, NipSCO and its customers will have invested over two hundred million dollars in expansions and enlargements to the substation and related transmission facilities in this portion of II-A. It is inconceivable that the utility would be able to carry out this expansion program and still comply with the stated provisions of the proposed cooperative agreement.

The effect of such a cooperative agreement would be to hamper, if not totally preclude, full development of the utility's planned facilities in this area. Here again, the situation created by the proposed legislation would only serve to create constant, kindly questions of interpretation and administration which would hopelessly intertwine the Park Service and the utility in each other's affairs. The situation would be exploited periodically, if not chronically, by pressure groups to harass the activities of the utility. The utility's retention of usage under Section 4(d) would hang on such a tenuous and precarious thread that it would never know for how long and under what conditions it could continue to use the area. If it lost the use of the area, the cost of relocating the facilities expected to be built there by the year 2000 would exceed forty million dollars. It makes no sense to subject the utility and its customers to this kind of exposure. If Congress intends the utility to have full dominion over this part of Area II-A, it should be omitted from the bill entirely.

SECTION 4(F)

Proposed Section 4(f) relates to the western part of Area II-A (parcels 31, 32, 41, 42 and 43). It provides for federal acquisition, but with a conditional deferral of federal condemnation of this area until after 1985, with the deferral to be terminable prior thereto if the Secretary determines " * * * that any such parcel or part thereof is being used in a manner measurably adverse to its preservation * * *." This is a new approach. It represents an attempt to fashion a political standoff between the conflicting claims of opposing pressure groups—those who stand to benefit from the construction of the nuclear plant, on the one hand, and, on the other, the opponents of the nuclear plant who, seeing they may lose that struggle, will settle for eventual federal acquisition of a substantial piece of the power plant site after the anticipated nuclear completion date.

There are numerous problems with this approach. In this first place, there is no assurance that the nuclear plant will be completed by the date used in the proposed legislation, December 1, 1985. Prior anticipated completion dates have had to be extended. A firm statutory date, relatively close in time to the antici-

pated completion date, gives people with a proven disposition to litigate, an invitation to litigate. Target dates are sometimes altered, due to factors over and beyond the utility's control, and the history of this nuclear plant suggests that any changes will be delays rather than advances. In the second place, the deferral of condemnation is so conditional as to be meaningless. It is not likely to produce the respite from harrassment of the utility's nuclear construction efforts which the utility needs. If this provision is enacted, it is probable that the groups opposed to the nuclear plant will regularly conjure up countless allegations that various portions of the subject area are being "used in a manner measurably adverse" to their preservation, in an effort to force the National Park Service into frequent skirmishes with the utility over imaginary problems. This is unlikely to be of benefit to the utility, the Park Service, or the Lakeshore.

Perhaps the greatest single deficiency of Section 4(f) is that it overlooks the long-term interests of the energy users of Northern Indiana, who will be adversely affected by the boundary change which the ultimate acquisition of the western part of II-A would represent. In parcels 31, 32 and 41, it would mean the loss of the western end of the dike and federal ownership of the land on Nipsco's side of the dike in that area, which has been previously discussed. Equally bad, in parcels 42 and 43, is the fact that the park boundary would be moved 500 feet further south and placed immediately adjacent to Nipsco's private access road linking the generating plants and State Highway 12. This compounds the park's disadvantage of having its boundary placed adjacent to the "harsh, industrial border" of the power plant (Special Study, page 117), with the utility's disadvantage of increased security and control problems for its access road.

There are also security problems in the event of federal acquisition of the west end of II-A. We do not contend that this area is part of the nuclear exclusion zone, or that its ownership is, under current regulations, absolutely required for physical protection of the nuclear plant. However, there are long term drawbacks for all concerned if the utility loses control of this area. In the first place, Nipsco will be transporting over this road nuclear fuel, tools and wastes, on a periodic basis, plus truckloads of coal ash and other things which would not be considered desirable in the park. Nipsco's access road, which is now private, would be converted to a parkway, since park land would abut the road on the north side thereof. This would expose the utility to constant security and surveillance problems, the ever present risk of unwanted intrusions from the park side of the road, which would only serve to aggravate Nipsco's plant security problems in this area. In the second place, the applicable regulations could change and Nipsco anticipates that the security measures which will be necessary after the nuclear plant is built will be more stringent than those presently in effect. Nipsco's surveillance, monitoring and control over most approaches to the nuclear plant would have to be intensified. This could not be done north of the access road if the irreversible step of federal acquisition had occurred and had thereby deprived Nipsco of the necessary dominion it would need over this area. On the other hand, retention of full ownership and control by Nipsco preserves the necessary dominion the utility will need, and poses no threat of harm to the park, since Nipsco has repeatedly stated that it has no intentions to alter the current conditions in the area north of its access road (parcels 42 and 43).

Nipsco's environmental monitoring tower and instrument box are also located in parcel 43. These service the nuclear plant and, in the event of a federal acquisition of II-A, such facilities might be lost to Nipsco, which would constitute a serious financial detriment to the utility and its customers. Relocation of the tower, if feasible at all, would prejudice the integrity and relevance of the environmental data previously gathered. Even if the tower and box were not removed, Nipsco's ability to maintain the tower would presumably be lost or restricted due to Park Service policy. Here again, the concept of federal ownership or control of a utility's facility vital to the operation of a nuclear plant, in an area which is not necessary to the protection of the park is absurd and can only be detrimental to the utility with no offsetting public benefit.

SECTION 4 (E)

Proposed Section 4(e) of the Bill contains provisions which would indemnify Nipsco against certain financial losses in the event the dike is acquired and subsequently removed. Nipsco has no objections to this section, and believes it would be necessary in the event that any portion of Area II-A is to be acquired.

But for reasons previously stated, Nipsco believes none of II-A should be added to the Lakeshore.

NIPSCO'S RECENT ENVIRONMENTAL IMPROVEMENTS AT BAILLY GENERATING STATION

In the past few years Nipsco has inaugurated a series of technological changes in some of its operations at the Bailly Generating Station which will have a substantial and favorable impact upon the Lakeshore. These include an agreement reached earlier this year with the National Park Service under which Nipsco has embarked upon a program leading to the sealing of its ash-settling basins, which will terminate the seepage of ground water from these basins toward the Lakeshore. To the extent that there are or were any undesirable constituents in the water circulating within the Nipsco ash basins, these will no longer be transported by ground water to the Lakeshore. In addition, Nipsco expects that by early next year, its conversion of the coal-fired plants to a dry method of ash collection will be operational. This will result in the termination of the sluicing of the flyash to the ash-settling basins, so that the flyash constituents now present in the ash-settling basins will gradually be eliminated. This will also lessen any potential adverse impacts from the waters in Nipsco's ash-settling basins which could be undesirable in the Lakeshore. The utility has also ceased storing flyash in all of Area II-A, and has indicated that it does not intend to store flyash here in the future. The dike is another environmental protection device installed by Nipsco to help protect the adjacent park areas. See Special Study, pp. 137-8. These technological changes have or will cost the utility and its customers upwards of ten million dollars. While indeed costly, the resulting improvements should resolve any legitimate concerns which could be advanced in support of federal acquisition of Area II-A.

If the present Lakeshore boundary were not so close to the vital facilities of the Bailly Generating Station, some of these technological changes might have been deferred or reduced in scope and cost. Nonetheless the fact that the changes have been instituted voluntarily by Nipsco, and without cost to the federal government, should rebut any argument that federal acquisition of Area II-A is necessary in order to protect the original Lakeshore. It also confirms Nipsco's belief that moving the Lakeshore boundary any closer to the utility than it already is would cause considerable additional financial burden for the utility and its customers, a burden which is not now necessary or justified, if it ever was.

OTHER PROTECTION LANGUAGE NEEDED

Nipsco suggests that if any portion of Area II-A is to be added to the Lakeshore, protective language be included to indicate a legislative intent that any such addition is not intended to modify the applicable air and water pollution standards for property outside the boundaries of the Lakeshore. Such a provision was adopted in 1976 as part of P.L. 94-549, Section 12(b), which reads as follows:

"(b) The Authorization of lands to be added to the lakeshore by the Ninety-fourth Congress and the administration of such lands as part of the lakeshore shall in and of itself in no way operate to render more restrictive the application of Federal, State, or local air and water pollution standards to the uses of property outside the boundaries of the lakeshore, nor shall it be construed to augment the control of water and air pollution sources in the State of Indiana, beyond that required pursuant to applicable Federal, State, or local law."

STATEMENT OF LEONAS VALIULIS, HOMEOWNER, AND MEMBER OF BEVERLY SHORES PEOPLES' ASSOCIATION, BEVERLY SHORES, IND.

Please stop expansion of Indiana Dunes National Lakeshore Park. Beverly Shores homes are needed for people to live in. The Nipsco greenbelt is needed for the power plant. To save homes and to have electric power is more important for the economy than to have a bigger park.

(1) The inclusion of Beverly Shores would destroy its Lithuanian community, which makes up 40 percent of the island's population. Most of them are victims of World War II when Russia occupied Lithuania. They lost their human rights, property, and savings. I lost my small farm investment of nine years savings.

Being educated and diligent, our people become good citizens, not a burden to the country. Our people have built their homes here in a place which reminds them of the Baltic Coast. Again, grief befell us to learn we can lose our homeowners' rights, after building ourselves up for years. Our hope is the legislators

are aware of the need to preserve ethnical groups, thus enriching the cultural heritage of America.

(2) I and other homeowners here are against destruction of our town and of our rights to have our own homes. We do not want to be renters of U.S. property. We are not slaves or animals to be sacrificed for the whim of several noisy pro-parkers of B. Shores, who do not have the morality nor consciousness to respect our rights. The inclusion would be the death of the town. To live in a disappearing, dying and each year shabbier town, to have all types of visitors roaming around our homes would be a nightmare and agony for us, but not the better future that town trustee Akers is picturing.

(3) The destruction of B. Shores island's over 300 homes and some businesses would be a crazy spending of money. Estimators of the NPS Special Study 1977 team figured the cost of the island without looking inside the homes, even the outside. They did not ask the owners the value of their homes. Their figures of \$28 million for the island or \$43,000 per acre are too low! Since the study was done, several homes and garages were built. More are coming. Many homes were expanded, remodeled and other improvements made to get "bigger loot" from the government. Being organized, the opposition and pro-parkers will fight in the courts to get the highest prices. For the above-mentioned reasons, the cost will jump much higher than \$50,000 per acre! Also must be added latter costs of removal of structures, dense net of streets, and stone revitement on the beach, which will cost several times more than the \$3 million dollar installment.

(4) Our town, in appearance and practical use is like a park. Many homes and the island are used for recreation, vacations by friends of homeowners, and other people from early spring to late fall, from all U.S. States. They are enjoying the National Park, too. They have more conveniences here now than they would get from a National Park only. The government need not spend a penny here, so there is no reason to eliminate the town.

(5) Homeowners here like privacy. They are planning to have a low density residential town in the island and a business district along the Route 12 strip. Practically speaking, the island can be built up to 500 homes. Nobody will build high hotels or motels in the many foot deep muck swamps along Beverly Drive. A small town such as this can't create management problems for the National Park. The problems are in the western Lakeshore.

(6) "Reasons" for inclusion of the town, which are in the S. 1560 and H.R. 11110 Bills, were contrived by two presiding town trustees and a few other pro-parkers from 1974. They have their own interests, but not the interests of the majority of homeowners. These reasons could be applied to the other three islands in the Lakeshore Park.

(7) Since 1971, I was listening and asking many pro-parkers why they want a park. Believe me or not, but the park issue here is not to save dunes for the public, but the great business of making a profit. Several greedy persons started the park campaign. After 1971, there arrived two young families, the present town trustees. They ruined dunes and woods to build their big expensive homes and then started with other "colleagues" a vigorous campaign to "save dunes" by including the town in the park.

They gained many supporters, but after 1976, a great number changed their minds. Why did these two activists ruin nature if they are such big "dune savers"?

The real reason for inclusion is this: The owner of a \$100,000 home, whose dream is only money, gets \$80,000 cash for spending or various investments or to buy another home elsewhere. When only \$20,000 is deducted for a 20-year leaseback, his investment on a \$100,000 home is only \$1,000 per year! A great business, a 20-year welfare system for the rich guy! Most pro-parkers are owners of expensive homes.

Pro-parkers want to have a park master plan without parking lots in the dunes, just on the far peripheries, and no camping or picnic grounds. And that the park would at least be used until their leasebacks would expire. They want a park just for themselves!

(8) The long years and the cheap 1 percent leaseback is like bait to greedy people to make parks everywhere. If this practice of cheap leasebacks is not changed, many nice communities will vanish. In creating parks, the government should pay the full price, let the seller stay two years, then out. If the government would give a leaseback for only several years, all pro-parkers, "dune savers" and their "reasons" for including Beverly Shores would suddenly vanish. They would be against the park!

(9) Our town board trustees don't have the right to speak for inclusion unless 100 percent of homeowners agree. The board can't prove that the majority is supporting them. It is a fact that many members—Newsletter readers—of the Association of Beverly Shores Residents also does not support the inclusion.

(10) If Congress decides to take Beverly Shores in spite of great opposition and the highest cost, the leaseback should be short, not longer than the number of years left for the homes on the beach, that is, 7 to 8 years. The park could be used soon for the present generation public, without waiting 25 years.

If Beverly shorties are so eager, desperately demanding a park, let them have it, but do not give shelter for 25 years to greedy people who want to be a privileged class in the park and who want to exploit U.S. taxpayers.

Mr. DREYFUS. That concludes the witness list. The hearing is now adjourned. The committee will be pleased to accept any written statements in the hearing record. The hearing is now adjourned.

I understand that all of the scheduled witnesses have been heard.
[Whereupon, at 9 :55 a.m., the hearing was adjourned.]

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APPENDIX

ADDITIONAL STATEMENTS AND COMMUNICATIONS SUBMITTED FOR THE RECORD

STATEMENT OF HON. CHARLES H. PERCY, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Mr. Chairman, it is a pleasure for me to be able to present this statement in support of S. 2560, a bill to expand the Indiana Dunes National Lakeshore. I am grateful for the opportunity to speak on this issue of great importance to the countless Illinoisans and Americans who love the Dunes.

Congress created the Indiana Dunes National Lakeshore in 1966 with an initial acquisition of 8,000 acres. Its creation was due in large part to the efforts of the late Paul Douglas, who, during his long tenure of service in the Senate, worked hard for the preservation of the Indiana Dunes. Because of his work, and the efforts of the Save the Dunes Council, one of the nation's first urban parks would finally be established.

In 1976, Congress enacted legislation, of which I was a co-sponsor, to add 3,600 acres to the Indiana Dunes National Lakeshore. During the Senate's consideration of this legislation, a study was authorized to determine whether three small pieces of land—part of the town of Beverly Shores, a strip of land along U.S. Highway 12 and the so-called Greenbelt area—should be added to the park.

S. 2560 would add an additional 800 acres of land to the existing Lakeshore. Then, the Indiana Dunes National Lakeshore, as envisioned by the late Senator Douglas and Steven Mather, the first director of the National Park Service, would finally be complete.

An important addition to the established Lakeshore is the remainder of the town of Beverly Shores. Most of the town was included in the park as originally authorized. The final step of bringing the rest of the town within the park boundaries is one which the residents of Beverly Shores feel is essential. Not only would it facilitate the Park Service administration of the Lakeshore area, but, more importantly, it would guard against intensified development which would adversely affect the existing park.

The land along the western border of the Lakeshore, the Greenbelt area, would also be added to the park by this measure. Presently, the existing Lakeshore boundary passes through bogs, ponds, and wetlands. S. 2560 would protect the threatened watersheds of the wetlands, thereby allowing these areas to be preserved in their natural state.

Countless Illinoisans, myself included, have greatly enjoyed the dunes. Since Illinois, with its 11.2 million people, does not have a national park within its borders, the dunes have become a favorite recreation and vacation spot for Illinois residents. This is particularly true for those who reside in Chicago, for whom sandy beaches of the dunes are less than an hour's ride by car or rail.

The additional land covered in S. 2560 is needed to preserve the ecological and recreational value of the Lakeshore, not only for Illinoisans, but for the rest of the millions of people living within the Great Lakes region. By expanding the existing boundaries of the Lakeshore, the integrity of the dunes would be preserved for generations to come.

Steven Mather, the first director of the National Park Service, recognized the value of the dunes in 1916. "No other national park," Mather said, "is so accessible, offers the illustration of the action of the wind on sand accumulated from a great body of water, extraordinary scenery, large variety of plant life, and splendid opportunities to camp and live in the wild country close to nature." Now is the time for Congress to complete the Indiana Dunes National Lakeshore by

adding the last remaining tracts of land worthy of inclusion. Mr. Chairman, I respectfully urge the Committee to report this legislation favorably so that the Senate may have an opportunity to vote on it this session.

STATEMENT OF HON. ADLAI E. STEVENSON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Mr. Chairman, I am grateful for the opportunity to come before this Committee once again to support a bill to expand the Indiana Dunes National Lakeshore.

My dear friend, Mrs. Paul Douglas, has asked me to present a brief message and to express her regret at being unable to attend this hearing. She writes as follows:

"GENTLEMEN: Posterity will be the richer and will bless your action, if, while there remains the opportunity, you seize the chance to add the remaining choice acres to the Indiana Dunes National Lakeshore. The unique quality of this area was best expressed by Carl Sandburg when, nearly twenty years ago, he wrote my husband: 'The Indiana Dune * * * constitute a signature of time and eternity.'

Sincerely,

EMILY TAFT DOUGLAS."

S. 2560 represents another step in the orderly process of acquiring the parcels of land necessary to complete the Lakeshore. It also protects the homeowners in the Beverly Shores area and other property interests as well. I am pleased that the bill calls for a transportation study looking toward limiting damage from excessive automobile traffic and working out arrangements for transportation that will be energy-efficient and will avoid damaging the environment of the Dunes.

I am impressed that so many residents of Beverly Shores are here today in support of the bill. The Association of Beverly Shores Residents, formed five years ago, has always offered a constructive view and they will do so again today. They will also discuss the economic difficulties in which the community will find itself if the bill is not passed.

