

67062603

SAWTOOTH NATIONAL RECREATION AREA

HEARING
BEFORE THE
SUBCOMMITTEE ON PARKS AND RECREATION
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
NINETIETH CONGRESS

FIRST SESSION

ON

S. 1267

A BILL TO ESTABLISH THE SAWTOOTH NATIONAL
RECREATION AREA IN THE STATE OF IDAHO, AND
FOR OTHER PURPOSES

AUGUST 23, 1967

Printed for the use of the
Committee on Interior and Insular Affairs

GOVERNMENT DEPOSITORY
PROPERTY OF RUTGERS, THE STATE UNIVERSITY
COLLEGE OF SOUTH JERSEY LIBRARY
CAMDEN, N. J. 08102



OCT 13 1967

. DOC.

83-728

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1967

In 8/13

ca 9/2/967

10/4220

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

HENRY M. JACKSON, Washington, *Chairman*

CLINTON P. ANDERSON, New Mexico	THOMAS H. KUCHEL, California
ALAN BIBLE, Nevada	GORDON ALLOTT, Colorado
FRANK CHURCH, Idaho	LEN B. JORDAN, Idaho
ERNEST GRUENING, Alaska	PAUL J. FANNIN, Arizona
FRANK E. MOSS, Utah	CLIFFORD P. HANSEN, Wyoming
QUENTIN N. BURDICK, North Dakota	MARK O. HATFIELD, Oregon
CARL HAYDEN, Arizona	
GEORGE MCGOVERN, South Dakota	
GAYLORD NELSON, Wisconsin	
LEE METCALF, Montana	

JERRY T. VERKLE, *Staff Director*

STEWART FRENCH, *Chief Counsel*

E. LEWIS REID, *Minority Counsel*

SUBCOMMITTEE ON PARKS AND RECREATION

ALAN BIBLE, Nevada, *Chairman*

HENRY M. JACKSON, Washington	CLIFFORD P. HANSEN, Wyoming
CLINTON P. ANDERSON, New Mexico	THOMAS H. KUCHEL, California
FRANK CHURCH, Idaho	MARK O. HATFIELD, Oregon
FRANK E. MOSS, Utah	
GAYLORD NELSON, Wisconsin	

2/1/8
509/2/8

CONTENTS

S. 1267	Page
Departmental reports:	1
Agriculture Department	3
Bureau of the Budget	6
Interior Department	8

STATEMENTS

Brandborg, Stewart M., associate executive director, the Wilderness Society	68
Breckenridge, John H., Twin Falls, Idaho	44
Brewar, Glenn, Stanley, Idaho, representing the city council as mayor and the chamber of commerce	63
Church, Hon. Frank, a U.S. Senator from the State of Idaho	9
Crafts, Edward C., Director, Bureau of Outdoor Recreation, Department of the Interior	58
Day, Ernest E., Idaho Wildlife Federation, accompanied by Tom Kimball, Boise, Idaho	52
Evans, Brock, northwest conservation representative, Sierra Club; and Federation of Western Outdoor Clubs	65
Freeman, Hon. Orville L., Secretary, Department of Agriculture; accompanied by Edward P. Cliff, Chief of the Forest Service	18
Guernsey, William L., Boise, Idaho	64
Hansen, Hon. George, a U.S. Representative in Congress from the State of Idaho	13
Hoff, Theodore, Jr., vice president and general manager, Hoff Lumber Co.	64
Idaho Farm Bureau Federation	62
Jordan, Hon. Len B., a U.S. Senator from the State of Idaho	11
Mathes, E. L., State highway engineer for the Idaho Board of Highway Directors	14
Nelson, E. Le Grande, Twin Falls, Idaho	41
Pettit, Eugene D., Lake Cabin Owners Association	15
Pomeroy, Kenneth B., chief forester, American Forestry Association	58

COMMUNICATIONS

Bartholomew, R. C., president, Sawtooth Conservation Council: Letter to Hon. Frank Church, a U.S. Senator from the State of Idaho, dated September 4, 1967	73
Fischer, Virilis L., vice president, Nevada Wildlife Federation, Reno, Nev.: Letter to Hon. Frank Church, a U.S. Senator from the State of Idaho, dated August 21, 1967	72
Greeley, A. W., Associate Chief, Forest Service, U.S. Department of Agriculture: Letter to Hon. Alan Bible, chairman, Parks and Recreation Subcommittee, dated September 14, 1967	29
Greene, Alva D., Boise, Idaho: Letter to Hon. Frank Church, a U.S. Senator from the State of Idaho, dated August 11, 1967	72
Hoff, Theodore, Jr., president, Southern Idaho Forestry Association: Letter to Hon. Frank Church, a U.S. Senator from the State of Idaho	66
Kiely, Thomas P., Twin Falls, Idaho: Letter to Hon. Len B. Jordan, a U.S. Senator from the State of Idaho, dated August 14, 1967	15
Manley, Art, president, Idaho Wildlife Federation: Letter to Hon. Alan Bible, Chairman, Parks and Recreation Subcommittee, dated August 11, 1967	71
Merritt, Clifton R., director of field services, the Wilderness Society: Letter to Hon. Alan Bible, chairman, Parks and Recreation Subcommittee, dated August 22, 1967	67

Musser, James L., Charter Seed Co., Twin Falls, Idaho: Letter to Hon. Len B. Jordan, a U.S. Senator from the State of Idaho, dated August 11, 1967-----	Page 16
Perfect, John D., secretary, Ada County Fish and Game League: Letter to Hon. Frank Church, a U.S. Senator from the State of Idaho, dated August 30, 1967-----	73
Robertson, T. M., Parry, Robertson & Daly, Twin Falls, Idaho: Letter to Hon. Len B. Jordan, a U.S. Senator from the State of Idaho-----	18
Stark, Bane, President; Chivers, Thomas W.; Wilson, Lynn W.; and Helm, Calvin S., Stanley Basin Cattleman's Association, Challis, Idaho: Letter to Parks and Recreation Subcommittee-----	72
Swanson, John R., Berkeley, Calif.: Letter to Hon. Henry M. Jackson, Chairman, Interior and Insular Affairs Committee, dated August 23, 1967-----	72

ADDITIONAL INFORMATION

Preliminary information on standards of uses for privately owned property within the proposed Sawtooth National Recreation Area which will generally further the purposes of such recreation area as set forth in S. 1267-----	33
The Sawtooth Urgency, editorial from the Post-Register, Idaho Falls, Idaho, August 13, 1967-----	74

SAWTOOTH NATIONAL RECREATION AREA

WEDNESDAY, AUGUST 23, 1967

U.S. SENATE,
SUBCOMMITTEE ON PARKS AND RECREATION OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Alan Bible (chairman) presiding.

Present: Senators Bible, Church, Kuchel, Jordan of Idaho, and Hansen.

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Roy Whitacre, professional staff member; Mike Griswold, professional staff member; Porter Ward, professional staff member; and E. Lewis Reid, minority counsel.

Senator BIBLE. Gentlemen, the hearing will come to order.

This is the time regularly scheduled to take testimony on S. 1267, the bill to authorize the establishment of the Sawtooth National Recreation Area in the State of Idaho.

The measure is cosponsored by our two distinguished colleagues from Idaho, Senators Church and Jordan.

Field hearings were conducted on a similar measure in Idaho last year, where many local interested persons were given a chance to express their views on the proposal. Following the hearings, the committee had an opportunity to view the Sawtooths and the surrounding area by helicopter.

Before calling on the sponsors for any comments they care to make, a copy of the bill and the reports of the executive departments will be made a part of the record.

(The data referred to follow:)

[S. 1267, 90th Cong., first sess.]

A BILL To establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to assure the preservation of, and to protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent valley lands, there is hereby established, subject to valid existing rights, the Sawtooth National Recreation Area.

SEC. 2. The boundaries of the recreation area shall be those shown on the map entitled "Proposed Sawtooth National Recreation Area", dated April 1, 1966, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture (hereinafter called the "Secretary") shall, as soon as practicable after the date this Act takes effect, publish in the Federal Register a notice of the establishment of the Sawtooth National Recreation Area, together with a detailed description and map showing the boundaries thereof.

SEC. 3. The Secretary shall administer the Sawtooth National Recreation Area in such manner as will best provide for (1) the protection and conservation of the salmon and other fisheries, (2) the conservation and development of scenic, historic, pastoral, wildlife, and other values contributing to and available for public enjoyment, including the preservation of sites associated with and typifying the economic and social history of the American West; and (3) on federally owned lands, the management, utilization, and disposal of natural resources, such as lumbering, grazing, and mining, that will not substantially impair the purposes for which the recreation area is established.

SEC. 4. Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise, such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this Act. But any property or interest within the reservation area owned by the State of Idaho or any political subdivision thereof may be acquired under the authority of this Act only with the concurrence of the owner.

In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property within the State of Idaho under the jurisdiction of the Secretary, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the values of the properties exchanged.

Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act.

SEC. 5. (a) The authority of the Secretary to acquire an interest in private property by condemnation shall be subject to the provisions of this section.

(b) The Secretary shall make and publish regulations setting standards for the use of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the use and development of privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreational Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary.

All regulations adopted under this Act shall be promulgated in conformity with the provisions of the Administrative Procedure Act: No regulation shall be promulgated for any purpose described in this Act unless a public hearing has been conducted and opportunity for review has been accorded in conformity with the provisions of sections 7 and 8 of the Administrative Procedure Act.

(c) To assure that private land within the boundaries of the national recreation area is used in a manner which is not detrimental to the purposes of this Act, the Secretary is authorized to procure by gift, purchase with donated or appropriated funds or otherwise, scenic easements within the boundaries of the recreation area.

As used in this Act the term "scenic easement" means the right to control the use of land (including the air space above such land) in order to protect the esthetic values for the purposes of this Act, but shall not preclude any customary or traditional use exercised by the owner prior to the acquisition of the easement.

(d) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act, or his heirs, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof that may have resulted from the promulgation of regulations, zoning or scenic easements as a consequence of the establishment of the recreation area: *Provided, however*, That the provisions of this subsection shall cease to be in effect after a period of ten years from the date of enactment of this Act.

(e) The limitations hereinabove set forth on the authority to condemn an interest in lands shall not apply to property which the Secretary determines to be needed for easements for access to and utilization of public property: *Provided*, That the acquisition for such purposes shall not exceed 5 per centum of the total acreage of all privately owned property in the recreation area.

SEC. 6. Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws in the federally owned lands within the recreation area, except that all mining claims located or leases issued after the effective date of this Act shall be subject to regulations the Secretary may prescribe to effectuate the purposes of this Act. Any patent issued on any mining claim located after the effective date of this Act shall recite this limitation and continue to be subject to such regulations. All such regulations shall provide, among other things, for such measures as may be reasonable to protect the scenic and esthetic values of the recreation area and to assure against pollution of the Salmon River and other streams and waters within the recreation area.

SEC. 7. Recommendations and other procedures of the Wilderness Act of September 3, 1964, shall apply to the Sawtooth Primitive Area and adjacent public lands within the national forests. The Secretary of Agriculture shall comply with the requirements of section 3 of said Act in relation to such primitive area in an expeditious manner.

SEC. 8. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, the restoration and maintenance of the historic setting and background of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

SEC. 9. Nothing in this Act shall diminish, enlarge, or modify any right of the State of Idaho, or any political subdivision thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

SEC. 10. Nothing in this Act shall affect the jurisdiction or responsibilities of the State of Idaho under other provisions of law with respect to hunting and fishing.

SEC. 11. The jurisdiction of the States and the United States over waters of any stream included in the Sawtooth National Recreation Area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of water right which is vested under either State or Federal law at the time of enactment of this Act shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

SEC. 12. Money appropriated from the land and water conservation funds shall be available for the acquisition of lands and scenic easements for the purposes of this Act. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 23, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: In response to your request of April 4, 1967, here is this Department's report on S. 1267, a bill to establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes.

We recommend that S. 1267 be enacted with certain amendments as proposed herein.

S. 1267 would establish as the Sawtooth National Recreation Area some 351,000 acres of the Sawtooth Range and adjacent forest and high mountain valley lands located in or adjacent to the Sawtooth, Challis, and Boise National Forests in south central Idaho. The area would include about 195,000 acres in the Sawtooth Primitive Area and 122,000 acres of adjoining National Forest land. Also included are approximately 10,400 acres of unreserved public domain lands, 1,600 acres of State-owned lands, and 22,400 acres of privately-owned lands.

In those portions of the area outside the Primitive Area are beautiful lakes, such as Redfish, Pettit, Alturas, and Yellow Belly. Included also are the upper reaches of the Salmon River and the tributary creeks which flow from the high country and which offer fishing and hiking opportunities in an unspoiled forest environment.

The broad meadows adjoining the Salmon River in the Sawtooth Valley are largely privately owned and devoted to grazing uses. Travelers on U.S. Highway 93 view the jagged and imposing peaks of the Sawtooth Range across meadows

on which sheep and cattle graze and on which an occasional rustic ranch house can be seen in the distance. The forage resources of these lands are an important adjunct to the livestock raising industry in Custer and Blaine Counties. Under the concept of a National Recreation Area, this use can continue, and the authentic ranching atmosphere of the area can be preserved and would add to the enjoyment of visitors from the outside.

Some timber from the forested slopes outside the Primitive Area is utilized locally and can continue to provide employment and useful products. Timber use can be harmonized with recreational enjoyment and conservation of esthetics.

The area affords outstanding opportunities in a spacious forest and pastoral environment for a wide variety of outdoor recreation ranging from hiking and camping to fishing and other water sports. Hunting, particularly of elk and deer, furnishes healthful outdoor recreation to large numbers of people; and the influx of hunters during the fall substantially extends the business season of resorts and businesses in the area. There are also favorable opportunities in the area for enjoyment of a variety of winter sports.

To conserve the natural resources of the area proposed as the National Recreation Area, protect and enhance its natural beauty, and assure its continued availability for public uses, will require prompt and adequate actions in several respects.

The beauty and western ranching character of the foreground over which the Sawtooth Range is viewed is being threatened in increasing measure by subdivision and development of the meadows and fields immediately adjacent to the highway. These intrusive developments are an immediate threat to the scenic beauty of the valley lands and the backdrop of the Sawtooth Peaks. Their extension would further degrade the esthetic experiences and the enjoyment of visitors to the area. Protection of the integrity and beauty of this scenic foreground to the striking mountain peaks is urgent.

The extensive annual migration of salmon and steelhead trout to the upper reaches of the Salmon River is a significant biological feature and an important recreation and economic resource. Its continuation is dependent, in part at least, on preservation of the spawning grounds, many of which lie within the proposed National Recreation Area. Preservation of the spawning grounds from destruction from dredging, stream alteration, silt deposits, or pollution is essential.

Designation of the proposed area as the Sawtooth National Recreation Area would give national recognition to its scenic, scientific, historic, pastoral, fish and wildlife, and other values and potentials, and provide for adequate and expeditious development of facilities to assure optimum public use and enjoyment of the outdoor recreation resources. It would provide by law for the harmonious and correlated use of all the varied resources, giving primary emphasis to outdoor recreation and wilderness, but endorsing the use outside of the Primitive Area of other resources also in ways compatible with the primary purpose of the area.

The changes we recommend are primarily for clarification.

Section 3 of S. 1267 describes the manner in which the proposed National Recreation Area is to be administered. We recommend that this section be amended by inserting in line 9 on page 2 between "Area" and "in" the words "in accordance with the laws, rules, and regulations applicable to the National Forests". This will assure that authorities relative to the National Forests and appropriations for National Forest purposes will be available to and utilized by the Secretary in administering the area.

On page 3 the word "reservation" in line 1 should be changed to "recreation".

The authority given the Secretary by section 4 should be clarified with respect to the acquisition or conveyance of interests, other than fee title, by exchange. Clear cut authority in this regard would be very helpful in accomplishing the purposes of this bill. Partial interests including scenic easements could then be exchanged. We recommend the insertion of the words "or interests therein" between the words "property" and "located" in line 6 on page 3 and between the words "property" and "within" in line 8 on page 3.

Section 4 also provides for the transfer, with the concurrence of the agency having custody thereof, of other Federal lands located within the recreation area to the jurisdiction of the Secretary of Agriculture. Lands acquired for or transferred to the National Recreation Area should become parts of the National Recreation Area and have National Forest status. This is necessary to assure unit of purpose and objectives and to facilitate administration. We recommend that the following paragraph be added following line 20, on page 3:

"Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the recreation area and of the national forest within which they are located."

Section 5 of the bill prescribes certain conditions to which the Secretary's authority to acquire interests in private property by condemnation will be subject. This section directs the Secretary of Agriculture to make and publish regulations setting standards for the use of private property within the recreation area to insure that such uses will be in furtherance of the purposes of the bill. They will have the object of assuring that the use and development of privately owned property is consistent with the purposes of the bill and with the overall plan of management for the Sawtooth National Recreation Area. Such regulations and standards may differ between the several parcels of private lands in the area. This section would authorize the Secretary to establish, for various units of private property, uses which will be compatible with the preservation of the forest and pastoral character of the National Recreation Area, and with conservation and enhancement of the scenic beauty of the area and of the Salmon River fisheries. It would provide for compatible development of private property to accommodate ranching and other individual uses and to provide public services and accommodations. Standards we would set pursuant to this portion of section 5 would be designed to accomplish this to the fullest extent possible. The regulations establishing these standards would be promulgated in conformity with certain provisions of the Administrative Procedure Act which require a public hearing.

The intent of section 5 would be clarified if subsections (a) and (c) were amended as follows:

Change subsection (a) to read "Except as otherwise provided hereinafter, private property shall not be acquired in fee without the consent of the owner and the authority of the Secretary to acquire scenic easements, or other interests less than fee in private property by condemnation shall be suspended so long as the use of such property conforms to the regulations established pursuant to the provisions of this section."

Change the second paragraph of subsection (c) to read: "As used in this Act the term 'scenic easement' means the right to control the use of land in order to protect the esthetic values for the purposes of this Act, but shall not preclude the continuation of any use as exercised on the date of this Act."

These language changes would make clear that private landowners may retain ownership of their property as long as they so desire. We would use the authority to acquire scenic easements to the fullest extent. It could be used with the owners' consent without limitation. Its use without the owners' consent would be limited to avoidance of non-conformity with the Secretary's regulations, except that it would not be used to preclude continuation of any use as that use is being exercised on the date of the Act. Present uses could continue but any changes or modifications in a manner that would not conform to the regulations would subject the property to the authority to condemn scenic easements. All non-conforming uses not presently exercised would be subject to that authority.

Omission from the legislation of these limitations would enable this Department to eliminate present non-compatible uses regardless of the owner's consent. We would, of course, make every reasonable effort to negotiate and reach agreement with property owners. Past experience has shown that mutually agreeable terms can be reached in the vast majority of cases, and we would recommend that our authority for acquisition not be limited as the above language would do. This would enable us to eliminate those non-compatible present uses that tend to impair the quality of the area. Nevertheless we will make every effort to accomplish the purposes of the bill.

The requirement in the last paragraph of section 5(b) for conformity with the provisions of the Administrative Procedure Act apparently is intended to apply to the regulations promulgated pursuant to the provisions of this section. We suggest that this be clarified by changing the word "Act" in lines 12 and 15 on page 4 to "section." Also, since the provisions of the Administrative Procedure Act referred to in this section are now a part of Title 5, United States Code, as enacted by P.L. 89-554 (80 Stat. 378) it would be appropriate to cite the relevant section in the code rather than the Administrative Procedure Act. Thus the words and figures "7 and 8 of the Administrative Procedure Act" in lines 17 and 18 on page 4 should be changed to "556 and 557 of Title 5 of the United States Code."

We suggest insertion of a comma after "funds" in line 23 on page 4 to assure proper interpretation of the authority for "purchase" of scenic easements.

Section 5(d) concerns the situation where the owners of private property within the exterior boundaries of the recreation areas as of the date of enactment, or their heirs, would desire to dispose of such property to the Federal Government. The Secretary would be directed in such cases to purchase the property at a price

that would include compensation for any decrease in value resulting from the promulgation of regulations, zoning, or scenic easements attributable to the establishment of the recreation area. This provision would afford the private owner a reasonable time in which to consider, without risking a loss in value during that time, the effects of establishment of the recreation area on his property and activities and the desirability of disposing of his property to the Government.

We assume section 5(d) was not intended to require the Secretary to purchase property from owners desiring to sell to the Federal Government regardless of priorities or availability of funds for that purpose. To clarify the intent of this provision, we recommend the following amendments to section 5(d). Insert in line 9, page 5, after the word "purchase" a comma and the words "with available funds donated or appropriated specifically for that purpose." In line 11, page 5, between "thereof" and "that" insert "not previously compensated for under the provisions of this Act." This would avoid possibility of duplicate payments for interests such as scenic easements acquired and paid for earlier. Also, we suggest that the word "zoning" be deleted from line 12, page 5. This term is not used elsewhere in the bill and may carry a connotation not consistent with the intent of section 5.

As provided in section 5(e), the limitations previously set forth in the bill on the Secretary's authority to condemn an interest in lands would not apply to property needed for access to and utilization of public property. This exception to those limitations would extend only to acquisition for such purposes of not to exceed five percent of the total privately owned acreage in the recreation area. We construe this to mean the percentage of the total privately owned acreage on the date of enactment of this bill.

In addition to the needs for public access, certain lands within the recreation area will be needed for recreation facilities such as picnic, camping and parking areas, and for other recreation and administrative improvements to meet effectively and efficiently the needs of the thousands of expected recreation users. We recommend section 5(e) be amended by changing "an interest in lands" in line 18 in page 5 to "land or interests in land" and by inserting at the end of line 20 before the colon "and for recreation and other administrative facilities."

We suggest changing line 14, page 6 after "Sec. 7" to read "Provisions for review, recommendations, and other procedures of the."

Section 8 authorizes the Secretary to cooperate with other Federal agencies and with State and local public agencies, private individuals and with private agencies in the development and operation of facilities in the area in furtherance of the purposes of the act. This authority would include, but not be limited to, restoration of the historic setting of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

We believe that such cooperative action to restore and maintain the unique characteristics and qualities of these and other points of interest and to enhance scenic and historic values would expedite development of the area by stimulating the interest and participation of local and State organizations in realizing the full recreation potential of the area. We would expect to cooperate to the fullest extent financially, technically, and otherwise in carrying out the purposes of this section.

The Bureau of the Budget advises that while there is no objection to the presentation of this report from the standpoint of the Administration's program, the views of the Bureau of the Budget will be transmitted to the Committee separately.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 23, 1967.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 1267, "To establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes."

As a general comment, we recognize the desirability of preserving the scenic, recreational, and other values of the proposed Sawtooth National Recreation Area. However, we are concerned with those provisions of S. 1267 discussed below.

Section 5 of the bill prescribes a number of restrictions on the acquisition of private property within the recreation area, primarily with respect to the acquisition of such property by condemnation. These restrictions include (a) a bar against condemnation of a fee except for a narrowly defined and limited purpose, (b) grandfather protection for nonconforming uses currently being exercised, and (c) provision under which the private property owner would have the right to sell his property to the Government at a price that would compensate him for any decrease in value resulting from secretarial regulations limiting the uses to which private property could be put in the proposed area.

In our judgment, the provisions of section 5 would be difficult of application and represent an unjustified limitation on the orderly administration of the proposed national recreation area. More importantly, the restrictions could operate to impair the values sought to be preserved in the area and would tend to accord preferential treatment to these private property owners as compared with those whose property is taken or affected in other park or recreational areas.

We are not aware of any circumstances which justify special treatment for private property owners in the Sawtooth National Recreation Area. Accordingly, we strongly recommend that, in lieu of section 5, provisions be substituted along the lines of those that have been incorporated in a number of bills that have recently been enacted establishing park or recreational areas. This would assure proper preservation of the values sought to be preserved in the area, while affording appropriate protection both to the interests of the Government and private property owners through reliance on established principles of just compensation. Suggested draft language to accomplish this purpose is attached.

The provision in section 4 that lands within the boundaries of the recreation area owned by the State or its political subdivisions may be acquired only with the concurrence of the owner has been incorporated in many recent acts establishing national recreation areas, parks, lakeshores, and seashores. But many of those acts further specify that such lands may be acquired only by donation of the present owner. In general, we believe the requirement that lands owned by State and local governments within the boundaries of such federally established recreational areas may be acquired only by donation is a sound principle and should be adhered to. Accordingly, we recommend that a requirement for donation in such cases be written into the bill.

We have just received estimates prepared by the Department of Agriculture concerning the cost of acquiring, developing, and operating the Sawtooth National Recreation Area. We have not had an opportunity to evaluate these figures either in terms of (1) the need to expend the amount estimated in order adequately to preserve and develop the recreation area; or (2) the relationship between the amounts proposed to be spent for this area compared to amounts proposed to be spent on other Federal recreation areas during the next few years in light of the relative priorities of the various areas.

