

preserve the beauty of these areas be left to the descretion of the State of Idaho, or the counties involved.

Your symphathetic consideration of this point of view will be very much appreciated.

Sincerely,

THOMAS P. KIELY.

CHARTER SEED CO.,
Twin Falls, Idaho, August 11, 1967.

Hon. LEN B. JORDAN,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR JORDAN: I certainly appreciate receiving your nice letter of July 24 with reference to bill S. 1267.

As you will recall, my son Robert J. Musser visited you in your good offices the latter part of June. The comments and suggestions which he left with you at that time, as per an enclosed copy, include my own thinking as to how this bill should be handled.

I would like to comment, after reflecting on all of the comments at the hearing at Sun Valley a year ago, and after appraising the situation from my own viewpoint and that of my friends and neighbors involved in this Stanley Basin area, that I believe it would be to the best interests of the people of Idaho, and to those of us who have property ownership in that area, if this Bill were somehow allowed to die, and leave the area as it now is. As one travels through the Basin, it becomes obvious that the Forest Service has ample area and latitude in their powers to accomplish what needs to be done to provide a recreation area, and allow private ownership to develop under proper zoning laws to be instituted by the counties involved, and the State of Idaho.

Anything which you can do along the line of our comments on the Bill enclosed, back to leaving the area as it now stands, whichever you can best do to protect our private property rights of ownership which we owners in the area now have, will be deeply appreciated.

With best personal regards, I am,

Yours sincerely,

JAMES L. MUSSER.

[Enclosure]

S-1267—SAWTOOTH NATIONAL RECREATION AREA

COMMENTS ON BILL

Section 5b

This section appears to be very broad. All specific objectives apparently will be spelled out in regulations. This could be very dangerous for several reasons.

1. Land disposal and acquisition would be solely in the hands of administrative officials with very little guidelines or restrictions from the Bill.

2. Any proposed Secretarial action against a landowner would be pursuant to these regulations, and the landowner's possible legal recourse or appeal would have to be through administrative channels instead of through the courts. It is my experience that this is not the most desirable method for the landowner to get an equitable judgement. Also, the courts have ruled that they have no jurisdiction in Federal regulation.

3. There is not the opportunity for the public to be aware of, and express opinions to new regulations that there is, if more specifics were incorporated into the bill.

4. There is always the danger of regulations being put into effect which would adversely affect a landowner who had already invested a considerable sum of money in his land. The threat of this would be deterrent to a landowner improving his land.

Section 5c

"Scenic Easement" as it appears in the new bill appears to be another form of condemnation. For instance, the small landowner of five acres or less, obviously can use his land for only one purpose, a homesite. If the Secretary were to take an easement on this parcel restricting the use of the land for homesites, the land is obviously worthless to the landowner. All he has left is the privilege of paying taxes on it.