As a long-time supporter of the Lakeshore, I urge that we take this next step in acquiring the land. For the ten million people of northeastern Illinois and northern Indiana the Lakeshore is the only usable national recreation area within 500 miles. It is the Nation's first urban national park, and every acre acquired serves the dual purpose of preserving the original park while adding to its treasures.

STATEMENT OF CHARLES C. ALLEN, VICE PRESIDENT, WENDELL CAMPBELL ASSOCIATES, INC.

BOAT HARBOR TESTIMONY SUBMITTAL

Reference: Feasibility Study: Marquette Park Small Boat Harbor, Gary, Indiana. Wendell Campbell Associates, Inc., April, 1976

INTRODUCTION

The preparation of a feasibility study for the Marquette Park Small Boat Harbor is the culmination of a series of studies that have been completed over the past ten (10) years by the City of Gary, Lake County Park Department, Indiana Department of Commerce, and the U.S. Army Corps of Engineers. Each of the previous studies contained similar conclusions with regard to a boat harbor in Lake County. They were as follows:

(1) That water recreation, especially such forms as fishing, sailing, and skiing has been increasing since the 1940's;

(2) That boating is the second most popular water-based activity in Indiana; and

(3) That the demand for marina facilities in the market area of a Lake County boat harbor exceeds the current supply by almost 200 percent (See Exhibit 1 Market Area).

A recently completed study prepared for the Lake County Park Department on Lakefront Development evaluated a number of sites along Lake Michigan according to the following criteria in order to provide focus for future efforts to construct a small boat harbor:

- (1) Adequacy;
- (2) Availability;
- (3) Accessibility;
- (4) Environment;
- (5) Extraordinary cost; and
- (6) Availability of utilities.

The site which ranked the highest was a site immediately adjacent to the U.S. Steel Corporation's landfill bulkhead. The site is adjacent to a natural dune area and sand beach, and an area utilized by U.S. Steel for dumping slag. (See Exhibit 2 Location Map).

DESIGN CONCEPT

The physical development of the boat harbor is a crucial process involving the interpretation of public demands, physical characteristics of the site, and the financial capability of the facility. Previous studies have identified that there is a strong demand for a small boat harbor. With the demand established and the site chosen, we turned to designing a facility that would address the demand while remaining within the limitations placed on the facility by the natural and financial environments.

The most critical element of the facility was the determination of the location of the entrance. Utilizing data from numerous investigations made by the U.S. Army Corps of Engineers and private engineering consultants pertaining to:

- (1) Existing hydrographic conditions;
- (2) Wind currents;
- (3) Lake bottom conditions;
- (4) Effects of present construction on present shoreline;
- (5) Man-made site conditions; and
- (6) Climatic conditions.

The following design recommendations were made:

- (1) The entrance to the facility would have to be on the east side;
- (2) The existing beach within the harbor should be maintained to absorb the wave energy;
- (3) Rubble-mound breakwaters should be utilized because of their lower cost and better performance (See Exhibit 3 East Breakwater-Bulkhead-Beach Section.)
- (4) The width of the entry should be 80 feet.

The Market Area data referred to previously has supported the ultimate capacity for a small boat harbor in Gary, at approximately 1,000 slips and 100 mooring buoys. The area required for a facility of this size would be approximately 120 acres. The site shown in Exhibit 2 extends a distance of 2,500 feet east of the U.S. Steel landfill bulkhead with the northern 80 acres or 1,500 feet under water. The water depth varies from one (1) foot at shoreline to 23 feet at the most northerly point. The southern 40 acres of the site extends 600 feet south of the shoreline and is composed of barren beach and a cottonwood forested fore dune area.

DESCRIPTION OF SMALL BOAT HARBOR

The major elements of the small boat harbor are the breakwaters. (See Exhibit 4 site plan). The primary breakwater is a 2,500 lineal foot structure located 1,500 feet off the shore and parallel to the shoreline. This breakwater will have a secondary use as a fishing pier. The second breakwater will project from the shoreline into the lake a distance of 800 lineal feet.

Parking areas, including a decked parking garage will serve as a winter storage area for boats and accommodate over 850 automobiles. In addition, space will be allocated for boating enthusiasts who desire to utilize the ten (10) launch ramps.

Two (2) fueling areas are proposed for different locations within the boat harbor to serve slip renters, transient traffic, and the launch ramps. Also included will be marina slips, and moorings, roadways and sidewalks, pump and engine buildings, landscaping, and a Harbor Master's Center. Transportation within the boat harbor will be provided by golf-cart type trucks and passenger jitneys.

Additional capital expenditures that would have to be made to the site would be the extension of Clay Street (See Exhibit 1), a distance of 2,600 lineal feet and the construction of a sanitary sewer in conjunction with the street improvements.

Construction cost summary

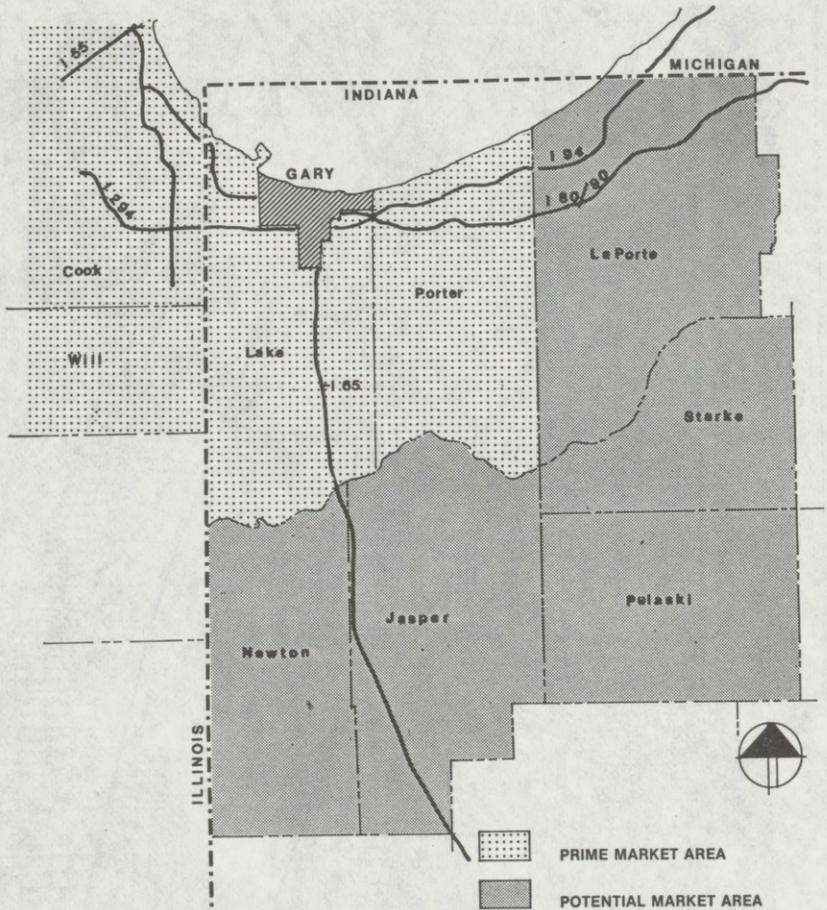
Seawalls	\$10,098,000
Launch ramps.....	99,600
Marina slips.....	5,040,000
Marina moorings.....	192,000
Roadways and sidewalks.....	449,940
Landscaping	360,000
Parking	1,899,900
Trailer storage.....	42,000
Harbor master's center.....	276,300
Pump and engine buildings.....	10,000
Fuel tanks.....	30,000
Development cost.....	2,029,680
Site expansion.....	1,800,000
Clay street extension.....	2,050,000
 Total	 <u>24,377,420</u>

Operation revenues/costs

Annual revenues:	
(a) Slip rental.....	346,920
(b) Dry storage.....	59,280
(c) Launch fees.....	59,600
(d) Winter storage.....	168,000
(e) Auxiliary sales and services.....	516,000
Total revenues.....	<u>1,141,800</u>
 Operation expense.....	 <u>293,760</u>
 Surplus	 <u>848,040</u>

BOAT HARBOR BENEFITS

1. Design allows for uninterrupted stretch of beach between harbor and main swimming area.
2. Two breakwaters are need instead of three savings at least \$5,400,000.
3. Design allows industry and recreation to coexist in better harmony because the boat harbor would serve as a buffer.
4. The annual revenues would exceed the operating costs which would mean that there would be a one-time federal investment in the project.
5. The boat harbor would address a long-standing need for recreational boating in northwestern Indiana.
6. The project would be located in a central city and would facilitate local efforts to revitalize and conserve the tremendous investment that has already been made in Gary, Indiana.
7. The project would provide jobs for a city that has had an unemployment rate of over 8 percent in 1978.



MARKET AREA

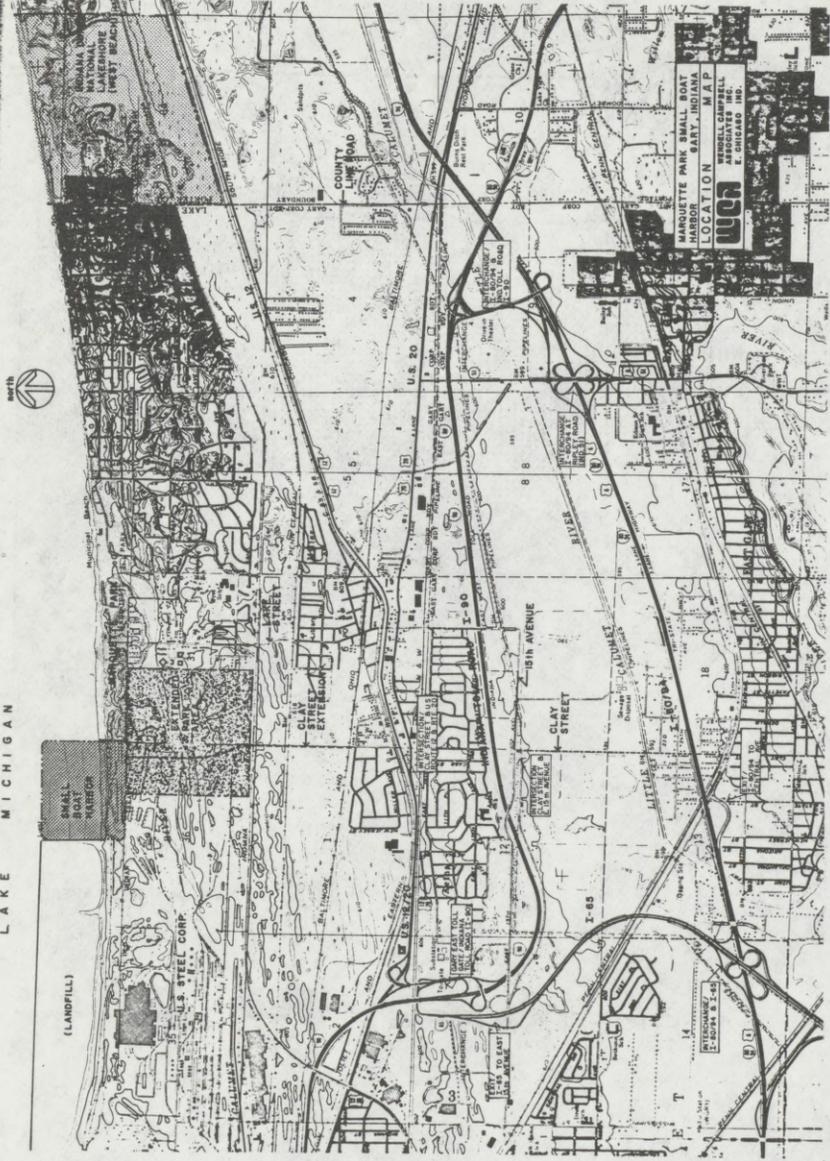


Wendell Campbell Associates, Inc.
Architects Planners Construction Managers

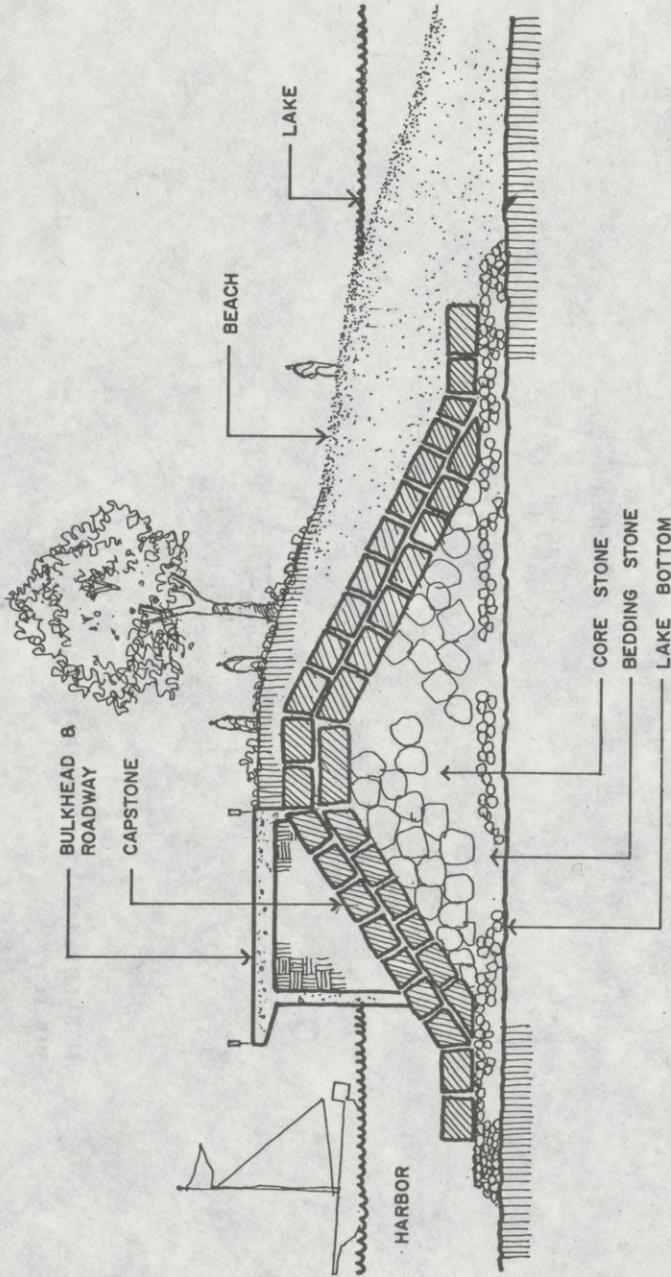
LAKE MICHIGAN



SMALL BOAT "QUAY" (LANDFILL)



HARBOR PARK SMALL BOAT HARBOR GARY, INDIANA LOCATION MAP
WCA
BRIDGES & EMBELL
E. CHICAGO, IND.



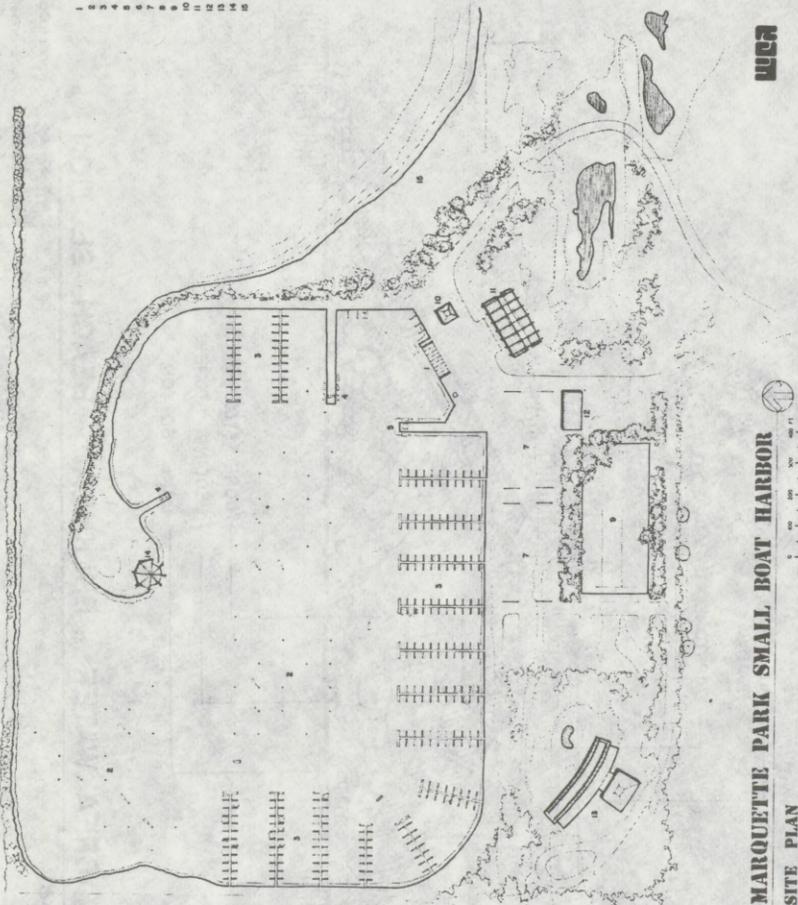
EAST BREAKWATER - BULKHEAD - BEACH SECTION

1/8" = 1'-0"

Wendell Campbell Associates, Inc.
Architects/Planners/Construction Managers



- 1 LAUNCH RAMPS
- 2 MOORING BUOYS
- 3 BERTH
- 4 GAS PUMPS
- 5 SANITARY PUMP STATION
- 6 BREAKWATER & FISHING PIER
- 7 OFFICE
- 8 PARKING LOT - CARS, PHASE I
- 9 PARKING GARAGE - PHASE II
- 10 SOCIAL ACTIVITIES OFFICE
- 11 SOCIAL ACTIVITIES BUILDING
- 12 BOAT SERVICE CENTER
- 13 MOTEL
- 14 RESTAURANT
- 15 EXTENDED BEACH



WCA



MARQUETTE PARK SMALL BOAT HARBOR
SITE PLAN

STATEMENT OF JACK LORENZ, EXECUTIVE DIRECTOR, THE IZAAK WALTON LEAGUE OF AMERICA

Mr. Chairman and Members of the Committee, the Izaak Walton League of America is a national organization of over 50,000 members, dedicated to the conservation and wise use of the nation's natural resources: our soil, air, woods, waters, and wildlife. We appreciate this opportunity to express our support for expansion of the Indiana Dunes National Lakeshore, as provided for by S. 2560.