The Bureau of the Budget would have no objection to the enactment of S. 1267 with the recommended amendments to sections 4 and 5.

Sincerely yours,

WILFRED H. ROMMEL,
Assistant Director for Legislative Reference.

[Attachment]

PROPOSED SUBSTITUTE FOR SECTION 5 OF S. 1267

Sec. —. The Secretary shall acquire by purchase with donated or appropriated funds, by gift, exchange, or otherwise, such lands or interests therein within the boundaries of the recreation area as he determines to be needed or desirable for the purposes of this Act. For the purposes of section 6 of the Act of September 3, 1964 (78 Stat. 897, 903), the boundaries of the Sawtooth and Challis National Forests as extended by this Act shall be treated as if they were the boundaries of those Forests on January 1, 1965.

Sec. —. (a) Privately owned "improved property" or interests therein shall not be acquired under this Act without the consent of the owner so long as an appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is approved by the Secretary. The term "improved property" as used in this Act shall mean any building or group of related buildings the actual construction of which was begun before January 1, 1966, together with not more than three acres of the land in the same ownership on which the building or group of buildings is situated.

(b) Prior to the approval of any zoning ordinance for the purposes of this section, the Secretary shall issue regulations, which may be amended from time to time, specifying standards for such zoning ordinances. Standards specified in such regulations shall have the object of—

(1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers consistent with the purposes of this Act;

(2) promoting the protection and development of properties for purposes of this Act by means of use, acreage, frontage, setback, density, height, or other requirements; and

(3) providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of the zoning ordinance. Following issuance of such regulations, the Secretary shall approve any zoning ordinance or any amendment to an approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(c) The suspension of the Secretary's authority to acquire any improved property without the owner's consent shall automatically cease if (1) such property is made the subject of a variance or exception to any applicable zoning ordinance that does not conform to any applicable standard contained in regulations issued pursuant to this section; or (2) if such property is put to any use which does not conform to any applicable zoning ordinance.

(d) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire without the owner's consent is suspended.

(e) Any owner of unimproved property who proposes to develop his property or a part thereof for service to the public may submit to the Secretary a development plan which shall set forth the manner in which and the time by which the property is to be developed and the use to which it is proposed to be put. If upon review of such plan the Secretary determines that such use and development would serve the purposes of this Act, and that the development and use of the property in the manner prescribed conforms to any zoning ordinance approved in accordance with the provisions of this section, the Secretary may in his discretion issue to such owner a certificate to that effect. Upon the issuance of any such certificate and so long as such property is developed, maintained, and used in conformity therewith, the authority of the Secretary to acquire such property or any interest therein without the consent of the owner shall be suspended. This subsection shall not apply to any property which the Secretary determines to be needed for easements and rights-of-way for access, utilities, or facilities, or for administrative sites, campgrounds, or other areas needed for use by the United States for visitors to the national recreation area.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 22, 1967.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Your Committee has requested a report from this Department on S. 1267, a bill "To establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes."

We have no objection to the enactment of the bill.

The bill establishes approximately 351,000 acres of land in south central Idaho as the Sawtooth National Recreation Area in order to preserve and protect the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooth Mountains and adjacent valley lands. The precise boundaries of the area are shown on a map on file in the office of the Chief, Forest Service, Department of Agriculture. The Secretary of Agriculture will administer the Sawtooth National Recreation Area.

The area meets the criteria established by the President's Recreational Advisory Council for national recreation areas in its Policy Circular No. 1 of March 26, 1963.

The grandeur of the Sawtooth Mountains has long been recognized. Their jagged peaks, emerald lakes, and alpine meadows contrast vividly with the broad lines of Sawtooth Valley and Stanley Basin on the east side of the Sawtooth

Range. The natural environment of the valley and the beauty of the mountains are inseparably linked. Five large lakes, numerous smaller lakes, the Salmon River, beautifully situated campsites, excellent sites for winter sports development, and a spacious mountain and valley environment for hiking and horseback riding provide opportunities for intensive but not crowded use of the area.

The concentration of exceptional recreation and scenic values in the Sawtooth Mountains and adjacent valley lands warrants much greater emphasis on the management of these values than normally associated with national forest multiple use programs. We believe that the proposed national recreation area should be so established and administered as to provide the American people an opportunity to enjoy the maximum benefits from these lands.

Careful attention should be given to the proposed boundaries of the national recreation area to insure that the lands included in the area offer the best combination of the recreational and other values in the general area.

The proposed national recreation area contains approximately 22,000 acres of privately owned lands. We believe special attention should also be given to strengthening the provisions of the bill governing the acquisition and control of such lands in order that they may be fully protected and used when needed for public recreation purposes. The limitation in section 5(e) of the bill, for example, on the acquisition of private land to no more than 5 percent of the total privately owned acreage appears inadequate to assure the proper protection and use of the area.

We also believe that the establishment of the national recreation area should not preclude future consideration of the area for national park status. The National Park Service of this Department and the Forest Service collaborated in a study in August 1965 of the resources of the Sawtooth area. National park status was evaluated as one of the alternatives for administration of the area. In addition, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments at its October 1966 meeting expressed an interest in the potential of the Sawtooth Mountains area as a national park, and expressed a desire to visit the area to consider further the national park qualities of the Sawtooth Range. Such a visit has not yet been made. Further consideration of a national park could well include the White Clouds Area to the east.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

DAVID S. BLACK,
Under Secretary of the Interior.

Senator BIBLE. I first recognize the senior Senator from the State of Idaho, Senator Frank Church.

**STATEMENT OF HON. FRANK CHURCH, U.S. SENATOR FROM THE
STATE OF IDAHO**

Senator CHURCH. Thank you very much, Mr. Chairman.

We appreciate the cooperation we have received from you in arranging for these hearings.

This bill, as you have mentioned, was introduced on March 14 of this year on behalf of myself and my colleague, Senator Jordan. As outlined in the agenda, the objective of this legislation is to assure preservation of the upland Sawtooth Mountains as wilderness, and to protect the scenic, historic, pastoral, fish and wildlife, and the other recreational values of one of the most uniquely beautiful areas of the American West.

There has been a lively argument for several years over how to best preserve this rugged and scenic section of central Idaho. Last year, however, sentiment crystallized in favor of a national recreation area for the Sawtooths.

Many Idahoans and Government officials historically have urged that a national park be established here. Bills proposing such a park have been introduced in Congress by the distinguished Senator James

P. Pope, and the late, great Idaho Senator, William E. Borah. Early sessions of the Idaho Legislature memorialized Congress for a national park in the Sawtooths.

I introduced, during the 88th Congress, a bill calling for creation of such a park, but my major purpose was to provide a vehicle for a thorough feasibility study of the area by both the Forest and the National Park Services. This study revealed that the comparatively new concept of a national recreation area should be considered as an alternative to a park.

During the last Congress—the 89th—I introduced alternative bills, one for a park and one for a national recreation area. This subcommittee, in June of last year, conducted hearings in Idaho on both bills. During 2 days of testimony, the people of Idaho gave overwhelming support to a national recreation area.

Let me say at that point, Mr. Chairman, that Senator Jordan and I both attended those hearings. And we received excellent testimony from a large number of Idaho citizens. And afterward, we carefully sifted through that testimony and undertook to redraft the bill in the light of the fine recommendations that we received from Idaho people who are most familiar with the area. And we think the bill as it stands today represents the closest possible reflection of what seemed to be the strong consensus of Idaho people.

As a result of these hearings, I, too, Mr. Chairman, have come to believe that the recreation area is the best plan for the highest public use and management of this magnificent mountain chain and its adjoining lowlands.

Running north and south, the Sawtooth escarpment thrusts 42 snowcapped peaks to elevations of more than 10,000 feet. These tower over blue alpine lakes, rushing white water, and majestic evergreen forests.

Mr. Chairman, we have some colored slides that we would like to show the committee during the course of the hearing this morning.

Against this dramatic backdrop are two grass- and sagebrush-covered valleys where sheep, cattle, and horses graze behind log-fenced pastures. Scattered ranchhouses accentuate this authentic western setting along the winding Salmon River.

The bill the subcommittee considers today will preserve this scenic approach to the mountains by preventing unsightly commercial or other development of the valley lands through the procurement of scenic easements.

The high mountain country is presently administered as the Sawtooth Primitive Area by the U.S. Forest Service. To assure its preservation as wilderness, the bill calls for the Secretary of Agriculture to expedite its inclusion in the national wilderness system. The total recreation area would include around 350,000 acres. This would amount to less than 1 percent of the 20 million acres of national forest land within the State of Idaho. The Forest Service would continue as the administrative agency of the area.

Mr. Chairman, the influx of out-of-State visitors to the vast mountain regions of Idaho has mushroomed in recent years. Thousands come from throughout the Nation to hunt and fish or boat down our wilderness rivers. The Secretary of Agriculture has just come back from such a trip in Idaho. He reported to me earlier that he had enjoyed it immensely. Others come to camp out, marvel at the spectacular

scenery, or seek the mountain solitudes. The creation of a Sawtooth National Recreation Area will assure the additional facilities needed to accommodate visitors to this area—primarily to afford family-type recreation.

It will also increase the economy of the State and region. Perhaps most importantly, it will guarantee the integrity of the upland wilderness, which for many years has been one of my major concerns, as it has been that of so many outdoorsmen of my State. Not only is the upland important for its beauty and recreation potential, it is also the very fountainhead of three great rivers, the Salmon, Payette, and Boise—rushing down from the snowfields to irrigate vast agricultural lands.

The upper branches of the Salmon River constitute the last remaining major nursery for the anadromous fish which fight their way up from the Pacific Ocean to spawn in the mountain shallows. This bill looks to their protection.

Mr. Chairman, a vast amount of work has gone into the preparation of S. 1267. I believe it is a good measure, and from today's hearings may come suggestions for further improvement. I hope we can move rapidly to get the bill out of the Interior and Insular Affairs Committee and approved by the Senate, before the close of this session.

Senator BIBLE. Thank you very much.

And I might simply add that it was not too many years ago that I flew over this great area with the distinguished senior Senator from Idaho. And we flew pretty well over the entire area. It was an awe-inspiring area. And I know that it has the scenic grandeur and the scenic qualifications to be a national park or national recreation area. I am glad to see that it is moving along this well. It has been in the hopper for a good many years. Undoubtedly, the concept that you have now is the best concept to take into account the varying interests that we have in this particular State.

Senator CHURCH. Mr. Chairman, on that score, we have had the benefit of your advice, from one, I might say, who has had a great deal of experience.

Senator BIBLE. If it was helpful, I am rewarded. And I look forward to the testimony that will be given this morning.

I next recognize the Senator from Idaho, Len Jordan. Senator Jordan.

STATEMENT OF HON. LEN B. JORDAN, U.S. SENATOR FROM THE STATE OF IDAHO

Senator JORDAN. Mr. Chairman, may I, too, express my appreciation to you for calling these hearings at this time so that we can move forward to this important legislation.

I am pleased to be cosponsor of S. 1267 with my colleague, Senator Church. As he has indicated, we have held hearings in the State on this bill, and it was very favorably received. And on account of the testimony that we received there, we believe that we have put forward a bill that will meet quite universal acceptance in our State.

The bill we have before us today, Mr. Chairman, would assure the preservation and protection of scenic, historic, pastoral, fish and wildlife, and all the other recreational values of this wonderful Sawtooth

country of Idaho. This proposal is also unique in other respects. It offers a rare and unusual opportunity to make available for public enjoyment one of the most scenic and historic areas in our whole country. The area within the boundaries of this bill would be under the management of the U.S. Forest Service. The bill is designed to manage cooperatively lands which have breathtaking beauty, which are watersheds for our mountain streams and rivers, and yet have thousands of acres of land which may be properly utilized for wildlife and livestock grazing, for recovery of minerals, for proper timber management and harvest, for fishing, for skiing, camping, and other recreational uses. This diversity makes possible a real balance of use. These areas include a beautiful high wilderness in the tops of the Sawtooth Range, within the national forest, where snow glistens the year around, where solitude can be found for those who wish it, and where emerald lakes spot the small canyons and green alpine meadows.

It proposes to designate some 121,000 acres of national forest lands for multipurpose use which will include grazing, forestry, mining, public recreation sites, hiking trails, scenic roads, summer homesites, as well as some church and community developments around Pettit, Redfish, Yellow Belly, Alturas, and other beautiful lakes. It gives the owners of private lands around Stanley, Atlanta, and in the Sawtooth Valley an opportunity to use their lands in harmony with the scenic, historic, and pastoral beauty of the entire area. On the valley lands, grazing, typical ranching facilities, and appropriately located and designed business structures and houses can be harmonized with the national recreation objectives.

I am convinced that Idaho's mountains and valley land resources must be managed under the concept of multiple use and continued yield if our State is to develop economically and to prosper. I am equally devoted to the idea that we must preserve and protect our natural heritage. These two necessities, if wisely handled, are not incompatible. I think the establishment of the National Sawtooth Recreation Area will show this to be true.

There are some 1,600 acres owned by the State of Idaho in the valley which can be, through agreement, managed under the same standards as private lands, may be exchanged for Federal lands in other locations within the State or, of course, sold to owners who will then comply with the area standards and scenic easements. Some 10,380 acres of unreserved acres of public domain lands are in the valley, not in the national forest and subject to the public land laws. It is my hope that these will be classified by the Bureau of Land Management for their highest use. Some of these lands can no doubt be sold for the construction of certain private recreational facility sites or for winter or summer home construction. These lands would then be utilized under the scenic easement standards in that area. When such lands have been classified, and the best ownership determined, this bill permits transferring those suitable to the Forest Service. This transfer should not be done until all other compatible uses have been fully explored.

We are attempting through this proposal to permit a balance of land resource use that will appeal to all lovers of our Sawtooth country. The scenery is unsurpassed, but, in addition, history has been made here. Stanley and Atlanta still have the aura of early-day mining and livestock towns. We want to perpetuate that concept. The grazing

of cattle and sheep upon lush pastures bounded by rail fences add charm. All of these add to the lure of this area.

This bill will use the technique of scenic easements as a management tool. No condemnation of the full title of the private lands is authorized. The funds for requiring scenic easements and for access easements will be authorized from land and water conservation funds. Hunting and fishing will be under Idaho State law. If land exchanges are made, they are limited to lands within the State. I will not go into detail on all the bill's provisions, but I am convinced that this legislation will, if enacted, prove to be in the best public interest of the people of the Sawtooth Valley, the State of Idaho, and to the Nation as a national recreation area of top magnitude. I hope this subcommittee takes favorable and prompt action.

Mr. Chairman, I ask permission in the interest of time to file a statement by our colleague, Congressman Hansen, who has introduced a similar bill in the House of Representatives.

Senator BIBLE. Without objection, the statement of Congressman Hansen, of the Second District of Idaho, will be made a part of the record.

(The prepared statement referred to follows:)

STATEMENT OF HON. GEORGE HANSEN, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE SECOND DISTRICT, IDAHO

Mr. Chairman, and members of the Committee, I appreciate the opportunity of presenting this statement in support of S. 1267, legislation to establish the Sawtooth National Recreation Area in the State of Idaho—identical to a bill I have introduced in the House, H.R. 9390.

Sawtooth Country in Idaho, Mr. Chairman, is ideally suited to the concept of multiple use embodied in these bills. It is a region of breathtaking beauty; beauty that should be protected for the enjoyment of the people for all time to come.

This incomparable beauty consists of many things. There are jagged peaks, glacially-carved valleys, gemlike lakes and mountain meadows. There are many species of wildlife, including elk, deer and black bear. There are streams containing salmon and steelhead. There are grassy stream bottoms which provide lush grazing for cattle and sheep. There are timbered slopes. There are ghost mining towns, providing an aura of a West now near forgotten.

In recent years there has been a growing need and urgency to provide adequate facilities for the public for maximum use and enjoyment of the area and, accordingly, an urgency for a permanent plan and policy. It is my considered opinion that the multiple use concept, embodied in S. 1267 and H.R. 9390, is the answer to the problem.

It would preserve the scenic and esthetic values of the area while allowing the use of timber, forage, minerals and other resources under such restrictions as are necessary to assure that the recreational and other values essential to public enjoyment are not significantly impaired. Likewise, it would permit the continued management of fish and game by the Idaho Fish and Game Department.

The concept of S. 1267 and H.R. 9390 is the best possible answer to the question as to how the area should be used. I urge that this legislation be given favorable consideration.

Senator JORDAN. I have a number of letters and statements from persons interested in this bill, and I ask unanimous consent that they may be included in the record.

Senator BIBLE. The letters and statements will be incorporated as a part of the record.

(The material referred to follows:)

STATEMENT OF E. L. MATHES, P.E., STATE HIGHWAY ENGINEER FOR THE IDAHO BOARD OF HIGHWAY DIRECTORS

The Idaho Department of Highways appreciates the opportunity to register its opinions regarding the construction, maintenance and operation of highway facilities in the proposed Sawtooth National Recreation Area. The Department has reviewed the Summary Report of the Sawtooth Mountain Area Study and associated exhibits.

Our research indicates that the present roadless Sawtooth Primitive Area will eventually be incorporated into a proposed National Wilderness System and administered under the Wilderness Act of 1964.

EFFECTS ON THE IDAHO STATE HIGHWAY SYSTEM

The Idaho Department of Highways is responsible for maintaining and improving the State Highway System. The study area boundaries defined by the Summary Report map entitled, "Sawtooth Mountain Study Area" indicate that two major facilities on the State Highway System could be affected:

U.S. Highway 93—from Galena Summit northward to a point several miles northeast of Stanley Village. This arterial is the only major, all-weather, north-south route across Central Idaho.

State Highway 21 from Eightmile Creek, just east of Lowman, to its junction with U.S. Highway 93 at Stanley Village. For many years, the Department of Highways has cooperated closely with the Federal Highway Administration in programming improvements to this route for its eventual incorporation into the State Highway System as an all-weather highway between Boise Valley and U.S. Highway 93 at Stanley Village.

The continued improvement of these two highways is vital in view of their growing importance to the State and the region.

A. A Sawtooth National Recreation Area would be administered by the U.S. Forest Service

1. The Department of Highways assumes that the present high degree of Federal-State cooperation in matters pertaining to sections of the State Highway System in National Forests will continue in effect. The scope of this cooperation is spelled out in a "Memorandum of Understanding on Procedures Related to State Highways Over National Forest Lands" between the Department of Highways and Regions One and Four, U.S. Forest Service (now being updated).

2. The U.S. Forest Service-proposed multiple-use management is a flexible type of administration much dependent on adequate highways. This concept would be consistent with the Department of Highways' plans for future operations in the Sawtooth Area. Intentions of the U.S. Forest Service to encourage development of winter sports centers would further enhance this relationship. For example, winter sports enthusiasts destined for Stanley from Boise Valley and other population centers would augment the feasibility of keeping State Highway 21 open during winter months.

3. There would be fewer interagency complications in the construction, maintenance and operation of highways.

4. Joint Federal-State interest in highway improvements in the area would favor application of increased recreational funds for roadside improvements. In addition, this mutual interest might lend importance to future assignments of Public Lands Funds.

5. The present rate of incompatible private development in the Sawtooth Valley and Stanley Basin could be arrested not only by expanded control of highway access, but by the Bill's proposed land-use standards as well. Panoramic views from the road could be preserved while allowing commercial development.

6. In the event that extensions of or additions to "through highways" were required at some future date, a National Recreation Area would not hinder their development.

B. Additional Factors for Consideration

1. As a State agency the Department of Highways must be guided by the needs of the citizens of Idaho and service to the road-using public in general. In this respect the following factors should be evaluated in determining the future of the Sawtooth Area:

- (a) Physical aspects of highway improvements should meet modern standards recommended by the American Association of State Highway Officials.
- (b) Regulations pertaining to the transportation of "out-sized" vehicles.

(construction equipment, mobile homes, etc.) should be consistent with the Permit Policy of the Department of Highways.

(c) Highway signing, signalization and markings should conform to the "Uniform Manual For Traffic Control Devices" and furthermore should be consistent with the "Memorandum of Understanding" currently in use by the Department of Highways and the U.S. Forest Service.

(d) Traditional usage of public (highway) rights-of-way as stock driveways should be ascertained and provisions made to honor such use.

(e) Use by commercial vehicles should be encouraged, so as to sustain service and schedules to points within and outside the area.

(f) Adequate access for police patrol, investigation, search and pursuit should be assured.

2. Existing agreements between the Department of Highways and landowners pertaining to approaches, rights-of-way, easements, etc.; should be honored where applicable.

3. In its Civil Defense role, the Department of Highways should be permitted discretionary use of Federal lands for the location of communications, signaling, detection, or other devices which might be required.

STATEMENT OF EUGENE D. PETTIT FOR THE LAKE CABIN OWNERS ASSOCIATION

The Association would like to recommend first, that no change be made in the status of the property in the Sawtooth Valley, it is our belief that there is no need for a Recreation Area and that the Forest Service is capable of administering and maintaining the area and conserving its natural resources without further legislation.

In the event that a Recreation Area is established, we do not believe that our leasing of home sites along Pettit Lake is incompatible with the usage to which the property would be put. (Precedents—Elk Lake, Oregon; Donner Lake, California.)

Many areas remain to be developed. Alturas Lake—Only a small area along the north side and upper end developed. Pettit Lake cabin sites use approx. 20% the rest undeveloped. Yellow Belly—access road, shore line and surrounding area untouched. Hells Roaring Lake—road surveyed, untouched. Fourth of July Lakes—road less than two miles, untouched. Washington Lakes—untouched. Redfish Lake and Little Redfish—only a small percentage of available area developed. Stanley Lake—only partially developed. These areas, with the streams leading from them will meet the demands for many years to come.

We cannot foresee that there is any need or desirability to destroy the home sites that now exist. These home sites are used extensively by their owners, guests and friends and allow public usage of this area in the same fashion as would be done under the Recreational Bill. Because of this, The Pettit Lake Cabin Owner's Association wish to go on record asking that they be allowed to remain status quo, and in the event that the Recreational Bill is passed and the United States Forest Service is administering said property, that before the administrator would be entitled to phase out said property, they would first be required to hold hearings to establish that the use to which the cabins are put by the owners is in fact incompatible with the use to which the property would be put under the Recreational Bill, and that no other like property is available for the same purpose. That the decision of the administrator should be then made appealable to the United States District Court at Boise, Idaho.

TWIN FALLS, IDAHO, August 14, 1967.

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

DEAR SENATOR JORDAN: Thank you for your letter of July 24th and the copy of Bill S. 1267 which you enclosed.

Although I have written you previously expressing my concern in this matter, I do want you to know that my feelings have not changed. It appears to me, that with the federal government owning some 75% of the land in the State of Idaho, that the land which is privately owned should be controlled by the people who own it. I would like to see this Bill defeated, and the zoning, or other legislation to

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.

Section 5c

Condemnation authority and limitations need to be spelled out clearer than has been done in this clause. With the only restriction being the five percent acreage limitation, the majority of the small landowners could be taken out.

SUGGESTIONS

This is a rather unique bill in that a Federal Agency will be managing private land. Therefore, some unique guidelines and procedures should be put into the bill.

1. The Secretary and Forest Service have a pretty good idea at this time, just what private land they are after in Stanley Basin. The type of structures they propose to allow, and in what area, should be put in the bill so people concerned will know just how they will be affected, and not held in indefinite suspense. This could be done by preclassifying as to allowable uses such as grazing, ranching, commercial use, homesites, intensive recreation areas etc. and a map showing these areas, should be incorporated into the bill. There could be guidelines for the Secretary to modify these as circumstances warrant, but only through established procedures. These modifications could come before an advisory board (to be explained later) and then to public hearings.

2. That the Secretary cannot put a scenic easement on any tract of land of less than 160 acres in size without voluntary consent of the owner. Except to establish fair and reasonable zoning laws that will not preclude the private landowners intended use of the land.

3. That before the Secretary can condemn land for access and utilization of Public Lands, a determination must be made by an Idaho Court that the land is actually needed by the Government, and there is no reasonable alternative for access and use of the public land.

4. Any proposed regulation which can adversely affect a private landowner should have recourse through vs District Court. This could be restricted to only private land, not public land.

5. An Advisory Board, or Use Commission, or whatever tag you want to put on it; be established to advise the Secretary on any proposed regulations. This also could or could not be restricted to regulations affecting private land. I would think such a commission would be helpful for all proposed regulations. This commission to be made up as follows:

	Member
Landowners 160 acres and over-----	1
Landowners under 160 acres-----	1
Commercial users-----	1
Custer County-----	1
Blaine County-----	1
Fish and Game Commission or State-----	1
Sportsmans Association-----	1

6. That at this time, proposed exchange areas be set out within the recreation area and that if a parcel of lands present use, or future use, is not in harmony with the purpose of this act; the landowner will be allowed to select a parcel of land within the exchange area. (Subject to approval of the present owners.)

