

other conditions and needs as these may develop in the future. This is particularly true of the agricultural and ranching types of use and the use of lands for commercial services to travelers and recreationists. Flexibility will be required if these are to adapt to the continuing and increasing use of the recreation area as a whole by people seeking the spacious environment type of outdoor recreation opportunities it affords.

Secretary FREEMAN. Based on these standards, administrative regulations to carry them forward would be prepared at the appropriate time.

Then the procedures set forth under the Administrative Procedure Act as specifically called for in this bill would be followed in establishing the regulations which would then be applied.

So I emphasize, again, at the risk of being redundant, that these are guidelines for education in the direction in which we would move.

Senator BIBLE. Any further questions, Senator Church?

Senator CHURCH. I have no further questions at this time, Mr. Chairman.

Senator BIBLE. Senator Jordan?

Senator JORDAN. Just to get back on this subject here, a memorandum from your Department, concerning a question asked by Mr. William J. Carney, Jr., said this—and I want you to pay attention to it and tell me if this pretty well expresses your opinion now:

The effect of these regulations will be to set standards of use. Conformance with those standards by the landowners will suspend the authority of the Secretary to acquire rights in his property without his consent except for limited purposes. The regulations do not give the Secretary any control over the use of private property.

This is what the memorandum says. I think you agree that the regulations do not give the Secretary control over the use of private property; that control must be acquired, and then only through a scenic easement acquisition.

The property owner will be entitled to compensation for it when it is acquired. It is contemplated that such acquisitions will generally be through negotiated terms mutually agreed upon. Acquisition of a scenic easement by condemnation, that is, without the owner's consent, will be authorized only when the owner does not conform to the standards of use.

Is that substantially what was said?

Secretary FREEMAN. Yes; I think it is.

To go back to how this will actually take place, I think that what it really means, as a practical matter, is that if a landowner insists on a standard of use which is violative of the purposes of the act, or which otherwise he would be able to follow, why he will be compensated for not being able to follow what he could otherwise follow. I expect he will have to be the moving party in that, and it will have to be settled by the courts. Hopefully, those matters could be amicably settled.

Senator JORDAN. How do we get around a problem like this? A fellow owns a piece of land within the boundaries of the project, and he serves notice on you that he is going to build a saloon or run a dancehall, or something like that, and you say it is forbidden under the standards.

How do you go about working out a compromise on that? Will you have to buy him off?

Secretary FREEMAN. I suspect you would take a look at what the value is, what was going on otherwise, and see if we could reach an amicable solution.