For over twenty years—since 1952—the Izaak Walton League has worked for protection of the Indiana Dunes. Partial success was achieved when Congress authorized establishment of the National Lakeshore, in 1966. But the 8,330-acre park so created fell far short of the 11,732-acre unit that had been envisioned in the "Compromise of 1963," and many of the areas omitted were as significant as any that were included within the park. Much remained to be preserved before the Lakeshore would be complete.

Legislation passed in 1976, in which many members of this Committee played major roles, added 3,600 acres to the Lakeshore and thus corrected many of the deficiencies of the legislation of a decade earlier. But once again, several key tracts were not authorized for acquisition, although they were as significant as any others within the park. And once again, those areas remain to be protected before the task of preserving the Indiana Dunes can be said to be finished.

S. 2560, the legislation pending before this Subcommittee, would move toward completion of that task by authorizing the Park Service to acquire 800 acres, including the two most important tracts not yet included in the Lakeshore: the Beverly Shores "island," Area III-A, and the Nipsco "Greenbelt," Area II-A. Each of these tracts should have been authorized for acquisition under the initial park legislation or the 1976 expansion. The delay in acquiring these areas has made them no less critical for the protection and management of the large Lakeshore complex; it has only hampered management of the area and increased the price that the public will eventually have to pay for a whole and viable Lakeshore. We respectfully urge this Committee to act promptly to authorize acquisition of these tracts before the combined effects of inflation and delay further mortgage the future.

AREA II-A, NIPSCO GREENBELT

This 90-acre tract, owned by the Northern Indiana Public Service Company, is a fragile wetland area, located between Cowles Bog on the north and east and Nipsco's Bailly Nuclear Power Plant, currently under construction, on the west. The extensive network of trails through the area, maintained by the traffic of hikers and naturalists, testifies to its high value for recreation and public use.

The Greenbelt is also an area of outstanding natural values. It is virtually indistinguishable from the adjacent high quality wetlands within the Lakeshore and is separated from them only by the imaginary line of a survey, not by any distinguishing features of terrain or vegetation. The portion of the wetland system that lies within the park, including the nationally significant Cowles Bog National Natural Landmark, cannot be adequately protected unless the guarantees of federal stewardship are extended to cover the wetlands within the Greenbelt. Any lingering doubts about the reality of this interrelationship were laid to rest by the unfortunate events of the past few years as industrial activities on the Nipsco property have begun to alter ecological conditions on the wetlands within the Lakeshore. In order to protect the natural values of the Lakeshore, the arbitrary existing boundary must be replaced by one that reflects ecological realities. We join the Izaak Walton League's Indiana Division in opposing any legislative language that would grant unwarranted, and unnecessary special concessions to Nipsco and diminish the ability of the Park Service to protect the Lakeshore against any future impacts from Nipsco operations.

THE BEVERLY SHORES ISLAND

This two-mile long, half-mile wide enclave in the midst of the Lakeshore is important, and deserves to be added to the Lakeshore for two reasons. First, although it was first developed as a residential area in the early part of this century, the "island" retains significant natural and scenic values, including high dunes, wooded ravines, swales, and substantial wetlands. Human intrusions remain relatively sparse and may, as in the case of the "island's narrow country lanes, enhance the recreational value of the area for bicyclists and hikers."

Second, the existence of such a large block of private land within the park hampers effective management of the area, and the impending development of the "island" threatens to seriously degrade the natural and recreational values of the largest contiguous portion of the Lakeshore. Up to this time, private development within Beverly Shores has proceeded slowly, due to the expectation that the area would be added to the park. However, construction of the high rise apartments and commercial and industrial buildings that are permitted under current zoning will not be indefinitely postponed by a vague prospect of federal acquisition. We are concerned that there is little time remaining, and urge this Committee to act promptly to devise a formula that will provide for equitable treatment of the landowners, management by the Park Service, and protection of the resource.

In summary, the Izaak Walton League finds that S. 2560 represents a singular opportunity to provide for the recreational needs of the growing urban population in the Chicago-Gary area, to preserve invaluable natural areas, and to protect the public's investment in the existing National Lakeshore. The tracts to be added are not second-class resources; they are of comparable importance to areas within the existing park and should have been added at the outset.

Thank you.

STATEMENT OF ANN BAGNALL, BEVERLY SHORES, IND.

My name is Ann Bagnall. I am a resident of Beverly Shores and my home is located within the present boundaries of the Indiana Dunes National Lakeshore.

I am opposed to any legislation to expand the Indiana Dunes National Lakeshore to include areas III-A and III-C for the following reasons.

One, the expense to the American taxpayer to acquire these areas is not justified by any significant addition of noteworthy natural environment that could be utilized by the park visitor in the near future. This is essentially the same conclusion stated by the Department of Interior in 1974.

Two, a unique community situated in a beautiful natural setting is worthy of preservation. Beverly Shores inhabitants reflect a wide spectrum of ethnic, cultural and economic backgrounds. It exemplifies the small American town, a fast disappearing and endangered species of the American culture and the American way of life.

Three, the majority of homeowners in III-A and III-C do not want to be included in the park. They would prefer to live in a self-determined, self-governed community with a minimum of bureaucratic interference in their lives.

I would also like to take this opportunity to request that the right of non-condemnation, extended to homeowners in the Indiana Dunes National Lakeshore by the 1966 legislation that created this park and subsequently rescinded by the 1966 park bill, be re-instated.

Furthermore, I urge this committee to monitor the National Park Service throughout the National Park System and to legislate equitable and consistent policies in dealing with inholders in all national parks. The concerns and grievances that we bring before you here today plague inholders throughout the national parks of this country. The situation has deteriorated to such a degree that a nation-wide organization of inholders, the National Park Inholders Association, has been formed to protect homeowners' rights and to resist what appears to be the "get people out of the parks" movement undertaken by the National Park Service.

In conclusion, I ask that we all, once and for all, accept the compromise of the 1966 legislation. We must put an end to this bitter feud that divides this community, drains the resources and energies of its officials and residents and impedes the stability of northwest Indiana.

STATEMENT OF ROLLAND C. BECKHAM, PRESIDENT, LAKE COUNTY COUNCIL, LAKE COUNTY, IND.

As President of the Lake County Council, let me take this opportunity to urge your assistance in the realization of our dream for a new Lakeshore Marina.

In 1974 the County Council appropriated \$35,000 for a feasibility study for a small boat harbor in Northern Indiana on Lake Michigan. The firm of Ralph

Burke Inc. recommended the construction of two small boat harbors from seven potential sites. Since that time the Lake County Council and County Commissioners have spent an additional \$67,000 on environmental impact assessment reports.

Considering Lake County presently has one such facility with limited capacity, there has been a great increase in demand for such harbors since the emergence of the growing sport fisheries industry. The state, with some 110 square miles of Lake Michigan jurisdiction, has plowed hundreds of thousands of dollars into improving the sports fishing program. This has created a great increase in boating as has the increase in leisure time now being enjoyed nationwide. More importantly, to compound the increase in demand is the vast amount of tourists visiting the Dunes National Lakeshore.

There are only two very small boat harbors now in existence in Northern Indiana. One is located at Jearse Park in East Chicago (Lake County) and a second at Michigan City (La Porte County). These facilities can in no way absorb today's needs or for that matter future projected demands.

Furthermore, being a highly industrialized area the need for projects to enhance the environmental beauty and quality of life are directly needed. We are certain such a project would be not only environmentally advantageous but would help to substantiate a growing pride in Northern Indiana felt by all its citizens. Therefore, I would urge this Committee's support of H.R. 12821.

STATEMENT OF FRANCES DUPEY AND ROBERT NICKOVICH, LAKE COUNTY
PARKS AND RECREATION DEPARTMENT

Regarding pending legislation relative to the expansion and development of the Indiana Dunes National Lakeshore the Lake County Parks and Recreation Department would like to address two areas of major concern.

The authorization expanding present park boundaries is imperative to the overall circulatory and transportation networks relevant to the general public's access to the park. In particular the area of land known as VII-C would allow Indiana Highway 51 to be extended northward from its present terminus on U.S. Highway 20 to the interior of authorized park lands within the I-F and I-D areas. This additional acquisition will provide optimum access by the public to park lands within the western vast boundaries of the lakeshore as well as alleviate present and future traffic congestion.

Implementation of the proposed National Lakeshore Marina in Gary, Indiana will result in both positive and negative environmental impacts. The following are expected positive impacts associated with the project.

The project will provide the public with permanent recreational access to a natural water resource and to excellent shore and open water fisheries, particularly during the salmon and yellow perch fishing seasons in addition to providing long term benefits to sport fishermen by also providing an access to shoreline fishing via the proposed breakwaters which incorporate access for fishing in the design concept. This will reduce the risk of accidents to those who currently use existing bulkheads for shoreline fishing. The project will also meet established goals of the Lake County Parks and Recreation Department and the Northwest Indiana Regional Planning Commission by fulfilling their plans to provide badly needed recreational facilities in this area. There will be significant local short term economic benefits associated with the construction of the marina and related facilities. The proposed action will also aid in meeting existing demand for such facilities as documented in master plans prepared by Ralph H. Burke, Inc; Wendell Campbell Associates; and Johnson, Johnson and Roy. Maintenance dredging will long term beneficial effects upon sediment quality at the entrance of the marina through removal of sediments with elevated concentrations of trace elements and pollutants typical of the area. It should be noted that none of said trace elements or pollutants are in excess of present standards set forth by the Environmental Protection Agency with recent Indiana water quality standards being enforced, on the long run, new sediments may be relatively cleaner. Finally, the proposed action will be an aesthetic upon the land use patterns along the shoreline.

On the contrary, the destruction of the beach and foredune communities on the marina site, consisting of approximately 40 acres, is of both local and regional significance. These communities are relatively unstable and therefore, fragile. They are restricted in their natural distribution to the immediate vicinity of the

lakeshore. The removal of vegetation may result in a loss of available wildlife habitat. However, it must be pointed out that similar habitat exists on lands adjacent to the proposed project and many species would move to them in response to construction activities. Replacement of the required breakwaters and bulkheads will have a minor impact on the local shoreline and coastal processes. Incoming waves reflected off the east breakwater could result in local scouring of the shoreline east of the marina site in the vicinity of Marquette Park. Shoaling may occur northeast of the proposed marina entrance due to induced changes in wave refraction and reflection. Significant shoaling along other portions of this shoreline have been observed typically when control structures are spaced closely together thereby inducing local eddying currents. These alterations are anticipated to be minor due to the typically moderate wave climate of the region. The proposed action is expected to cause a low magnitude short term impact during construction on the fish community in the project area. This will essentially result from increasing water turbidity and through the elimination of benthic organisms in the area.

In conclusion with the exception of the impacts of the project on vegetation and wildlife in the region the remaining impacts are generally associated with this type of project and can be considered low magnitude and of short term duration. These low magnitude impacts can be minimized in most cases by taking certain protective measures. For example, in order to minimize the effects of dredging on water quality, hydraulic dredging should be considered. In another case, potential increases in soil erosion by wind and water due to the removal of existing vegetation can be minimized or eliminated by implementing mechanical and natural erosion control measures. As for the major impacts associated with the loss of vegetation and wildlife it may be entirely possible to negate these shortcomings by moving the project site eastward to an area of Marquette Park presently being used for water oriented recreation activities. This possibility, however, will have to be addressed at another time.

We appreciate the opportunity to summarize our findings and would like to extend to you as part of this record the Gary Environmental Impact Assessment Report for your additional perusal.

STATEMENT OF JESSIE DARASKA, EXECUTIVE SECRETARY, HOMEOWNERS OPPOSED TO PARK EXPANSION, INC., BEVERLY SHORES, IND.

Homeowners Opposed to Park Expansion is the major representative of the opposition to further expansion of the Indiana Dunes National Lakeshore to include the town of Beverly Shores. Therefore, we find it necessary to submit a rebuttal to Arlene Beglin's testimony for the Association of Beverly Shores Residents because that testimony is as erroneous in regard to the opposition as it is in all other areas. We do not claim to represent all of the opposition as not everyone opposed to this legislation has joined HOPE. Actually, opposition is wider spread than this. We do claim that everyone who has joined HOPE is opposed because this is and has been our stated purpose: to stop legislation for inclusion of the Beverly Shores "island" and the "U.S. 12 strip" in the Indiana Dunes National Lakeshore.

Now, in regard to Mrs. Beglin's testimony.

Mrs. Beglin refers to the opposition as a "johnny-come-lately organization formed to fight the Indiana Dunes National Lakeshore". The HOPE organization's officers and board and their date of arrival in Beverly Shores are as follows: George and Ann Bagnall, president and board member/news letter editor respectively, 1958; Leon Marek, treasurer, 1960; John and Jessie Daraska, board member and secretary respectively, 1946, Anita Ryan, board member, 1955; Tom Sims, board member, 1961; and Leonas Valiulis, board member, 1961. We are hardly "johnny-come-latelies". On the contrary, the Association of Beverly Shores Residents was started by newcomers to Beverly Shores. Of the original group of people who formed the association there are three couples still left who are the most ardent pro-park activists in town. They are: Mr. and Mrs. Robert Akers, Mr. and Mrs. Robert Beglin and Mr. and Mrs. Shaeffer. All three of these families arrived in Beverly Shores after 1970, established themselves as residents and then began their campaign for inclusion of our town in the Indiana Dunes National Lakeshore.

Mrs. Beglin claims that the association's purpose is to promote activities to improve the quality of life in town, publish a monthly news letter to inform residents of what is going on, * * *. This is not their PURPOSE. It is their

METHOD. Their purpose is to promote park expansion. She claims that they represent all of the people in town. They do not. They speak only for the pro-park expansion people in town.

To illustrate: Mrs. Beglin herself states that the association has testified for park expansion at every hearing just as they are doing now. The association newsletter editorial position has consistently been pro-park expansion. Mrs. Norma Shaeffer, a leading pro-park activist, is the editor. When the recent hearings were held in Washington the association actually published an invitation in their newsletter, and posted the same invitation on the town bulletin board, inviting pro-park expansion on people to ride their chartered bus to Washington. They did not invite those opposed. According to their most recent newsletter, Volume 6, No. 1, August 1978, "As we have said in these columns repeatedly, ABSR firmly believes the only possible solution to the problems facing our community is inclusion". Then how can they say that they represent all of the people in Beverly Shores?

To further illustrate: They do not publish a newsletter to inform the residents of what is going on because they will not sell their newsletter. The only way it is available is by joining the Association of Beverly Shores Residents. Many people have joined the association to get the newsletter. Many people who belong to Homeowners Opposed to Park Expansion are actually members of the association under these very circumstances. They want the newsletter. The association then claims that they have all these members in the community and the implication is that the members have joined because they agree with the association's policies.

Also, Mrs. Beglin once again refers to the survey that the association sponsored in 1974. This survey has been repeatedly refuted but since she insists on using it as testimony again, once again it must be refuted. The survey was not done by the Government. It was conducted by the Association of Beverly Shores Residents. The "surveyors" did not question all of the residents, excluding for example the very large portion of Beverly Shores already in the park and the residents and business owners in area III-C. Also, it was based on the provisions of the 1966 law; namely, option to sell and lease back for 25 years or elect the right of noncondemnation. The validity of these challenges are obvious.

Now, Mrs. Beglin claims that the anti-park expansion groups have pictured the town as one of millionaires. This is exactly the opposite of what we have done. We have consistently pointed out in our opposition report as well as in our testimony in Washington that the town is an example of a wide spectrum of socio-economic levels. We have consistently pointed out that this is one of the major reasons the town should be saved. Towns like Beverly Shores, with this variety of housing and cultures all living together, are all to few. This has been one of our major reasons for wanting to save the town. What we have stated is that many of the most ardent pro-park expansion residents are the owners of the expensive homes and that they hope to profit by selling them to the government.

Homeowners Opposed to Park Expansion has a membership of 125 homeowners in Beverly Shores (that is, 125 individual houses, actual members would be well over twice that number) and our membership continues to grow. Our members are predominantly in the "island" and the "U.S. 12 strip". We have no members outside of the town. We have only 11 members who are already in the Lakeshore. People already in the park have not joined our organization in large numbers ever since last summer when our town board member and pro-park expansion activist Mr. Robert Akers stated in our local newspaper that Beverly Shores residents already in the park would not have the terms of non-condemnation and a 25-year leaseback restored unless expansion legislation passed (News Dispatch, Michigan City, Indiana, July 15, 1977). At the same time, on July 11, 1977 the Save the Dunes Council sent letters to all boxholders in Beverly Shores making the same claim, that the only way the original homeowners rights could be restored was by further expansion legislation. Tying restoration of rights to further park expansion was an attempt by the pro-park expansion groups to build support for themselves while destroying the opposition. Their plan succeeded in the Lakeshore. The only support we have had from people already in the Lakeshore is from those people who do not believe the government will restore their rights and who therefore believe the only hope for Beverly Shores is to stop further park expansion altogether.

The point is that the major membership for homeowners opposed to park expansion has come from homeowners in the "Island" and the "U.S. 12 Strip", i.e. from those whose homes and property rights will actually be most directly and

immediately affected if this proposed legislation becomes a reality. As already stated, while almost half of these homeowners have joined HOPE the opposition is even more widespread. We have signed petitions and letters of opposition from many non-members in the "island" and the "strip". These have been included in our opposition report, already submitted to all members of the committee. This is the basis and the proof for our claim of majority opposition to inclusion of the town of Beverly Shores in the Indiana Dunes National Lakeshore. Again we urge our legislators to oppose this expansion bill.

STATEMENT OF JONATHAN P. ELA, MIDWEST REPRESENTATIVE, SIERRA CLUB

Mr. Chairman, the Sierra Club is pleased to have the opportunity to testify in support of legislation to complete the Indiana Dunes National Lakeshore. Our 180,000 members, including some 1500 in the state of Indiana, have as a high priority the complete development of a National Park System that offers an outstanding blend of natural diversity and recreational opportunity: the Lakeshore is an important unit of that system, and we believe that it is time to take action that it may live up to its splendid potential.