7. Section 5c should be worded stronger, that no scenic easement or condemnation shall adversely affect any present, customary or obviously intended use of a parcel of land, but shall be limited to any future change of use which would not be in harmony with the purposes of this act.

SUMMARY

It is disturbing that from reading this bill, so much of it is concerned with condemnation of one form or another and so little to working with the landowners in developing a fully multiple use recreation area.

It does not seem logical that some intelligent homesite use cannot be made in an area of 360,000 acres in harmony with other uses in the area. After all, the Forest Service is a multiple use agency; this is supposed to be a multiple use bill, and homesites are definitely a distinct land use.

To pass such an important bill as this, without first working with the landowners to set up homesites in areas that are compatible with other uses and work out exchanges with people who are agreeable to exchange, would be a big mistake. As this area is of vital importance to not only the landowners but a large percentage of people in Idaho, these people should be allowed to play an active part in forming the bill and participate in managing the area. These people have invested a lot of money, and dreams into this area and are every bit as concerned with protecting its present beauty as the Forest Service.

PARRY, ROBERTSON & DALY,
Twin Falls, Idaho.

Re Senate bill No. 1267—Sawtooth national recreation bill.

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

DEAR SENATOR JORDAN: When I testified concerning the previous version of the above bill in Sun Valley in June of 1966, I was greatly concerned as to the unlimited right of condemnation allowed to the Government by the provisions of the bill then under consideration. From the remarks made by the Senators at the Sun Valley hearing, I believe that it was their intention that the power of condemnation would be restricted in any final legislation that was passed on this subject; and I think that it was your intention and the intention of Senator Church that S. 1267 should contain some restrictions on the power of condemnation of private property in Sawtooth Valley.

When one reads Section 5(a) of S. 1267, he gains the impression that there will be some limitation on the power of condemnation which is generally granted in Section 4. A close reading of all of Section 5, however, fails to reveal even an implied limitation on this power. I think that the verbally expressed intention of the sponsors of this Bill should be unequivocally stated by amending Section 5(a) of the Bill to read as follows:

Section 5(a). The authority of the Secretary to acquire an interest in private property by condemnation shall be limited to the acquisition of scenic easements and easements for access to and utilization of public property as in this Section described.

This amendment is, I am sure, of utmost importance to all property owners in the valley, and I hope that you will give it your personal and earnest consideration. A letter of import similar to this is being written to Senator Church.

Very truly yours,

T. M. ROBERTSON.

Senator JORDAN. Thank you very much, Mr. Chairman.

Senator BIBLE. The next witness is the Honorable James A. McClure, a Representative from the First District of Idaho.

Is Congressman McClure here?

(No response.)

Senator BIBLE. Our next witness is the Honorable Orville L. Freeman, Secretary of Agriculture, accompanied by Hon. Edward P. Cliff, Chief of the Forest Service, Department of Agriculture.

You may proceed.

STATEMENT OF HON. ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE; ACCOMPANIED BY EDWARD P. CLIFF, CHIEF OF THE FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Secretary FREEMAN. Mr. Chairman and members of the committee, I am here to give my wholehearted support to S. 1267. This bill will establish as the Sawtooth National Recreation Area some 351,000 acres of magnificent country in Idaho at the source of the Salmon River and in the rugged mountains and valleys of the Sawtooth Range.

Having camped in the Sawtooth Mountains 3 years ago, and, as Senator Church said a few moments ago, having just returned from a delightful trip down a portion of the Salmon River, I can personally attest to the superb recreation qualities of this area. The abundance of other natural resources, the history of the area, and the opportunities for a variety of outdoor experiences combine to give the area a tremendous recreation and education potential. Its recognition and development will strengthen the area's rural economy.

The proposed national recreation area is a land of singular beauty and exceptional capacity for providing outdoor recreation in a spacious and natural environment. We believe it meets all the basic criteria for a national recreation area and is fully worthy of congressional recognition of its outstanding qualities.

The Forest Service of the Department of Agriculture has protected and developed the resources on the lands under its administration with full recognition of their superlative qualities. We have provided both traditional recreation facilities and the wild and beautiful Sawtooth primitive area.

The use and management of the Sawtooth country has for many years been a matter of keen interest locally and nationally. From time to time, since 1911, there have been—as has been pointed out—proposals to give it some special status which would insure national recognition and provide for timely development of its multiple resources. In view of this continued interest, the Departments of Interior and Agriculture, in 1963, began an intensive study of the resources of the Sawtooth country and of the opportunities they offer to serve the recreation-seeking public, meet the needs of the Nation for wilderness, and contribute to the economy of the counties wherein they lie.

The study report suggested two alternative approaches. One alternative was national park status for the area. The report pointed out that establishment of a national park would make significant changes in the ownership pattern and uses in the area.

The other alternative proposed in this joint report was the establishment of a national recreation area. As such, the area would continue under the administration of the Forest Service. Fewer changes in ownership would be required. Many of the existing uses could be continued as compatible with the primary purpose for which the area would be administered. As a national recreation area, it could continue to be managed so as to conserve and develop its recreation resources.

In the 89th Congress, two bills—S. 3294 and S. 3295—concerning this area were introduced. One bill would have established a Sawtooth National Park; the other a Sawtooth National Recreation Area. Field hearings were held in Idaho on these two bills. The majority of those attending the hearings favored establishment of a national recreation area and continued administration by the Forest Service. S. 1267 would carry out this approach.

Scenically, the proposed recreation area offers magnificent views of the jagged Sawtooth Range, which is snowcapped a large part of the year, and other ranges of the Salmon River Mountains. Over 180 lakes and 42 peaks over 10,000 feet in elevation are in the existing Sawtooth primitive area. The Salmon River headwaters east of the primitive area provide hunting, fishing, many opportunities for camping, hiking, riding, and water sports in an environment characterized by spacious forests and beautiful lakes and streams.

Except for a relatively small area on the east side, the 351,000-acre area is within the boundaries of the Sawtooth, Challis, and Boise National Forests. It would include about 317,000 acres of national forest land, about 10,400 acres of public domain lands, about 1,600 acres of State, and about 22,400 acres of privately owned lands.

This area is a very valuable public outdoor recreation resource. Outdoor recreation, particularly esthetic and wilderness enjoyment, should be recognized as a key value in the management of these lands. Recent intrusive and potentially destructive developments represent the greatest immediate threat to the scenic integrity of valley lands and enjoyment of the area by visitors.

S. 1267 would provide authorities and programs to substantially accomplish the required protection, development, and public enjoyment of this extraordinary land.

Under the provisions of this bill, the Secretary of the Interior may transfer the public domain lands to the jurisdiction of the Secretary of Agriculture.

The bill contemplates that, in general, scenic easements will be acquired in privately owned land. It would prohibit the acquisition of fee title to State and private lands in the area by condemnation except for certain specified purposes. To assure that the use and development of privately owned property is consistent with the purposes of the national recreation area, the bill provides that the Secretary of Agriculture will establish, by regulation, standards for the use of the various tracts of private property within the national recreation area. So long as the lands are used in accord with these standards, the authority of the Department of Agriculture to acquire scenic easements without the consent of the owner would be suspended.

We could acquire any interest, including fee title, by amicable negotiation or through condemnation consented to by the owner. If the established standards for use of a particular tract were not met by the owner, we then could acquire through condemnation scenic easements adequate to maintain the compatible use of the land. Such scenic easements, however, would not affect uses of the lands existing prior to acquisition of the easement.

Frankly, this responsibility for the issuance and application of regulations coupled with the limitation on acquisition of privately owned property in the area by condemnation will pose some administrative problems for us. I want to make it clear, though, that we fully support the concept of scenic easements here.

With the changes we propose primarily to clarify certain provisions of the bill, we believe we can make this one of the outstanding recreation spots in the Northwest.

The Department of Agriculture, in bringing to bear its full resources to meet the needs of our people in the year 2000 and beyond, views conservation as the full sweep of interrelated natural resources and their management and use. The use, restoration, and preservation of resources must be made compatible.

Mr. Chairman, may I deviate from my statement at this point and direct the committee's attention to "Resources in Action," a Department of Agriculture pamphlet, which we have prepared in the Department, in which we sought to set down standards and goals looking to the kind of resources use that we would envisage in the year 2000. I don't know that this need to be in the record—

Senator BIBLE. We would be very happy to have those for the use of the committee. Will you hand them to our staff member? I don't think I will make them a part of this particular record. But we will circularize them among the members of the committee for their use, and also keep a copy before the committee.

Secretary FREEMAN. Thank you, Mr. Chairman. I deviated at this point, because I want to emphasize that this bill is consistent with the standards and the direction in which we seek to move in administering the lands within the jurisdiction of the Department of Agriculture.

The proposed Sawtooth National Recreation Area affords a fine example of where this can and must be done with significant benefits nationwide as well as locally.

The Sawtooth National Recreation Area offers a new concept in that primitive lands are combined with areas offering road-access recreation so that each complements the other in an unusual and highly attractive complex of recreational opportunities. It offers a new concept also in that livestock ranching on both private and public lands is now and can continue to be a compatible and desirable use that contributes materially to the interest of the area from the public standpoint.

The old mining and ranch towns of Atlanta and Stanley offer an authentic touch of the Old West and a wealth of historical lore. Their restoration and development will have the dual purpose of providing recreational and educational opportunities and personal services to the visiting public.

Within this area lies one of the major spawning areas of the salmon and steelhead. Protection and enhancement of this great resource and the other wildlife resources of the area in conjunction with the Idaho Fish and Game Department will benefit visitors to the area and sport and commercial fishing all the way to the Pacific Ocean. Elk and deer hunting is enjoyed by many during the fall months and is essential to keep big game herds in balance with their habitat.

Timber operations do not produce large volumes of timber. However, timber cutting will continue to provide some raw materials to sawmills in the area. Some jobs for local residents will continue to be supported. These timber operations will be conducted so as to protect the recreation, scenic, and hunting and fishing values of the area.

Of major importance to the recreation and scientific values of this area is the Sawtooth primitive area. S. 1267 provides that this area of about 200,000 acres and adjacent lands will be reviewed for wilderness consideration in accordance with the provisions of the Wilderness Act. Although this area is not one of the six primitive areas I have already recommended for wilderness status, most of the preparatory work has been completed. We expect to have our recommendations late this year or early in 1968.

Enactment of S. 1267 will give national recognition to the scenic, scientific, historic, fish and wildlife, economic, and other values of the outstanding Sawtooth area. It will provide for adequate and expeditious development to assure optimum public use and enjoyment of a variety of summer and winter outdoor resources and experiences.

If S. 1267 is enacted, we foresee constantly growing use by the public of the national recreation area. In 1965, National Forest lands received 388,000 visitor days of use. In 1966, this use increased to an estimated 420,000 visitor days. With the national recreation area, we estimate that by 1970 the visitor days of use will aggregate about 750,000 and by 1975, about 1,200,000. Private lands in and about the recreation area will receive additional use also.

This acceleration of public use will require a substantial stepup in the timing of development programs to accommodate visitors to the

area. We estimate that by 1975 facilities for camping and picknicking, to accommodate 5,000 persons at one time, will be needed. Present capacity is less than 2,000 at a given time.

We will also need to improve and increase roads and trails to recreational areas, to facilitate enjoyment of the scenic qualities and furnish better access to "jumpoff" points around the wilderness.

We would hope to provide increased visitor information services and interpretive programs to make the stay of users to the area more productive and enjoyable. These are measures that would be undertaken by the Forest Service as part of its program for the national forests. They will need to be advanced in time and increased in quantity to meet the accelerated use the national recreation area will receive.

In summary, the lands proposed for the Sawtooth National Recreation Area are outstanding in scenic beauty and the capacity to provide healthful outdoor recreation. They have many resources supportive of local industries and the economy that can be utilized in ways compatible with recreation use; these lands fully qualify for national recognition as a recreation area. The development of these lands for optimum use can effectively contribute to upgrading the economy of a predominantly rural area which is increasingly dependent upon public use of the surrounding recreation resources.

This is forward-looking legislation and another opportunity to bring the full forces of creative conservation into play. I urge its speedy enactment.

Senator BIBLE. Thank you very much, Mr. Secretary, for a very fine statement.

Let me ask a few questions. Is this the first time that the Department of Agriculture, through its Forest Service, has administered a national recreation area?

Secretary FREEMAN. No, Mr. Chairman. There are three other national recreation areas in which the Forest Service is currently conducting the administration. One is the Shasta-Trinity Area—

Senator BIBLE. That is in the Shasta-Trinity-Whiskeytown Area, which is in the State of the great Senator from California. Isn't that administered jointly with the Department of the Interior?

Secretary FREEMAN. That is correct. And Spruce Knob-Seneca Rocks, in West Virginia.

Senator BIBLE. Yes, I am familiar with that.

Secretary FREEMAN. And, third, Mount Rogers, in Virginia. So there are three of them currently which we are administering.

Senator BIBLE. This particular concept here, though, is envisioned as being completely administered by the Forest Service?

Secretary FREEMAN. That is correct.

Senator BIBLE. I note in your statement on page 3 that you say that there are 22,400 acres of privately owned lands. What is the nature of that private ownership? Is it grazing land?

Secretary FREEMAN. It is land, most of which lies in the valley as indicated by the white on the map here. It is used for a number of purposes: commercial, ranching. And there are some subdivisions which give us particular concern at this time.

Senator BIBLE. How many individual private ownerships are there within the 22,400 acres?

Secretary FREEMAN. Frankly, I cannot answer that question. Do you know, Mr. Cliff?

Mr. CLIFF. I have the figures here, Senator Bible. There are 40 owners of ranch property. There are approximately 50 owners of miscellaneous valley properties and patented mining claims. There are 450 owners of lots that have been subdivided for vacation homes, for a total of about 540 separate ownerships.

Senator BIBLE. The Forest Service intends doing what in each category? As to the ranching property, my understanding is that that will be permitted to continue as is; is that a correct statement?

Secretary FREEMAN. That is a correct statement.

Senator BIBLE. You say you have 40 miscellaneous ownerships. Now, "miscellaneous ownerships" is a pretty broad term. What does that mean? Is that a motel or a meeting place or a restaurant or a gas station, or what?

Secretary FREEMAN. It would include all of those, and mining claims.

Senator BIBLE. Let's break them down just a little further to see what you intend doing with this property if the area is created. As to the motelman, will he be permitted to continue the operation of his motel?

Secretary FREEMAN. Can I back up and put it first in general terms?

Senator BIBLE. Certainly.

Secretary FREEMAN. What this bill would provide would be that the Department of Agriculture would propose some administrative regulations in regard to uses of the land within this area that will be consistent with the total direction: mainly, the emphasis on recreation use, historic scenery, and so forth.

Senator CHURCH. These would be in the nature of zoning, Mr. Secretary?

Secretary FREEMAN. What it really, basically, comes down to is a kind of zoning approach, in effect, specifying the basic uses and some regulations in terms of the uses consistent with that approach. And then that would apply under the bill only to new uses. Current uses would continue.

Senator BIBLE. Right there let me ask a question. If there is a bar owner there, and he is running a bar at the present time within the proposed national recreation area, would he be permitted to operate his bar?

Secretary FREEMAN. Yes, as the bill now stands, he could continue to operate the bar.

Senator BIBLE. The reason I am questioning on this particular phase is because you, yourself, indicate that this is apt to give you some problems, and if our past experience on this committee is any indication, this is where we are always in trouble—we could use many examples throughout our great park and national recreation system.

I just wanted to be very clear as to what you had in mind and what you intended doing. But if I understand you correctly, in this category of the motel owner and the bar owner and the service station man, et cetera, this group of 40 people, you would intend to permit them to continue as they are?

Secretary FREEMAN. Let's put it this way: If we find the use is not compatible, we would hope some arrangement could be made amicably in order to bring all that into conformance with the standards we

would seek to see accomplished. But there is no power in this bill to force that compliance.

Senator BIBLE. I notice you have the power of condemnation.

Secretary FREEMAN. We would not have the power of condemnation except for very limited instances that are set forth here for acquiring easements for access and certain kinds of development.

Senator BIBLE. Is that what the bill says? I thought you had a pretty broad power of condemnation.

Secretary FREEMAN. No. The power of condemnation as far as current uses are concerned—

Senator BIBLE. That is what I am talking about.

Secretary FREEMAN. No power of condemnation except for easement purposes of access or certain kinds of administrative purposes or direct recreation purposes, as distinguished from scenic. And then it is limited to 5 percent of the land involved. So the power of condemnation is sharply circumscribed in the bill.

Senator BIBLE. We have run into many problems on this condemnation feature, as this committee knows. But there are many instances where you must have that if you are to avoid incompatible structures. That would be my only concern.

Section 4 says: "Subject to the limitations hereinafter set forth, the Secretary may acquire by purchase with donated or appropriated funds, by gift, exchange, bequest, or otherwise"—and I understand that that "otherwise" does embrace condemnation—"such lands or interests therein within the boundaries of the recreation area as he determines to be needed for the purposes of this act."

And I have not read the bill as introduced in complete detail, but possibly it is circumscribed as you indicate by "subject to limitations."

Senator CHURCH. May I just for the record read that provision?

Senator BIBLE. I wish you would.

Senator CHURCH. It appears at page 5, line 17, subsection (e), and it reads:

The limitations hereinabove set forth on the authority to condemn an interest in lands shall not apply to property which the Secretary determines to be needed for easements for access to and utilization of public property; Provided, That the acquisition for such purposes shall not exceed 5 per centum of the total acreage of all privately owned property in the recreation area.

I think that the testimony of the Secretary and also of Mr. Cliff makes clear that so far as condemnation in fee is concerned, it is not authorized beyond the limits of 5 percent of the present private holdings. Is that not your understanding?

Secretary FREEMAN. That is clear. I might call attention, Senator Church, to a letter which you have not had time to review yet, which I referred to in my testimony, which has been filed with the committee. We apologize for it not having been filed earlier. But there have been some questions about this matter within the executive branch, in terms of working out the letter in which we make some recommendations which are primarily in the nature of clarifying language. But in this instance, we would add, in addition to the easement for access to and utilization of public property, the words "and for recreation and other administrative facilities."

Senator CHURCH. That is an amendment that you propose?

Secretary FREEMAN. This would be a clarifying amendment. But the 5-percent limit would still hold.

Senator CHURCH. So that your interpretation of that language is the same as mine, that interpretation being that condemnation power for acquisition of the private property in fee can be used only for the declared purposes in the bill, and in any event could not exceed 5 percent of the total acreage of all privately owned property in the recreation area?

Secretary FREEMAN. That is correct.

Senator CHURCH. I thought we should make the record clear on that.

Senator BIBLE. I think the whole section 5, now that I read it a little more in detail, bears upon the authority of the Secretary to condemn, and puts the limitations on it. But this is something that I think should be very clear, because it does cause us so much concern.

Now, in this third category, as I understand your testimony, you envision—there is in private ownership some 450 lots, if I understood you correctly; is that correct?

Secretary FREEMAN. Yes.

Senator BIBLE. Now, these are bare lots? There are no improvements on them?

Mr. CLIFF. There are about 2,500 lots which have been subdivided. Approximately 450 of them have been sold to individual owners. And about 30 have been improved. So only a small part—

Senator BIBLE. How many have been improved?

Mr. CLIFF. About 30, approximately.

Senator BIBLE. And by "improvement," you mean what; they put homes on them?

Mr. CLIFF. That had houses built on them.

Senator BIBLE. Well, as the Senator from California could testify, the hardest problem we had was this area of subdivisions.

Now, as this bill is before us today, Mr. Secretary, or Mr. Cliff, or both of you, what can the owner of the lot do with the lot after this becomes law? Can he build any kind of a home on it; a \$5,000 house with so many square feet, or what?

Mr. CLIFF. On the lots that already have improvements on them, those improvements would continue as they are, unless we could negotiate a purchase in case we decided they were incompatible. We would try to negotiate a purchase or exchange. This would be voluntary on the part of the owner.

The unimproved lots, as I understand the provisions of this bill, could be subject to the regulations of the Secretary—

Senator KUCHEL. You mean while they remained in private ownership?

Mr. CLIFF. Yes.

Senator KUCHEL. I want you to explore into that a little bit, then.

Senator BIBLE. We have had some experience with this area. This is why we want to be very careful. It will save this committee countless headaches in the future if we can work this out satisfactorily. This is the real difficult area of creating a national park or recreational area or lakeshore area or whatever, and this is where we are always in trouble, right in this area we are discussing now.

Secretary FREEMAN. It clearly is. And I think Senator Church's comment earlier on zoning is apropos.

Senator KUCHEL. Zoning by whom?

Secretary FREEMAN. By the Secretary of Agriculture, in effect.

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

criticism of the original bill. And that is why we have substituted the scenic easement approach as being compatible with Idaho law and the most practical way to accomplish the objective.

Senator KUCHEL. As my friend knows, there are members of this committee who are interested in establishing recreation areas while we can, but who would oppose specific legislation if there were to be a hazard of breaking through whatever dollar ceiling is involved. And we have that very problem. And it is a terrible problem, in my State. I don't know how many people live in the area of San Francisco Bay today. Could you say 5 million and not be too far off out of 20 million? And yet just by the increase of people, you are going to raise the value of land. And this area in your State—I see pictures here that are just unbelievable. And it is going to attract people. And the time to acquire it is now.

I want to ask one question. What is the ceiling that we write into this bill, because I think it is generally conceded that the chairman of our committee would wish, and I would agree with him, and I think both of you gentlemen would, too, in changing the last sentence of the bill "hereby authorized to be appropriated such sums as may be necessary," and so forth, into a clear ceiling, a defensible ceiling.

Senator BIBLE. I think we must insist on that, because we are constantly digging ourselves in deeper and deeper on all types of recreation acquisitions, and we must as realistically as possible indicate an acquisition figure, and also a development figure. And I note that you don't comment on either one of those in this particular bill. It is a very loose end. And certainly there may be other witnesses, other than yourselves. Mr. Secretary, maybe Mr. Cliff or somebody can tell us how you propose to develop this and how much it is going to cost. Normally on these national parks and recreation and lakeshore areas we usually have a dollar figure for acquisition, an estimated figure, that admittedly it is a little difficult to come by; and then, No. 2, normally a 5-year development figure, that over 5 years it is going to cost x dollars to develop it, and for that we are going to do some things. And in addition, an O. & M. figure of how many people you envision are going to be required to maintain this particular area.

And I don't see anything in your testimony that bears on that at all. Maybe Mr. Cliff is going to supplement it and get into it in detail. And I recognize that he may be the correct witness on these cost figures.

Secretary FREEMAN. We have the figures, and we wish to put them in the record right now.

Senator BIBLE. I think this would be as good a place as any, because we must know exactly what type of commitment we are counting upon. We authorize these parks and recreation areas, and then we fuss about them for the next 10 years figuring out how we are going to pay for them. We have a great time doing that.

Secretary FREEMAN. Mr. Chairman, the principal cost for the first 5-year stage, as we can best estimate them now, for the acquisition of land and interest in the land, which most of our attention is focused on so far this morning, we have the estimate of \$2,868,000. The total proposal—again directed toward the land acquisition including scenic easements—would be \$9,868,000. So the \$9,868,000 would be the total dollar figure on land acquisitions.

Now, on development, including recreation development, roads and other transportation facilities, and administrative facilities, for the first 5-year period, the figure is \$9,397,000. And the total for development, \$17,512,000.

Senator BIBLE. What was that total figure, Mr. Secretary?

Secretary FREEMAN. \$17,512,000. Then breaking down the combined total in stage 1, the first 5-year period is \$12,265,000, and for the total proposal, the combined figure is \$27,380,000.

Senator BIBLE. Now, how much will it have cost us to maintain it? They usually say it will cost x dollars at the end of the first year, and x dollars at the end of 5 years, and there on. How many—

Secretary FREEMAN. I will refer to the chief for the answer to that one.

Mr. CLIFF. We don't have an estimate right now on the administrative costs, the recurrent administrative costs. They would be somewhat increased over current administration costs.

Senator BIBLE. What are current administrative costs?

Mr. CLIFF. I cannot give you that offhand. I would be glad to supply it for the record.

Senator BIBLE. I think these are very important items, because we do have some real problems. The Director of the Budget was setting out—I don't think he has been coming into this hearing, he is in other hearing rooms, but he has some problems about these costs. We have heard about them today, and we would like to know just what we are getting into when we start out with this.

Mr. CLIFF. We have an organization in place there now with a full complement of rangers and guards.

Senator BIBLE. This I understand. How much does that cost today?

Mr. CLIFF. I would have to supply that for the record, Senator. I don't have it now.

Senator BIBLE. It may be that earlier hearings have developed that. I don't know.

Senator CHURCH. I don't think it has yet been supplied, Mr. Chairman.

And, Ed, I think it ought not to be a difficult figure for you to obtain, because at present the full administration of the area is by the Forest Service.

Mr. CLIFF. Yes, we can get that rather quickly. We know what the current costs are, but I don't have the figures with me. We know that the use is going to increase, and as the use increases, we will have to add to our present complement of personnel. But we can make the estimate.

