He bases this upon our concern that the full funding concept or interpretation being placed upon the act by the Bureau of the Budget and the Committe on Appropriations are not what was intended by the committees which passed this legislation earlier.

Certainly it was not the intention that the fund be required to finance all Federal acquisitions of properties for recreational purposes, as well as State programs.

I think the chairman of this committee pointed this out yesterday in his opening statement.

Yet the fund now constitutes a box. This box has now become so restrictive that some people say there is no need to authorize new areas because some of those already established are not funded. Yet, everyone is aware of the continuing need to acquire areas before prices escalate out of sight.

Frankly, we are distressed that too many people consider outdoor recreation a frill, not quite on a par with other human needs. Yet, we do not understand why the public's interests in and benefits from a national park or seashore or lakeshore are not as meritorious and reasonable as the public's interests in and benefits from a number of other programs, including navigational and flood control projects. Yet last week a sister committee to this committee began holding hearings on a host of water development projects. Most of these will be authorized, for specific amounts, later in the year in an omnibus rivers and harbors bill. Then next year, or subsequently, funds to plan, construct, maintain, and operate these projects will be sought from the Committees on Appropriations. Costs of some of these projects will be shared. Many will be borne entirely by the Federal Government. Decisions on how many to fund will be made by the Appropriations Committees.

This year it is likely that $1 billion will be appropriated for these projects. Then why is outdoor recreation any different? What is there to prevent this committee from considering an "omnibus park and recreation area" bill to contain a specific financial ceiling for each project, one which the Appropriations Committees later could consider, piecemeal or together, in a similar manner?

Among the practical reasons and answers to that question, of course, is the limitation imposed by the full-funding concept. It is a box which automatically limits acquisitions in a manner the Congress itself did not express or intend. We hope the members of this committee, particularly those who also are members of the Appropriations Committee, can give this concept some real consideration.

Now, Mr. Chairman, having made these observations, a few specific comments about S. 1401 are in order. As long as it is clearly understood the fund does not constitute a "box," we wholeheartedly support S. 1401. Therefore, we are in accord with the additions of revenues from all of the sources provided in the original version of S. 1401, preferring it above the administration-backed proposals. As long as the Appropriations Committees and the Budget Bureau consider the fund to be delimiting, we must support whatever additions are necessary to meet the Nation's present and future outdoor recreation needs.

We also support the provisions which will help meet the price acceleration problem, both through advance acquisitions and lease and sell back transactions. The present system is so cumbersome that the

Federal Government pays more for property than would a private individual or firm under the same circumstances.

Now, to make a comment or two about S. 2828 on the recreation fees: We believe it is essential that a distinction be made between the recreation fees proposed by the Land and Water Conservation Fund Act, and those proposed by the Corps of Engineers in a now-suspended directive EC 1130-2-25, based upon a 1951 act and the Bureau of the Budget Circular A-25, 1959.

Testimony in the House last fall indicates that a widespread confusion exists between the two types of fees and much of the opposition leveled at land and water conservation fund fees are more accurately centered on the proposed permits. We still believe it is right and proper for modest fees to be imposed for special facilities, thereby charging those who benefit directly.

However, if alternate means of financing can be assured, we would agree generally to the removal of all fees, but cannot understand why the Corps of Engineers projects should constitute special exemptions.

Thank you, Mr. Chairman.

Senator BURDICK. Thank you.

Senator Hansen?

Senator HANSEN. I want to compliment you on your statement. I appreciate your touching upon user fees and addressing yourself to the problem of escalating land values.

Would you care to make a comment upon the votes that the State of Washington has taken to meet this escalation of land values?

Mr. CLAPPER. Senator, certainly this is a very meritorious program they have embarked upon, and several other States have done the same thing in a similar manner. We think this is the kind of cooperation needed from all levels of government.

Senator HANSEN. Thank you.

(The full statement referred to follows:)

STATEMENT OF LOUIS S. CLAPPER ON BEHALF OF THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Louis S. Clapper, Chief of Conservation Education for the National Wildlife Federation, which has its headquarters here in Washington, D.C., at 1412 Sixteenth Street, N.W.

By way of identification, the National Wildlife Federation is a private, nonprofit organization which seeks to attain conservation goals through educational means. The Federation has affiliates in 49 States. These affiliates, in turn, are composed of local groups and individuals who, when combined with associate members and other supporters of the National Wildlife Federation, number an estimated 2,000,000 persons.

We welcome the invitation to comment briefly upon S. 1401 and S. 2828, relating to the Land and Water Conservation Fund.