The Indiana Dunes National Lakeshore has a long and complex history that goes back twenty years. While we supported the effort that led to its creation in 1966, we were disturbed that large gaps remained that threatened to keep the Lakeshore an unfulfilled promise. Therefore we were active in the campaign that led to major additions a decade later. This Subcommittee now has the opportunity to take final action to resolve the problems that the area has had in the past.

The Beverly Shores Island has been a continuing source of uncertainty in the past. The fact that this prime area of stabilized dunes has been in private ownership, while completely surrounded by the lakeshore, has made management in the eastern portion of the park difficult, and has denied to the public the enjoyment of a significant dunes resource. Moreover, the continuing delay in reaching a decision on this question can only work a hardship on the property owners, many of whom favor inclusion within the Lakeshore, and all of whom deserve a clarification on the future of the Island without unnecessary delay.

The Sierra Club recognizes that acquisition of the Beverly Shores Island will be relatively costly. However, we are convinced that the need for incorporating it into the Lakeshore will become more and more apparent with each passing year; certainly the cost for acquisition will only increase over time.

The so-called Nipsco Greenbelt also offers opportunities for increased public use and enjoyment of the Lakeshore. In addition, public ownership would increase protection of one of the Lakeshore's most important features, Cowles Bog. This registered National Natural Landmark is one of the principal scientific areas in the Midwest, and we believe that it must be given the strongest possible protection. We do not see any need to impose any arbitrary acquisition dates or management standards, however, and we urge the Subcommittee to look closely at these provisions of the bill.

Mr. Chairman, time has demonstrated the wisdom of those visionary men and women who started working for the protection of the Indiana Dunes decades before the urban park concept took root in the Department of the Interior. A tragic amount of the region has been lost to inappropriate development over the years, but we still have available for future generations a priceless natural heritage. Although recreation is, and always will be, an important component in Lakeshore management, the greatest value of its protection must now be considered to be the area's rich and varied physical and biological features. We hope that the acquisition questions can be settled quickly, so that full attention can be paid to the thorny management questions that still lie ahead.

The Sierra Club fully supports S. 2560, commends its authors—Senators Bayh and Lugar—and urges the Subcommittee to act favorably.

STATEMENT OF JULIAN R. GOLDSMITH, THE UNIVERSITY OF CHICAGO, DEPARTMENT OF THE GEOPHYSICAL SCIENCES, CHICAGO, ILL.

My name is Julian R. Goldsmith. I live at 5631 Blackstone Ave., Chicago, Illinois 60637, but also own a home in Dune Acres, Indiana, where I generally spend weekends. I am on the faculty of the University of Chicago, where my

title is Charles E. Merriam Distinguished Service Professor of Geochemistry, in the Department of the Geophysical Sciences. From 1963 to 1971 I was Chairman of that Department, and from 1960 to 1972, Associate Dean of the Division of the Physical Sciences, University of Chicago. I have been president of the following national and international organizations: the Mineralogical Society of America, the Geochemical Society, and the Geological Society of America. In 1964 I was appointed for a 6-year term to the National Science Board by President Lyndon B. Johnson.

My aesthetic appreciation of the Indiana Dunes is supplemented by a scientific interest, and I feel strongly about preserving Cowles Bog and the associated wetlands. I am concerned that pollution from the Northern Indiana Public Service Company's Bailly power plant will destroy the bog and wetlands by changing the water quality necessary to maintain the bog environment. I limit my considerations to chemical matters relating to the fly ash, that is dumped by NipSCO in the area, realizing that other factors that produce hydrologic and geomorphic disturbances, and atmospheric pollution may also have serious effects on the wetlands.

It is apparent that Cowles Bay will not be damaged if contamination can be physically and chemically avoided, or if the fly ash can be shown to be physically harmless to the bog, and thus to its flora and fauna.

A dike was built sometime ago, to act as a barrier between industrial and natural lands, for the purpose of containing fly ash being spread on NipSCO lands. Although impermeable barriers were suggested, the utility opted for a sand dike that it believed would allow the migration of water but would screen out undesirable constituents. NipSCO apparently ignores or is unconcerned with the problem of leaching of undesirable substances from the fly ash which when passed through the permeable dike in solution would at the very least be incompatible with the ecological balance of the bog.

Baskin (1973), in testimony before the AEC says:

"The dike which NipSCO established within its property bounds is composed of sand and fly ash removed from the settling basins when they were recently recontoured and, probably bottom ash. These materials constitute a serious source of cationic, anionic, and radioactive pollution as they are leached from the dike into the bog waters managed by the Indiana Dunes National Lakeshore Park. It is true that this intrusion by NipSCO and the discharge from the Bethlehem Steel Plant occur within the bounds of the power plant's property. However, as these discharges are distributable throughout Cowles Bog, adverse effects on the chemistries of these waters as well as the bottom sediments and plant detritus may be attributed to the discharge identified above."

Baskin (p. 1) also states, " * * * only the demise of the ecosystem understood as Cowles Bog may be anticipated if the direct and indirect discharges of these pollutants continue unabated."

Thus not only are the solutions passing through the dike affecting the bog, but Baskin feels that the composition of the dike itself contributes to the problem. On p. 25 he states: "The accumulated metals in these sands now forming the dike are subject to leaching into Cowles Bog. The leaching of these sands is a slow but an insidious process."

Weeter, Niece, and Digiolo (1974), have carried out a study of the chemistry of solutions in contact with fly ash. Most fly ash produces an alkaline supernatant solution, some strongly alkaline, and in fact, one of the suggested uses for the ash is an alkali for farms, lawns, and gardens, and it has been used as an alkali to make soap. In areas in the N.E. United States and in Scandinavia a change from alkaline to acid rain and soil characteristics has been evident over the past 10-15 years, and the notable increase in acidity has been attributed to the widespread use of electrostatic precipitators in the urban areas. The presumption is that the sulfur in the coal, oxidized during combustion, produces atmospheric sulfuric acid, and removal of the fly ash prevents the neutralization of the acid combustion products: Thus the removal of one type of pollution amplifies another.

I stress this matter of alkalinity because of the acid nature of swamps and bogs; a neutral or alkaline pH induced by addition of alkaline waters would be damaging to the ecological balance, and could be fatal to a variety of pH sensitive plants. Fly ash is precisely what acid environments do not want. Even the use of the somewhat alkaline Lake Michigan water, as additive water should the water levels drop during construction, would probably be dangerous. The purpose of the work by Weeter et al. was to study water pollution potential. They state: "At the ash disposal site, water quality degradation can result from two common situations. If the site is not constructed properly, groundwater may pass through the

fill either constantly or during periods of high ground water * * *. Where water passes through the fill, the potential exists for leaching of contaminants from the coal ashes which degrades adjacent ground and surface water resources."

In their summary they say: "With an increase in the U.S. power demand, and the subsequent increase in coal usage, the environmental problems associated with coal ash disposal will become more severe. In particular the potential exists for serious water quality degradations if improper sites are selected and poor site development procedures are used."

Getting back to the matter of proof of damage—it is true that on a moderately short time scale or at some distance from the source it may be difficult to describe, clearly define, or "prove" a pollution effect. However this should not be used to deny that there is an effect. I am unable to quantitatively evaluate bog damage due to specific changes in water chemistry, but to perform the full scale experiment by condoning and permitting current operations to go on could be tantamount to following a patient's illness to the point of no return so that the symptoms can be adequately documented. In my opinion it is most unlikely that Cowles Bog can escape serious perturbation and probably destruction by the influx of dissolved substances from the highly reactive and alkaline fly ash.

In order to preserve the natural beauty and integrity of the National Lakeshore wetlands, I feel it essential to provide as much of a buffer zone between industry and the Park as possible. I strongly urge the addition of the 90 acre Nipsco "Greenbelt" (area IIA) to the National Park.

REFERENCES

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STATEMENT OF CHARLES C. LAING, PH. D., OHIO NORTHERN UNIVERSITY, ADA, OHIO

Mr. Chairman, I am pleased to have the opportunity to testify in support of legislation to expand the area of the Indiana Dunes National Lakeshore (IDNL).

I. RELEVANCE OF THE IDNL TO RESIDENTS AND EDUCATIONAL INSTITUTIONS OF NORTHWESTERN OHIO

Residents of northwestern Ohio benefit from life in a landscape dominated by a combination of intensive, arable-land agriculture and urbanized, industrial sites. However, we lack local examples of landscapes dominated by more natural features and we lack the educational and recreational advantages associated with the human use of such landscapes. We are within a day's traveling distance of the Cuyahoga Valley and the Indiana Dunes regions and State and National Forests in the Appalachian Plateau. My family has found the IDNL to be a prime recreational resource for special trips or for side trips when we pass the southern end of Lake Michigan.

Colleges and Universities of northwestern Ohio use the IDNL as an educational resource. The region is unique in that it has both intrinsic value for the study of regional geomorphology, vegetation science, plant and animal geography and post-glacial prehistory and has been historically significant in the development of some fundamental concepts in physiographic ecology by Henry C. Cowles and Victor Shelford. Students throughout the Midwest and from farther away benefit from the opportunity to study these concepts in the region in which they were developed. Many educationally significant sites have already been irrevocably lost because of vegetational destruction or topographic leveling associated with residential, commercial and industrial development or with sand mining. There have been exceptional situations where developers and owners have been sensitive to and appreciative of the values of the landscape and the vegetation of this region and have combined use with preservation. In general, however, only the formation of the Indiana Dunes State Park and the IDNL have prevented the complete loss of this valuable educational and recreational resource. It is reasonable to predict that all land not reserved now or in the

very near future will lose its natural vegetation and may lose its distinctive form as well through development. This subcommittee has the opportunity to take significant action to complete land acquisition that will make the IDNL a more valuable educational and recreational resource and a more manageable entity.

II. BACKGROUND AND EXPERTISE OF THE TESTIFIER

My experience with Lake Michigan coastal ecosystems extends back to 1937 when as a youthful, amateur naturalist and resident on the shore in Milwaukee, Wisconsin I walked the beaches to the then sparsely settled woodlots of Whitefish Bay. I first visited the beach ridge and dune ecosystems in the Kenoshia, Wisconsin-Waukegan, Illinois Beach Ridge Complex, the Indiana Dunes and the Grand Marais Dunes of southern Michigan in 1946. In 1951, I commenced scientific work in these regions under the tutelage of Charles E. Olmsted, Jerry S. Olson and Leland Horberg, all recognized for their scholarly achievements in ecology, vegetation science or geomorphology. I have continued my research in these regions to the present. Since 1954, I have been involved in teaching, research and consultantship in the fields of ecology and vegetation science with strong emphasis on their relationship to geomorphology, land management and land planning. I supported the effort that led to the creation of the IDNL in 1966 and was also active in the subsequent effort that culminated in significant additions in 1976. In July of this year, I revisited the sites described in these bills and came to the conclusion that they also should be included within the IDNL.

III. TESTIMONY ON THE HIGHWAY 12 STRIP, AN AREA OF INCORPORATED BEVERLY SHORES NOW EXCLUDED FROM THE IDNL

The primary values of this 50 acre strip to the IDNL are as a scenic corridor for the eastern approach to the IDNL Visitor Center and as a scientifically significant region including convergence topography of the Glenwood and Calumet shorelines of post glacial Lake Chicago. In the absence of inclusion in the IDNL, the site is likely to be subject to commercial development incompatible with IDNL values. Such development may consist of undercapitalized, marginal-profit enterprises which will be unwilling or unable to preserve the habitat, construct well designed and expensive structures and to adequately maintain the structures produced. This is because this site must compete with the established Highway 421-Highway 20 site and the potential of the Interstate 94-State Route 49 intersection. A desirable alternative to inclusion in the IDNL would be development by users who would be sensitive to the value of preserving as much of terrain and natural vegetation as possible. Testimony of residents of Beverly Shores and the reports of their consultants indicate that the town now has difficulty in funding, implementing and enforcing its ordinances. It would have great difficulty in financing a development plan that would involve communicating with and attracting such developers, and in supervising and controlling their subsequent developmental activities. This is in no sense a criticism of the aims of the Town Board or of the citizens of Beverly Shores who are, in my experience, strongly attached to and protective of the natural beauty of their town setting. The statement merely reflects the reality, as I perceive it, of the situation in which the Town finds itself as a result of the inclusion of Town lands previously into the IDNL.

IV. TESTIMONY ON THE BEVERLY SHORES "ISLAND"

The primary values of the inclusion of this 650 acre tract into the IDNL are to preserve the natural values and the visual continuity of the Calumet Lake Plains and wetlands and the high dunes to the lakeward, to prevent the inclusion of the high density residential and commercial inclusion which does not now exist but can reasonably be predicted and to avoid the environmental impacts of such an inclusion which can be expected to create serious boundary problems for the IDNL. A secondary but serious problem is that inclusion would render more manageable potential problems relating to shoreline recession as a result of natural lake erosion altered by human activity.

The present landscape in the "Island" is a desirable addition because it is largely natural with a relatively small number of structures. If the "Island" is included, many of the larger, more substantial structures could be used by the IDNL. Beverly Shores has had an interesting history and in a century or two,

the remaining structures may be regarded in much the same way as the Bailly Homestead and Chellburg Farm sites are today. The change of view within the National Park Service itself on management and preservation concepts in the Great Smoky Mountains National Park with reference to human settlement suggests that no precipitous judgments should be made on the costs of purchasing and eliminating structures within the "Island."

Economic considerations indicate that continued exclusion of the area will lead to two undesirable results, greatly increased costs to protect the IDNL against the impact of the almost inevitable development and greatly increased costs to acquire the site in the future when it becomes even more apparent that visually intrusive development will occur. It is important to include this area now in order to protect the investment already made in the IDNL. In order to remain economically viable, the Town will have to encourage high-density, high-rise residential development and commercial development. The change in the character of the site will tend to encourage the outward migration of those citizens most sensitive to the aesthetic values of the Dunes and will intensify development which will strengthen the tax base. Beverly shores will become an "island" comparable to Gary or Michigan City, highly urbanized regions. It cannot remain in its present unobtrusive state. Such intensive development will not only be visually intrusive but will generate impacts on the IDNL as well as itself as aerial and fluid effluents and solid wastes are produced in large quantities. Insular as it now is, what will a more developed Beverly Shores do with the solid wastes it generates? Where is the sanitary landfill to be? Where will the effluent of the sewage plant it will need to construct be discharged? What of the increased load on the atmosphere of more home and commercial heating units and more automobiles? Unless future legislation alters legal responsibility and changes the standards for tolerable levels of pollution for especially sensitive areas, the IDNL will find it very difficult and expensive to "insulate" itself from this "Island." On economic, management grounds alone, it is to the advantage of the IDNL to minimize the length of the boundaries that separate it from incompatible and impactive sites. The complexities and the controversies that now exist among the IDNL, NipSCO and various citizen groups should be sufficient warning of the problems that will arise with increased development in the "Island." We are all aware of the tendency to let the future solve its own problems, but I suggest that the least expensive solution to management problems over the next century is to include this area now.

The Beverly Shores "Island" (and this is true of Ogdun Dunes and Dune Acres as well, but they are not involved in this bill) may become a problem area because of lake erosion leading to shoreline recession. Discussion of this problem is difficult for two reasons. First, I am not fully informed of the legal issues involved if the IDNL land holdings should completely erode away leaving the beach to abut directly on the high bluff which is in private ownership. Second, I am not convinced that there now exists an adequate, geological model for coastal erosion due to natural processes modified by human activities and structures on this reach of coast. Older models of shoreline processes do not adequately account for observed erosional and constructional events. Better models are being constructed but are not sufficiently convincing so that predictions on shoreline advance and recession can be made with confidence. It is a fact, however, that erosion of the high bluffs involving shoreline recession landward of the 19th Century shoreline is now occurring in the Mount Baldy area and in the State Park-Dune Acres boundary area and, perhaps, elsewhere in areas that I have not examined so frequently over the last thirty years. Some difficult management decisions involving large sums of money will have to be made some three to five times each century when the lake levels are high and the shoreline is receding. This will be true whenever the low foredunes constructed during periods of low lake level are not sufficiently large to absorb the eroding trends during high lake levels. Inclusion of the Beverly Shores "Island" would offer more options to managers in one of the three potentially critical areas. This is an example of the desirability mentioned above of minimizing critical boundary lengths. Inclusion would reduce this critical boundary by one third.

V. TESTIMONY ON THE NIPSCO GREENBELT AREA

This discussion is based on the general principle that whenever a buffer zone exists between two incompatible land management areas, control of the buffer zone is desirably in the hands of the managers whose area is more likely to be harmed by the reciprocal influences emanating from the respective areas. I can-

not see much likelihood that the operations of Nipsco are or will be harmed by influences emanating from the IDNL. On the other hand, influences emanating from the Nipsco site have been demonstrated to adversely affect the wetland habitats of the IDNL. These influences have the potential if they are not contained of doing future damage. It must be recalled that if the wetland ecosystems are to be preserved so that they may change in response to natural processes (they can hardly be expected to remain static!), they will have to be buffered against man made influences to a greater degree than would be necessary only to meet the standards required to avoid nuisances or to protect human health. The complex of wetlands lying within the Tolleston dune system and on the Calumet Lake Plain (including Cowles *sensu strictu*) is a single ecosystem. It has not been established through systems research that this ecosystem is large enough to absorb influences emanating from the Nipsco site without a change in the habitat that would harm the plants, animals and microorganisms in the natural communities the IDNL was established to use and protect. The continuity of the ground water system, the permeability of the dune sand and the hydraulic effects of lake level changes support the view that changes initiated in any unsealed, wet depression will be transmitted to other such depressions by slow, mass flows. IDNL areas immediately adjacent to Nipsco could, of course, be rapidly changed as a result of direct discharge or permeation as has been recognized by the existence of agreements between Nipsco and IDNL to control such influences. It is not inconceivable that IDNL managers might find themselves having to cope in the next century with slow acting influences resulting from decisions made in the management of adjacent lands in the past or in the near future. While I do not, after reexamining the area, accept the contention that the Nipsco Greenbelt is inferior as dune system topography, it will prove to be highly valuable in the future for IDNL to have control by direct ownership of this buffer area simply because it is a buffer area.