Senator BIBLE. I assume there would not be any substantial increase over what you are doing now. Really, what you are doing is carrying this out as a recreation area that you are administering, and it is still in the Forest Service.

Mr. CLIFF. That is right.

Senator BIBLE. And approximately the same number of people.

(The information requested is as follows:)

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., September 14, 1967.
Hon. ALAN BIBLE,
Chairman, Subcommittee on Parks and Recreation,
Committee on Interior and Insular Affairs,
U.S. Senate.

DEAR MR. CHAIRMAN: In response to your request, we submit the following information for the record of the hearings August 23, 1967, on S. 1267, a bill "To establish the Sawtooth National Recreation Area in the State of Idaho, and for other purposes."

The current annual cost of administering the National Forest lands which would become a part of the Sawtooth National Recreation Area is approximately \$123,000. Assuming investments in the development of the Area to the full extent proposed in our report and testimony on this bill, we expect the recurring administrative costs would increase to \$450,000 per year by the end of the 4th year. Such costs should level off at that stage.

Costs incurred by the Forest Service under the provision of Section 8 of S. 1267 are expected to total about \$100,000 for the first five years. A total of \$100,000 would probably be expended thereafter. These contributions would be largely in the form of technical advice and assistance.

Sincerely yours,

A. W. GREELEY,
Associate Chief.

Senator BIBLE. Now, might I ask an additional question? It seems to me that your troublesome zone is the zone that is depicted on the white, which is on the east side of the map. I would assume that is the area which is in private ownership, correct?

Secretary FREEMAN. That is correct.

Senator BIBLE. Why isn't it possible to shrink that up and eliminate the 2,500 lots and the other in-holdings that appear to be giving you some trouble?

Secretary Freeman. Well, I think under the bill this would be significantly done if we had the resources and went forward under an agreed upon basis. In other areas, we may not seek to do it at all, because if the use is compatible with the area, it actually contributes to it, and the scenic easement accomplishes every purpose we have.

Ranching, for example, the running of cattle and sheep in the area, that does not detract from the area.

Senator BIBLE. I agree with that. I have no problem as to land.

Secretary FREEMAN. In the other areas, we would move ahead where there were the kinds of developments now—let us say housing that is an eyesore. And we would hope to get them, if people are willing to go along. Under this bill if we could not, we would just have to live with that. The ones that were not built yet, once the regulation were proposed, the people in question then would have to build according to the standard that had been established by administrative order. And if they were unwilling to do so, we may want to acquire a scenic easement in that instance, and that value will have to be determined either by negotiation or by condemnation.

So I don't think there is any way of really saying precisely how every foot of ground will be used, but, rather, to set down the basic principles of use, the means by which they can conform to those targets, and then go about the business of amicably trying to arrange accordingly, and then if necessary acquire scenic easements.

Senator BIBLE. I don't know that that is responsive, Mr. Secretary, because that isn't what I was trying to get at. What I am trying to

get at is to have all of these problems with the 2,500 lots and the miscellaneous uses, the 40 miscellaneous uses which you described in this white area—why don't you tighten up your boundary lines and exclude that completely from the Sawtooth Recreation Area?

Secretary FREEMAN. I am sorry, I missed your question before.

Senator BIBLE. I probably didn't state it well.

Secretary FREEMAN. Simply because the valley lands are an important part of the total approach to the area, they are an area through which people do travel, it is an important area of scenic enjoyment, recreation participation by merely being there and enjoying it, the vista, the views.

Senator BIBLE. But nobody can bar them from driving through the State highways to get there?

Senator CHURCH. Mr. Chairman, may I interject. It is the valley that we are most concerned about, because the valley is one of the most beautiful in the West. And the valley is the foreground of the great Sawtooth escarpment that rises above it to the west. If the valley is destroyed by unsightly commercial development, then the important recreational values are destroyed for the entire area for most of the people who will go there. Some people will climb into the high mountains, of course, and enjoy the wilderness in the summits of the Sawtooths. But the great majority of the people who come into the valley to sightsee, camp, or fish in the rivers and in the lakes in the valleys and foothills of the Sawtooths, these are the people who would be principally benefited by the recreation area.

And without protecting the valley, we would lose the very thing we are trying to preserve and protect through this legislation.

Senator BIBLE. The Senator from Idaho, Senator Jordan?

Senator JORDAN. Mr. Chairman, that raises a very interesting question. I agree with Senator Church, the valley lands are highly important in the overall concept of this entire project. But the problem that comes to my mind is this. Say a man that might have a half section of pasture lands on which he is grazing in the summertime, is he forever frozen in his present use of that land, or can he under this bill subdivide it, if and when the time comes, with proper safeguards to himself and his investment?

Senator BIBLE. I would ask either the Secretary or Mr. Cliff to respond.

Do you understand the question?

Secretary FREEMAN. Yes. Let me respond, and the Chief may wish to add to it.

The answer would be, Senator Jordan, that he could, if it conformed with a standard of development that did not detract irreparably from what was described very effectively a moment ago by Senator Church. We would propose to set down administrative regulations here that were sensible. We have set down some general standards in that regard already that would specify the kind of development for habitation which would conform with the joint objective.

To the extent, then, that development would fit in, fine. To the extent that it would not fit in, it couldn't be done. And then you would get the question really of the scenic easement, and the value of that land under this bill. And if he was unable to do certain things, why his ownership would have been impaired, and the value of that would have to be determined, and he would be compensated accordingly.

Senator JORDAN. How would one go about compensating where a difference of opinion arose with the owner, who said, "If I could subdivide I might make x dollars under a complete subdivision plan, and under the standards you propose, I will realize much less than that," and you have an honest difference of opinion?

Secretary FREEMAN. First of all, your question assumes that you are unable to negotiate an agreement. I expect you would have to litigate it. It would be just like condemnation. I don't know any other way that it could be determined.

Senator CHURCH. And that litigation would take place in the Federal district court in Idaho?

Secretary FREEMAN. Yes, it would.

Mr. CLIFF. That would be friendly condemnation. If we reached agreement on everything except the price—we couldn't condemn without his consent, but we presumably could get his consent to take it under friendly condemnation to determine the price.

Secretary FREEMAN. Likely, I suppose, he would be the moving party, we wouldn't. Because the regulations would have been issued, the standards would have been set. If he conformed with the standards that were determined as consistent with the use of the area, why there would be no problem. If he wished to take additional actions that would not be consistent, he would have to be informed that he could not do so. At that point he would have an interest that was violated, and I presume we could proceed to litigate and determine its value.

Senator JORDAN. The final determination, then, would have to be in the court?

Secretary FREEMAN. I don't know of any other way. It would just have to be in the court.

Senator BIBLE. One other question.

On page 4, Mr. Secretary, you say, under the provisions of this bill, the Secretary of Interior may transfer the public domain lands to the jurisdiction of the Secretary of Agriculture.

Now, that is the 10,400 acres of public domain lands; is that correct?

Secretary FREEMAN. That is correct.

Mr. CLIFF. That is that dark green? (Referring to map.)

Secretary FREEMAN. You will note the dark green there on the border; some on the east and then some on the west. The Chief can identify it.

Senator BIBLE. These are presently being administered by the Bureau of Land Management, would that be correct?

Secretary FREEMAN. That is correct.

Senator BIBLE. And what character of lands are they, grazing lands that carry permitted rights for running cattle, or what?

Mr. CLIFF. They are grazing lands, primarily sagebrush cover, with some scattering of timber as well as other types of cover.

This area in the valley originally was left out of the national forest when the national forest was created to permit homesteading. The lands which are in white on the map were largely homesteaded, and they were the better lands. The lands that are in the dark green, the public domain lands, were those that were not homesteaded. They are a remnant of the public domain lands that are administered by the Bureau of Land Management. Most of them are under section 15 leases to the ranchers in the valley for grazing purposes.

Senator BIBLE. I appreciate the explanation. It occurred to me that since this is a compact area it might better be administered by one agency, instead of having two. I would confer with the authors of the bill on that, they know the area, and they know what is best in the area. And in a comparable bill that we had that ran into a lot of Forest Service problems on the great basin, we worked it out so that Service would transfer land to the BLM, just in the reverse of what appears to be the prime ownership here. I simply suggested this as a possible means of eliminating a second agency administering roughly the same thing.

But I would defer to the sponsors of the bill on that, and they can examine it if they want to.

I have no further questions of the Secretary or Mr. Cliff.

Senator Church?

Senator CHURCH. Mr. Chairman, I wonder if I might go to the map to indicate why the valley is so important to the objectives that we seek to secure by the bill.

These lakes [referring to map] are among the most beautiful in Idaho. The Forest Service has proceeded on a public recreational plan, and has concentrated a number of public camping grounds around these lakes. It is amazing how much these are used.

My boy is up here, incidentally, this week. He is camping. He told me Sunday that there wasn't a single slot available, every slot is being used by campers—some of whom come from as far as southern California and equally great distances.

And this valley land has suddenly become hot property, so to speak. Developers are coming in on the floor of the valley. They are beginning to build roads and unsightly wires are going up. And they are also beginning to sell off property lots of 150 by 125 feet. People from Los Angeles think that size property is the great outdoors. If this bill is not passed, with the present trend, we will have a congested urban clutter right on the floor of this valley, which, as I have said, is the foreground to the Sawtooths, and the whole scenic effect will be destroyed.

So the valley is really the most important part of the immediate program, because it is the spoilage of the valley that has created the need to go forward with this type of recreational plan.

I think, Mr. Secretary, that if you do have the general concept worked out for the guidelines which will govern your zoning approach, that it ought to be placed in the record at this time. Do you have some guidelines prepared that relate to the pattern for future development you envision under this bill?

Secretary FREEMAN. Yes; we have. I am glad you used the term "guidelines," because we are still working on this. And we feel it would be premature for us to fix on all details until this committee has finished its hearings, and until the Congress has acted in connection with it. But wanting to be prepared and recognizing that there should be guidelines and indications, we have given this a good bit of attention.

And in four different areas we have gone into some little detail at this point.

And, again, I emphasize, this is only preliminary. One reads as follows:

All private lands may be used for agriculture, including ranching and timber production and harvesting under acceptable methods of forestry if such uses are in accord with the following standards:

We then set out a number of the standards that will apply.

No. 2—

Use of lands for which, by applicants or otherwise, there is established a showing of suitability for providing commercial services to users of the recreation area and local residents and in regard to which there is a showing of need for such services in a particular location may be used for commercial purposes in accordance with the following standards.

again setting out some more detailed standards.

3—

Minerals may be extracted from the lands, patented under the mineral laws of the United States in accordance with the following standards.

again, setting out standards.

4—

Development of lands with permanent residences, often representing a material investment, and requiring roads, public utilities, water and sewage facilities, will be consistent with the overall plan of development of the recreational area and the purpose for which it is established only if lands to be so developed meet the following standards.

And, again, they are set down.

And in this fashion we have marked out five primary areas with some more details.

And we submit that for the record.

Senator CHURCH. I think, Mr. Chairman, that ought to be included in the record at this point.

Senator BIBLE. Without objection, it will be made a part of the record.

(The document referred to follows:)

PRELIMINARY INFORMATION ON STANDARDS OF USES FOR PRIVATELY OWNED PROPERTY WITHIN THE PROPOSED SAWTOOTH NRA WHICH WILL GENERALLY FURTHER THE PURPOSES OF SUCH RECREATION AREA AS SET FORTH IN S. 1267

Section 5(b) of S. 1267 would direct the Secretary of Agriculture to make and publish regulations setting standards for the use of privately owned property within the boundaries of the recreation area. Such regulations would be generally in furtherance of the purposes of the recreation area as set forth in the bill and would have the object of assuring that the use and development of privately owned property is consistent with the purposes of the bill and with the overall general plan of the Sawtooth NRA. Such regulations and the standards which they would set out may differ among the several parcels of private land within the area and may be from time to time amended by the Secretary of Agriculture. Such regulations would not be promulgated until a public hearing had been conducted and the results reviewed in accordance with certain provisions of the Administrative Procedure Act.

The Department of Agriculture has not determined the standards which it would set for the use of privately owned lands in the proposed recreation area. It believes that such action would be inappropriate until the Congress has acted and until the public hearings which are intended by the provisions of S. 1267 have been held and the results evaluated. The Department wants to be free to fully and objectively consider the views of the owners of such lands and all other interested persons and organizations as these may be presented at a public hearing, and views that may be expressed by members of the Congress in the course of consideration of S. 1267.

The Department of Agriculture has done considerable planning of the development of the Sawtooth NRA for optimum use by the public and benefit to the local communities. In doing this it has considered the objectives set forth in the first section of S. 1267. These objectives agree substantially with the findings of

a special interagency study of the Sawtooth area concluded in 1965 and with the views expressed by numerous citizens and organizations at subsequent public meetings. High in priority among these objectives are the maintenance of the impressive scenic beauty and other recreational values of the area; the protection and enhancement of the Salmon River fisheries, especially protection of the salmon spawning areas; and the avoidance of further extension of the intrusive and incompatible developments that have been taking place along Highway 93 in the Sawtooth Valley. In the course of this consideration, some tentative standards for the use of private property have evolved. These, strictly preliminary in nature, are set forth briefly below.

1. All private lands may be used for agriculture, including ranching and timber production and harvesting under acceptable methods of forestry, if such uses are in accord with the following standards:

(a) No structures will be placed upon the land except those necessary for the carrying on of farming and ranching activities. Necessary structures include but are not limited to dwellings for the land owners and others involved in the agricultural activity, barns, storage buildings, fences and corrals, irrigation facilities, roads, and utilities, and structures for the accommodation of guests.

(b) Dwellings and other ranch buildings are of a ranch-type character with log or other rustic exteriors, colored or natural wood finish and with dark and non-reflective roofs.

(c) New structures will be located as far from main roads as is practical and where possible so situated as to be in or on the edge of forested lands.

(d) Ranches will be at least 160 acres in area, except individual properties of smaller size used for agriculture or ranching as of the date of establishment of the Recreation Area.

(e) Signs, billboards, outdoor advertising structures, or other advertising devices will not be located on the property, except directional signs at road junctions and one sign to identify the property not exceeding 20 sq. ft. in area.

(f) The properties will be kept free of trash dumps, garbage dumps, or other accumulations of unsightly or offensive refuse or material.

(g) Cutting or harvesting of timber will be done under standards not less stringent than those in effect for the cutting and removal of National Forest timber, including comparable arrangements for the disposal of slash and the protection of the soil, except where tree removal is for purposes incidental to the agricultural or ranching operations or for the removal or salvage of dead or dying trees.

(h) Stream beds and banks of live or intermittent water courses will not be disturbed, except as may be necessary to operate and maintain irrigation structure and then only in such manner that will avoid sedimentation of, or entrance of other deleterious materials into downstream waters.

(i) General topography of the landscape within the property will be continued in the present condition and no excavation or topographic change will be made except as may be incidental to and required by the agricultural, ranching or forestry use.

(j) Fences and other structures will be maintained in a safe and usable condition and buildings that have become dilapidated or unusable will be removed.

(k) Adequate provision for disposal of waste and sewage in such manner as to fully protect public health and safety and to avoid detrimental effects on adjoining property will be made. All waste and sewage disposal shall equal or exceed the requirements of water pollution control regulations of the Idaho State Board of Health and any applicable sanitary code of the county in which the property is located.

2. Use of lands for which, by application or otherwise, there is established a showing of suitability for providing commercial services to users of the recreation area and local residents and in regard to which there is a showing of need for such services in a particular location may be used for commercial purposes in accordance with the following standards:

(a) The commercial services which will be furnished are those which offer necessary services or goods to visitors, through travelers, or local residents. Examples of such enterprises are automobile service stations, stores, cafes, lodge or motel-type accommodations, trailer parks screened from view of main travel routes, winter sports facilities, and guide and packer services.

(b) The contemplated commercial enterprise will not encompass theaters, amusement parks, bowling alleys, outdoor "zoos," and industrial or manufacturing operations.

(c) Architectural style of new buildings will be compatible with the pastoral environment, generally rustic in nature, of dark or natural wood finish and with non-reflective roofs.

(d) Electric power and telephone lines to and within the property will be placed underground.

(e) Exterior neon or flashing lights will not be used.

(f) Signs will be limited to one approach sign within one mile of each side of the entrance to the business on main highways and one identification sign at the entrance; signs will not exceed 40 sq. ft. in area.

(g) Waste and sewage disposal will meet all requirements of the water pollution control regulations of the Idaho State Board of Health and any applicable sanitary code of the county; in addition will be of such character and so located as to have no detrimental affect on adjacent property.

3. Minerals may be extracted from the lands patented under the mineral laws of the United States in accordance with the following standards:

(a) Adequate provisions will be made to assure that tailings, dumpage, mill wastes, or materials removed from excavations are not deposited, directly or indirectly, in the springs, streams, ponds, or lakes.

(b) Provision will be made to assure that no other deleterious material or substances damaging to fish and wildlife are deposited into springs, streams, ponds, or lakes.

(c) The area of land utilized or disturbed in the mining operations will be the minimum necessary to accomplish these operations in the common or usual manner of the area and for the type of minerals involved.

(d) Cutting of timber for mining operations or to obtain materials for use in the mining operations will be done in accordance with practices and procedures no less stringent than those required in the removal of timber from the National Forest lands in the National Recreation Area and with similar provisions for the disposal of slash and the avoidance of damage to the soil.

4. Development of lands with permanent residences, often representing a material investment, and requiring roads, public utilities, water and sewage facilities, will be consistent with the overall plan of development of the recreation area; and the purposes for which it is established only if lands to be so developed meet the following standards:

(a) The structures will not be visible, or will be inconspicuous and unobtrusive, from highways or from loop or other roads to be developed for recreationist and tourist use within or adjacent to the National Recreation Area.

(b) The location is such that the placing of permanent dwellings upon the lands will not substantially interfere with public use of the NRA as that use will develop under plans for optimum public enjoyment consistent with the resources of the area.

(c) Lands are physically suitable (1) for development without the hazard of substantial erosion or siltation of streams or are so located that any erosion of soil that does take place will not result in siltation of streams and (2) for disposition of sewage within the tract being developed in such manner as to have no adverse affect on adjoining properties.

(d) Additionally, waste and sewage disposal will meet or exceed the requirements of the water pollution control regulations of the Idaho State Board of Health and any applicable sanitary codes of the county.

(e) Not more than one single family dwelling, with appurtenant garage and not to exceed two other outbuildings, shall be placed upon any lot.

(f) Minimum lot sizes will be as follows:

In areas of heavy timber (300 trees per acre if average tree is 9 inches in diameter or larger; 400 trees per acre if average tree is less than 9 inches in diameter)—one acre exclusive of roads;

In areas of scattered timber, open timber, or openings surrounded by denser timber and not otherwise visible from the main travel route—5 acres exclusive of roads;

Non-timbered area (so situated that structures would be inconspicuous and non-intrusive when viewed from several travel routes)—10 acres exclusive of roads.

(g) Architectural styles will be limited to those compatible with the western ranching environment; building exteriors including roofs will be dark or natural wood finish and non-reflective. Dwellings will be not less than 600 sq. ft. of floor space in size; dwellings in heavily timbered areas may not exceed 24 feet in height; those in scattered timber or open areas 16 feet in height.

(h) Clearing of timber will be limited to that necessary for roads and access and for a reasonable clearing to accommodate the dwellings and other buildings.

In addition to the above, standards may be necessary to provide for continued use of existing airfields and their expansion where necessary; for expansion of the town of Stanley; to assure public road rights-of-way; and very likely to meet

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.

If you couldn't, and if he proceeded or tried to proceed, you would have to take action against him. At that point, you would be in litigation to determine the value.

We would, in effect, condemn the scenic easement, and the court would make award accordingly. And likely the value would be the difference in terms of what it would have been worth for a honkytonk and what it would be worth for the use subject to the scenic easement.

Senator JORDAN: I am raising the question now just to make the record. It is a good time to make it.

Secretary FREEMAN: It is, indeed.

Do you wish to add something to that, Chief?

Mr. CLIFF: As I understand, the way this works, a man is immune from condemnation even from a scenic easement as long as he complies with the standards. But if he chooses not to comply with the standards, then he subjects himself to condemnation for scenic easement. And if he proposes an objectionable development that was not in accordance with the standards, then this gives the Secretary the authority under the provisions of this bill to take action to condemn a scenic easement.

And under the condemnation proceeding we would have to go to court, and the court would determine the value. We would first, of course, try to negotiate with him and reach an amicable settlement. If we couldn't do that, then we would have the authority to condemn a scenic easement. That is one of the main features of this bill.

The private owner is protected in his present use in that he isn't subject to condemnation except for very limited purposes. New uses could also be made as long as he is not interfering with the purposes for which the act is passed.

If he doesn't comply, then, with the standard set up by the regulations, he subjects himself or exposes himself to a possibility of condemnation of the scenic easement.

Senator JORDAN: There is really a question there. At that point, does he have to perform an act in violation of the standards or does he have to notify that he intends not to live up to the standards?

Mr. CLIFF: No, I don't think he would need to perform an act. He wouldn't need to start tearing up the country in order to get us to move. As a matter of fact, we envision that we would want, in order to get the kind of controls that we need to obtain scenic easements on a majority of the private lands. The standards will vary from place to place, depending on the character of the land and just how exposed it is to public view. But we would, in due course, want, I think, to get scenic easements on a great deal of this private land. And we would start out by negotiating the scenic easements to assure compliance. This would take some time. And I am sure there will be some problems.

But the man wouldn't have to start tearing up his land in order to get us to act. We would be moving on this, working these things out in advance as much as possible.

Senator BIBLE: Let me ask just a couple of more questions, Mr. Secretary, and Mr. Cliff: How many mining claims are there within the taking area?

Mr. CLIFF: We estimate that there are about 88 patented mining claims within the area and about 200 unpatented claims.

Senator BIBLE: There are 88 patented mining claims and 200 unpatented mining claims? Are any of these mining properties in operation?

Mr. CLIFF: None in active operation that I know of. Now, this area has had a history of mining, a rather colorful history of mining.

Senator CHURCH: Particularly down in the Atlanta area.

Senator BIBLE: I was going to ask a question on that next.

Mr. CLIFF: The town of Atlanta is an old mining town that dates back to the 1860's, as I remember. Now, the proposed area would exclude the townsite, but would include some of the patented mining claims that are shown here in white. And part of our proposal is that we restore and try to influence as much as we can the people to restore this old mining camp, in all of its western tradition.

Senator BIBLE: I was going to ask that question next and go into this to see what type of a project you are launching. But my purpose now, Mr. Cliff, is to find out what you propose doing with a man who owns a mining claim. I own a mining claim, and I am thrilled at the way the price of silver is coming back. And it is down in the Atlanta district. I have 10 patented mining claims there. I would like to go in and mine, because silver is going up to \$1.75 or \$1.90 on the market today. It is \$1.80 an ounce, and it is going to go to at least \$2.50. Can I go in there and mine my mining claims on which I have paid taxes these many years, can I go in and do it?

Mr. CLIFF: Yes, you could. The same provisions, however, for certain standards would apply. We can set standards.

Senator BIBLE: You can set standards for a mining man mining his mining claim? How do you do that?

Mr. CLIFF: For any private property under this bill we can set standards.

Senator BIBLE: What kind of standards are you going to set for this man that has paid taxes since Atlanta was at the height of its glory in 1860, which is 107 years ago, and he and his heirs have lived continually in hope that it is going to come back, and they want to go in and mine this mining claim?

Now, you say they can do it, because they own it.

Mr. CLIFF: They own it. And they have all the property rights that they have always had.

Senator BIBLE: I understand. But they are going to go in there with bulldozers and modern equipment, and they are going to dig up the surface and put in glory holes. Are you going to permit that?

Mr. CLIFF: Mining would be permitted under the provisions of this act, the extraction of minerals would be permitted under the provisions of this bill. As a matter of fact, I would hope that there would be some revision of mining to restore some of this color of the Old West. And if this could be done in Atlanta I think it would be wonderful.

We would be authorized under this act to set some standards to protect the streams from pollution and to protect the scenic values. These standards would probably go to such things as the disposal or the depositing of tailings, the mill wastes, to put them where they wouldn't be objectionable. And primarily we would be concerned about keeping deleterious materials out of these important spawning streams.

Now, if the miner didn't comply with these standards, and his property was depreciated by our action, we would have to pay him for the value that has been sacrificed. But mining, just as ranching or other activities, would be permitted as long as they do not interfere in a material way with the major purposes of the act.

Senator BIBLE. I think there is something fascinating about mining. I think it attracts a lot of people. And I would like to see it.

I want to ask you about section 8. I want to develop what you could do on a patented mining claim, or an unpatented one, either one.

Section 8 says:

The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this act, including, but not limited to, the restoration and maintenance of the historic setting and background of the old mining town of Atlanta and the frontier ranch-type town of Stanley.