Mr. Chairman, our organization was one of the original supporters of the concept embodied in the Land and Water Conservation Fund. We believe the Fund has been of tremendous value in stimulating the establishment and development of highly desirable public programs for outdoor recreation, particularly on the State level. We hope it will be continued, but in the form and for the function as originally intended. This latter qualification is for the express purpose of making a significant point.

Thomas L. Kimball, Executive Director of the National Wildlife Federation, recently authored an article (a copy of which is attached) entitled: "Milestone or Millstone?" This article poses a basic question: is the Land and Water Conservation Fund more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement? Although having reserva-

tions about some few projects which have been included in State master outdoor recreation plans, we generally commend the agencies which have implemented and administered the program. Getting such a massive program "off the ground" is a remarkable achievement in a relatively short period of time. Our concern is centered mostly upon the "full-funding" concept or interpretation being placed upon the Act by the Bureau of the Budget and the Committees on Appropriations.

Certainly, it was not the intention that the Fund be required to finance all Federal acquisitions of properties for recreational purposes, as well as the State programs. Examination of the legislative history fails to reveal any other organizations or agencies that proposed such a concept or limitation. The Fund never was intended to provide more than a limited reservoir of financing, one which would be supplemented with appropriations for particular projects. Yet, the Fund, under the "full-funding" concept, now constitutes a box. This box now has become so restrictive that some people say there is no need to authorize new areas because some of those already established are not funded. Yet, everyone is aware of the continuing needs to acquire areas before they are lost or before prices escalate "out of sight."

Frankly, we are distressed that too many people still consider outdoor recreation a "frill," something not quite on a par with other human needs. Yet, we do not understand why the public's interests in and and benefits from a national park or seashore or lakeshore are not as meritorious and reasonable as the public's interests in and benefits from a number of other programs, including navigational and flood control projects. Yet, last week a sister Committee to this began holding hearings on a host of water development projects. Most of these will be authorized, for specific amounts, later in the year in an Omnibus Rivers and Harbors Bill. Then, next year or subsequently, funds to plan, construct, maintain, and operate these projects will be sought from the Committees on Appropriations. Costs of some of these projects will be shared. Many will be borne entirely by the Federal Government. Decisions on how many to fund will be made by the Appropriations Committees. This year, it is likely that $1 billion will be appropriated for these projects. Then, why is outdoor recreation any different? What is there to prevent this Committee from considering an "Omnibus Park and Recreation Area" bill to contain a specific financial ceiling for each project? One which the Appropriations Committees later could consider, piecemeal or together, in a similar manner?

Among the practical reasons and answers to that question, of course, is the limitation imposed by the "full-funding" concept. It is a box which automatically limits acquisitions in a manner *the Congress itself did not express or intend.* We hope the members of this Committee, particularly those who also are members of the Appropriations Committee, can give this concept some real consideration.

Now, Mr. Chairman, having made these observations, a few specific comments about S. 1401 are in order. As long as it is clearly understood the Fund does *not* constitute a "box," we wholeheartedly support S. 1401. Therefore, we are in accord with the additions of revenues from all of the sources provided in the original version of S. 1401, preferring it above the Administration-backed proposal. As long as the Appropriations Committees and the Budget Bureau consider the Fund to be delimiting, we must support whatever additions are necessary to meet the Nation's present and future outdoor recreation needs.

We also support the provisions which will help meet the price acceleration problem, both through advance acquisitions and lease and sell-back transactions. The present system is so cumbersome that the Federal Government pays more for property than would a private individual or firm under the same circumstances. We also would favor the establishment of a revolving fund whereby Federal agencies can act swiftly to acquire in-holding in parks or forests when they come on the market. Arrangements could be made to keep the Committees fully informed of these negotiations to ensure against any improper or unauthorized acquisitions.

And, now, Mr. Chairman, we should like to comment even more briefly upon S. 2828, prohibiting the charging of recreation fees at Corps of Engineers installations.

Hearings on identical proposals were conducted last fall by the House Committee on Public Works and testimony by a respesentative of the Corps of Engineers on an identical bill, S. 2236, was received by the Senate Committee on Public Works last week.

It is essential that a distinction be made between recreation fees imposed under authority of the Land and Water Conservation Fund Act and those proposed by the Corps of Engineers in a now-suspended directive EC 1130–2–25, based upon

a 1951 Act and Bureau of the Budget Circular A–25, of 1959. Testimony in the House indicates that a widespread confusion exists between the two types of fees and much of the opposition leveled at Land and Water Conservation Fund fees more accurately are centered upon the proposed permits.