VI. TESTIMONY ON GENERAL ECONOMIC AND POLITICAL CONSIDERATIONS

Acquisition of these lands is going to be expensive. However, a very large sum has already been invested in the acquisition of IDNL lands and this investment must be protected. I have discussed in the preceding sections, my conviction that the eventual costs of management are likely to grow excessively if these three sites are not purchased. Even if inflation is discounted, costs can only rise.

Political considerations suggest that pressures to acquire these areas will increase as visitors increases and become aware of the detrimental results of development in these inholdings and boundary areas. Such pressures can be expected to diminish only when they have changed so much as to be an intrusive nuisance on the IDNL. Therefore, I urge favorable action on S. 2560 and H.R. 11110.

Mr. Chairman, I commend Senators Bayh and Luger for their efforts in developing and supporting S. 2560 and Congressman Fithian for comparable, meritorious action on H.R. 11110. I thank the subcommittee for the opportunity to testify and once again urge favorable action.

STATEMENT OF HERBERT P. READ, PORTER COUNTY CHAPTER, IZAAK WALTON LEAGUE OF AMERICA, CHESTERTON, IND.

I appreciate this opportunity to again express our support for the proposed additions to the Indiana Dunes National Lakeshore. Our local chapter was formed in 1959 and has been continuously active in many environmental issues, with particular emphasis on matters pertaining to the Indiana Dunes as most of our members live in the dunes area. I first testified for the chapter at Senate hearings in 1959. At that time, the great "heartland" of the dunes was largely unspoiled wilderness. But, large tracts of the best of the dunes area was owned by Nipsco, (Northern Indiana Public Service Company), Bethlehem and Midwest Steel Companies. While Congress was considering bills to establish the National Lakeshore, these companies began leveling the dunes. They summarily rejected pleas by the Senate Interior Committee, Interior Secretary Stewart Udall and conservationists to postpone construction until Congress acted to define the Park boundaries. The result was a National Lakeshore in two separate segments with industrial facilities in the middle and continuing "border conflicts" over pollution problems. Again we are at a decision-making time. The bulldozer and ex-

tensive urban development will flatten whatever is left out of the National Lakeshore within the next few years. For every acre lost in the past, it is doubly important to save what remains.

AREA II-A; NORTHERN INDIANA PUBLIC SERVICE COMPANY (NIPSCO) "GREENBELT"

We want to emphasize that Area II-A is not isolated, separate unit, but is an integral part of the dunes and wetland system now within the National Lakeshore.

We regard the inclusion of II-A as a first priority addition to the National Lakeshore. But we firmly oppose those sections of the bill which restrict the Secretary's right to fee simple acquisition of all II-A on a timely basis. Our reasons are as follows:

1. The area contains dunes and wetlands, and inclusion within the National Lakeshore is the only way to assure preservation of these features along with appropriate public use of the area.

2. To protect the watersheds of the wetlands. The existing National Lakeshore boundary passes through ponds and wetlands, including the Cowles Bog basin, a National Natural Landmark. Most of the bog basin is now within the National Lakeshore, but the southwestern part of the bog is in area II-A. Additionally, wetlands which flow into the bog are in II-A. Dune ponds are partially within the National Lakeshore and partially in II-A.

Application of ordinary common sense should make it obvious that this should be corrected by adding the whole of the ponds and wetlands basins to the National Lakeshore.

3. To permit removal of the dike that Nipsco constructed which cuts diagonally across the Cowles Bog basin. The dike creates a water imbalance within the basin, cuts perpendicularly across the previously established water inflow patterns and, via a bypass ditch, channelizes incompatible water directly to the heart of the Bog. Since the continued existence of bog plants are related to the water characteristics, change, or dilution, of the characteristics will result in loss of the bog plants and significantly diminish the value of the National Lakeshore and the purposes for which it was established.

4. To prevent Nipsco from undertaking any activity or construction within II-A which would not only destroy the dunes and wetlands within II-A itself but to prevent adverse impact upon the areas within the existing National Lakeshore.

Nipsco has dumped fly ash and other wastes into the Bog basin and other wetlands and has stated their intent to continue such dumping. Whether the fill material is ash or anything else, it would destroy the wetlands and pose a threat to the adjacent National Lakeshore.

5. To prevent a repetition of past occurrences in which Nipsco has installed drainage pipes discharging wastewater of various types into the wetlands. In one instance, Nipsco allowed Bethlehem Steel Company to install an underground pipe across Nipsco property to dump process wastes directly into the Cowles Bog basin.

To provide background information to illustrate the problems and to further elaborate the issues, I have attached some maps and photos.

Map 1.—shows site conditions in 1968, two years after the 1966 authorization of the Indiana Dunes National Lakeshore. The dunes and wetlands east of the Nipsco site is the remaining portion of the unspoiled dunes "heartland" originally proposed as the National Lakeshore by Senator Paul Douglas in his first bill of May 1958. The dunes are now classified as "Outstanding Natural" by the National Park Service. The common boundary between Nipsco and the National Lakeshore is 12,800 feet long. It followed man-made property lines rather than natural contours or watersheds. The map clearly shows the boundary running through dune ridges and wetlands. The dunes and wetlands lying between the boundary and Nipsco's facilities form the basis for what is now II-A. In other words, we are attempting to establish a boundary to follow more logically the division of land uses and contours of wetland basis insofar as is now possible.

Map No. 2.—shows site conditions in 1970-71 as the first dunes expansion bills were being formulated. We had observed Nipsco dumping fly ash and other wastes into the wetlands (Marked "X" on the Map). We also discovered the wastewater drain pipes discharging into the wetlands (Marked "PIPE" on the Map). Nipsco rejected our requests to remove the pipes and cease the ash dump-

ing claiming that since the activities were on their side of the line, it was not "illegal." Note the water inflow channels to Cowles Bog.

Map No. 3.—shows existing site conditions and area II-A. The map also shows the dike constructed by Nipsco which cuts across the wetlands basin and which is intended to act as a retaining wall for and other fill material. The dike itself has caused damage to the basin and may cause additional damage to the wetlands within the National Lakeshore. Note how the dike cuts across the water inflow channels (shown more clearly on Map No. 2). The water level rises up behind the dike faster than it seeps through it. The water level was so high behind the dike that it softened the roadbed of the South Shore Railroad. A by-pass ditch was then dug around the south-east end of the dike. The ditch sends a jet-like stream of water into the heart of Cowles Bog which can cause turbulence and dilute the unusual water characteristics which are essential to maintain a bog ecosystem. The map also shows the locations of the projected Bailly nuclear generating unit, its transmission lines and substation (including substation expansion). Inclusion of II-A to the National Lakeshore would not jeopardize Nipsco's construction and operation of the nuclear unit, as I will discuss in more detail.

NOTE.—that two discharge pipes in II-A shown on Map No. 2, are now removed, but, the pipe outside II-A remains. We believe it was only the threat of including II-A within the park that motivated the removal of the two pipes after Nipsco previously rejected our requests. The remaining pipe will have to be dealt with in the future.

Photo Sheet No. 1.—Shows two ground level views of the existing National Lakeshore boundary. The upper photo shows the boundary through an interdunal pond, and the lower one through a dune ridge. Obviously, the line does not follow natural geographical contours, and the potential park value of the II-A area is as high as it is in the existing National Lakeshore. The lower photo is near a foot trail through II-A frequently used by park visitors. The south end of the pond in II-A shown in the upper photo is a popular spot for "Birders" and photographers.

Photo No. 2.—is a view northward of Cowles Bog and its environs taken from the Nipsco dike. The outer edges of the bog are marked by various plant species representing the transition from wetland to dry land. The thick cattail stand in the photo is higher than a man is tall, and rooted in standing water.

While the cattails may survive Nipsco's activities, the rare bog plants could be wiped out in a short time by changing water characteristics. Nipsco's monitoring program is so deficient, the loss of the bog indicator plants would go undetected, thus permitting Nipsco to claim that their activities have caused no harm to the bog and National Lakeshore wetlands.

Photo No. 3.—Is a view southward of area II-A, photo No. 2, but in the opposite direction. Until the dike was built, the vegetation was similar to the view in photo No. 2. The natural vegetation is now dead, due to the artificially high water level.

Photo Sheet No. 4.—Shows a variety of scenes in II-A. Besides the value of the dunes and wetlands for park purposes in II-A, the trees and dune ridges help to visually screen the industrial areas from the National Lakeshore.

We applied the term "Greenbelt" to II-A because part of the area is in county "Greenbelt" (GB) zoning. The "GB" zoning pre-dates the establishment of the National Lakeshore and was intended to protect the adjacent future residential areas of Dune Acres. The residential area never developed because that part of the town of Dune Acres was included in the National Lakeshore in 1966. As we discovered to our dismay, even the small part of II-A still in "Greenbelt" zoning offers little protection. The zoning ordinance permits such a wide range of exceptions (including parking lots and various classes of buildings) that the dunes in "Greenbelt" zoning could easily (and legally), be wiped out.

We oppose the provisions restricting timely inclusion of II-A into the National Lakeshore because such provisions are not necessary to protect Nipsco interests in the generation and distribution of electricity. The delay in authorization is totally unnecessary and could prevent the Secretary from utilizing a Declaration of taking if Nipsco undertakes further destructive activity in II-A. Nipsco has managed to delay for 12 years acquisition of another 9 acres of their property authorized in 1966 and in 1976 attempted to have the 9 acres deauthorized. Another restrictive clause would inhibit the National Park Service from removing the dike, thus thwarting a principle reason for including II-A within the Lakeshore. Furthermore the clause which would "indemnify" Nipsco for alleged

"financial losses" is a blatant attempt to raid the U.S. Treasury. The phrase in the bill is so open ended that Nipsco could claim almost any so-called "loss" for unlimited funds for an unlimited period.

At this writing we don't know the content of Nipsco's testimony, but based upon their previous statements, we offer the following rebuttal.

Nipsco has claimed that the "costs" of including II-A would be some astronomical figure, which varies wildly and is totally undocumented. Sometimes there are vague references to the "cost of relocating facilities in II-A." The fact is that there are no facilities in II-A that would have to be relocated. Nipsco is entitled to far market value for the land and nothing more. There is a weather tower in II-A and we have no objection to it remaining. There is a transmission tower and lines over part of II-A and again we have no objection to the continued existence of these facilities. A short length of new transmission line would pass over part of II-A to facilitate entry to the Nuclear unit substation. (See red lines on Map No. 3.) We do not oppose the installation of this line. But we do insist that the wetlands below the lines be acquired in fee by the National Park Service since our experience has proved that this is the only sure way to prevent the abuses of the past.

We are opposed to "agreements" in lieu of fee acquisition of II-A. We have been disappointed in the weakness shown by Interior in past negotiations with Nipsco in other pollution matters. Further, such agreements would not provide for public use of II-A subject only to the management prerogatives of the Park Service.

We also wish to alert the Committee to the fact that even the use of the word "pollution" is subject to different interpretations. Nipsco uses a very narrow definition, based upon water discharge permits under Public Law 92-500. However, EPA has informed us that the parameters used for such permits do not consider the special water characteristics of natural bog water. Effluent standards could be met while the bog ecosystem is being destroyed. Nipsco's monitoring program does not have a proper base line, the monitoring stations are improperly placed, too few in number, do not measure relevant characteristics, are taken too seldom, are delayed for more than a year and are in general of very limited value in determining adverse impact upon the National Lakeshore and of no value at all in predicting future damage.

Nipsco's main opposition is the claim that inclusion of II-A within the Lakeshore would somehow prevent construction or operation of their nuclear plant. The committee might well ask "how?" What Nuclear Regulatory Commission regulations would be violated? During the evidentiary hearings on Nipsco's construction permit, they claimed the two issues were separate. Now they say just the opposite. Nipsco has stated that loss of II-A would reduce their site by some percentage. That is true, but it is irrelevant to the construction permit. The critical site criteria is not based on total area, but on straight line distances from the nuclear unit. (The distances necessary to achieve certain reductions in radiation levels.) We first recommended adding the area now termed II-A to the park long before we knew any details of the nuclear proposal and before we made the decision to oppose it. The first expansion bills included a 300 foot wide, north-south strip running to Lake Michigan at the west end of the Lakeshore. This would encroach upon the Exclusion Area by 300 feet—although we were not initially aware of this. The effect of the distance reduction was investigated by the Nuclear Regulatory Commission and termed "negligible." However, to avoid any conflict whatsoever, we suggested, in 1976, that the 300 feet be eliminated from II-A. Subsequently in a letter from the Nuclear Regulatory Commission to Senator Bayh's office, the following statement was made:

"In answer to your inquiry, if this parcel of section II-A land were included in the expansion of the National Lakeshore, there would be no impact on the licensing and development of the Bailly Station since the boundaries of the Station's exclusion area would remain the same as proposed by Nipsco in its application for a construction permit and subsequently approved by the Commission."—By Stuart A. Treby Counsel for Nuclear Regulatory Commission Staff.

Yet Nipsco continues to make their claim and has now added a new pitch that the area is necessary for "security." Again, it is not explained how the "security" could be lessened, but certainly no highjacker of nuclear material would choose to steal radioactive material from a spot with virtually no escape route. Also, a terrorist, bent on destruction, can now get within 800 feet of the Reactor building and inclusion of II-A would not reduce this distance.

We believe that if the dunes and wetlands of II-A were owned by small private owners, the area would have been included long ago. For comparison, we also recommended acquisition of additional land around Pinhook Bog, also part of the National Lakeshore. In that instance, the National Park Service readily agreed to the necessity for the added protection. But the difference was that the landowners around Pinhook Bog were homeowners and farmers, rather than a wealthy utility. We believe that the time is long overdue to treat Nipsco the same as any other landowner.

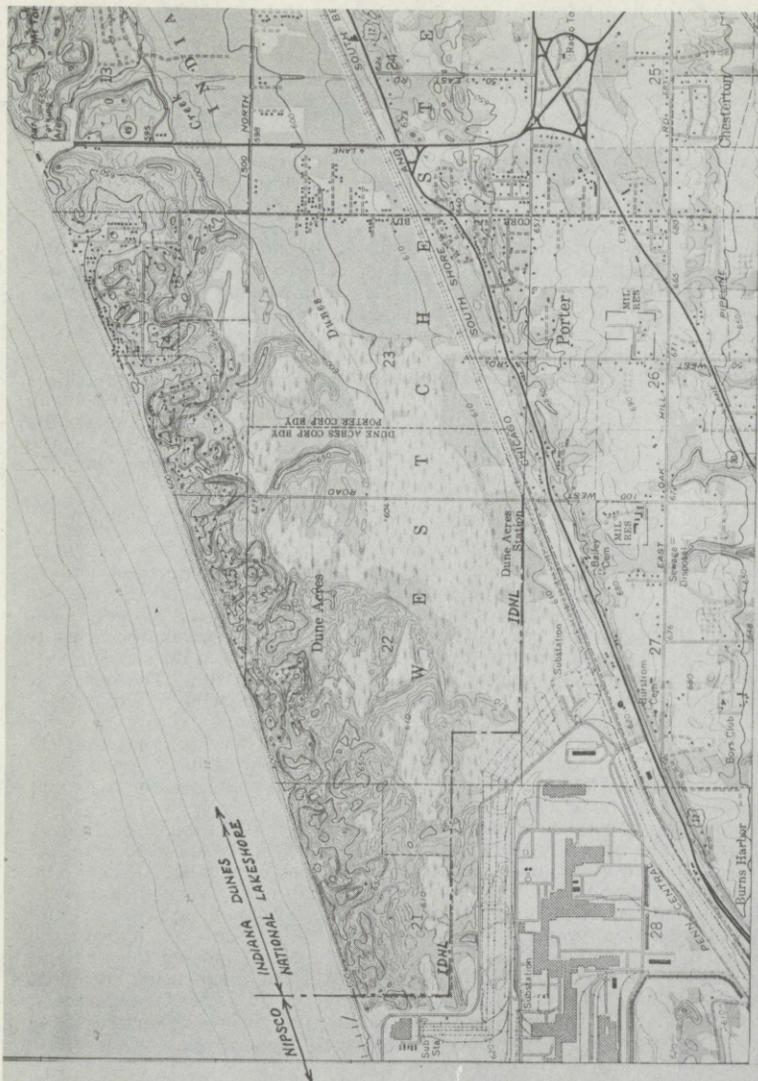
Beverly Shores Additions—III-A and III-C.—We recognize the limitations inherent to establishing a park in a partially built-up area, but given a choice, no one would like to plan for a park with a large chunk left out of the middle of it all. So when the opportunity arises to avoid the problem, it would be foolish and short sighted to let it slip away. We now have one last chance to make the eastern part of the Lakeshore a viable integrated whole by adding areas III-A and III-C. For the moment, at least, the density of the Beverly Shores area is low enough that it is still feasible to include it in the park. But not for long. Developmental pressures will fill the open spaces left in a few years, and we believe it to be false economy to once again by-pass or delay the authorization of these two areas. There are essentially three basic reasons for inclusion. First, to assure preservation of the largest section of dunes left in Indiana. Second to permit a sensible park master plan to be developed. Third, to avoid concentrated urban development which could have adverse impact upon the existing Lakeshore. In any action which affects the homes and properties of people, the fairness of the government in dealing with the local people is critical. We believe that the original homeowners provisions should be restored.

The 1976 amendments not only restricted the options available to newly authorized areas but were applied retroactively to areas of the original authorization and was applied to all residential areas and not just Beverly Shores. Whatever rationale can be applied to justify the present homeowners restrictions, nothing can justify the act of taking away options after Congress and the National Park Service approved the original conditions. We greatly object to the claim by some that granting concessions to homeowners is somehow unfair to the public at large. We have witnessed many concessions granted large industries, not only in establishment of parks, but in regulatory matters. These concessions are granted because private and public interests must be balanced to serve the overall public good. If homeowners in potential park areas are not offered reasonable concessions the local resistance to the park will be so great that the public will lose the opportunity for all time. Granted that the delay encountered while leasebacks are in effect delays the full public use of the area for park purposes, but a delayed use is better than no use at all.