Now, that is colorful and intriguing and very gripping language.

How much will it cost?

Mr. CLIFF. The town of Atlanta is the old mining town, Stanley is an old western ranch town. They will both be outside of the boundaries of this national recreation area, but right next to it.

The land and the improvements, the facilities are privately owned. We would anticipate that the restoration of these towns, and building up the flavor of the Old West in them, would be accomplished largely by private owners, private enterprise. We would be prepared to give technical advice and maybe help with research. We could enter into cooperative arrangements with private individuals or communities to provide these kinds of technical assistance.

Senator BIBLE. I think all this is wonderful. But my question is, how much of the Federal dollar would it take?

Mr. CLIFF. The amount is very minimal, compared with the figures we have been talking about. And I would be glad to supply that to you.

Senator BIBLE. Very minimal is what—a hundred thousand dollars, \$200,000, \$500,000, or a million?

Mr. CLIFF. I would prefer if I could, Senator, to go through a little thinking about what that would be. It depends a great deal on just how much cooperation we can get from the citizens.

Senator BIBLE. That is what worries me. Because if you don't get the cooperation—you will be coming to the Appropriations Committee, in which I wear another hat, and I will be hearing you, because you have appeared—I happen to be on the subcommittee that the Forest Service comes before repeatedly—and I am just wondering how much money you will be asking to restore the old mining town of Atlanta and the frontier ranch type town of Stanley. I am not saying that this is wrong or it is bad, but in a day of tight budget restrictions I want to be sure we know exactly what it looks like at the other end of the room.

Mr. CLIFF. Our proposal contemplates that this will be done primarily, almost exclusively, with private capital. And we would be there trying to get it, encourage it, and furnish some technical assistance.

Senator BIBLE. I wish you would place some type of overall Federal limitation on it if you can. I realize that these are your hopes. But you want this private cooperation, and if you don't get it, will you go forward?

Senator CHURCH. I want to emphasize at this point that these two towns are not included within the recreational area.

Mr. CLIFF. That is correct.

Senator CHURCH. So they don't fall within the authority for acquisition of easement that is ordinarily applicable within the area. In other words, if these towns are going to be developed as we hope, it will have to be done by the cooperation and efforts of the private owners. And the Forest Service is going to be necessarily confined to giving technical assistance, advice, and encouragement to the local townspeople to proceed on that kind of a community development plan.

Isn't that correct?

Mr. CLIFF. That is correct.

Senator BIBLE. That may be true. But there is a section 8 in here which is not in a separate act, it is in the Sawtooth National Recreational Area bill, giving specific authority to the Secretary to cooperate. And every time you give that authority, that cooperation has always been fouled up by budget requests for money.

Senator CHURCH. My only point, Mr. Chairman, is that all that the bill authorizes is cooperation. It doesn't authorize condemnation, the right to acquire with public money, or anything of that kind. And the towns themselves do lie outside rather than inside the recreation area.

Senator BIBLE. I just want to know where section 8 is leading, that is all. And if it does nothing more except to have a little inexpensive cooperation from the Forest Service, I think that wouldn't be bad. But if we find out that this is launching us into a complete restoration similar to Williamsburg, which is a wonderful thing, I would have some doubts. I just want to know where I am heading.

Senator JORDAN?

Senator JORDAN. One other question. Because the national recreation area is a relatively new concept, I would ask you, from your experience in the promulgation of standards in other national recreation areas, what procedures have you followed in setting up these standards and promulgating them? Do you give due notice, do you hold hearings, or do you just dictate a standard off the top of your head and it becomes the rule, and so forth?

What do you do?

Secretary FREEMAN. In this case, Senator Jordan—and I will refer to the Chief for more details on the specifics, some of the current ones—the standards that are set down by administrative regulations will be done in accordance with the Administrative Procedure Act. This would involve a holding of hearings before they could have the force of law.

Mr. CLIFF. This act is different from any of the acts which set up the other three recreation areas. In the case of the Whiskeytown-Shasta-Trinity, there is private land inside of the part of unit that is administered by the Forest Service.

And the law passed by the Congress setting up that area provided that the use of private land will be governed by local zoning authorities. And the standards for the zoning have to comply with the standards set by the Secretary.

So long as people comply with local zoning which is in accordance with these standards, they are immune from condemnation of their land, just the same as in this case.

But that is a little different approach. Provided they are on local zoning, then the zoning was developed in conformity with the Department of Agriculture's regulations. It is similar but different.

Now, we don't have a comparable situation in either of the two national recreation areas that we administer in the East. We don't have the provision for establishing standards in either case.

Senator JORDAN. Because you are dependent on local zoning ordinances.

Mr. CLIFF. In the East we would depend on local zoning. The situation as to private ownership is different. We have authority to acquire easements. And I don't recall exactly whether we have a restriction against condemnation of easements or not.

But in both instances in the East—one in the Monongahela National Forest in West Virginia—we propose to leave a considerable part of the private land in private ownership. We want to keep it in farms, pastures, and to maintain a pastoral setting in these mountain valleys, but we would attempt to keep it that way by acquiring scenic easements and paying the people for the difference in the land values.

The same situation applies in the Mount Rogers area, where there is some private land.

Senator JORDAN. In this bill, then, we are plowing new ground, it is an area where we don't have the exact experience to refer to?

Mr. CLIFF. That is correct. This would be a new departure; it would be really pioneering, and it is an innovation which is tailor-made by the two Senators from Idaho to fit Idaho conditions.

Senator JORDAN. We like the challenge of that. We did a similar thing in the Lewis Park National Historical Park. That was a new concept. And I believe it is working out admirably. I have heard no complaint whatever about the administration and the operation of that concept. And I am hopeful that we can work out something here that will be a new departure and will be feasible and will operate to the benefit of all concerned.

Senator BIBLE. Any further questions?

Thank you very, very much Mr. Secretary, for your presentation here this morning.

And you, too, Mr. Cliff.

Senator CHURCH. Mr. Chairman, I think the testimony that these gentlemen have given us has been excellent.

Senator BIBLE. It certainly has.

We are going to take in the nature of a modified station break and look at some pictures now, which I am told will take about 5 minutes. And then we are going to proceed. We have five Idaho witnesses, we have Mr. Pomeroy and Mr. Ed Crafts, and I think we can complete this morning.

(Showing slides.)

Senator BIBLE. Gentlemen, we will resume with the hearing.

The pictures tell of the great beauty of this area.

The next witness is LeGrande Nelson of Twin Falls, Idaho.

Mr. Nelson, we are very happy to have you here with us this morning, sir.

STATEMENT OF E. LeGRANDE NELSON, TWIN FALLS, IDAHO

Mr. NELSON. Senator Bible and distinguished gentlemen, I am submitting this statement concerning S. 1267 as a deeded landowner in the area incorporated in the proposed Sawtooth National Recreation

Area and as a resident of the State of Idaho. It is also made as a representative of other substantial landowners in the area.

It is most important to recognize two factors in the evaluation of S. 1267 or any similar legislation.

First, that there is a growing emphasis and even need for recreational facilities and the preservation of natural beauty for this and future generations.

Secondly, that the residents of the sparsely populated and scenic Western States will be proportionately more affected by this problem, and further, that in terms of numerical representation in Congress, they will be in the poorest position to defend themselves and their property rights in the event of a Federal acquisition.

In the light of these two factors, it becomes increasingly important that special care be exercised in drafting this comparatively new legislation which may well serve as a pattern for future legislation.

The response of the honorable Senators from Idaho to the opinions and needs of the deeded landowners in the Stanley area has been most gratifying. Senate bill 1267 represents a direct and equitable reaction to the testimony at the Sun Valley hearing on the original Senate bills 3294 and 3295. It recognizes a very basic principle necessary to this type of legislation; namely, that the protection, operation, and administration of the area will be the responsibility of the Forest Service; here their discretion should end. Whatever they might be, they are not a judicial or legislative body and the rights and dignity of deeded property owners should not be subject to their judicious whims. Theirs should be the responsibility to answer to the landowners beyond the rights which have been taken from the owners and given to the Forest Service under this law.

By so testifying, I do not mean to discredit the many commendable accomplishments of the Forest Service. I do mean to be realistic. I do not believe that the Forest Service is being forced into the protection of the area. I do believe that their authority and control will be a growing and demanding thing. This may even be by necessity but whatever the reason or however meritorious their reasons, the fact is that as they take so gives the deeded landowner. It is for this reason that I urge you to draw a distinct line between the administration of the land and the protection of the landowners in the wording of this legislation.

In theory, the right to exchange and the right to hearings offer some protection, but these are more theoretical than practical. Exchanges under the proposed law, if desired by the landowner, would be strictly at the discretion and generosity of the Forest Service. Hearings are the slow, tedious, and costly tools of the unhurried.

The real protection of the landowner lies in the sections dealing with scenic easements and compulsory Government acquisitions at the owners' demand. There is considerable livestock business in the area but the most economic use of this land will ultimately be related to its scenic beauty and recreational potential. The current land values are substantially higher than the current capitalized agricultural earnings of that land.

The right to capitalize on this beauty is as valuable to the Stanley landowner as the oil rights on a Texas ranch. If these values are not real, then the Federal Government has no business moving into this area as a protector and administrator. The scenic values and the

deeded right to capitalize on these is the heart of the land value and the heart of this legislation. One cannot and must not be considered without the other.

As a concession to public opinion, I urge this committee and the Congress, to give the Forest Service whatever rights are necessary to protect the land, but to also give compensating rights to the landowner to protect himself. The Forest Service should not serve in both the field and the jury box. Scenic easements should provide reciprocal protection for the land and landowner, and this recourse should be available to either party on an independent basis. Paragraph (d) in section 5 should be for the sole protection of the landowner and serve as an escape hatch from a world of shrinking land rights. It is more important to have our rights under this section absolute than to have them vague and more generous. There must be no legislation by regulation in this area. The wording and intent of this law should make this clear.

Senator BIBLE. Do you think it does?

Mr. NELSON. I understand that there has been a discussion with the Forest Service, particularly with relation to the scenic easements. In other words, they have felt that a man who was in the livestock business there could make a demand on them for money, say, to restrict him from subdividing, and he could say, I have made \$100,000 today, I have just sold a scenic easement to the Federal Government. The point that we are overlooking, or that anyone who talks that way is overlooking, is that that man has given up the heart of his land, he has given up a very valuable right. And I believe that it is most essential that this be clear to anyone. They talk about the future recourse in the event that you are unable to make a settlement in court. And if this is the case, then I think it is most essential that the wording of this law be such as to show clearly that the committee intends to protect that landowner and the value of his property.

Senator CHURCH. Mr. Chairman, may I say in that connection that this very paragraph—as I recall it, LeGrande, we inserted this in the bill as a result of your particular testimony at the Sun Valley hearings last year. And I think we ought to read it into the record just to make legislative history on this bill, because its purpose is to protect the landowner. That subsection reads—

Where an owner of private property within the exterior boundaries of the recreation area at the date of this Act or his heirs desires to dispose of such property to the Federal Government the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof that may have resulted from the promulgation of regulations, zoning or scenic easements as a consequence of the establishment of the recreation area.

And then it provides for a 10-year period within which to exercise the option.

What we were trying to do there, as you will recall, is to make certain that an owner with a ranch property, let's say, who binds himself to be subject to certain regulations with respect to its use, zoning regulations, does not suffer a substantial decrease in the value of the property by virtue of those regulations, and goes uncompensated for it. In other words, we wanted to make certain that he would have the option if he chooses to do so to get the full value of his property without suffering a diminution of that value without compensation. And I think it was as a direct result of your testimony that this provision was included in the bill.

Senator BIBLE: The section would seem to do that.

Senator CHURCH: Yes; that was the whole purpose of the section. And we tried to draft it as clearly as language could make it to protect the right to the property.

Senator BIBLE: Senator Jordan, questions?

Senator JORDAN: No questions.

Senator BIBLE: Further questions?

(No response.)

Thank you very much for your appearance here today. This has been very helpful and informative. This is the type of record we want to make. You have heard what Senator Church has said. And I hope this is what this particular section does.

Our next witness will be Mr. John H. Breckenridge, of Twin Falls, Idaho.

Mr. Breckenridge:

STATEMENT OF JOHN H. BRECKENRIDGE, TWIN FALLS, IDAHO

Mr. BRECKENRIDGE. Thank you, Mr. Chairman.

May I proceed, sir?

Senator BIBLE: Yes; you may, sir.

Mr. BRECKENRIDGE. Mr. Chairman, Senators Church and Jordan, my name is John H. Breckenridge. I live in Twin Falls, Idaho. I own a livestock ranch in the Sawtooth Valley. My father purchased the first part of this ranch 40 years ago, and I started working on the ranch 35 years ago. For the last 20 years, I have been the owner of the ranch. I have made some additions to it, and I have made a number of improvements such as new irrigation, reseeding, and so forth, so I know the area quite well. I am appearing before you on my own behalf and on behalf of the Sawtooth Valley Association, an association of a majority of the landowners in the Sawtooth Valley, and the north side communities, a group of the chambers of commerce of south-central Idaho.

I would much prefer to see the area remain under the present management system. It has been private development of the Sawtooth Valley that has created the ranches and the mining towns which S. 1267 is designed to preserve. Without irrigation, the lush green meadows on which sheep and cattle graze would not attain their present beauty. In many cases they are the product of reseeding in better grasses in addition to irrigation. But if Congress in its wisdom decides to create a national recreation area in this valley, I hope that the law will be one which protects the rights of the residents and property owners of the area as well as the right of the public to view the scenic wonders present there.

You will recall that last year this subcommittee held hearings on two bills relating to this area. One bill would have created a national park, the other a national recreational area. The hearings were held in Sun Valley, and a large number of local residents testified. Most of them opposed any change in the status quo, but to the extent Congress decided a change was necessary, they strongly favored a national recreation area over a national park. This bill reflects that preference, and I am deeply appreciative of the efforts of its sponsors, Senator Church and Senator Jordan, to take into consideration the points brought out at that hearing.

One other point brought out last year was the fear that the zoning ordinances provided in S. 3295 would be used to restrict development so severely that they would amount to a taking of private property without just compensation. S. 1267 represents an effort to avoid such a result, and, I think, evidences the intent of the authors to fully protect the property rights of the private landowners of the area. I certainly support such an approach, and hope that the legislative history will further reflect this intent.

I have asked my attorneys to review S. 1267, and they have made a number of suggestions which are consistent with this intent. To the extent that my remaining comments become somewhat technical, I am reflecting their advice as well as my own feelings.

One important question to be resolved, which I do not believe is clear in the bill, is whether any further subdivision at all is to be allowed. Certainly everyone is in agreement that uncontrolled subdivision could destroy the scenic values of this area. Some existing subdivisions have probably contributed to fears that unless some legislation is passed, these scenic values will be permanently lost. But proper subdivision is not a bad thing. For one thing, it may provide homes available for rental to the tourists who come to the area. For another, it may encourage centralization of homes, rather than having them scattered all over the area. If they are properly located and set back from public view, such centralization may be an advantage.

Senator CHURCH. May I just interrupt there for a moment to say that I think the standards that the Secretary has submitted for the record this morning will make clear that future construction of homes is not precluded as long as it fits a pattern that provides suitable protection.

Mr. BRECKENRIDGE. Senator, that is my understanding.

Senator BIBLE. And I might interject there to say that I would hope that the committee would make a Thermo-Fax, or whatever it is, of the proposed guidelines, as the Secretary calls them, and furnish you with a copy of them to see if they do say what you are trying to do. Because I have learned time and time again, as a result of many hearings in this difficult national recreation area and park area, that so often the people with whom we are talking and with whom we are trying to hammer out a bill and work the bugs out of it, are not on the same wavelength, and we don't completely understand each other. And I think we should make it abundantly clear so that everybody understands what we are trying to do in this bill. And I would suggest that a copy of these proposed guidelines be furnished to you for later comment by yourself and your lawyer.

Senator JORDAN. And the record will be held open.

Senator BIBLE. The record would be held open, I would think, for a period—we have plenty of time, because we are going to have a week's vacation during Labor Day, and I am hopeful that we can move this bill, which has had many years of intensive microscoping, so that I think it has evolved into a very fine bill now. We have a few bugs to work out.

Senator CHURCH. May I suggest 2 weeks?

Senator BIBLE. I would think that that would be about right. We would hold the record open until, say, September 5, which I think would be sufficient.

Senator CHURCH. For the submission of any further comments you wish to make.

Senator BIBLE. It will be held open until September 5, which is a Tuesday.

Senator CHURCH. And in accordance with your suggestion, Mr. Chairman, may we have these proposed guidelines duplicated and furnished to each of the Idaho witnesses who come and testify today so that they will have the benefit of it.

Senator BIBLE. Without objection that may be done.

You may continue, sir.

Mr. BRECKENRIDGE. Thank you, sir. And I would appreciate the proposed regulations being sent.

Senator BIBLE. They will be furnished you before you leave today. I think we have a Thermo-Fax or Xerox machine.

Mr. BRECKENRIDGE. I am concerned that such subdivision may be prohibited altogether by the Secretary of Agriculture. This appears to be the effect of regulations issued by the Secretary of the Interior for the Cape Cod National Seashore, which govern local zoning ordinances. These regulations provide that "undeveloped areas will be preserved in a natural condition (36 CFR, sec. 27.3(b)), and only allow construction of residences on existing lots."

I realize that historically the National Park Service, under the Secretary of the Interior, has been much less tolerant of private land use than the Forest Service, under the Secretary of Agriculture. However, I fear that increasing pressures for beautification may change the Secretary of Agriculture's attitude.

The only indication we have so far of how the Secretary of Agriculture may handle such problems are proposed regulations for the Whiskeytown-Shasta-Trinity National Recreation Area, which were published in the Federal Register on May 6, 1967 (32 F.R., 6979). In effect, for the Whiskeytown unit, they prohibit construction of residences on property containing less than 3 acres, unless a lesser acreage was in separate ownership and in a recorded subdivision prior to the creation of the recreation area. The effect will be to prevent future subdivisions within that unit. The other units may be developed at a density not exceeding two residential units per acre, which would seem to permit subdivision.

Which approach might be taken in the Sawtooth Valley I can only guess. Therefore, if Congress feels that some properly controlled subdivision is proper, I would urge that this bill make that quite clear. For example, section 3 of the bill lists three purposes for which the Secretary shall administer the area. The third purpose includes the multiple-use concept on federally owned lands, to the extent it will not conflict with the first two purposes. Since the Secretary will also be exercising control over privately owned lands through the issuance of regulations, it might be well to include some reference to these lands, to indicate the congressional intent that full development of private lands will also be permitted to the extent it will not substantially impair the first two purposes.

Section 5 of the bill appears to be intended to meet many of the objections to the previous bill concerning zoning which effectively takes the value of property without compensation. My attorneys feel this section is rather curiously drafted, however, and may not fully achieve these ends. First, it does not limit in any way the Secretary's

power to condemn the fee interest in any land within the recreation area. The only specific limitation on the Secretary's power is contained in subsection (e), which limits the Secretary's right to condemn property for easements for access to public property to not more than 5 percent of all private property in the area.

Subsection (c) authorizes the Secretary to acquire scenic easements, but it does not limit the Secretary's authority to such acquisitions. I would guess that this was the purpose of section 5—to limit the property acquired to scenic easements and that property which is actually required for easements for access to public property. I would also assume that the regulations which the Secretary is authorized to issue governing the use of privately owned property, under subsection (b), are intended to cover only situations where acquisition of a scenic easement is not appropriate. In other words, I doubt that the sponsors of the bill contemplate that these regulations would absolutely prohibit a use of the land, such as a residential development. Such a prohibition may deprive land of a substantial portion of its value, and certainly zoning ordinances which flatly prohibit the highest and best use of land constitute a "taking", for which the owner must be compensated. I hope that if such a prohibition is desired for an area, that the bill's sponsors expect the Secretary to acquire a scenic easement. The bill does not make this clear, however.

Senator CHURCH. At that point, are you satisfied that the testimony this morning clarifies that point? Because we dwelt on that at considerable length.

Mr. BRECKENRIDGE. I think that the testimony this morning, Senator, certainly did clarify a lot of the points which I am covering at this point. The only reason for my reiterating and running the risk of imposing on your time is to further emphasize the necessity of verification, if not through the bill, then certainly in the legislative history which has been done this morning.

Senator CHURCH. Yes. I think, too, that this point ought to be made clear in the record, Mr. Chairman, that accompanies the bill, so that there is no ambiguity on this score.

Mr. BRECKENRIDGE. Later in my testimony I will submit, and will not read, a proposed revision of section 5, which I would hope that you would want to consider if you think it is necessary.

Subsection (b) refers to review of regulations pursuant to sections 7 and 8 of the Administrative Procedure Act. In view of the fact that a thorough revision of that act is proposed in S. 158, on which hearings have been held, I wonder if a specific reference to sections of the present act is necessary, or if it may create confusion in the future.

Another question relating to such regulations is when they should be subject to court review. My attorneys tell me that the problem of "ripeness for judicial review" is a difficult one, and it is often impossible to secure court review of regulations until after they have been violated, which could create serious problems of administration here. As an example, regulations might be promulgated prohibiting any subdivision of a large area. Clearly such a regulation will substantially reduce the value of land which might otherwise have been subdivided. Such a flat prohibition amounts to a "taking" of property, for which the Constitution requires compensation. Yet there is a large and respectable body of case law which suggests that an affected landowner may not challenge the validity of such a regulation until

it is enforced against him; that is, until he has violated it by subdividing the land. Another unfortunate situation might arise where, after the enactment of such regulation, a landowner wished to sell his land to a private purchaser. Obviously, the purchaser would not be willing to pay a price which valued the land for subdivision purposes. The seller, however, could not obtain more, nor could he challenge the regulation without first violating it. Such a situation might force the landowner to bring in bulldozers and carve out roads, in order to force the Secretary to go to court to enforce the regulation, where its validity could be challenged. Obviously this would be contrary to the spirit of the bill.

And parenthetically, may I say that you have touched on that.

Senator JORDAN. Yes. Are you satisfied with the colloquy that we had with the Secretary and Chief Forester in this regard?

Mr. BRECKENRIDGE. This appeared to clear up this question quite a bit, Senator. I personally would feel better if some language were contained in the bill which would spell out this a little bit more clearly in general terms.

Senator JORDAN. Will the language that you recommend later cover this to your satisfaction?

Mr. BRECKENRIDGE. Yes.

Another aspect of the same problem relates to the acquisition of scenic easements. The bill places no duty on the Secretary to acquire such easements, but simply authorizes their acquisition. Thus, if a landowner who has not sold the Secretary a scenic easement wishes to either develop this property or sell such an easement, he can do nothing but negotiate with the Secretary concerning a fair price. Condemnors and condemnees often have widely varying ideas on what constitutes a fair price, and it is only the prospect of going to court that forces each side to give a little.

If access to court were eliminated, it seems doubtful that a price would ever be negotiated. This section provides for no such access. There is no way a landowner can force the Secretary to acquire a scenic easement, with the possible exception of beginning to subdivide his land. Again, this remedy seems contrary to the purposes of the bill, and an alternative remedy should be given to the landowner.

Subsection (d) relates to the same general problem, and raises some of the same difficulties. It appears to refer to the disposition by landowners of their fee interests in such lands. The reference to "private property" and "such property" could also refer to the disposition of scenic easements, but in view of the subsequent reference to decrease in value that may have resulted from the acquisition of scenic easements, I doubt it. The subsection allows the landowner to be compensated for the value of his land, plus compensation for the decrease in value resulting from regulations, zoning or easements which may have restricted its use to something less than its highest and best use. The difficulty with this provision is that in order to obtain compensation for that part of his property that has already been taken, the landowner must sell the remainder of what he owns—the fee interest in most cases. Thus, if all of the landowners are to receive full compensation for what will be taken from them, they must sell out entirely to the Federal Government within 10 years, or lose their right to full compensation. If this is so, within 19 years we may see the end of ranching in the area, and the Federal Government may acquire far more private land than it needs or wants.

Senator CHURCH. Let me say in that connection that I think that is a strange interpretation that your lawyers have placed on that section. The reason we put it in the bill is simply to take care of the landowner who wants out. And if we hadn't put it in the bill, then we might have been faced with the problem that is envisioned here where a man had no way to get full value for the land if he didn't want to live within the pattern of zoning that had been established. The purpose here, I would think, is to protect the man that doesn't want out and make sure that he gets the full value, if that is the course he wants to choose.

And I think for the man who wants to stay, and is willing to negotiate a scenic easement, or who wants to go to court to have the values determined, he has that other alternative. And I think we should make it clear that these alternatives are available.

I simply want to emphasize that section (d) was put in really as a result of testimony at the Sun Valley hearing for the man who wanted out, to make certain that he gets the full value of his land as it now exists, and that is that value computed on the basis of unencumbered land other than on the basis of the value of the land after the zoning regulations have been established.