The National Wildlife Federation supported the original plan whereby entrance and user fees would be charged for special recreational facilities. We still believe it is right and proper for modest fees to be imposed for special facilities, thereby allowing those who benefit directly to contribute toward providing for their recreations. Further, we do not think that fees should be imposed for minimal recreational facilities or for access to public waters or for use of public waters. We would not recommend that fees be charged at locations where administration of the program results in a net loss of revenue. And, we admit the revenue resulting from these fees has been lower than anticipated. However, if alternate means of financing can be assured, we would agree generally to the removal of all fees, but cannot understand why Corps of Engineers projects should constitute special exemptions.

On the other hand, we hold no brief whatever for the Corps proposal for charging permits for private installations such as docks and boathouses, swimming and diving platforms, duck blinds, mooring facilities, ski-jump floats and rafts. Action of the Corps apparently is based on Circular A–25, which said that fair market value should be realized where the exclusive use of government property is involved. To be consistent with this policy, and to recoup from the beneficial user a portion of the administrative costs, the Corps proposes to impose charges on all structures located on or over government lands intended for exclusive private use. Rationale for this action is that the permittees are using Government facilities for private benefit when other members of the public must pay for similar privileges. Monies accruing to this account would be distributed like all other Corps income (75% to the counties) and would not go into the Land and Water Conservation Fund. Many fear this practice would lead to charges for navigational uses of public waters.

Thank you for the opportunity of making these remarks.

Milestone or Millstone?

When the Land Water Conservation Act was passed by the 88th Congress, it was labeled by many people as a great conservation victory ranking with such notable accomplishments as the Wilderness Preservation Act or the Federal Water Pollution Control Act. After five years of operating experience, however, it is becoming increasingly evident that the creation of the Land and Water Conservation Fund was more a millstone around the neck of conservation progress than it has been a milestone of conservation achievement.

Congress can be proud of its conservation record achieved during the past six-year period. Responding to a public demand for open green spaces and park, monument, and recreation areas, as well as scenic areas, the Congress came through with a continual flow of new authorizations. These new areas were to meet the ever increasing demands of a mobile, leisure seeking population, which by reason of its continuing affluence, is demanding more ecological balance in the continuing exploitation of the remnant of our Nation's pristine natural resources.

Until this year there have been hopeful indications that more consideration of aesthetic values was being given in the planning of our country's water and land development projects. For the last two years, however, appropriations of money to implement Congressional authorizations has been woefully inadequate. In 1967, the Congress passed no important legislation relating to park and recreation areas. One of the more noteworthy reasons given for such inaction was the declaration that Congressional Committees on appropriations have not adequately funded conservation projects and programs previously authorized. Congressional and administration leaders point to the Land and Water Conservation Fund, which was inadequate from the beginning and not intended as an outdoor recreation bank from which all Federal and state projects would be funded, as an excuse for their inaction. The Congressional record will show that, when the Land and Water Conservation Fund was passed, most of the national conservation organizations favored its enactment but not as a delimiting fund. Nonetheless, Congressional committees and the Bureau of the Budget have required that

all park and outdoor recreation projects, programs, and authorizations be financed from this source under a "full-funding" concept and, to date, there has been no challenge from the general public to this designation. The Chairman of one of the more important committees in Congress has stated openly that his committee is not in any hurry to consider many new conservation programs unless and until Congressional appropriation committees adequately finance those previously authorized through the Land and Water Conservation Fund.

A bill (S. 1401), which would provide additional funds to the Land and Water Conservation Fund, has been introduced in the Senate and similar bills have been introduced in the House of Representatives. This legislation has languished in committees, supposedly because no report from the administration as to its position has been received.

It is really tragic that conservationists stand idly by, allowing the forward impetus of conservation movements to be slowed to the speed of molasses flowing in January without a murmur or complaint. It seems that we can afford from $1 to $2 billion worth of water development projects almost every year, with only perfunctory public hearings and absolutely no prescribed limits as to financing, yet we must be bound by less than $120,000,000 per year to finance the bulk of the park and recreation program of the United States. We can spend more than a half billion for navigation on the Arkansas River, but we can't afford one-fifth that amount for a Redwoods National Park. Then, must we sacrifice on the altar of political expediency the bartering away some of the most valuable multiple-use lands within our national forest system? We can literally spend hundreds of billions of dollars for improving the navigation in our public waters, in controlling floods and in bringing new lands into agricultural production through irrigation and drainage, but somehow we still cannot find sufficient funds even to attempt to meet the most modest demands of the public for outdoor recreation. Congress insists that the users of park and recreation areas pay a fee for the use of facilities developed at public expense and yet small businesses, farmers, water transportation users, in fact, almost every segment of American industry is subsidized in some way and to varying degrees by our Federal establishment.