The exemption from condemnation for homeowners creates a picture of homes remaining in private hands forever. But the experience between 1966 and 1976 with the exemption in effect showed that most homeowners sold willingly. One reason is that with the exemption, the homeowner can easily verify the reasonableness of the "fair market value" offered by the government appraisers. And, recognizing that their appraisals must stand the test of the open market, the appraisers must be more realistic. The exemption from condemnation prevents overvaluation by seller and under-valuation by buyer. The disgruntled homeowners who have now joined the anti-park organization would have the opportunity to test their claims of low valuations. The exemption from condemnation, we believe, would defuse the present controversies over home values. The exemption need not last indefinitely. A moratorium for a period of years would permit those who wish to avoid dealing with the government to sell to private owners. In the meantime, the properties of willing sellers could be acquired. The park service couldn't handle immediate possession of all the houses at once. A phased acquisition would be easier for all concerned. The "Hard-line" attitude of the National Park Service toward homeowners is particularly distressing in view of the foot-dragging toward acquiring Nipsco properties. As mentioned previously, there is a 9 acre parcel of Nipsco property which has yet to be acquired 12 years after authorization.

We also support the 25 year or life tenancy leaseback periods. The extra 5 or so years is important to an individual homeowner and is a short additional period of time within the context of the whole life-span of the country.

While we have confined this testimony to the 3 areas included in the bills sponsored by Senators Bayh and Lugar and Representative Fithian, we also support other additions to the National Lakeshore. The areas we recommend are described in an attachment to the Indiana Division Statement.

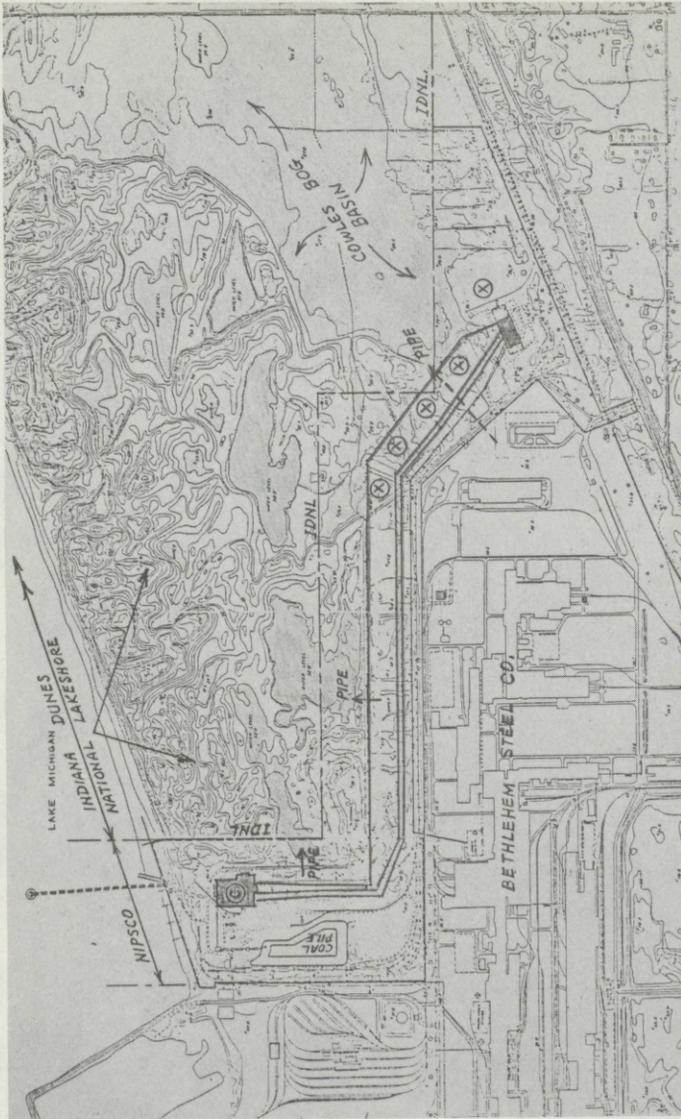


SITE CONDITIONS - 1968

--- IDNL

BOUNDARY OF IND. DUNES NATIONAL LAKESHORE (AUTHORIZED IN 1964)

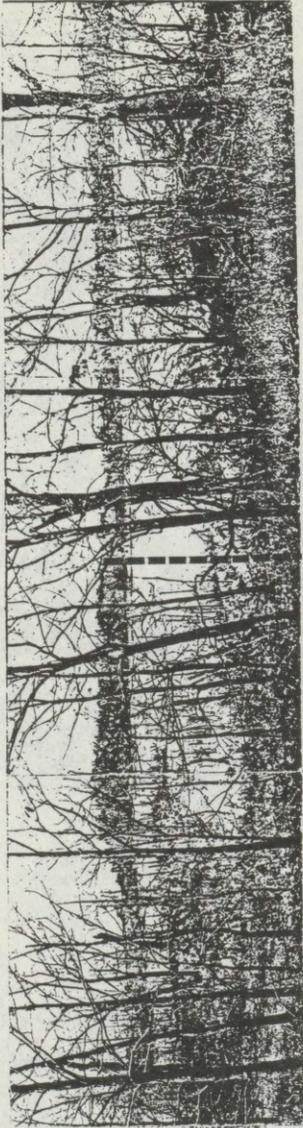
MAP #1



SITE CONDITIONS - 1970-1971

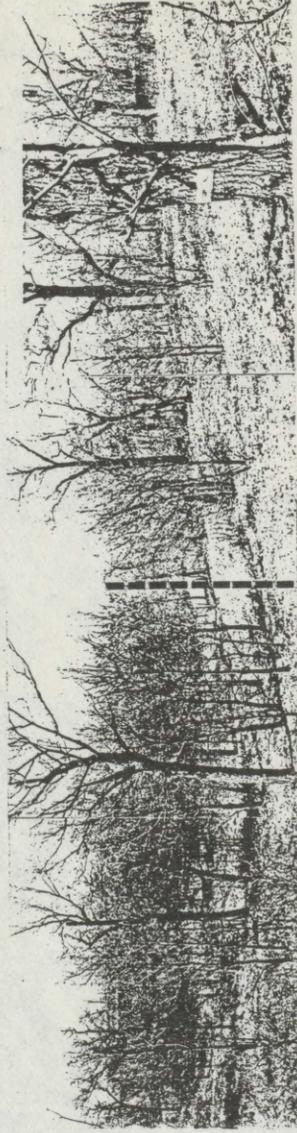
- IDNLL — BOUNDARY OF IND. DUNES NAT'L. LAKESHORE
- WASTEWATER DISCHARGE PIPE (NIPSCO & BETHLEHEM STEEL)
- ⊗ NIPSCO ASH DUMPING
- COALES BASS BOG — YELLOW - COAL FIRED PLANT & SUBSTATION
- BLUE - BOG & WETLANDS

MAP # 2



EXISTING INDIANA DUNES NATIONAL LAKESHORE

(LOOKING WEST)

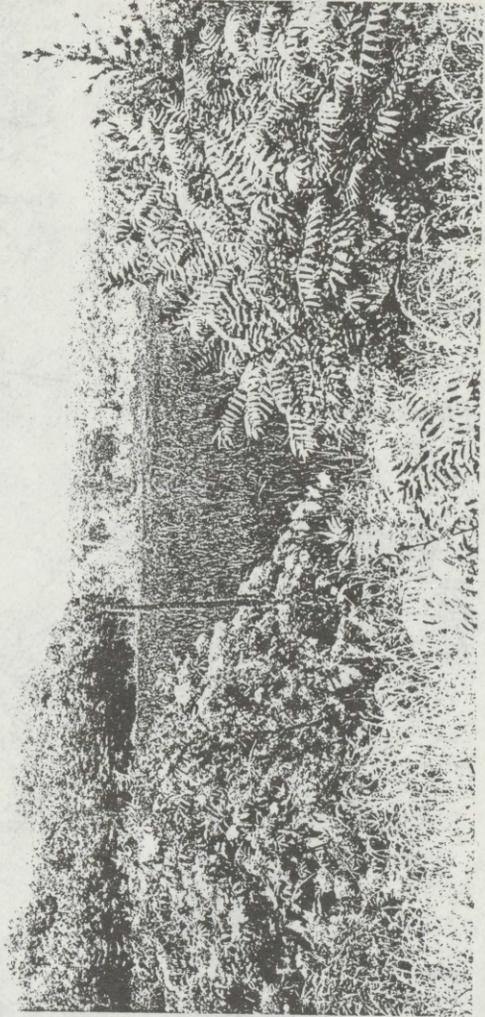


EXISTING INDIANA DUNES NATIONAL LAKESHORE

(LOOKING WEST)

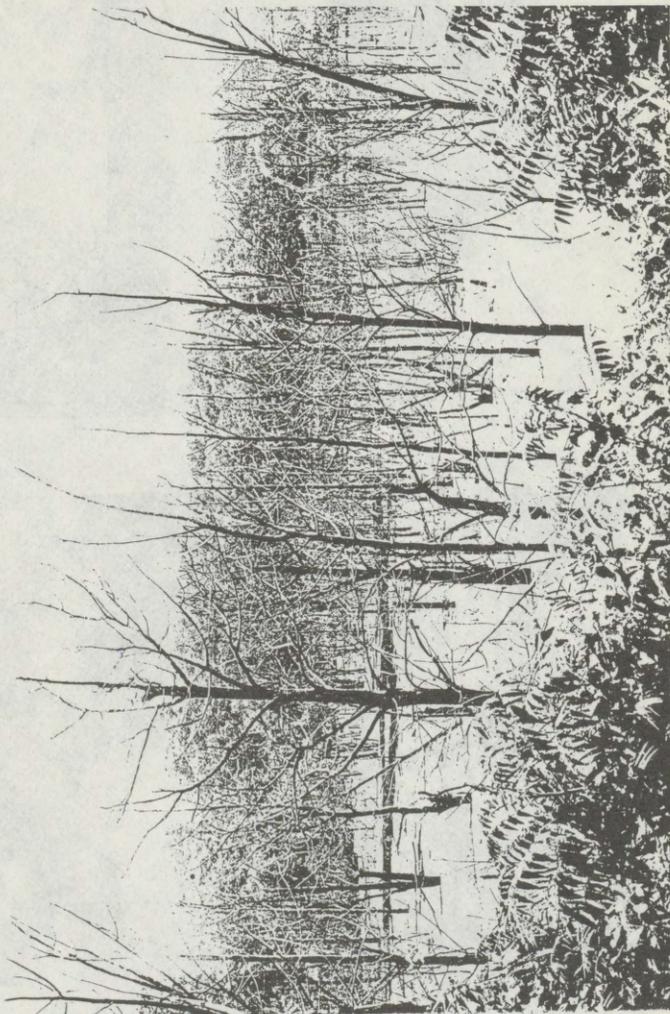
RE: INDIANA DUNES EXPANSION BILLS
STATEMENT OF HERBERT P. READ
8-10-78
PORTER COUNTY CHAPTER
ISAAK WALTON LEAGUE

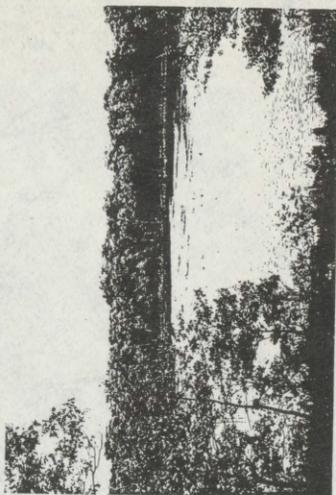
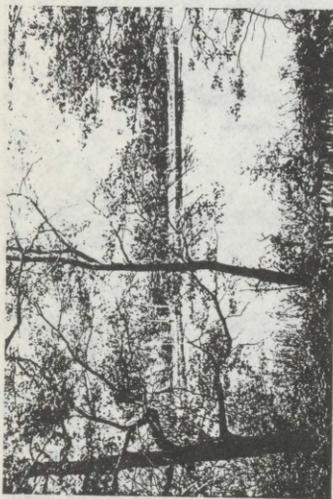
PHOTO " 2



RE: INDIANA DUNES EXPANSION BILLS
STATEMENT OF HERBERT P. READ
PORTER COUNTY CHAPTER
IZAACK WALTON LEAGUE

PHOTO # 3





VIEWS OF AREA II-A
INDIANA DUNES EXPANSION BILLS
8-10-78

STATEMENT OF
HERBERT P. READ
PORTER COUNTY CHAPTER
LEAK NATION LEAGUE

PHOTO SHEET # 4

STATEMENT OF GREGORY S. REISING, ON BEHALF OF THE MILLER CITIZENS CORPORATION, GARY, IND., BEFORE THE HOUSE COMMITTEE OF INTERIOR AND INSULAR AFFAIRS, SUBCOMMITTEE ON NATIONAL PARKS

Mr. Chairman: My name is Gregory S. Reising, I am a member of the Board of Directors of the Miller Citizens Corporation. The Miller Citizens Corporation is a private, not for profit, citizens action group concerned with community problems in the Miller section of the city of Gary, Indiana. Miller is a lakeshore community surrounded by the Indiana Dunes National Lakeshore. Our organization has an active membership composed of nearly nine hundred family units of the two thousand living in Miller.

The Miller Citizens Corporation has always favored the implementation and development of the Dunes National Lakeshore Park. We are here today to express support for both the bill introduced by our Congressman Adam Benjamin and the Legislation introduced by Congressman Fithian.

We would hope that the Committee would blend the components of each bill plus possible additional concepts into one strong piece of legislation that will:

- (1) Preserve the dunes;
- (2) Provide for orderly and ecologically sound development;
- (3) Protect the environment by adding certain parcels to the present park boundaries;
- (4) Strengthen community involvement.

To this end we have not only attempted to work with our legislators on legislation, but have developed our own "master plan" for park development which we have shown to many groups including the U.S. Department of Interior.

We are particularly interested in the bill introduced by Congressman Benjamin as it directly relates to our area. The bill makes small but necessary additions in Lake County, Indiana as well as authorizing the construction of a marina for small boats adjacent to the IE area.

The Miller Citizens Corporation has long supported the concept of a marina in the IE area for the following reasons:

(1) Development on the far west end of the park would insure that the park would be used as a whole unit, that is from the marina on the west to Mount Baldy on the east.

(2) There is a great need for marina development on the southern shore of Lake Michigan. In recent years there has been an explosion of small boats on Lake Michigan and a marina would increase safety while allowing boaters from Indiana, Illinois, Michigan, Wisconsin and the other Great Lake States to visit the park without the use of an automobile.

(3) The site under study would be ideal for a harbor with a minimum of ecological damages and could eventually improve lands presently devastated by years of neglect.

(4) The close proximity of the marina to U.S. Steel, the Gary Works Plant, could provide a workshop setting and example of heavy industry, natural beauty and recreation facilities working side by side in harmony. An example necessary and essential if twentieth century technology and natural beauty are both to survive and flourish.

(5) The breakwater would provide ideal fishing sites for citizens who do not own boats and who presently have very limited access to fishing in Lake Michigan.

In conclusion, we feel the small boat harbor is a people project who's time has come. We will monitor its development and feel it should be constructed in a natural setting with as little disturbance to the dunes as possible.

Secondly, the inclusion of the VII C is vitally important as an entrance ramp to the park proper. Inclusion of this small section will facilitate to flow of visitor traffic off local roads to staging areas directly north of the proposed addition. VII C will give the Indiana Dunes National Lakeshore a chance to be right from the start in the area of Traffic Control.

The addition of the VII A and VIII B areas will complete a basin systems inclusion on the extreme west side of the park. The Miller Citizens Corporation is not wholly satisfied with the restrictive language in regards to VII B and believes the same rationale for including the area mandates immediate inclusion.

We do not believe the issue of a local power plant should be mixed with the National Park issue.

Finally, we are aware of the fact that the Department of Interior has completed a study as to the advisability of including approximately three-hundred twenty acres of land known as the Inland Manor area of Miller.

The Miller Citizens Corporation favors this inclusion and would ask the Committee to act on the study when it becomes available.

We believe the Indiana Dunes National Lakeshore is a vital natural resource for all the American people. We look to United States Congress to improve and enhance this Park.

The Indiana Dunes National Lakeshore can serve as an example that the necessary elements of our modern life, that is, large urban areas, heavy industry and natural beauty can survive and flourish in the same environment. In order to achieve this and preserve the dunes, additional legislation is needed. As an all volunteer citizens group directly affected, we look forward to working with Congress in drafting the final version of such legislation as well as looking forward to working hand in hand with the Department of Interior to insure citizen input and local participation in development and management of the park.

HELP IMPLEMENT REGIONAL EMPLOYMENT OF NORTHWEST INDIANA,
Hammond, Ind., August 9, 1978.

Chairman ABOUREZK.

DEAR CHAIRMAN ABOUREZK: Once again, the dispute over the Indiana Dunes Lake Shore Expansion arises.

As debate over the new Northern Indiana Public Service Company (NipSCO) nuclear power plant intensifies, interveners on both sides will seize upon the opportunity to re-open litigations as to whether or not the area more readily known as the "Green Belt" should or should not be included in the Lake Shore.

As representatives of two highly publicized organizations (HIRE-Help Implement Regional Employment and the Building and Trades Counsel), we feel that the previous decision handed down by the Department of the Interior should be upheld for numerous justifications:

(1) Approximately eighteen hundred (1800) jobs will be forfeited. Eighteen hundred jobs is no miniscule figure, and those relying upon the upcoming jobs will end up experiencing further delays in finding employment, which is already in a purgatorial state.

(2) Previous legal maneuvers have made the cost of the nuclear power plant project skyrocket from a reasonable \$180,000,000.00 to an unbelievable sum in excess of well over \$800,000,000.00: a quadruplance of over \$620,000,000.00 with the taxpayers footing the bill. (With taxes taking a front row seat on the public's "black-ball" list, would it not be unsagacious to reopen hearings?)