Mr. BRECKENRIDGE. I think your statement to Mr. Nelson certainly tended to clarify this section, Senator. I appreciate it.

Senator BIBLE. You may proceed.

Mr. BRECKENRIDGE. This section also raises the question of how a landowner can force the Secretary to purchase these fee interests, so that full compensation can be realized. And you have touched on this subject. The Secretary may not have sufficient funds authorized to purchase all of these lands within 10 years, and a landowner cannot bring suit for compensation for land which the Secretary has not taken. I am not aware of any remedy available to force the Secretary to acquire land which he does not want.

And may I say parenthetically here, Senator Church, that the funding moneys for this bill may place a little bit different light on subsection (d). If the Secretary doesn't have the money, how are you going to get out if you want to get out?

The best solution to this dilemma, of course, is to make it clear that the regulations do no more than any reasonable zoning ordinance, and do not restrict the highest and best use of the land. Such regulations should not have any serious effect on property owners to sell out in order to obtain compensation.

Based on these assumptions, I would suggest that section 5 might be redrafted along the following lines. Rather than take up the committee's time by reading the entire section, I will merely refer you to the printed copy of my statement.

(The draft of section 5 follows:)

As used in this Act, the term "scenic easement" means the right to control the use of land (including the air space above such land) beyond the right of control normally present in proper zoning regulations, in order to protect the esthetic values for the purposes of this Act, but shall not preclude any customary or traditional use exercised by the owner prior to the acquisition of the easement.

(d) Where an owner of private property within the exterior boundaries of the recreation area as of the date of this Act, or his heirs and devisees, desires to dispose of such property to the Federal Government, the Secretary shall purchase said property at a price that shall include compensation for any decrease in the value thereof that may have resulted from the promulgation of regulations or zoning as a consequence of the establishment of the recreation area. In the

event the Secretary and the owner are unable to agree upon the purchase price, and the Secretary declines to complete the purchase, the owner may file a complaint setting out these facts, together with a good and sufficient deed to the property, in the United States District Court for the District of Idaho. After the filing of an answer by the United States, the case shall be treated to the extent possible, in the same manner as an action for the condemnation of property brought by the United States.

(e) The limitations hereinabove set forth on the authority to condemn an interest in lands shall not apply to property which the Secretary determines to be needed for access to and utilization of public property: provided, that if the acquisition for such purposes shall not exceed five per centum of the total acreage of all privately owned property in the recreation area as of the date of this Act.

SEC. 5. (a) The authority of the Secretary to acquire an interest in private property by condemnation shall be limited to the acquisition of scenic easements and easements for access to and utilization of public property, as hereinafter described.

(b) The Secretary shall make and publish regulations setting standards for the use, subdivision and development of privately owned property within the boundaries of the recreation area. Such regulations shall be generally in furtherance of the purposes of this Act and shall have the object of assuring that the highest and best private use, subdivision and development of such privately owned property is consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area. Such regulations shall be as detailed and specific as is reasonably required to accomplish such objective and purpose. Such regulations may differ amongst the several parcels of private land in the boundaries and may from time to time be amended by the Secretary. All regulations adopted under this Act shall be promulgated in conformity with the provisions of the Administrative Procedure Act. The United States District Court for the District of Idaho shall have jurisdiction to review such regulations after their effective date, upon a complaint filed by any affected landowner, in an action for a declaratory judgment.

(c) Whenever the Secretary determines that the highest and best private use of privately owned property within the boundaries of the recreation area, as regulated by the regulations authorized under subsection (b), will not be consistent with the purposes of this Act and with the overall general plan of the Sawtooth National Recreation Area, the Secretary is authorized to procure scenic easements within the boundaries of the recreation area. Such scenic easements may be procured by gift, purchase with donated or appropriated funds or otherwise, or by the exercise of the power of eminent domain.

Senator BIBLE. We will ask the two cosponsors of the bill, together with their very able staffs, and the staff of this committee, to take a look at your suggested language.

Mr. BRECKENRIDGE. Thank you, sir.

It may be that some of these assumptions are unwarranted. I hope not, for they contemplate no more than compensation for all that is taken. Furthermore, it contemplates compensation at the time of the taking rather than at some later date. The bill as presently drawn appears to defer compensation for property taken by the enactment of regulations until the landowner sells the remainder of his property to the Federal Government. In view of the fact that in such a case the Secretary does not need the rest of the property, that is, the fee interest, this solution may pose serious constitutional problems. In order to obtain compensation for a partial taking of his property—restrictions on use—the landowner must sell to the Secretary property which the Secretary does not need—for which there is no public purpose, and which he would not have authority to condemn. Furthermore, deferral of compensation may also pose constitutional problems, all of which can be avoided by restricting the use of zoning regulations to their customary function, and authorizing the Secretary to acquire scenic easements when he desires any further protection of scenic values.

Like most of the ranchers in the area, I have spent all my life there. In general the development of the Sawtooth Valley has not been in conflict with the goal of preserving the scenic beauty of the area. Talk of creation of a national recreation area has not created any rush to subdivide land in order to frustrate the restrictions which may later be placed on undeveloped land, or in order to inflate property values for condemnation purposes. The people of the Sawtooth Valley are supporting the creation of a national recreation area on the assumption that it will not arbitrarily affect the reasonable use of their property. I hope that if such an area is created, this assumption will be justified.

Thank you for permitting me to appear here today.

Senator BIBLE. I want to compliment you, Mr. Breckenridge, for an unusually fine and very carefully considered and objective statement. This is one of the finest statements that I have been privileged to hear in my day's work on the Park Committee. You point out some of the problems that face us, and you make some suggestions for changes. And I think it is an outstanding statement.

Mr. BRECKENRIDGE. Thank you, Senator Bible.

Senator CHURCH. I want also to join in that, Mr. Chairman, and also to say that your objective and ours are certainly the same. We are trying to draft this bill in such a way that the people in Sawtooth Valley will not arbitrarily be affected in the reasonable use of their property. And if there are ways that words can accomplish this, and we can find them, those are the words that we will use.

Mr. BRECKENRIDGE. I believe this to be true, Senator.

Senator CHURCH. And you have been very helpful to us in fashioning this legislation. Your testimony earlier at Sun Valley was very helpful.

Senator BIBLE. Senator Jordan?

Senator JORDAN. I, too, want to commend you, John, on a very fine statement. Your testimony is constructive. And I assure you that we will look over your suggestions, and when we go into executive session to write up this bill, we will take them under serious consideration.

Just for the record, I noticed that you and your family have been in the valley a long time. How long has that been?

Mr. BRECKENRIDGE. About 47 years.

Senator JORDAN. Nearly half a century?

Mr. BRECKENRIDGE. Yes.

Senator JORDAN. I have been on your ranch. It is indeed a beautiful ranch. It shows loving care in the conservation practices that you have employed there to make it productive. It was raw sagebrush land when you went on there. And you put water on it and you seeded grasses on it to make a turf that looks like a golf course. It is a wonderful pasture improvement. And I want the record to show that you have improved the carrying capacity of that range—how much would you say over the original land?

Mr. BRECKENRIDGE. I would say that we used to operate about 600 ewes and their lambs, and maybe 25 head of pure-bred yearling rams. On just a few more acres, with the improvements that we have employed, we can now operate approximately 2,000 ewes, 5,000 to 7,000 feeder lambs, and in some years, 200 or 300 head of cattle, with the addition of approximately 160 acres to the original ranch.

Senator JORDAN. It is manifold that you have increased the productivity of this ranch, and not only the productivity, you have added to the beauty and development of the entire valley by making it a green picture and a beautiful valley.

Mr. BRECKENRIDGE. We love that country, Senator. And we have tried not to detract from its view.

Senator JORDAN. You have been a very constructive developer.

Senator BIBLE. Thank you very much for a very fine statement.

Our next witness is Mr. Ernest Day. We heard his voice a little earlier in connection with the slides.

We are very happy to recognize you, Mr. Day.

Mr. DAY. May I have Mr. Kimball accompany me?

Senator BIBLE. We are always glad to see Tom Kimball. I didn't see him on the witness list, and I wondered what he was doing here.

Senator CHURCH. Whenever you are dealing with country like that shown in the pictures you will always see Tom Kimball.

And also Ernie Day is one of our outstanding outdoorsmen.

**STATEMENT OF ERNEST E. DAY, BOISE, IDAHO, IDAHO WILDLIFE
FEDERATION, ACCOMPANIED BY TOM KIMBALL**

Mr. DAY. This may be redundant, Mr. Chairman, but if you would like to thumb through these while I talk it would take a little of the edge off of it [handing pictures to chairman].

Senator Bible, Senator Church, Senator Jordan, and members of the committee, I greatly appreciate the opportunity to appear here before you today to make a few brief remarks regarding S. 1267, the Sawtooth National Recreation Area bill.

I am Ernest E. Day. I reside at 420 Crestline Drive in Boise, Idaho. I wish to appear here in behalf of the Idaho Wildlife Federation, an organization of nearly 20,000 sportsmen and conservationists. I am a past president of that organization and have here a letter of authorization from President Art Manley, who made a statement last year at the field hearings in Sun Valley, Idaho. At our general State convention in Pocatello in April 1967, the Idaho Wildlife Federation passed a resolution reaffirming our stand on the Sawtooth recreation bill as expressed by President Manley.

I also appear here today as a regional director of the National Wildlife Federation, an organization with 50 affiliates across our Nation. I also represent this organization today.

And I hope that perhaps Mr. Kimball can add something to my remarks later.

Last week was spent by my family and me at a ranch we have purchased in the Sawtooth Valley near Obsidian. I was exceedingly impressed by the many different county license plates on the automobiles of Idaho citizens vacationing in this wonderful heartland of Idaho. Their number seems to increase geometrically each year—especially with the completion of the paving of U.S. 93 from Sun Valley and the new time and mile-saving Stanley-Lowman Highway from Boise. Many Idahoans are just now discovering the recreational opportunities of this area.

But with all of this increase in Idaho vacationists, I was more impressed by the fact that out-of-State autos outnumbered Idaho's by nearly 2 to 1.

I might add that most of them are Senator Kuchel's from California.

Senator BIBLE. We have quite a few of them stop over and pay their dues to Nevada from your State.

Mr. DAY. I am sure that is true.

Senator CHURCH. May I just interject, Ernie, to say that we changed the language of the bill to state affirmatively that the primitive area and the summits of the Sawtooth are intended to be included as a part of the wilderness area under the provisions of the Wilderness Act. You will remember that your testimony on that area, and that of others of the wildlife groups, emphasized this point. And we have now made the language of the present bill conform as closely as we can to your intended purpose by stating in section 7 that recommendations and other procedures of the Wilderness Act shall apply to the Sawtooth primitive area and adjacent to the Glacier National Forest. The Secretary of Agriculture shall comply with the provisions of such act in relation to such primitive area in an expeditious manner.

Since we did have a Wilderness Act which sets up the procedure for including primitive areas in the wilderness area, we thought we simply could not disregard this act, but we tried to make this language as affirmative as possible to expedite the processing of this primitive area and its orderly inclusion in the wilderness area.

Mr. DAY. I notice that this is much better than the one——

Senator JORDAN. The Secretary did speak to it this morning.

Mr. DAY. Yes. And it was gratifying. My concern was that we bring all this extra publicity and people into this area, and if we didn't have the highly fragile country classified, it would suffer in the interim between that and reclassification. I am happy to see that——

Senator CHURCH. I think this will actually lever the Secretary along to get the job done.

Mr. DAY. I hope so.

This is now truly a national recreation area and the ever-increasing pressures emphasize the immediate need for more complete facilities and more stringent ground rules to save this exceptional natural asset.

The field hearings, I am certain you will remember, showed a vast preponderance of local citizens favoring the recreation area concept as against that of a park. The area is of national significance and while the wishes of us in the area are important, we should not lose sight of our responsibilities to so manage and protect this area for all the people of the Nation—just as much as the Cape Cod Seashore, or the North Cascades, or other national treasures which must be preserved for all of our people, present and for generations to come.

My concerns regarding this Sawtooth area are several:

As you know, I am sure, this area is of two distinctly different types. The Lower Sawtooth Valley and Stanley Basin with its large meadows, beautiful lakes, and macadamized access are suited, under wise planning and management, to provide mass recreational opportunities to motor-oriented vacationing.

The Sawtooth Primitive Area is in distinct contrast, with its alpine fragility due to the smallness of its lakes, the thinness of its soil mantle, its very short growing season, and its preponderance of granite ruggedness to its narrow vegetated valleys.

My main concern, frankly, is preserving this primitive area as completely as possible. We are disappointed that S. 1267 does not

accomplish simultaneous reclassification of this area as wilderness, under the specifications of the Wilderness Act. We noted that a majority on both sides of the Sun Valley hearings were in agreement that this area should be designated as wilderness as soon as possible. I am encouraged that the bill states in section 7 that "* * * The Secretary of Agriculture shall comply with the requirements of section 3 of said Act [of Wilderness Act] in relation to such primitive area in an expeditious manner." Nearly complete hearings were held in Boise 3 years ago relative to this reclassification and a good record was made for its accomplishments.

Of large concern to us is the desirability for immediate measures to prevent further losses to the naturalness of the lowland valley areas. Many conservationists feel that S. 1267 is too little and too late. So please let us not tarry in this overdue protection. We are certain that the recreation area would be capable of much earlier accomplishment and this is one of the main reasons for our support of this concept.

A third concern is over adequate funding for this national recreation area.

This was touched on this morning by the Chief and the Secretary, and it sounds like part of our concern is groundless.

At Sun Valley, Robert Smylie, then Idaho's Governor, stated it succinctly:

Traditionally, when an area has gained the status of a National Park, the Federal Congress has seen fit to appropriate moneys to develop and manage those areas at an enviable level of excellence * * *. We must manage this resource, and this cannot be done without sufficient funding. Once again, however, we base our endorsement of the National Recreation Area proposal on our faith in the abilities of our Congressional Delegation to secure adequate funding.

If this concept proves unsatisfactory, or funding is inadequate, the Park's proposal can be examined at a later time.

We were somewhat concerned, because in the funding section of 1267 it said that moneys could come from the land and water conservation fund, and I couldn't ascertain that there was any other provision for other appropriations other than the land and water fund. And I understand that there is quite a bit of strain on that now. So if this is made a national recreation area, we feel that there should be additional funds prorated to implement it and carry it out.

Senator BIBLE. I would hope that we can realize your wish. But this is a difficult area, you must understand. The demands on the Federal dollar are terrific. The land and water conservation fund doesn't produce enough to meet our present commitments. I am a member of the Appropriations Committee, and I sit on this subcommittee, and we just do our level best to meet the commitments after we have authorized the parks. We have authorized a lot of parks, national recreation areas, and seashore areas in the last few months. And Ed Crafts is here, and he will be speaking very shortly, and we will just do our level best and try to fund it as best we can. But those demands come to us from every nook and cranny of the Nation, from Cape Cod, which isn't completely funded, and Point Reyes, which was authorized at \$14 million, and is now going to cost \$57 million, and Assateague here in Maryland—we just do the best we can, but if anyone thinks that the minute that we authorize this act it will be funded, that isn't true. And you do have extremely old representation in the Congress of the United States, and they are

there before this Appropriations Committee every time saying, Brother Day told us that we simply have to have this money, or we can't go back to Idaho. And they put on an effective case. But the demand for money is terrific.

Mr. DAY. As a taxpayer, I would be the first to defend your watching the purse very carefully. But I would also like to emphasize the uniqueness of this area. This is something special——

Senator BIBLE. I know it is.

Mr. DAY (continuing). As a lot of other places are, but I am advocating this one. I make no apologies for it. It is great. And I want to see it done right. And in comparison to some of those others that you mentioned it would be relatively inexpensive, I am sure.

Senator BIBLE. I heard the price tag this morning. I don't know whether \$9 million is relatively inexpensive or not, or a total development of \$27 million. It is a matter of judgment, I think. But I have found all of these become expensive. And I think they are great additions to our overall park and recreation area. But they all cost money, whether the Park Service does it or the Forest Service does it, it is going to cost you money. And there are just so many dollars to go around. We will do the best we can. I have noticed that Idaho certainly gets a tremendous amount of that Federal tax money. You are very well represented. An awful lot of it comes back to Idaho.

Mr. DAY. Thank you.

Senator CHURCH. May I just say here, Ernie, that our purpose in putting in section 12 was, of course, not to restrict the development money to the land and water conservation fund, but just to make it clear that this is an authorized use for that money. It was to add a source that we thought was appropriate for development and acquisition.

Mr. DAY. And the point I am trying to make, Senator Bible, is that while this may be expensive now, in the very near future, as was the case just by the population explosion, it will be much more expensive later, and it might be a good investment to nail down as much of it as we can right now.

Senator BIBLE. I couldn't agree with you more. If we could come up with this magic formula it would help a good deal. Senator Kuchel has gone. He mentioned Point Reyes. That was authorized at \$14 million, and it is costing us \$57 million. And that is true of every park that is created. If we had the dollars in the left hand to do what we authorized to do in the right hand we would be in a far better business position. But we haven't come up with the magic formula of being able to do this. And we have siphoned off funds in various ways to create the outdoor recreation fund and the land and water conservation fund. So we are doing everything we can to acquire these properties just as quickly as we can.

But you are right, every day's delay is going to cost us more. We all have the same philosophy, we are all trying to do the same thing, but we haven't got the magic answer yet. But we are going to do our best to see that you are funded at an early date.

Mr. DAY. Fine. Thank you.

Another lesser concern is the fact that the Forest Service's management plan is not, at present, too well defined. I am of the personal opinion, however, that the same organization which many years

ago established the Sawtooth Primitive Area and promulgated and enforced its rules, will in this case do an adequate job for the Sawtooth National Recreation Area.

I think also, on the point that was brought up earlier, that BLM lands, the small acreage of those that are included, could perhaps best come under the jurisdiction of the Forest Service within that area.

Senator BIBLE. That makes sense to me. And I defer to the sponsors of the bill.

Mr. DAY. In short, then, gentlemen, S. 1267 has in principle been endorsed by the citizens of Idaho, is in the best interests of the Nation, and is of immediate need in protecting and managing the ecological frailties of this superb resource.

We urge speedy passage of S. 1267 without further weakening amendments. Thank you.

Senator BIBLE. Might I ask just a few questions.

Do you have any reliable visitation figures in this area on an annual basis?

Mr. DAY. I don't. I am sure Mr. Cliff's organization does. We have been vacationing in that area for about 17 or 18 years. And all I can say is that every year it always seems to be double. I know that is not true, but it is a geometric progression of people in this area. And we are just now getting the main highway from our State capital to this area. And there is going to be almost an explosion in that area in the near future.

Senator BIBLE. I know that these figures have been developed in the field hearings, and I just didn't have them in mind.

Senator CHURCH. The Secretary had them to present to us this morning, and they are now in the record. They show that the figure has jumped from 338,000 visitors in 1965 to 420,000 in 1966, and they expect a million by 1968.

Senator BIBLE. Those are the figures I was looking for—338,000 in 1965, 420,000 in 1966, and they estimate that in 1967 it will be 750,000, and by 1975 it will be 1,200,000.

Mr. Kimball, do you have anything that you want to add?

Mr. KIMBALL. Just a couple of comments, Mr. Chairman. One is that I am hopeful that the other body will consider this legislation if it is acted on favorably by the Senate, so that we can favorably resolve this question.

Senator CHURCH. We keep living with that hope.

Senator BIBLE. Is your observation prompted by some doubts?

Mr. KIMBALL. Yes; it has been, and especially since I have read that perhaps the House committee will adjourn.

Senator BIBLE. I think this has only been—I don't know that they are going to adjourn, I think the statement was made that they will consider no legislation after September 1. However, I think there always are certain exceptions. I think that statement was made at a time when it appeared that we might go out early in September. But probably we will be lucky now if we are out early in—I don't know which year.

But in any event that is something that should be directed, as you well know from your many years on the Hill, to the other side of the legislative aisle. We are going to do our best on this side and try to get

it done without delay so that you can work on the other side as soon as you get it done.

Mr. KIMBALL. We plan to do that, Mr. Chairman. And we hope that you will help us.

The other thing is that in connection with funding—this has concerned our organization for quite a number of years—we have noted that while many of these projects, parks, and recreation areas, have been authorized, that they really haven't been funded to fully implement the objectives of the various bills that have been passed. And I am hopeful that some formula can be worked out. I am sure that recreationists in general would follow the pattern of the wildlife people in being willing to produce additional revenue to do this job properly, coming primarily from those who utilize the recreational resources.

Senator BIBLE. I would hope that observation might be right. I don't know. I have a flood of mail on raising the duck stamp tax. And I could give you many other examples. Ed Crafts is an expert in this. You try to get the man who is using the boat—you are going to charge him so much to put it into Lake Mead or Glen Canyon, or back of an Army reservoir. And my mail doesn't reflect what you are saying, Tom, but I hope that they would be a little more willing to go along with what you have just said. But the feeling is expressed to me that, we are taxpayers; we pay too doggoned much in taxes, and the very least that we should be able to do is put our boat without charge upon a lake which you people authorized and created and funded. And human nature is a very strange sort of thing. And this has been my impression. I would share your hope that maybe they could pay more, but every time you start putting the taxes on it the mail goes up.

Mr. KIMBALL. I know that you hear from these people that feel that way, and those that go along with the procedure don't take the time out to write and express their viewpoints. But I know that as far as the wildlife people are concerned, they have traditionally made their own way, and are hopeful that the recreationists will do the same.

Senator BIBLE. I would share that.

Mr. KIMBALL. This additional cost that we are talking about—the point raised as an example is the result of the nature of the Congress to appropriate sufficient funds in time to really move in and do the job. It gives land speculators time to force up the price of the land—

Senator BIBLE. Again, I couldn't agree with you more. But I suppose in this game of life you have got to list priorities. I suppose Vietnam becomes one and Defense may be two, and maybe education three, and maybe health and welfare next. And there are just so many dollars to go around. And sometimes we just can't create enough dollars with a great budget deficit to do all these things. I will agree with you, we still have to get the dollars.

Mr. KIMBALL. I agree with you, Mr. Chairman. And you have been the champion of the conservation cause for a great many years. And I am just hopeful that when you put on your other hat as an Appropriations Committee member that somehow you can readjust within that budget limitation and find a little money for the Sawtooths.

Senator BIBLE. I am sure we will. I am very optimistic about that.

Senator CHURCH. Let me just say, Tom, with respect to your first point, asking help over in the House of Representatives, that I have found out in 11 years in Washington that Senators are off limits in the House of Representatives. When it comes to action over there

you must look to your elected Congress. And I would hope that citizens groups that have had a great interest in the Sawtooth natural recreation area as well as, I might say, the Wild Rivers bill, and other important conservation measures, will go to work expressing that citizen's interest through their Congress, so that we can get some responsive action in the House of Representatives.

Mr. KIMBALL. We certainly plan to do that, Senator Church.

Senator BIBLE. Senator Jordan.

Senator JORDAN. No questions.

Senator BIBLE. Thank you very much, gentlemen. Your testimony is very helpful. And we will do our best to move forward on this bill without delay.

Our next witness is Mr. Ken Pomeroy, chief forester of the American Forestry Association.

**STATEMENT OF KENNETH B. POMEROY, CHIEF FORESTER,
AMERICAN FORESTRY ASSOCIATION**

Mr. POMEROY. Mr. Chairman and members of the committee, I am Kenneth B. Pomeroy, chief forester of the American Forestry Association.

The Sawtooth Mountains of Idaho hold a special attraction for members of the American Forestry Association. One officer of the association was born in that area. Another director has climbed every major peak. Other officials have visited the area from time to time. The association also has conducted several of its trail riders of the wilderness expeditions into the most remote mountain valleys.

And I would like to say that we have discontinued that activity, because we consider these valleys to be too fragile for our type of activity. We have horseback expeditions, and there isn't enough foliage to take 30 or 40 head of horses into some of these remote areas.

All of our people urge that the Sawtooth Mountains be designated as a national recreation area.

Mr. Chairman, it is a pleasure to come before you on a subject that we are wholeheartedly for.

Senator BIBLE. We are delighted to have your endorsement. It is always of value to have additional recreation.

Thank you, Mr. Pomeroy.

Senator Church?

Senator CHURCH. I endorse your statement.

Senator BIBLE. Senator Jordan.

Senator JORDAN. I endorse it also.

Senator BIBLE. Thank you, Mr. Pomeroy.

Our next witness is Dr. Edward C. Crafts, Director of the Bureau of Outdoor Recreation, Department of the Interior.

**STATEMENT OF EDWARD C. CRAFTS, DIRECTOR, BUREAU OF
OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR**

Mr. CRAFTS. Senator Bible, Senator Jordan, and Senator Church, I do not have a prepared statement. My remarks will be very brief.

You do have before you the report of the Department of the Interior on this bill. The facts in the case have been presented. The evidence has been given to support the character of this area by previous

witnesses. I personally am familiar with the area, and can certify to its outstanding characteristics.

