

Senator KUCHEL. I question whether you have that authority.

Senator CHURCH. I think I can clear that up, if I may.

I think you are quite right in raising the question. The bill approaches this whole question in the following fashion. It provides that the Secretary shall establish standards concerning future developments that will apply in the area. And these standards look toward dispersal to avoid concentrated development on the valley floor, and look toward the preservation of the scenic qualities. It is true that the Federal Government in all likelihood lacks the authority to enforce zoning regulations as such. And so the bill provides that the Government may acquire scenic easements.

Senator KUCHEL. By purchase or by condemnation?

Senator CHURCH. By condemnation. And these scenic easements would then enforce the zoning pattern. But this is the approach. In other words, full value has to be given either through negotiation by a private owner or by condemnation proceeding in a Federal court action.

Senator KUCHEL. As I think the members of this subcommittee know, we had a group of hungry, avaricious, scheming builders who almost destroyed the concept of the Point Reyes National Seashore. And I think it ought to be made clear—I do not believe that there is a constitutional basis on which a department of our Government could lay down standards by which property within a given State might or might not be improved. Obviously, the Federal Government does have the power by condemnation or otherwise to acquire interests in property. And I think that ought to be done. But I also believe that one of the great areas of constructive cooperation where we determine a recreation area is necessary to the people lies in the Federal Government—in this instance, you, Mr. Secretary, and your people—dealing with the local officials who presumably would still have whatever rights to zone that they did before a park or a recreation area were established. And how great it would be if the local officials cooperated with the State and the Federal Government in preventing those 2,500 lots from being improved by all kinds of inelegant construction.

Senator BIBLE. If I might interject at that point—and I cannot agree more with the Senator from California, because we have lived with this problem a good many years, and it does seem to be that the proper zoning authority is the county within which these unimproved lots are located. And this is exactly where we have had the point raised. Time after time, we asked the county involved to pass proper and reasonable zoning ordinances to avoid the encroachments on the subdivisions. And I hope that that can be done here.

Senator CHURCH. May I say in that connection, Mr. Chairman, the earlier bill that Senator Jordan and I drafted and on which we held local hearings at Sun Valley did contain this kind of a provision. Our concept was to enlist the cooperation of the local counties in the passage of suitable zoning ordinances. But when we got the testimony of our own people, including our best Idaho lawyers, very serious doubts were cast upon the practicability of this under the Idaho constitution.

The fact that more than one county is involved here further complicates the problem. On the weight of the local testimony, we had to reexamine the zoning approach. We looked at Idaho law very carefully. We decided that the local witnesses were justified in this