Will Durant once said that progress in America was great, except that it went on too long. With all of our advanced technology, it is my firm opinion that Americans still have—and hope to preserve—the enjoyable life. What kind of America will we have left to enjoy and what kind of natural heritage will we leave to succeeding generations if our government refuses to set aside and preserve a representative segment of the natural environment in such amounts and in such condition that the average citizen can at some time in his life look towards participating in and enjoying a quality outdoor experience? We live in a great democracy and the government supposedly derives its power to govern from the consent of the governed. When the history of our great country and this generation is recorded for posterity, what will be our greatest contribution to humanity? Will it be our industry, agriculture, art, literature, music, or scientific technology? Will it be great social progress? Will we be that naked ape, the only animal with the power to reason who considered it reasonable to foul his own nest, to pollute air he breathed, water he drank, and land he tilled? Will our generation be known as the one who went bankrupt by spending billions for war, billions for the industrial revolution, and billions for scientific technology only to find that life had lost much of its savor without a chance to commune with nature, to wash one's soul in clean water and pure air, to know intimately the beauty of uncluttered green space and the exhilaration of a quality wilderness experience?

It is high time that conservation voices be heard above special interest caterwauling and political convenience and connivance. Our generation must be recognized as the one with the wisdom and foresight to so use and manage our environment that the ecological balance is maintained and the natural amenities of life preserved. We make the kind of life and habitat in which we live. The beautiful America we want requires active interest and participation by every citizen. Are you doing your part to influence, for the public good, those resource policies and programs that change the quantity and quality of our environment?

Senator BURDICK. Michael Nadel, assistant executive director, the Wilderness Society, is next.

STATEMENT OF MICHAEL NADEL, ASSISTANT EXECUTIVE DIRECTOR, THE WILDERNESS SOCIETY, AND EDITOR, THE LIVING WILDERNESS

Mr. NADEL. Mr. Chairman, I am Michael Nadel, assistant executive director of The Wilderness Society, and editor of its quarterly publication, The Living Wilderness. The society, whose membership at this time approximates 38,000 individual active members, is a national conservation organization, with headquarters at 729 15th Street NW., Washington, D.C., and a regional office in Denver, Colo.

The Wilderness Society endeavors, through educational means, to perpetuate our nation's wilderness resource for the use and enjoyment of present and future generations. One of the society's primary efforts now is directed toward encouraging the establishment of an adequate national wilderness preservation system under the provisions of the Wilderness Act of 1964.

With one or two qualifications to which I shall presently refer, The Wilderness Society supports the purposes of S. 1401 to amend title 1 of the Land and Water Conservation Fund Act of 1965.

Upon the enactment of the Land and Water Conservation Fund Act in 1964, conservationists applauded what at the time appeared to be an adequate solution to the public land agencies' need for a fund for acquiring lands and inholdings, and for the management and development of existing recreation areas. It was hoped that the "golden passport" entrance fee program and the other sources of revenue that comprised the land and water conservation fund would be sufficient to meet the needs of the National Park Service, Forest Service, and the Bureau of Sport Fisheries and Wildlife.

Revenues from the fund were to be divided to allow 60 percent for State grants and 40 percent for Federal land acquisitions. This provision has stimulated and encouraged the States to match these funds and to act on their programs for the acquisition and development of State recreation areas.

It is alarmingly apparent that the rapid growth in population and the increase in leisure time is producing a continuing demand upon public land agencies to provide additional outdoor recreation space. If the agencies do not have funds available to acquire and develop new areas in response to this need, they can expect intensified use of the existing units, and every park, refuge, wilderness, and even recreation area can reach a saturation point in visitor use, thus endangering its intrinsic natural values and sacrificing the purpose for which it was established. Overuse has a particularly devastating impact on wilderness-type lands which rely on dispersed and carefully controlled use to maintain their delicate environments. But natural values within existing parks, wildlife refuges, and wilderness areas need not be sacrificed, nor must use of these lands be severely limited, if new areas can be established to accommodate the projected increase in visitor use.

During its 3-year existence, the fund has received $289,239,336. Some $53,650,087 in additional revenues has been appropriated and is expected to accrue during the remainder of the fiscal year 1968. Recreation needs are growing more rapidly than the present system

of acquisition can accommodate. The recreation areas authorized by the 89th Congress alone require the acquisition of lands costing approximately $119,000,000—and this does not take into account the expense of maintaining existing units.

Under the procedures of the 1964 Wilderness Act, we can expect the authorization of some 150 areas as wilderness within the next 6 years. Many of these reclassifications will necessitate the acquisition of inholdings to round out the units and best protect their wilderness character from development or nonconforming uses.