The joint Forest Service-Park Service report of about a year ago outlined two alternative approaches. One was for a national park and the other one was a national recreation area. The Sawtooth area is one of the areas that have been under consideration by the two departments during their efforts to work out an agreement over administration of areas for recreational purposes that in the past have been the subject of controversy or disagreement between the two departments. I am happy to say with respect to the Sawtooth area that the Interior Department supports the creation of a recreation area and its administration by the Forest Service.

You will note that the report of the Department of Interior on S. 1267 states that it has no objection to the enactment of the bill. I have been authorized by Secretary Udall to modify that statement, and to say on the contrary that the Department supports and recommends the enactment of the bill.

I am also instructed to advise you, as the report states, that the National Parks Advisory Board did express an interest in the Sawtooths as a possible national park last October, and had planned to designate a subcommittee to visit and look at the area.

However, this was almost a year ago, and has not occurred. And it may or may not occur.

If they make a visit to the area, it may include the White Cloud and Castle Peaks area to the east of the Sawtooth Valley.

But I am making these remarks to clarify the record and not in any way to throw a cloud on the progress of this bill or to suggest—

Senator CHURCH. Not even a White Cloud?

Mr. CRAFTS (continuing). Or to suggest that there be any deferment on the passage of this bill, not even on White Cloud.

However, I would say that, since national recreation areas are somewhat new, up to now the administration of such areas has been divided between the Park Service and the Forest Service. The national recreation areas are sort of what you might call a halfway house between a national forest and a national park. I think that a national recreation area should be more than simply changing the name of an existing national forest area and putting a new name on the same thing and managing it in the same way as it has been managed in the past.

I do believe that this bill and the testimony this morning makes clear that this national recreation area would be something more than the normal multiple-use national forest administration.

Among other things, it would make recreation the primary purpose of the management of the area and it would authorize acquisition by fee and easement of certain private lands within the Sawtooth Valley and the Stanley Basin which are now outside the boundaries of the national forest. It would permit the Secretary of Agriculture to establish certain regulations with respect to the conforming use of private lands in the area. With respect to the 10,000 acres of BLM land that have been mentioned by previous witnesses, I believe it is reasonable to expect that the Secretary of the Interior, upon request to the Secretary of Agriculture, would transfer those lands to the Department of Agriculture, and they would become national forest lands and part of the national recreation area.

Land and water conservation fund money, assuming there is money in the fund, would also be made available for the purpose of acquisition of fee title or easements of the private lands.

It would, of course, bring tourism and recreation to the area through the congressional establishment of a national recreation area which has become a very popular instrument or vehicle of congressional recognition in the last several years.

Hunting and fishing would continue in the area and water rights would be unaffected.

I do want to underscore the fact that a national recreation area is intended to be something more than above the normal multiple use of the national forests. I would hope that the record and the legislative history that is made here would recognize and support this.

Beyond that, Mr. Chairman, I have nothing more to add, unless there are some questions.

Senator BIBLE. I think that is a very fine statement. Certainly I share all the views that you have expressed. I am not quite clear as to this halfway house between the Forest Service and the National Park concept. And I hope that the legislative history is such that we are clear as we read it in the future that what is being done here does largely use the multiple-use concept.

You can fish on the area just as you can in a national park. You can hunt there, which you cannot in a national park. You can develop a mining claim there, which you cannot on a national park. And you can have grazing and permit the running of cattle and sheep, which you cannot on a national park.

Senator CHURCH. And you can keep your private land.

Senator BIBLE. And you can keep the private land, which you can do in a national recreation area such as Cape Cod. But what else is there that is really different? I don't know that the record is too clear on this halfway business.

Mr. CRAFTS. The primary difference, Senator, as I see it, is that recreation becomes the primary purpose of management of the national recreation area. And in the national forest recreation is one of five coequal purposes of management. And the management of the timber and the grazing and the water and the other multiple uses of the area are to be handled in a way that does not impair or infringe upon the primary purpose of managing that area for recreation enjoyment. There is a fundamental distinction between a national recreation area and a national forest.

Senator BIBLE. Maybe it is a change of emphasis. I continue to be somewhat mystified by the Bureau of Land Management, which originally was set up largely to administer the Taylor Grazing Act. And now it seems to me they are bending more and more toward recreational uses, acquiring land. And so again I hope we are avoiding—and you are a good catalyst in the field—the competing agencies all running where the popular demand is, to the recreationists, and all trying to get in the same general field. It leaves me just a little perplexed as to how you draw the lines. Because certainly there is great recreation within the Forest Service right today. You know that. And there certainly is with BLM. At least they are trying to get their foot in the door, and to become more and more recreationally oriented rather than their prime objective of administering the Taylor Grazing Act.

But I wanted you to make a very clear record on this. It strikes me that the two Senators from Idaho have brought this committee a bill that is very ideally situated to this particular area and the problems that it has and the conflicting interest that it has. And I think they are to be commended for it. I know the sentence in your official report that says there is nothing in the creating of this bill that shall preclude later consideration for the creation of a national park. I don't suppose there is anything to prevent some future Congress from creating a national park with its more restrictive limitations. And maybe we have to wait and see how this works out. But I would hope that the area that has been worked out here after so many years and months of painstaking effort on the part of Senator Church and Senator Jordan is not to be taken as another halfway step to what somebody ultimately hopes to create out of this area. I hope we are getting the job done when we finish it. I don't know whether we are or not. I don't know whether or not your paragraph means that.

Mr. CRAFTS. That paragraph, as I understand and interpret it, Senator Bible, is a reflection of the interest of the National Parks Advisory Board which I have described, a reflection of the thought that maybe some years in the future, I don't know whether it will be 10 or 20 years, or how long it might be, when the demands for the use of our wild lands are such that this area might again be promoted as a national park, it is not intended to indicate that there will be an immediate proposal for a national park in this area in the next year or two. It is recognition of the superlative character of this area. This area in many ways is not much different than the Grand Tetons and the Jackson Valley that lie a couple of hundred miles to the east. This is a reflection of the high quality and caliber of the area. It is not intended to be a block or a hazard in the progression of this bill to the Congress, or a suggestion that there would be an immediate change proposed in the next several years.

Senator BIBLE. I am happy to hear that, because we are acting in good faith. And certainly the people who have holdings in this area should be convinced and persuaded that when we create this creation area we are not going to use that as a stepping stone to create a national park just a few years hence, and then undo something which we have carefully written and guaranteed and almost contracted that we would do in this bill.

This is what I am trying to say, because this led, as you very, very well know, to probably 50 years of problems in the Grand Tetons? And I don't want to have this happen again. I hope that it will last for many, many years, I won't say forever, because forever is a long time, but at the—at least for the near future, that is the way this area should be created, operated, and maintained, this is my impression from the witnesses of the Senators from Idaho.

And they are here and they can speak for themselves.

Senator CHURCH. I appreciate your saying that, Senator Bible. And I think Senator Jordan will agree. We believe this is the best solution, the best plan for the area. And this is the plan that we are endorsing and supporting. We joined in working out this proposed legislation as the best answer.

I do want to say, however, Ed, that I think the Department of Interior and the Secretary, is to be commended highly for having reached an understanding with the Secretary of Agriculture on this

area, so that we can avoid a fight between the Park Service and the Forest Service. Frequently we have seen these two great fiefdoms balancing one another, when it looked to us from the outside like the interest of each fiefdom was placed higher than the general public interest. And I think that this has been avoided. A joint study was made. The Department of Interior has cooperated in the conclusion that we reached from that study, and has come here today to endorse the recreation area. And I think that speaks well for the Secretary of the Interior and for all of you who have been associated with the recreational side of Interior's responsibilities.

Mr. CRAFTS. Thank you, Senator.

Senator BIBLE. Senator Jordan?

Senator JORDAN. May I add my voice to say to my great friend, Ed Crafts, that we did appreciate your coming here, because as keen as this rivalry is between the two Departments, we appreciate the fact that you have worked this out to your own satisfaction, and that the judgment was made as far as the two Senators are concerned after the hearings at Sun Valley and the testimony of the people who came there and spent their money to testify in favor of the national recreational area over a national park.

So I just want the record to show that as far as this country is concerned, this is the end of it. We don't have any halfway ideas in mind. And we think that this can be worked out on this basis better than any other to meet the needs of all the public interests affected.

Senator BIBLE. Thank you very much. And thank you, Ed, for your very helpful testimony this morning.

The record will be kept open until September 5 for other additional information that may be furnished, which will be included in the record at this point.

(The data referred to follows:)

STATEMENT OF THE IDAHO FARM BUREAU FEDERATION

We welcome the opportunity to testify on S. 1267, a bill to establish the Sawtooth National Recreation Area. The Idaho Farm Bureau Federation has a voluntary membership of 11,500 paid family memberships. Because our policy has long been in support of multiple use of our natural resources and realizing that the future potential of this area lies mainly in recreation, we wish to support the creation of a National Recreation Area, administered by the Forest Service.

We realize that to accomplish the creation of a National Recreation Area it would be necessary for Congress to adopt legislation which would direct that the lands be administered primarily for development of out-door recreation and that other resources be utilized to the fullest extent compatible with this over-all objective.

But we recommend maximum protection be given to private ownership of land and business that fall within the boundaries of this area in the purchase of property, and in the determination of what is or is not compatible with this objective.

Livestock grazing and forage production, tourist trade, guiding and outfitting services are important to the established local economy. Many people within the area and in surrounding communities depend on these resources for a livelihood.

Timber harvesting and grazing of livestock are permitted on National Forest Lands under multiple-use management policies. Any change of these policies in order to make them compatible with the Recreation area could drastically influence the economy of the area.

Our concern for this was magnified by section 7 of SB 3295 and by the part of the "Proposed Regulation of the Secretary of Agriculture Governing the Administration of National Forest Wilderness" which is found on page A-1 and A-2 of the publication "Managing National Forest Wilderness", which states, "In carry-

ing out such purposes National Forest Wilderness shall be managed to promote, perpetuate, and restore the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration and primitive recreation. To that end * * * d. Wilderness values will be dominated in resolving conflicts in resource use." If wilderness values are to be dominant, then we feel private ownership must be given maximum protection. It has been reported to us that approximately 9% of the private lands in Custer County would be removed from the county tax rolls. Legislation should provide there be no loss of revenue to the counties involved.

We are of the opinion that a National Recreation Area could promote better management needs, provide continued multiple use of the natural resources of the area in an economical and efficient way with the least adverse influence on the established local industries such as livestock, mining, timber, etc., under this maximum protection.

A National Recreation Area has many advantages over a National Park in the management of wild game, in retaining opportunities for private land owners to continue to expand uses and in minimizing the amount of land taken out of private ownership. It could assure widest variety of uses and economic benefits for all concerned.

We request that this letter be made a part of the hearing. Thank you.

STATEMENT OF GLENN BREWAR, STANLEY, IDAHO, REPRESENTING THE CITY COUNCIL AS MAYOR AND THE CHAMBER OF COMMERCE

Gentlemen, subsequent to the hearing on a National Recreation area in the Sawtooth Mountains held in Sun Valley, Idaho during June, 1966, Senate Bill 3295 was printed, and since reading the Bill a great many residents were led to believe that certain things pertaining to our most scenic country would be preserved and protected in order to retain such beauty for future generations.

In any event Senate Bill 3295 speaks of the preservation of our Sawtooth Mountains and of the protection of the scenic, historic, wildlife, and other recreational values. A section of the Bill, in order to protect such preservation, states that the area must be zoned with respect to use, acreage frontage, set backs, architecture, and building materials used to maintain the ranch-type atmosphere.

We who opposed a National Recreation area wanted a Sawtooth National Park such as would have been created with Senator Church's First National Park Bill. The minority, however, was not satisfied and wanted a National Recreation area. Yet still, with Senate Bill 3295 the minority is not satisfied, and does not want zoning. Now it appears there will be no zoning, only scenic easement. FOR WHAT?

The conditions which prevail along our highways—A-frame buildings, airports adjacent to the highway, to mention just two, do nothing to create a Western atmosphere.

In addition, our Federal Government and our State are fighting pollution. I would like nothing better than to have the pollution committee come to Stanley and let me show them what the Forest Service has done to our country with their camp grounds along the Salmon River, our lakes and streams.

I, like so many, many others in Idaho, believe a Sawtooth National Park would mean so much more to the state as a whole and certainly would protect our scenic beauty. There is very little grazing, no good timber, and mining authorities from the University in Moscow, Idaho, after a three-year study, have found no worthwhile minerals in the area. The same applies to a two-year Government study of the same area which is just being completed.

If we can't have a National Park, and we are not going to zone a National Recreation area, let's forget it all and let man destroy our scenic beauty as he has in so many other places.

I thank you for this opportunity. Maybe you can reconsider for a National Park.

[Attachment]

Following is a statement of the tourist dollars spent here since 1962, which are very interesting:

	Thousands
1962.....	\$464
1963.....	390
1964.....	240
1965.....	1, 180
1966.....	300
1967 (to Aug. 18th).....	140

ADRAIN BURSTEDT,
Cashier, Custer County Bank.

STATEMENT OF THEODORE HOFF, JR., VICE PRESIDENT AND GENERAL MANAGER,
HOFF LUMBER CO.

Mr. Chairman, I am Theodore Hoff, Jr. of Horseshoe Bend, Idaho, and I am vice president and general manager of the Hoff Lumber Company located at Horseshoe Bend, Idaho. I am presenting this statement before your committee as president of the Southern Idaho Forestry Association.

The members of my association are in favor of Senate Bill 1267 which is a bill to establish the Sawtooth national recreation area in the State of Idaho. My association has been in favor of a portion of this proposed Sawtooth recreational area as a wilderness area and is in favor of the United States Forest Service continuing to administer the public lands in the proposed Sawtooth national recreation area.

We are in favor of the multiple use law passed by Congress and wish that this Sawtooth area would continue to be managed by the United States Forest Service. This is in order that utilization and disposal of natural resources such as lumber, grazing, recreation and mining can be continued in accordance with this proposed recreation act and the multiple use act.

We are in favor of Senate Bill 1267 in that the law will allow the Secretary of Agriculture to cooperate with other Federal agencies and with State and other local public agencies.

It is mentioned in the act that "Nothing in the act shall affect the representation and responsibilities of the State of Idaho Fish and Game Commission to exercise provisions of the State law with respect to hunting and fishing." My association is heartily in favor of this portion of the proposed act.

In conclusion—

1. We wish to emphasize the necessity of adequate provision to insure prevention of infestation of the timber by disease and insects. This can be accomplished by private logging and manufacture of the timber in coordination with the recreational use;

2. Permit utilization of the sizable potential for future high quality winter sports development on lands outside of the wilderness;

3. Minimize the amount of land which would be removed from private ownership;

4. Permit measures to improve livestock range, game forage and fishery habitat: Prevent floods and impound water to the extent compatible with overall recreation values;

5. Assure control of deer and elk herds at levels consistent with the capacity of winter ranges as hunting is allowed and encouraged in national recreation areas within national forests; and

6. Retain opportunities for private landowners to continue and expand tourist services and other uses where compatible.

STATEMENT OF WILLIAM G. GUERNSEY, BOISE, IDAHO

My name is William G. Guernsey. I live in Boise, Idaho and am self-employed as a forestry and land management consultant. I am here to report my views concerning Senate Bill 1267, a bill to establish a Sawtooth national recreation area.

I have carefully examined the Sawtooth Mountain area study summary report prepared jointly by the U.S. Forest Service and the National Park Service. I wish to take this opportunity to commend the two Government agencies for the detailed analysis made of the Sawtooth Mountain area resources and manage-

ment opportunities and for what appears to me to be a clearly stated and unbiased report of their findings. I also express my appreciation to this committee for conducting this hearing so that the views of interested people and organizations can be heard and considered in deliberations about future management of the Sawtooths.

I strongly support multiple use principles in the management of most of this Nation's public lands. The growing population and increasing resource needs—food, fiber and recreation opportunities, including wilderness—required that this type of management be applied to most of our land base if these demands are to be reasonably met.

The national recreation area idea is, to me at least, a comparatively new one, and praise Idaho's two Senators and the park service-forest service study team for considering this. I believe this management concept is eminently well suited to the Sawtooth country. In general, it appears such a designation, along with reclassification of the primitive area as wilderness, will very appropriately recognize the scenic and recreational endowments of this land and provide for their intensified protection and the widest opportunity for recreation use and enjoyment. It will also, as I understand, provide for other resource uses such as grazing, lumbering, mining, ranching and hunting to the extent they are compatible with recreation values.

I strongly endorse the national recreation area concept of management for these specific reasons:

1. The national recreation area concept offers the broadest range of outdoor recreation opportunities. Hunting and fishing will continue under State administration and regulation. Organization camps operated for the benefit of youth will continue. The winter sports potential can be fully developed. Year-round recreation attractions can and will likely develop.

2. Big game animals can be kept in balance with their habitat through sport hunting. An established local outfitter business can continue.

3. The timber, forage, mineral and agricultural resources of the area can continue to furnish food, fiber, and minerals to growing population, contribute to the local economy and minimize disruption to established ranching and lumbering enterprises.

4. It will minimize possibilities for duplication of management and development and maximize opportunity for coordinated effort through one-agency management of the national recreation area, Sawtooth wilderness and surrounding national forest land. The same level of development and administration would very likely be more costly if two agencies were involved.

5. Less land would be taken from private ownership if legislation for a national recreation area were enacted.

6. The western ranching atmosphere of the valley lands would be maintained and enhanced under the national recreation area plan. Even though this activity imposes on the naturalness, it is one of the prime attractions of this splendid land as I view it.

7. Maximum opportunity for local, State, and Federal development is provided under the national recreation area designation.

In conclusion, I strongly endorse legislation under management concept provided in Senate Bill 1267.

STATEMENT OF BROCK EVANS, NORTHWEST CONSERVATION REPRESENTATIVE,
SIERRA CLUB AND FEDERATION OF WESTERN OUTDOOR CLUBS

The Federation of Western Outdoor Clubs and the Sierra Club have a long record of concern for the scenic and wilderness quality of the Sawtooth Mountain region, recognizing this area as one of the most beautiful in North America. In the recent past, these organizations have testified in favor of an enlarged Sawtooth Primitive Area, to be reclassified and made a part of the National Wilderness Preservation System, and also in favor of National Park status for the present Primitive Area and the contiguous scenic lands surrounding it, again with wilderness status for the Primitive Area section of the Park.

Our position of concern for the fate of the Sawtooth region remains unchanged today. We still believe that a large National Park, embracing both the upland and the lowland features of the area, is the best possible method of protection for the outstanding scenery of the Sawtooths, including their pastoral foreground areas. We still believe that the present Primitive Area, with additions of contiguous wildlands, must become a part of the Wilderness System. Finally, we believe that

there is an increasingly urgent need for recognition of the outstanding scenic and wilderness qualities of the White Cloud, Boulder, and Pioneer Ranges to the East of the Sawtooths, and eventual inclusion of these areas into the National Wilderness Preservation System.

This summary of our historical position and particular concerns for the Sawtooth region make it plain that we do not believe that a Recreation Area designation is the best plan for the Sawtooths. The area unquestionably and unqualifiedly deserves National Park recognition and protection; the wilderness would be better protected in this way also. However, the Recreation Area designation provided for by S. 1267 can provide at least a substantial first step towards some degree of National recognition and protection for the Sawtooths.

Of particular urgency is the need to put a stop to the proliferation of ticky-tack subdivisions on the floor of the Sawtooth Valley which threaten to destroy irrevocably that magnificent and possibly unique sweeping view across the lush pastoral fields into the jagged high peaks. It appears that the provisions of S. 1267 relating to zoning of private property, and condemnation where necessary, will provide the necessary protection. For the fate of the Sawtooths, hope they will.

We are also concerned about the continuation of the exploitation of commodity resources within the Recreation Area in a manner incompatible with the extraordinary scenic and wilderness qualities of the region. The preamble of S. 1267 makes it plain that the purpose of the Recreation Area is "to assure the *preservation* of", and "to *protect*" the scenic, historic, pastoral, fish and wildlife, and other recreational values of the Sawtooths. (Emphasis added.) And yet, Section 3(3) provides that lumbering, mining, and grazing will continue where it does not "substantially impair" the purposes for which the recreation area is established. Our concern is with the word "substantial", which should be stricken from any final legislation. If the purpose of the Recreation Area designation is to preserve and protect the Sawtooths then it makes no sense to permit a continuation of uses which tend to destroy their scenic quality. To say these uses will not be permitted where they "substantially impair" the purposes of the recreation area, i.e., preservation and protection, is to admit that the continuation of these uses in any degree, particularly logging and mining, will probably have the effect of impairing the recreation area to some extent.

This does not make sense to us. If the recreation area is being set up to "preserve and protect", then no use should be permitted which will impair the area in any degree. The use of the words "substantially impair" gives far too much latitude to harmful exploitation of the area.

Of concern also to the Sierra Club and the Federation is the fact that S. 1267 makes no provision for immediate inclusion of the Sawtooth Primitive area and adjacent wilderness lands in the Wilderness System. We have long believed that designation of wilderness boundaries in the Sawtooths should come first, rather than a blanket classification of the entire area as "recreational". We hope that his bill will not be interpreted by the Forest Service as a mandate to go ahead and invade either the present primitive area or any adjoining de facto wilderness lands which might qualify for addition to it under the procedures of the Wilderness Act. At the very least, the bill should provide for a moratorium on any development of presently unroaded lands within the recreation area until a Sawtooth Wilderness has been established.

The Sawtooth mountain region, including not only the magnificent Sawtooth Range and its foreground areas, but also the White Cloud, Boulder, and Pioneer Ranges to the east, forms a scenic and wilderness complex rare in this nation, and perhaps unmatched in many ways. It deserves the highest degree of protection possible to preserve these qualities for the long-range benefit of present and future generations. We believe that National Park and Wilderness designation of large portions of the Sawtooth region will best do this job. We fear that a Recreation Area designation will not.

SOUTHERN IDAHO FORESTRY ASSOCIATION,
BOISE, IDAHO, August 8, 1967.

HON. FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR FRANK: I appreciated your letter dated July 28th regarding the Senate Sub-committee hearing on Parks and Recreation. This, I understand from your letter, is a public hearing August 23rd on the Sawtooth National Recreation Area.

I am sorry that I will not be able to appear personally and submit a statement on behalf of the Southern Idaho Forestry Association.

Time seems to be of the essence in our business. I know that in a busy schedule you appreciate my problem.

Will you please file these statements at the August 23rd meeting on behalf of the Southern Idaho Forestry Association.

Thank you for your kind assistance.

Yours very truly,

Ted
THEODORE HOFF, Jr.,
President.

THE WILDERNESS SOCIETY,
Washington, D.C., August 22, 1967.

Senator ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: This statement pertains to S. 1267, a bill to establish the Sawtooth National Recreation Area in Idaho, regarding which a hearing is to be held in Washington, D.C. on August 23, 1967. Please make this statement a part of the official record of that hearing.

The Wilderness Society is a national conservation organization of some 37,000 members who are actively interested in the preservation of America's disappearing wilderness resource.

The Wilderness Society, with its members and cooperators in Idaho, has long been identified with efforts to preserve the wilderness of the Sawtooth Primitive Area and contiguous undeveloped National Forest lands. The area has been visited frequently during the past twenty years by both society members and cooperators from other conservation groups who consider it one of the outstanding units of National Forest Wilderness in the United States. On September 4, 1963, Stewart M. Brandborg, our Executive Director testified at a public hearing in Boise, Idaho in support of a Forest Service proposal to establish the area as the Sawtooth Wilderness. On June 13, 1966, I testified before your Subcommittee in Sun Valley, Idaho on bills to establish a Sawtooth National Park and a Sawtooth National Recreation Area. Mr. Brandborg, who is a native of Idaho, and I have spent considerable time in Stanley Basin, the Sawtooth Valley, and the Sawtooth Primitive Area. We find the Sawtooths to be a wild and very beautiful high country that should be given statutory protection as wilderness at the earliest opportunity under procedures provided by the Wilderness Act of 1964.

We are impressed, also, with the great opportunity and the urgent need to preserve the natural aspect as well as the recreational and historical features of National Forest and private lands contiguous to the Sawtooth wilderness. For the most part, these lands represent the valley approaches, the foreground to the wilderness of the spectacular Sawtooth Mountains. They consist of lush meadows and foothills along the headwaters of the famous Salmon River. A number of beautiful natural lakes dot the landscape. White-faced cattle graze in log-fenced pastures, and ranch houses complete the picturesque western setting.

Management must provide for the protection of foreground landscapes. The pastoral Sawtooth Valley contrasted with the escarpment culminating in the jagged spires of the Sawtooth Mountains provides an impressive sight. One without the other sacrifices the natural character of the area.