(3) What about even the minorest of detail? Shouldn't something like pollution be considered also? The Lake Shore already has enough debris both in and out of the water to keep the public doing their "housework" for a few more years yet. Why turn more land over in the public's lap for them to use as an ashtray?

Until the populous collectively, as well as individually cuts down on polluting our land, they should have as little room as possible to exercise their unappreciated habits.

Just who are we dealing with? When senators Birch Bayh and Paul Douglas, Representative Vance Hartke, and Congressman Ray Madden signed the Compromise of 1966, they not only signed an agreement as to the rightful placement of the "Greenbelt", but also a growing optimism that would allow the National Parks and Industry to live side by side comfortably. What happened? Apparently not much. With litigations reopened, interveners will cause a delay, and ultimately a stop in the construction of the nuclear power plant. (Which, of course, results in more monetary deficiencies, which is the responsibility of the taxpayer.)

In closing, we can only express our sentiments as a whole (22,000 affiliated members, locally.) If the "Greenbelt" is joined with the Lake Shore, we realize that the taxpayers will have wasted their money on pollution and unemployment invitations: and we, as a whole, will try everything within our power to stop this nonsense.

With due respect,

WALTER D. FORD,
President.

VIRGIL L. JEAN,
HIRE Representative.

VINCENT PANEPINTO,
Building and Trades Counsel.

HOMEOWNERS OPPOSED TO PARK EXPANSION, INC.,
Beverly Shores, Ind., August 7, 1978.

Re S. 2560 hearings.

Senator JAMES ABOUREZK,
*Chairman, Senate and Park Subcommittee,
 U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I would like to question the eligibility of Mr. Robert Akers, Town Trustee of Beverly Shores, to act as a spokesman for the people of the Town of Beverly Shores. His testimony could be considered as reflecting the views of the Town Board only.

Although the Inclusion of the Beverly Shores Island was on the agenda for August 31, 1978 Town Board Meeting, no discussion was made on the testimony to be presented, or on the person that was to testify. Since the testimony that he is presenting was formulated at an Executive Session of the Board, and not presented for public inspection until 2:50 p.m. on August 7, 1978, I feel that due process of Administration, by our Town Board, was not fulfilled according to the policy-making decisions of Town Boards under Indiana Law.

The Testimony that was drafted by the Town Board was never subject to public discussion at the last Town Board Meeting. When I questioned the Town Board President, on this issue, he replied that at that time no testimony was drafted, and he did not know who would represent the Town Board.

Relative to these facts, and also because no poll of the Townspeople on the Island Inclusion to the Lakeshore has been taken, since this Board has been in office, I feel that the Testimony of Mr. Akers should be considered as that of the Town Board only.

Sincerely,

LEON W. MAREK,
Treasurer of HOPE.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., August 10, 1978.

HON. JAMES ABOUREZK,
Subcommittee on Parks and Recreation, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Please accept for the record this statement of the support of the National Wildlife Federation for legislation to enlarge the Indiana Dunes National Lakeshore. The Federation is a nongovernmental conservation organization composed of affiliates in all 50 states, Guam, Puerto Rico, and the Virgin Islands. These affiliates, in turn, are made up of local clubs and individuals who, when combined with associate members and other supporters of the Federation, number an estimated 3.5 million persons.

The Indiana Dunes are known by natural science professionals as the birthplace of scientific ecology in North America. Today, the Dunes graphically portray the principles of plant succession and other aspects of ecosystem development in a relatively small area set aside for this purpose by the state and federal governments. The recreational use received by the Dunes make the resource doubly prized by the visiting public.

The jeopardy faced by those portions of the Indiana Dunes still unprotected is a matter of concern to conservationists from around the country. We urge that the 800 acres recently studied by the National Park Service be included in the National Lakeshore by the Congress this year. It is our view that by means of federal acquisition and utilization of the full management prerogatives of the National Park Service, the Secretary of the Interior should act to preserve and, where necessary, restore the resources of the Indiana Dunes for the benefit of future generations.

Attached for the record is a copy of the resolution recently enacted by the delegates to the National Wildlife Federation's 42nd Annual Meeting, March 16-19, 1978.

Thank you for the opportunity to present these views for the record of your subcommittee.

THOMAS L. KIMBALL,
Executive Vice President.

Attachment.

INDIANA DUNES NATIONAL LAKESHORE

Whereas, the Lake Michigan shoreline of Indiana originally was proposed for designation as a national park in 1916 by Steven T. Mather, first director of the National Park Service; and

Whereas, this shoreline and its associated sand dunes, wetlands, and plant communities constitute a natural resource of national significance, as evidenced by the location of four National Natural Landmarks in the vicinity; and

Whereas, urban and industrial development already has obliterated substantial acreage of unprotected dunelands; and

Whereas, legislation enacted in 1976 to enlarge the Indiana Dunes National Lakeshore called for a one-year study of the feasibility and cost of acquiring certain key tracts for inclusion within the National Lakeshore; and

Whereas, such studies as required by law have been completed by the National Park Service, and provide documentation of the values of the study areas; now, therefore, be it

Resolved; That the National Wildlife Federation, in annual meeting assembled March 16-19, 1978, in Phoenix, Ariz., hereby urges that the Congress enact legislation to enlarge and substantially complete the Indiana Dunes National Lakeshore; and be it further

Resolved; That this organization supports the prompt and timely acquisition of all such lands, and the retention of the full authority of the secretary of the Interior to manage lands and improvements therein for the purposes for which the lakeshore was established.

NORTHWEST INDIANA COUNCIL OF TEACHERS UNIONS,
AMERICAN FEDERATION OF TEACHERS, AFL-CIO,,
Gary, Ind., August 2, 1978.

HON. HENRY M. JACKSON,
Chairperson, Senate Committee on Energy and National Resources,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: Teachers in Northwest Indiana have a longstanding interest in expanding the Indiana Dunes Lakeshore National Park. This beautiful area should be preserved for the enjoyment of all people across the nation. Senate Bill S. 2560 is an important piece of legislation toward the realization of our goal.

Please incorporate into the Committee Hearing Record our position in favor of this legislation.

Sincerely yours,

MARY M. SMITH, *President.*

NATIONAL PARKS & CONSERVATION ASSOCIATION,
Washington, D.C., August 24, 1978.

HON. JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
Dirksen Senate Office Building, Washington, D.C.

DEAR SENATOR ABOUREZK: The National Parks and Conservation Association supports the additions of study areas II-A, III-A and III-C to the Indiana Dunes National Lakeshore. However, we cannot support S. 2560 unless the legislation is changed significantly.

Section 4 of S. 2560 would suspend the Secretary's authority to acquire improved property by condemnation during all times when an approved zoning ordinance was in force. NPCA opposes this section because it would allow permanent inholdings within Indiana Dunes National Lakeshore. Due to the proposed high visitation rate and relatively small size of the Lakeshore, we believe that no inholdings should be allowed to remain indefinitely. We do support changing the legislation to allow residents to adopt a life estate or a term estate of up to 25 years. This would allow the residents of the park to choose the same terms afforded to improved property owners in most national park system units.

NPCA also opposes section 4(e) which is unnecessary and would be difficult to carry out. This section would unduly restrict the National Park Service from taking action necessary to protect the resources of Indiana Dunes National Lakeshore. This section should be deleted from S. 2560.

We also question the need to include section 4(f). The purpose of this section appears to be to give the Northern Indiana Public Service Company additional and unnecessary assurance that the acquisition of certain parcels within study area II-A would not stop the construction of the proposed Bailly nuclear power plant. We see no need for section 4(f) and believe it should be deleted from the legislation.

We appreciate the opportunity to comment on S. 2560 and urge your support of the addition of the study areas and the changes we have recommended.

Sincerely,

WILLIAM C. LIENESCH,
Administrative Assistant, Parks and Land Use.

LAKE COUNTY AFL-CIO CENTRAL LABOR UNION,
East Chicago, Ind., August 9, 1978.

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

DEAR SIR: Please enter this statement in the record of the hearing held on August 10, 1978 in consideration of S. 2560, the bill sponsored by Senators Bayh and Lugar to add the so-called "study areas" to the Indiana Dunes National Lakeshore, as authorized in the 1976 legislation which added certain areas to the park.

This organization supported the 1976 legislation in its entirety, and still supports the areas designated as II-A, III-A and III-C to be added to the National Lakeshore Park as was intended in the previous bills.

The membership feels that completion of this greatly needed national park in an urban area is desirable and important, and that it still permits room for industry to expand. We therefore urge prompt and favorable action to enact S. 2560 into law this session of Congress.

Thank you.

Sincerely,

FLOYD J. WATSON, *President.*

PORTER, IND., *August 3, 1978.*

Senator JAMES G. ABOUREZK,
*Senate Office Building,
Washington, D.C.*

DEAR SENATOR ABOUREZK: The Porter town board requests that the National Parks Subcommittee enter the attached resolution into the minutes of the hearings on the renaming of the Indiana Dunes National Lakeshore.

The town of Porter is on the southern edge of Lake Michigan and the park boundaries include 30% of the town's land area. By this spring, the headquarters of the Indiana Dunes National Lakeshore will be located in Porter.

The town of Porter appreciates your consideration of its position on this matter.

Sincerely,

WILLIAM H. FISHER, Jr.,
Town Manager.

Enclosure.

RESOLUTION 78-10

Be it resolved by the Board of Trustees of the town of Porter that:

The Town of Porter opposes the renaming of the Indiana Dunes National Lakeshore to any name other than now in use, and

That the Town of Porter requests that this resolution be incorporated into the official minutes of the U.S. Senate sub-committee and committee dealing with this matter.

Approved this 25th day of July 1978.

DONALD L. COOK.
WENDELL GREEN.
RICHARD L. KAUFMAN.
WILLIAM G. SIEVERT.
ARTHUR S. KIPPER.
Board of Trustees.

Attest.

LIB L. HAKANSON, *Clerk-Treasurer.*

UNIVERSAL MERCHANDISE CO., INC.,
Fort Wayne, Ind., July 25, 1978.

Re S. 2560—Indiana Dunes expansion bill.

Hon. JAMES ABOUREZK,
Chairman, Parks and Recreation Subcommittee,
U.S. Senate, Washington, D.C.

DEAR MR. ABOUREZK: I understand hearings on this bill are to be held in August 1978.

This bill is supported by both Indiana Senators, Birch Bayh and Richard Lugar. Its companion bill in the House H.R. 11110 has the support of Floyd Fithian as well as most Indiana Representatives, and also all Indiana and national conservation and environmental organizations.

As a business man I realize that we must maintain a good balance between development and areas that protect the health of the people as well as provide recreation and natural areas within their reach. We can no longer afford to permit industry or development to chip away at these few last remaining areas.

These 800 acres will not only provide protection for the present National Lakeshore, but also contain woods, wetlands, and dunes. The Cowles Bog itself is threatened.

Please do all you can to work for the passage of this bill. It is high time we took this last remaining step, at this 11th hour and complete the establishment of this National Lakeshore.

Please make this letter a part of the hearing to be included in the records.

SAM ROPCHAN.

BEDFORD, IND., July 26, 1978.

Re Indiana Dunes expansion S. 2560.

Hon. JAMES ABOUREZK,
Chairman, Parks and Recreation Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: As a citizen of Indiana that is very concerned about saving as much of the Indiana Dunes as possible, I hope you will give your full support to S. 2560 which would include the "Nipsco Greenbelt" and the "Beverly Shores Island" in the Indiana Dunes National Lakeshore.

Please include this letter in the Hearing Record on this bill.

Sincerely,

BILL HAYDEN.

TERRE HAUTE, IND., July 29, 1978.

Hon. JAMES ABOUREZK,
Chairman, Parks and Recreation Subcommittee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: I am writing concerning hearings scheduled on bills to complete the Indiana Dunes Lakeshore National Park. The companion bills of Senators Bayh and Lugar (S. 2550) and Congressman Floyd Fithian (H.R. 11110) would add three tracts of land which are of great importance to the Park.

The so-called "Beverly Shores Island" represents 650 acres located right in the middle of the largest single part of the Park. Without the addition of the "island" effective management and optimum use of the eastern portion of the Park are seriously threatened. Unless added, it could also threaten the overall qualities of the National Lakeshore which the Save-the-Dunes Council has fought so many years to preserve.

Pressure from Nipsco has prevented the inclusion of the "Nipsco Greenbelt," a 90-acre narrow strip adjoining the Cowles Bog National Natural Landmark portion of the National Lakeshore. Most critical is the fact that the utility plans to dump fly ash in this wetland area. This would change the quality of water and vegetation in adjacent National Lakeshore wetlands. Any industrial use of this "Greenbelt" would destroy existing natural features. Furthermore, the 90-acre addition follows more natural wetland watersheds and would make a more logical and more easily managed boundary for the National Park Service.

The third area of concern is the U.S. 12 "Highway Corridor," about 60 acres. The corridor is a 1½ mile strip along the highway. It is needed to protect the scenic qualities of several miles of roadway access to the existing National Lakeshore.

I hope that you will stress to the members of your committee the importance of adding these three areas to the Indiana Dunes National Lakeshore. Without these additions, the maintenance of integrity and protection of the National Lakeshore by the Park Service will be in jeopardy.

Please include this letter in the Record.

Thank you.

Sincerely yours,

JACK R. MUNSEE.

GUARDIANS OF THE DUNES

NEW YORK, N.Y., July 31, 1978.

Senator JAMES ABOUREZK,
Senate Subcommittee on Parks and Recreation,
Dirksen Office Building, Washington, D.C.

DEAR SENATOR ABOUREZK: I wish to register a statement on behalf of 173 home owners located in 11 communities on Fire Island. This statement relates to the proposal in the "Parks Omnibus Bill" which would increase the powers of condemnation by the Secretary of the Interior and allow establishment of a "Dune District" running the entire length of Fire Island.

While most of the home owners who have contributed money and time to the "Guardians of the Dunes" have homes within the proposed Dune District, there is one community where this organization was started, Davis Park, where fully one half of our contributors own houses that are in the part of the community that would remain as part of the exempt community of Davis Park. The principles of the "Guardians of the Dunes" apply to more than the dune owners who would stand to be directly affected; thus this statement reflects the views of a rather wide constituency.

As we view it, the proposed changes in Public Law 88-587 would make it possible in the foreseeable future for the Secretary of Interior to condemn, piecemeal, entire communities on Fire Island out of existence. The proposed new Law and its accompanying Fire Island National Seashore Master Plan would also make it so that communities could not act on their own behalf to protect themselves by effecting erosion control measures on the beach front; it is proposed that control of all future erosion control work only be done with approval of the Secretary of the Interior. It would even be that emergency work to repair foundation posts on a house could be held up by the federal government who would insist on proceeding through the red tape of securing local building permits; when a storm is raging, emergency work is possible, but if one has to wait four weeks for a building permit, this would be impossible.

We of the "Guardians of the Dunes" are not dead set against the idea of a Dune District that basically would be established as a zoning requirement only, and the District were to have permanent boundaries. As is proposed now, the boundaries of the District could be moved should any further storm action cause further damage to the dunes; and yet the communities would be left powerless to take any action to remedy the damage. It is proposed that any house suffering more than 50 percent damage in terms of fair market value could then be condemned by the Department of Interior; and if 90 percent of a community is damaged thusly, the entire community could be wiped out. The problem is not that one storm could wipe out 90 percent of a community, but rather that a community could lose 10 houses one year, 12 twenty years later, then six, etc. to the point where the 90 percent could eventually be reached especially if no local action can be taken to restore dunes or the berm of the beach. The National Park Service has already taken steps to indicate that it would be able to effectively prevent the Army Corps of Engineers from implementing an approved Hurricane Protection and Erosion Control Plan; certainly they would also try to stop any effort by the State or the County or the Town or at the local community level is our opinion.

We are fervently in favor of protecting the dune system. It must be encouraged to rebuild. In this sense it has been the dune owners over the years who have done the most to rebuild the dunes via plantings and fencing and general care to protect the dunes. (See a copy of my article from the New York Times of August 15th, 1976.) There have been statements made by those who would see all houses torn down from near the dunes to the effect that structures "damage"

the dunes. While it is true that building a structure can damage a dune, it has never been shown that houses "in place" hinder the growth of a dune or damage it. Even the so-called wind tunnel effect can be remedied very simply; on net, dune houses probably help build up the dunes rather than hurt them.

But that is not the real issue. The real issue is one of condemning of private property when it means no contribution to the public good. There has been no demonstration that having a dune without houses is in the public welfare, in fact we could demonstrate the reverse. We feel that there are constitutional issues involved here once an owner is prevented from protecting his property and is threatened with condemnation should a storm attack the property.

The House Committee has stated—should the proposed amendments to Public Law 88-587 go through—"the Secretary will use this (condemnation) authority to consolidate Federal holdings and to prevent reconstruction of severely damaged properties so that the barrier island will ultimately be returned to a natural condition."

We hold that a fairer solution would be to have higher flood insurance rates for those in the high hazard zones so as to discourage building. We would also favor prohibiting building in certain areas unless the dune were restored to a certain profile. We support efforts to restore the beaches and dunes so badly damaged in a series of freak storms starting with the one in March 1962. We hope you will see clear to strike this request for new condemnation powers that seem against the public interest when better alternatives are available.

The people in the communities along Fire Island can be used as a natural resource to help build and protect the dunes in a dune district set up in a different manner. Don't tread on us!

Sincerely,

ROBERT H. SPENCER, *Chairman.*

[From the New York Times, Aug. 15, 1976]

HOW BEST TO SAFEGUARD FIRE ISLAND'S DUNES?

(By Robert Spencer)

The sand dunes of Fire Island resisted the fury of Hurricane Belle's full-moon supertide. Luckily, Belle danced by quickly and didn't erode the dunes this time with sand-gouging northeast gales.

Normally, unlike Belle, visitors to Fire Island appreciate the need to protect the fragile vegetation along the dunes of the barrier beach, which The New York Times once described as "one of the world's 10 best beaches." (And many would put it near the top.)

Then again, certain visitors who are ferried over for an afternoon of Frisbee flinging might be in for a surprise should that aeronautical disk fall in the dune grass. If he were to set out after it, he might hear a wild shout to the effect, "Get off the dunes!"