The natural beauty and western setting of this environment is now threatened by unsightly commercial development of the valley lands. S. 1267, if enacted into law, will help preserve the scenic approaches by preventing development that is incompatible with the scenic and historical integrity of the area, and by providing for the acquisition of lands and scenic easements.

It should be emphasized, however, that while a Sawtooth National Recreation Area will protect the foreground to the wilderness of the Sawtooth Mountains, it will not preserve the wilderness itself. For most man-made developments which would be allowed under S. 1267 would destroy the Sawtooth wilderness if applied to the Primitive Area and contiguous wild lands. Clearly, the laws, policies, and regulations governing National Recreation Areas do not provide adequate safeguards to protect the integrity of wilderness. A National Recreation Area is no substitute for a Wilderness Area. Guidelines for a National Recreation Area control development, while those applying to a Wilderness Area are designed to prevent development. Only statutory protection as wilderness, in accordance with the Wilderness Act of 1964, can be expected to preserve the superb wilderness lands of the Sawtooth high country. Actually, the Sawtooth Wilderness Area, encompassing the present Primitive Area and contiguous wilderness lands should

be established first. Then, the Recreation Area could be logically set up around the Wilderness Area. In order to preserve and enhance the integrity of the total Sawtooth environment, we most assuredly must establish both at the earliest possible time.

In conclusion, The Wilderness Society supports S. 1267 to create a Sawtooth National Recreation Area, providing that it in no way will prevent, interfere with, or impede the prompt establishment of the Sawtooth Wilderness Area of some 200,000 acres, as recommended by The Wilderness Society and other conservation organizations in testimony presented at the Forest Service public hearing in Boise, Idaho on September 4, 1963. A copy of the Society's testimony as presented on that occasion is attached, and we respectfully request that it also be made a part of the record of this hearing.

Thank you for the opportunity to present this statement.

Sincerely,

CLIFTON R. MERRITT,
Director of Field Services.

[Enclosure]

STATEMENT OF STEWART M. BRANDBOG, ASSOCIATE EXECUTIVE DIRECTOR, THE
WILDERNESS SOCIETY

The Wilderness Society strongly supports the proposal of Regional Forester Floyd Iverson for reclassification of the Sawtooth Primitive Area in Idaho as a Wilderness Area. We urge that this proposal be considered favorably and that the Secretary of Agriculture be encouraged, through expression of broad public support, to establish this area as a National Forest Wilderness Area.

In the anticipation of further consideration of the Regional Forester's proposal, we wish to propose the addition of a small acreage to the area which he has recommended for inclusion in the proposed Sawtooth Wilderness Area. This proposed addition, consisting of an area of less than 13,300 acres, would include the wild lands within the Hanson Lakes section of upper Stanley Lake Creek and Trail Creek (about 10,000 acres) and several smaller additions along the northern and western boundaries of the area encompassed by the Regional Forester's proposal. The smaller areas are recommended for addition to the peripheries of the proposed Wilderness Area because of the opportunity they would afford for a special quality of wilderness experience to those who wish to visit wilderness but who are restricted to "at the edge" penetrations instead of more extensive trips into the heart of the area.

THE SAWTOOTH AREA AS A WILDERNESS ASSET

The Sawtooth Primitive Area was set aside in 1937 under the Regulation L-20. Essentially, it has been preserved intact by the Forest Service and we find it today in almost the same wild state, a vast and beautiful high country. It is because of these special scenic and wildlife values that the proposal for reclassification of this area as a Wilderness Area is so earnestly supported.

This designation, which would provide for full public use and enjoyment of the protected wilderness lands by people here in Idaho and from throughout the nation, is consistent with the multiple-use concept as it is being applied today to National Forest Lands. The "Wilderness Area" classification will permit the preservation and use of these lands as wilderness. Thus future generations will have the privilege of using this wilderness just as we have known and used it within the present Primitive Area. Designation now of this area as a Wilderness Area will not preclude later consideration of any proposals that may be offered in the future for the use and management of this unit. Reclassification of the Sawtooth Primitive Area as a Wilderness Area is an important step for the preservation of the wilderness recreation resources, and the many other values that are found here. We urge that it be taken promptly.

These recommendations are based on studies which have been completed in the Sawtooth Primitive Area by members of The Wilderness Society and the Society's staff. The area has been visited on frequent occasions over the past decade by both Society members and cooperators from other conservation groups who regard it as one of the most outstanding units of National Forest wilderness to be found anywhere in the Nation. A number of these people have been consulted in conjunction with the Society's investigation of the Regional Forester's present proposal for establishment of the Sawtooth Wilderness Area.

The most recent visit to the area, for the purpose of studying the reclassification proposal, was completed during the period July 18 through 25 when a group,

which included members of the Society and representatives of cooperating sportsmen and conservation organizations, traversed various sections and completed several penetrations into the Primitive Area from road ends near its boundaries. The group consisted of Mr. Ernest Day, Chairman of the Idaho Wilderness Committee, and past President of the Idaho Wildlife Federation, Boise; Mr. Art Manley, Vice President of the Idaho Wildlife Federation, Coeur d'Alene; Fred Swan, sportsman, of Coeur d'Alene; Michael McCloskey, Field Representative, Federation of Western Outdoor Clubs, Eugene, Oregon, and Dr. John Hurst, Sierra Club, Berkeley, California.

During the course of its coverages of the Sawtooth Primitive Area, the group consulted with and received much information and assistance from the following representatives of the U.S. Forest Service: Max Rees, Supervisor, and Melvin Hyatt, Assistant Supervisor, of The Challis National Forest; Harold Woodley, Ranger, Stanley Ranger District; Ralph Cisco, Ranger, Sawtooth Valley Ranger District, John Lavin, Assistant Supervisor, Sawtooth National Forest. The helpfulness of these Forest Service representatives aided greatly the group's investigation of the reclassification proposal.

THE WILDERNESS SOCIETY'S RECOMMENDATION

The boundary proposed by the Regional Forester for the Sawtooth Wilderness Area would include 192,402 acres in an area some 30 miles in length and 18 miles between its eastern and western edges. The Wilderness Society urges that the boundaries, as proposed by the Regional Forester, be established for all of the Wilderness Area with the exception of the relatively small adjustments which are recommended below. The Society's comments and recommendations on the proposals contained in the Forest Service's regional brochure, "Sawtooth Wilderness Area Proposal" (Feb. 8, 1963), are arranged in accordance with the lettering and numerals used by the Forest Service in describing areas affected by the reclassification. The areas recommended by the Society for addition to the proposed Wilderness Area are designated as Units 4, 5, 6, and 7. These are indicated on the attached map.

The Society's strong support of the proposal to establish the Sawtooth Wilderness Area should be emphasized. We feel that the protection of the 192,402 acres within the proposed Wilderness Area should be achieved as quickly as this reclassification can be given full and complete consideration by the Forest Service and the Secretary of Agriculture. We are also recommending the addition of small areas, totaling some 13,300 acres, to this unit of wilderness so that a greater opportunity for public use of the protected wilderness lands may be provided.

The exclusion of Unit C from the proposed Wilderness Area is concurred in by The Wilderness Society. However, it is recommended that a substantial part of the 9,670 acres within Unit A and Unit B be included within the Wilderness Area. The extensive stands of large ponderosa pine in these two units (within watersheds of the North Fork of the Boise River and tributaries of Johnson Creek, and the Queens River) are valued assets of the present Primitive Area. It is our recommendation that a large and representative portion of the extensive stands of pine be encompassed in accomplishing boundary adjustments for these two units. Thus it would be possible to include within this outstanding area of National Forest wilderness a significant representation of one of the most majestic and important members of the western forest communities.

Any portion of Units A and B that may be excluded from the Wilderness Area should be managed with Unit C to provide the greatest possible "at the edge of wilderness" recreation opportunity. It is important that management practices be developed to afford the fullest possible protection of their vegetative, watershed, and scenic values so that none of their potential will be lost for the types of recreation that are best enjoyed in primitive settings.

Deletions within Unit D, consisting of some 1,390 acres, are concurred in with the exception of the exclusion of the area at the Western end of Pettit Lake. Protection of the small flat on the upper end of the lake, by extension of the Wilderness Area boundary to the high water mark of the lake's western shore, would provide opportunity for camping and other uses of lands protected as wilderness.

It is important that this western edge of the lake and the stream valley (Unit 4) be protected through their inclusion in the Wilderness Area. Intrusions by roads, private lodges, and developments of the type that are seen along the other perimeters of the lake should be avoided on this western shore. By inclusion of this small area of less than 500 acres in the Wilderness Area, such future threats would be avoided.

The Wilderness Society strongly opposes the exclusion of 80 acres within Unit E along the Alpine Way Trail from the proposed Wilderness Area. The proposal itself is shocking in that it seeks to justify the exclusion of this unit in the hope that this will eliminate encroachments by trail vehicles within the proposed Wilderness Area. Exclusion of this Unit would be extremely unwise.

After careful study of this proposal, and inspection of the Alpine Way Trail, we have recommended that the boundary within Area E be extended down slope, a distance of one-quarter to one-third mile from the present trail to permit the exclusion of vehicles from this boundary. Timbered slopes, covered largely by lodgepole pine, would thus be included in the proposed Wilderness Area below the talus slopes of lower Goat Creek, Iron Creek, and McGowan Peak.

The present Wilderness Area boundary, as proposed for this Alpine Way Trail section by the Regional Forester, does not provide an adequate margin between the talus and granitic faces of the peaks, and the areas immediately down slope which under the Regional Forester's proposal would be outside of the Wilderness Area. Placement of the boundary one-third mile below the trail in the stretch between McGowan Peak and Marshall Lake (Unit 5) would protect core areas of wilderness from intrusion by vehicles and the threat of future roads and other developments that are incompatible with the wilderness qualities to be protected through the Wilderness Area designation. The area that would be added to the Wilderness Area through this boundary adjustment would represent less than 2,000 acres, most of which would be represented by a lodgepole pine cover type.

The Society endorses and supports the Regional Forester's proposal for addition of the 800 acres containing the Bench Lakes within Unit 1 near Redfish Lake. We urge that the proposed boundary be moved a half mile to the eastward at the head of Redfish Lake to permit the inclusion of the upper one-eighth of the lake in the Wilderness Area. This adjustment would add less than 800 acres (Unit 6) to the Wilderness Area and would permit the boundary to extend along the ridges that lie to the north and south of the lake. As in the case of Pettit Lake, it is extremely important that the upper end of Redfish Lake be protected from development and uses that are not consistent with the present wilderness character of this area. Boat use here should be restricted to the high water mark of the lake and other uses of mechanical equipment should be prohibited.

Extension of the Wilderness Area boundary to the waters edge along this upper section of Redfish Lake (in Unit 6), with location of boundaries along ridges extending northward and southward from the upper end of the lake, would assure future protection of important "wilderness-edge" camp sites and their primitive setting for the benefit of visitors who are able to penetrate only the perimeters of wilderness, but who will find this a thrilling and deeply satisfying experience, nonetheless.

The Wilderness Society strongly supports the Regional Forester's proposals for additions of Units 2 and 3 which include 2,110 acres in the McGowan-Trail Lake Basin and 1,840 acres in Baron Creek. We propose further, on the basis of our studies and the recommendations of those who are familiar with the area, that the boundaries of Units 2 and 3 be extended to the North and West to include all of the Trail Creek basin, upper Stanley Lake Creek and the Hanson Lakes.

We also urge that the boundary of the proposed Wilderness Area be moved north from the crest of McGowan Peak ridge to include the face of the mountain itself and the slope extending from its base to the southern shores of Stanley Lake. We would recommend that the boundary extend southwest from Stanley Lake, up Stanley Lake Creek and onto the ridge north of the Hanson Lakes. This should include within the Wilderness Area the unnamed lakes immediately to the north of Hanson Lakes. The boundary could then follow the ridge between Stanley Lake Creek and Elk Creek to the divide ridge northwest of Observation Peak and thence southward along the ridge west of Silver Creek, between the Trail Creek drainage and the Grandjean Creek watershed.

This addition (of Unit 7) to the Regional Forester's proposal would place the highly scenic area of Stanley Lake Creek and the open parks of Hanson Lakes and the entire Trail Creek Basin within the boundaries of the Wilderness Area. A high country area of approximately 10,000 acres would thus be added to the Wilderness Area that is proposed by the Regional Forester. The road above Stanley Lake is in nearly complete disrepair and unpassable. No public use is being made of it. The Society proposes that it be closed to public use at a point approximately four miles north of the headwaters of Stanley Lake Creek.

The Greenback Mine location within this proposed addition to the Wilderness Area should be recognized as a non-conforming use of the Wild lands to be protected within the Wilderness Area. It is hoped that these lands could be acquired at some future time for appropriate use as part of this wilderness unit.

In summary, The Wilderness Society recommends the following additions to the area proposed for inclusion in the Sawtooth Wilderness Area by the Regional Forester:

	Acres
The upper end of Pettit Lake (Unit 4)-----	500
Alpine Trail Way from Marshall Lake to McGowan Peak (Unit 5)-----	2, 000
The upper end of Redfish Lake (Unit 6)-----	800
Trail Creek-upper Stanley Lake Creek-Hanson Lakes (Unit 7)-----	10, 000
Total-----	13, 300

With the addition of this 13,300 acres to the 192,402 acres in the Regional Forester's proposal, the Wilderness Area would represent a total of approximately 206,000 acres. To this we urge also the addition of a substantial acreage from Units A and B.

In conclusion, I wish to re-emphasize The Wilderness Society's strong support of the reclassification proposal of Regional Forester Floyd Iverson. I urge, on behalf of the Society, prompt and favorable consideration of this proposal and the recommendations of the Society to provide strengthened protection of the outstanding wilderness values that are represented in this unit of the National Forest Wilderness System. This area is unique; its wilderness cannot be equalled anywhere else in America.

I wish to express our appreciation for the opportunity to appear here today.

IDAHO WILDLIFE FEDERATION,
Coeur d'Alene, Idaho, August 11, 1967.

Senator ALAN BIBLE,
Chairman, Parks and Recreation Subcommittee, Senate Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: As I am not able to be present for the new hearing in Washington, D.C., on the proposed Sawtooth National Recreation area, I have authorized Ernest E. Day to speak for the Idaho Wildlife Federation. I am confident that he will accurately reflect the thinking of the great majority of our members on this subject.

However, I do want to add a few written comments for the record. In June of 1966 I attended a similar committee meeting at Sun Valley, Idaho, which was called to permit Idaho residents an opportunity to be heard on this subject. I have just re-read the statement I presented then and feel that it is even more pertinent today.

I suspect that others would feel the same about their statements. But to me the important thing is that we seem to be farther from a solution today than we were a year ago. It seems to me to be a matter of urgency that we proceed without further delay to enact legislation that will protect this most unique and exceptional national resource that is the Sawtooths.

In this past year the major problem has increased and grown more acute. This is the unplanned, unsightly housing development along the approaches to the Sawtooths—in the Sawtooth Valley and Stanley Basin.

A year ago I said I doubted that zoning—either local, state or federal would provide a practical solution. I am even more certain of this today.

Now I hear rumors of a proposal for a narrow strip of scenic easements along the highway. The scenic easement plan might well be the most workable approach. But I am sure it could only be successful if such easements would extend from the highway all the way to the Sawtooths.

My suggestion would be to include such a provision in the previous proposal for a Sawtooth National Recreation Area in place of the proposed zoning plan.

Then I would urge that this legislation be expedited. The facts and opinions are in; the problem is obvious; the potential is clear. Further delay will only complicate the problem.

Respectfully,

ART MANLEY,
President.

BOISE, IDAHO, August 17, 1967.

Senator FRANK CHURCH,
Senate Subcommittee on Parks and Recreation,
Washington, D.C.

DEAR SIR: As an owner of four hundred and forty acres of deeded land, near the townsite of Atlanta, Idaho, that is included within the boundaries of the proposed Sawtooth National Recreation Area, I respectfully request that your consideration of the bill (S. 1267) to create a Sawtooth National Recreation Area be expedited without further seeming delay.

It appears to me that development of this scenic area, as proposed under the terms and conditions of the National Recreation program, would be in the best public interest.

Already, I have proposed to the National Forest Authority a program for land use and development that would facilitate better public occupancy of the area around Atlanta and at the same time permit me to develop private recreational facilities. Personally, I am anxious to have this matter resolved one way or another. As it had been, I have been unable to make any concrete plans.

Cordially yours,

ALVA D. GREENE.

STANLEY BASIN CATTLEMAN'S ASSOCIATION,
Challis, Idaho.

PARKS AND RECREATION SUBCOMMITTEE,
Senate Interior and Insular Affairs,
Washington, D.C.

GENTLEMEN: We, members of the Stanley Basin Cattleman's Association, wish to go on record as being in favor of the bill S-1267 establishing the Sawtooth National Recreation area.

However, in Section 5, paragraph D, we feel that property owners should be reimbursed for the decreased valuation of the property resulting from regulations, zoning, or easements as a consequence of the establishment of the recreation area.

Sincerely yours,

BANE STARK, President.
THOMAS W. CHIVERS,
LYNN W. WILSON,
CALVIN S. HELM.

RENO, NEV., August 21, 1967.

Senator FRANK CHURCH,
Senate Subcommittee on Parks and Recreation,
Senate Office Building, Washington, D.C.:

The Nevada Wildlife Federation by action of its board of directors, August 18, enthusiastically endorses establishment of the Sawtooth national recreation area and urges prompt and favorable action on S. 1267. The Sawtooth area easily merits the upgrading and recognition that this forward-looking legislation will bring.

Best wishes,

NEVADA WILDLIFE FEDERATION,
VIRLIS L. FISCHER,
Vice President.

BERKELEY, CALIF., August 23, 1967.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: I am in full support of the current efforts to preserve for the American people the Sawtooth mountain area located in Idaho.

This area is one of America's outstanding remaining wilderness, scenic and wildlife regions and should be afforded full protection as a national natural area.

While the Sawtooth mountain area is certainly of national recreation value and should be supported as such, I fully recommend that the area be established as a Sawtooth National Park.

This area is fully worthy of National Park status and would be one of America's four or five most unique national parks.

I have visited most of the scenic and wilderness-type areas of the Sawtooth Mountain area and from such visits do come to the conclusion that some 750,000

to 825,000 acres of this area should be set aside as a national park including vital areas surrounding the area defined as the "Sawtooth Mountain Study Area," by Department of the Interior and Department of Agriculture, in August, 1965. This larger area, then, would become a truly important National Park for America.

Sincerely,

JOHN R. SWANSON.

SAWTOOTH CONSERVATION COUNCIL,
Ketchum, Idaho, September 4, 1967.

HON. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: The Sawtooth Conservation Council, as you know, is deeply concerned about prospective developments in the Sawtooth region. All of us are deeply grateful to you for your efforts to preserve this magnificent land. The Council is not prepared to say what should be the ultimate administrative arrangements for the area, but is quite certain that any administration, whether by wilderness area, recreation area or park, whether under the Forest Service or National Park Service, must accomplish a number of concrete objectives. In our view, the most important of these are:

1. The Sawtooth Primitive Area, with some additions, should be brought under the provisions of the Wilderness Act. Grazing and mining should be specifically excluded in the wilderness.

2. A buffer zone adjacent to the Wilderness Area should be provided. In this zone roads would not come directly to the Wilderness Area, but should diminish in quality and capacity and should end well before reaching the Wilderness Area boundary. The proposed Wilderness Area is already too small and should not be further constricted by highways to its edges. Moreover, people engaged in car camping deserve the wilderness experience of escaping large highways.

3. Roads must not be put through the following areas:

- (a) Stanley Lake to Grandjean Campground.

- (b) From the end of present Alturas Lake road to the North Fork of Ross Fork of Boise River.

At the present time these roads have been proposed and survey crews are already on the scene. They are very ill-conceived.

4. Scenic protection for Stanley Basin and the Sawtooth Valley. Zoning appropriate to the beauty of the area here is essential.

5. The campgrounds which now preempt the northeastern shore of Redfish Lake should be moved back from the lake so that the lake is available to general day use. In general, the Sawtooth Conservation Council asks that administration of the Sawtooth region be made more sensitive to the wilderness and scenic character of the area. This involves the protection of some lakes from intrusion by motorboats; the closing of some trails to trail cycles and other motorized transport as well as the foregoing of commercial and commodity exploitation of the scenic climaxes. The Sawtooth region is not only Idaho's best, it is one of the nation's best. It deserves the fullest protection of which the nation is capable.

Again, many thanks to you for your dedicated efforts.

I would be grateful if this letter could be included in the record of the forthcoming hearings on the Sawtooth National Recreation Area.

Respectfully,

R. C. BARTHOLOMEW,
President, Sawtooth Conservation Council.

ADA COUNTY FISH & GAME LEAGUE,
Boise, Idaho, August 30, 1967.

Senator FRANK CHURCH,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CHURCH: We have previously taken the position that the best interest of the general public and the people of the State of Idaho would be to have a Sawtooth National Park. We now reaffirm that position on the same grounds: that the recreation area plan is not adequate to do the job that needs to be done, and that a park would better preserve the quality of the area.

In the event that you will not consider a National Park, then our second position is that the recreation area idea be completely abandoned, and that the wilderness status of the primitive area be implemented at the earliest possible time. To leave the area as it is will be better than the recreation area idea.

Our third position, if neither of the above can be achieved, is to include in the bill for the National Recreation Area minimal housing requirement so that subdivision concentrations cannot completely ruin the valley's natural setting. This minimum would be to allow one summer home in ten acres in the open, and five acres if partially or wholly wooded. Under no condition should less than a five acre plot be allowed. We contend that this should be made part of the condition of the establishment of the National Recreation Area.

We appreciate the interest of Idaho's Congressional Delegation and further realize that no plan will please all people, especially those who anticipate sudden monetary returns if their favored plan is used. You should also be informed that there is a growing resentment by some toward the recreational area plan. Some who had previously advocated in favor of the recreation plan are now wholly opposed to it. They are beginning to suspect the whole plan. We earnestly suggest the abandonment of the plan and that a National Park plan be studied for the Sawtooth area.

Sincerely yours,

JOHN D. PERFECT, *Secretary.*

[Editorial from the Post-Register, Idaho Falls, Idaho, Aug. 13, 1967]

THE SAWTOOTH URGENCY

The pivotal judgements on the proposed Sawtooth National Recreation area will most likely revolve around the U.S. Forest Service standards for land use in that magnificent valley.

The minimal land standards for summer homes in those areas where new summer homes will be allowed, have already been recommended by the Sawtooth National Forest office and a team of land use analysts of the Forest Service staff.

These base-level standards are practicable and are capable of preserving the valley from the housing developments which could seriously detract from the valley's natural setting. They allow a summer home every 10 acres if it is in the open, five acres if partially wooded, and one acre if the summer home is in dense timber. The one acre prescription, we feel, may be too small and would have to be adjusted to avoid unsuitable concentrations, but it is possible to maintain the frontier ranching atmosphere if the five and 10 acre standards were applied. These are minimal standards, however. If in some areas such standards fail to sustain the natural setting, the acreage ratios should be raised. The standards are now being assessed by the national officials of the Forest Service in Washington, D.C., and undoubtedly final judgements on the standards by the agency will be available for the congressional hearings, Aug. 23.

The National Recreation Area prescription which the U.S. Forest Service presented last year deserves the wholehearted support of Idahoans and their Congressional delegation. Senators Frank Church and Len B. Jordan and Cong. George Hansen are fully in accord on the proposed national recreation area legislation already introduced in Congress. We hope they pursue the legislation through to its successful conclusion as soon as possible before a mushroom of development in the valley complicates the prescription which the government must apply to preserve the valley.

From its stance at the Ketchum hearings, the Forest Service is relaxing its standards somewhat—but not beyond the minimum preservation values. The Forest Service gave the impression in its recreation area report of not allowing any new summer home concentrations. It is now allowing them in certain areas but with the preservative of minimum standards.

This newspaper feels that the standards which the Sawtooth National Forest office has advanced—with the possible exception of the one acre in the trees ratio—should be incorporated into the legislation itself. Idahoans, and the nation at large can then be aware what they are really buying in Sawtooth Valley. As the legislation stands now, the standards would be entirely discretionary with the Forest Service and the Secretary of Agriculture depending on hearings which the Forest Service will conduct.

Sawtooth Valley needs preserving, and the National Recreation Area proposal of the Forest Service is the soundest way of achieving it. We are confident that everyone else will think so once they are able to examine that proposal and the recommended standards which could go with it.

There is great urgency for the National Recreation Area legislation. Already housing developments are mushrooming in the valley, all of them with house concentrations considerably below the proposed Forest Service standards. If the valley is to be rescued from these, Congress will have to act quickly.

Senator BIBLE. The hearing is adjourned.

(Whereupon, at 1:05 p.m., the subcommittee adjourned, subject to the call of the Chair.)

()

1. *Chlorophyll a* (Chl *a*)

2004/05/03

5/22/80

10

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the results of its investigation of the activities of the American Friends Service Committee in the Philippines.