Upon looking up, the afternoon athlete might well see an approaching citizen wildly waving a yellow flag bearing the familiar design of a coiled rattlesnake underwritten with "Don't Tread on Me," and some unfamiliar words, "Guardians of the Dunes."

All this flag-waving recently was triggered by a new draft general management plan prepared by the Department of the Interior for the Fire Island National Seashore. Fire Island citizens got hopping a bit because Interior has planned for the condemnation of all houses along the ocean. In some cases, houses would be condemned two or three deep in order to create a Dune District. Interior wants to get people out of the Dune District because of "uncontrolled walking on dunes, construction, and lack of awareness of the important protective function of the dunes."

That got just a few people angry. Especially those who live along the ocean who saw that this "flexibly boundaried" district just might be able to swallow up entire communities into condemnation proceedings under certain conditions. It further angered many that Interior seemed to be against having citizens even attempting to build up the dunes on their own as they had been doing for decades. The plan stated that some restoration of beaches (cut to smithereens by other northeastern storms in recent years—especially the 1962 storm, which sat offshore through five full-moon supertides) would be allowed in certain parts of the Island, but not others. Interior felt that ocean "overwash" into the bay was a good thing.

It was natural. And anyway, we could all expect that Fire Island would roll north to the north side of the Great South Bay in a few years.

Those who live near the ocean have no illusions about being safe from storms forever. But if any human beings have a respect for preservation and conservation of the dunes, which literally protect all of the island's south shore, it is those who live closest to the ocean. They fervently believe that historically, they have been the best and most dedicated "guardians of the dunes."

Most of the near-ocean dwellers have spent hundreds of hours over the years in preserving and protecting the dunes. Dune grass, Dusty Miller and other types of vegetation have been planted and replanted for years to catch every last grain of sand to build a bulwark against storm tides. These same people have collectively shooed thousands of afternoon athletes off the dunes, and erected miles of snow fencing at their own expenses to catch the quartz grains and to keep errant Frisbee flingers out of the grass. And in recent years they have banded together to try to set up an "erosion control district," supported by local taxes, which now might be blocked if Interior's plan is approved.

There is evidence that the dunes in inhabited areas are often superior to those just outside. Photographic evidence is now being assembled, including one aerial photograph taken over the Fire Island community of Davis Park that shows clearly the presence of better vegetation on the dune berm within the community than there is in the uninhabited areas of the National Seashore land on either side. This is evidence of citizen care.

The "guardians" feel that they are better qualified than the Federal Government in protecting the dunes. The fact that they are already at work has special merit. They are realistic in knowing that every structure is not "pure as the driven sand"; a handful have been constructed in dangerous zones and with destructive methods. But the vast majority of "guardians" are hard at work planting, fencing and shooing for the public good and without cost to the public. Maybe the moral is: Don't tread on those doing good works.

BEVERLY SHORES, IND., August 2, 1978.

HON. JAMES ABOUREZK,
U.S. Senate, Washington, D.C.

DEAR SENATOR ABOUREZK: We are writing this letter to inform you of our very stringent opposition to the further expansion of the Indiana Dunes National Lakeshore to include that area which has become known as the Beverly Shores "Island." The Island area is a portion of the Town of Beverly Shores approximately 655 acres in size which is surrounded by the present authorized boundaries of the Lakeshore.

As property owners in the Island, we feel quite strongly that no possible benefit could be gained by the inclusion of the Island in the Lakeshore and, certainly, no benefit could be gained which would offset the very substantial cost of acquiring an area so highly developed with expensive residential housing. We believe that the taxpayers' money would be wasted not only in acquiring the Island, but in dealing with the substantial problems that would be created by acquisition. Acquisition would remove the land itself (but not the improvements) from the tax rolls and make it impossible to operate the Town and provide the services of police and fire protection, garbage pickup, and other municipal services that the residents of the area have a right to expect, unless such services were regularly subsidized by a continuing dole from the federal coffers.

The fact that municipal services are being provided in the Island, such as police and fire protection, and interested homeowners are residing in the area is of incalculable benefit to the surrounding Park area, which benefits from the availability of these services and the interest of the abutting homeowners in preventing crime and vandalism in the Park area.

Those not familiar with the area and the situation may not realize that the existing authorized Park, which includes beaches to the north of the Island and also to the West of the existing State Park, which itself encompasses three miles of beaches and 4,000 plus acres, provides a more than adequate area for enjoyment by Park visitors in almost unlimited numbers. Since it appears to us that the Island as it presently exists and the National Lakeshore can continue to co-exist in the area in their present forms, we see no need of any further effort to upset this delicate balance and create additional problems for either

the property owners in the Island or those officials responsible for maintaining the Park.

We would hope that you would ask the proponents to enumerate one benefit other than what they perceive to be their own personal financial well-being that can result from the inclusion of the Island into the National Lakeshore or in any way offsets the enormous cost of such inclusion.

Very truly yours,

JULIUS PAKALKA.
FRANCES PAKALKA.

THORNTON, ILL., August 3, 1978.

Senator JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.

DEAR SENATOR ABOUREZK: I am writing in support of S. 2560 which makes additions of 800 acres to the Indiana Dunes National Lakeshore. The three areas involved are all of vital importance to a well-planned park. One change which I believe necessary would be to remove the requirement that the Park Service wait until 1986 to acquire the much needed strip of land—the so-called “greenbelt”—now owned by the Northern Indiana Public Service Company.

Please include this statement in the public hearing record. Thank you for your attention in this matter.

Yours truly,

PAUL M. STRAND.

VALPARAISO, IND., August 4, 1978.

Senator JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
3321 Russell Senate Office Building, Washington, D.C.

DEAR CHAIRMAN ABOUREZK: The latest attempt to expand the Indiana Dunes National Lakeshore comes before your committee August 10th. I have testified at two earlier expansion capers and regret that I cannot be there for the latest. It is my firm opinion that II-A, the Nipsco “Greenbelt,” should not be included in this expansion. Intervenorers in the Nipsco Nuclear Power Plant issue are the same basic people behind the ongoing effort to expand Indiana Dunes. If II-A is forced into the Park, I feel that the Intervenorers will seize upon this opportunity to reopen litigation to further delay and ultimately stop Nipsco's new plant. Previous legal maneuvers have caused the Plant's cost to more than quadruple. Indiana citizens need energy, jobs and tax base more than they need Nipsco's greenbelt and I hope that these facts are taken into consideration by you and your committee members and that this letter is made a part of the hearing.

The attached letter from the Greater Valparaiso Chamber of Commerce indicates their membership and Acting Director Tobin of the NPS concur that II-A is not necessary for addition to the Indiana Dunes National Lakeshore. Nipsco has been most cooperative with local NPS officials. They are good corporate citizens of the State of Indiana and our local area.

I am also enclosing a copy of a letter from the Porter County Board of Commissioners in which they oppose II-A, III-A and III-C. Many other local Boards, Business and Labor groups oppose further expansion. I ask that you read both of the attached letters into the record of the August 10th hearing.

Illinois interests have long opposed Indiana Ports & Industry. Recently we've seen an underhanded attempt by Congressman Yates of Illinois to deprive Indiana Dunes of its rightful name—Indiana, Our State, Dunes—the type of resource and National Lakeshore—the administrator of the resource. We do not need the late senator Douglas' name tacked onto the Indiana Dunes National Lakeshore as a constant reminder of previous intervention from our neighboring state in Indiana affairs. Countless petitions from Indiana citizens will attest to this fact. Our Lakeshore Advisory Commission, elected officials and even the Save the Dunes Council have opposed this on countless previous attempts. Slipping the name change into the omnibus bill is typical of previous tactics used by “cute” politicians.

We do not need II-A in the boundaries of the Lakeshore as it is already a greenbelt and provides security areas to Nipsco and its Indiana customers. In these days of increased taxpayer concerns regarding Washington spending, it appears that additional spending for unnecessary Lakeshore expansion should be denied by your Committee. I urge you, your committee members and your

counterparts in the House to consider tax priorities, energy priorities, job priorities and the wishes of the people of Indiana first.

Sincerely yours,

JOHN R. SCHNURLEIN.

PORTAGE, IND., August 4, 1978.

DEAR SENATOR ABOUREZK: This letter comes to ask that you support S. 2560, the bill to add three areas to the Indiana Dunes National Lakeshore. The sponsors of this bill, Senators Lugar and Bayh realize the importance of these three small areas to the management of the Indiana Dunes National Lakeshore. A special study by the National Park Service confirms the importance of these three vital areas to the fine national park in the Indiana dunes.

Thank you for your attention. Will you please put my note in the hearing record?

MRS. E. K. MILLER, JR.

VALPARAISO, IND., July 30, 1978.

Senator JAMES ABOUREZK,
Chairman, Subcommittee on Parks and Recreation,
Washington, D.C.

DEAR SENATOR ABOUREZK: I am writing to urge you to vote Yes on S. 2560, a bill to add three small but vital areas to the Indiana Dunes National Lakeshore. Thank you,

MARY LOUISE WOMER.

PORTAGE, IND., August 5, 1978.

Re August 10, 1978 hearings on Indiana Dunes National Park.

HON. SENATOR,
U.S. Senate, Washington, D.C.

DEAR SENATOR: I am Michael M. Shendrick, a resident in the tiny 28 acres portion of the Town of Ogden Dunes that was grabbed in the 1976 Expansion Bill of the Indiana Dunes National Lakeshore Park. Our family is one of the 34,000 American families identified as National Park Inholders. I can not personally appear at the hearing, but I'd like to have my written remarks entered into the hearings for the record.

In your deliberations on any 1978 National Park Expansion Bills, I beseech you to exercise restraint. Please do not increase the Federal Government's ownership of U.S. land beyond its current estimate of 53%. This is better than half way to Communist Russia's grip on 100%. But, is this a laudatory goal that the American citizen wants their elected officials to strive for?

Being a National Park Inholder, I can state some first hand observations and experiences that are distressing and contributing to the alienation of current and potential National Park Inholders from the Federal Government.

1. *Right of Eminent Domain.*—With no limits constitutionally defined, our Federal Government can and is grabbing the American citizen's land and property for any reason it sees fit. In our particular case, the NPS has the mandate to condemn our homes for as whimsical a reason as a recreational need. Surely, our Country's founders never intended such an abridgement of our "Human Rights".

2. *Lease-back Rights.*—When lands and property were taken for the earliest National Parks, human suffering was avoided and the inholders were given lifetime lease back rights. Then around 1966, the 25-year lease-back was mandated. In 1976, the lease-back rights shrunk to 20 years. Now we hear a California Congressman is trying to evaporate the lease back right within 4 years. Our country's leadership is outspoken as being for "Human Rights" elsewhere in the world. But what about the concern and mental agony of the 34,000 National Park Inholders, as to whether they get evicted by Federal marshals in as little as 90 days, one year or whenever?

3. *Back-dating of Bills.*—To disqualify and deny citizens the rights and benefits of a lease-back, the unconstitutional practice of back-dating bills crept into usage and has not been challenged. Lawyers state—any legal edict takes effect when it is signed into law or at a future finite date. But never should justice be usurped by back-dating. Specific examples: (1) President Ford signed the Indiana Dunes Expansion Bill into law on October 18, 1976, yet the effective date for rights and benefits was pushed back to February 1, 1973. (2) Michigan's Sleep-

ing Bear Dunes National Park was created in 1970, but was back-dated to 1964 for inholders to qualify for rights and benefits.

4. *No Environmental Impact Study.*—Not having made one, the NPS found itself with an initial 8000-acre foothold on Indiana soil. The immediate impact on Hoosiers was a stunted Port of Indiana, Bethlehem and Midwest Steel complex and Northern Indiana Public Service utility. Then in 1976, 4000 more acres were taken, encircling the towns of Ogden Dunes, Beverly Shores and Dune Acres. Now in 1978, newspaper accounts inform us the NPS again needs more land "to make for better management of the Indiana Dunes National Lakeshore Park." It is feared the whole town of Beverly Shores is one of the prime targets or objectives of the latest drive. Have not Nazi Germany and Soviet Russia used a similar tactic in grabbing up country after country in Europe during World War II?

I apologize for the expression of my feelings in a lay citizen's language and manner. Undoubtedly, it may be crude and ineffective compared to the professionally written and well orchestrated approach of the environmental lobbyists. However, I beg of you distinguished members of our Nation's highest legislative body, look beyond Washington, D.C., and listen to the heart-beat of America. We, the "silent majority" of God-fearing Americans are reaching the end of tolerable limits for Governmental growth, regulation, taxation, crime, immorality, urban decay, etc. Even a "not so silent minority" of Americans such as Rev. Jesse Jackson's push members if asked, would rather get the millions of dollars that it will take to purchase the large town of Beverly Shores, destroy its lovely homes and then grade and re-vegetate the sand dunes. Emphatically put—it would be more enjoyable eating white bread in a decent home than beating the white sands in a government-created ghost town.

Respectfully yours,

MICHAEL M. SHENDRICK.

PORTER COUNTY COMMISSIONERS,
Valparaiso, Ind., March 2, 1977.

Re sections II-A, III-A and III-C.

TERRY SAVAGE,
*Team Leader, Indiana Dunes National Lakeshore,
Chesterton, Ind.*

DEAR MR. SAVAGE: The Porter County Board of Commissioners has reviewed the proposals to include three more parcels of land into the boundaries of the Indiana Dunes National Lakeshore and finds them costly and unnecessary for logical growth and development of the Park.

Accordingly, we urge the study team from National Park Service to recommend that the aforementioned Sections II-A, III-A and III-C not be considered for further expansion of the already expanded Indiana Dunes National Lakeshore.

Sincerely,

WILLIAM R. CARMICHAEL, *President.*

GREATER VALPARAISO CHAMBER OF COMMERCE,
Valparaiso, Ind., July 18, 1978.

To: Board of Directors.
From: Jack D. Shaffer.

Please find enclosed a copy of a letter in response to our stand on the Nipsco-Greenbelt issue taken at the May directors meeting.

Shortly after a letter was sent to Senator Bayh expressing our stand, I received a call from the Department of Interior. The gentleman I talked with was very much incensed that we felt there was a problem. A copy of his response to Senator Bayh was promised. It has been so long ago I'm not sure if it was Mr. Tobin I talked with or a member of his staff.

Please check the next to the last paragraph on page two. I feel our point has been properly made and heard.

JULY 6, 1978.

HON. BIRCH BAYH,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR BAYH: Thank you for your inquiry on behalf of Mr. Jack D. Shaffer, Executive Vice President of the Greater Valparaiso Chamber of Com-

merce, concerning Nipsco's retention of its property within the Porter County greenbelt for security purposes.

As you know, the 92-acre parcel of land, commonly known as area II-A, owned by Nipsco, was the subject of a special report to Congress prepared by the National Park Service in response to the Act of October 18, 1976 (90 Stat. 2532). That report did not, however, make a recommendation as to the desirability of adding the Nipsco greenbelt to the lakeshore. Moreover, while the matter of whether this parcel should or should not be added to Indiana Dunes National Lakeshore has been controversial, we have not viewed the matter as a major area of conflict between Nipsco and the national lakeshore.

We are aware of Nipsco's claim that parcel II-A is required for security reasons. This parcel is not, however, a part of Nipsco's exclusion zone, in which, according to 10 C.F.R. 100.3, Nipsco must have the power to control all activities and exclude personnel. Furthermore, it does not appear that retention of this parcel by Nipsco is necessary in order to satisfy the physical protection requirements of 10 C.F.R. Part 73. The "protected area" at Bailly Generating Station appears to correspond approximately with the exclusion zone. See 10 C.F.R. 73.2 (g)-(i), 73.50(b), and 100.11(a)(1). With the possible exception of the Lake Michigan side, the plant site is presently encompassed by a "physical barrier" in the form of a chain link fence.

In addition, a fence has been installed alongside the access road to the generating site, with a check station located at the outer limit, across from the Dunes Acres substation. Fencing has also been erected between the railroad right-of-way and the Dune Acres substation, extending up to and across the sand dike. The eastern portions of area II-A are enclosed by this new fence. With Nipsco security fences in their present locations, the greenbelt is readily accessible from parklands, but not from or across Nipsco lands or access routes. Given the unusual configuration of the Bailly Generating Site, we can find no convincing arguments to demonstrate that parcel II-A plays a significant role in the security of Bailly Nuclear-1.

While the Department of the Interior originally objected to licensing construction of an atomic power plant at the Bailly Generating Station, no action has since been taken by the Department which might have delayed construction of the power plant.

The Department of the Interior has not yet adopted an official position with respect to the proposals which would add these 92 acres to Indiana Dunes National Lakeshore. As you and I have discussed, however, given the terms of acquisition set forth in the proposed legislation, I would favor dropping any plans to add area II-A to the lakeshore at this time. Of course, we will continue to be concerned that adequate safeguards be provided to ensure the environmental protection of these lands regardless of ownership. Consequently, we very much appreciate the fact that the Greater Valparaiso Chamber of Commerce has asked Nipsco for assurance to this end.

I am sure the staff at Indiana Dunes National Lakeshore would be pleased to answer any additional questions the Valparaiso Chamber of Commerce may have about area II-A. Should you or your staff have further questions on these matters, please feel free to bring them to our attention.

Sincerely yours,

DANIEL J. TOBIN, Jr.,
Acting Deputy Director.

Enclosure.

CHICAGO, ILL., August 9, 1978.

Let it be known to the United States Senate, the United States House of Representatives, the Senate Sub-Committee on Parks and Recreation and the Congressional Sub-Committee on National Parks and Insular Affairs, that Trusten P. Lee is against any further purchases of the National Park Service within the State of Indiana beyond those purchases which have already been finalized. It is untenable in the atmosphere of Proposition Thirteen, that a deficit spending government can be still purchasing additional lands which it does not need nor can afford to maintain. The reasoning that the money comes from offshore drilling and therefore does not affect the taxpayers is incredulous. That type of reasoning likens itself to the notion that what is spent from the right pocket has no effect on the left. Stop the fiscal irresponsibility now.

Respectfully submitted,

TRUSTEN P. LEE, D.D.S.

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Eighth block of faint, illegible text.

Ninth block of faint, illegible text.

Tenth block of faint, illegible text at the bottom of the page.