The opportunities for wilderness preservation provided by the Land and Water Conservation Fund Act are twofold. First of all, the fund provides a reservoir out of which there can be appropriations for the purchase of inholdings within classified wilderness and primitive areas, thus serving both to round out and complete the areas, and relieving administrators of vexatious problems brought about by conflicting use.

Secondly, by supplying the gap in needed accessible outdoor recreation areas and facilities throughout the Nation—a real and pressing need—the spread in use of other recreation facilities would lessen pressure on wilderness areas.

The State programs which will be financed from the fund will affect wilderness in many ways. States and local governments can use matching moneys to help acquire non-Federal land and water areas with wilderness or near-wilderness values.

Thus the threat of overuse of wilderness will hopefully be absorbed through the establishment of new recreation areas which are designed to bear intense visitor use, leaving the wilderness unspoiled for the backpacker, hiker, student, scientist, or nature lover who seeks the experience of a wild, undeveloped area where the delicate ecology of nature still exists undisturbed.

With these problems in mind, we commend this committee for its consideration of S. 1401, to amend the Land and Water Conservation Fund Act to provide for the growing expense of land acquisition and the scarcity of funds available for this vitally important purpose. The amendments proposed in this legislation would provide additional revenues for acquiring lands which have been authorized by Congress, and would allow the agencies to purchase these lands in advance of appropriations. At the present rate of price escalation, considerable savings would result through closure of the large gap between authorization and appropriation.

An added benefit of advance purchase of authorized acquisitions would be the immediate protection that would be afforded lands which might otherwise be left vulnerable to some development until appropriations were made for purchase.

The Wilderness Society heartily endorses the proposed amendment to section 2 of title 1 of the Land and Water Conservation Fund Act of 1965 to add a new subsection (d) which would increase revenues going into the fund for a period of 5 years; and the addition of new section 8, to allow the Secretary of the Interior, during fiscal years 1968 and 1969, to purchase lands that have been authorized for acquisition by Congress in advance of appropriations.

The society is concerned, however, with the provision in section 2(a) which would authorize the Secretary of the Interior to "lease back" or "sell back" property acquired for the national park system. This

clause contains implications which could lead to serious nonconforming uses within or adjacent to the park land or refuge involved. It is not our intention to question the Secretary's authority to lease lands where the proposed use of the land will not conflict with the purposes of the park or refuge, but we do question the open authority of a public land agency to sell outright lands which could be developed in a way that could adversely affect a recreation or wildlife area.

Similarly, we oppose the inclusion in this proposed legislation of section 2(b) as it is written. It is our understanding that this section is being rewritten to clarify its intention. We hope that it will be redrafted in a way that will not pave the way for administrative exchange of lands, and that if such exchanges or sales are deemed necessary, public hearings will be held in the area wherein the unit lies and in Washington, D.C., before a decision is made on such an action.

Thank you for the opportunity to present these views.

Senator BURDICK. Mrs. J. D. Duve, chairman of legislation, National Council of State Garden Clubs, is next.

STATEMENT OF MRS. J. D. DUVE, CHAIRMAN OF LEGISLATION, NATIONAL COUNCIL OF STATE GARDEN CLUBS

Mrs. DUVE. Thank you very much, Mr. Chairman. I appreciate the opportunity to come here this morning.

I am Helen D. Duve of Frederick, Md., and chairman for legislation of the National Council of State Garden Clubs.

I respectfully request permission that my comments be made a part of the record of these hearings on behalf of my organization.

Senator BURDICK. It is so ordered.

Mrs. DUVE. We strongly recommend the enactment of S. 1401 with the amendments set forth for the Land and Water Conservation Fund Act. Our organization, with over one-half million members, all of whom are volunteers, and from all of the 50 States, are dedicated to the study of wise use of our natural resources, waterways, parks, forests, and historic landmarks. We are aware of the great assistance given to the funds from the Land and Water Conservation Fund Act over the last 3 years, and for the incentive of our citizens to help themselves. We know there is now a need for additional funds to purchase park and recreation land and for their development.

After careful review of the provisions of S. 1401, we feel that enactment of this bill can assure additional funds to take care of escalating prices of lands, and will help to assure the successful continuance of this great program for both the States and the Federal Government.

We believe that this sort of work begins at home, and all of our members are urged to affiliate themselves in some way with local committees, and I have done just that, since I am from Frederick County, Md., by becoming a member of the parks and recreation commission of that county.

We are just an hour away from Washington, and we feel that we have a great many visitors who come north from the area of Washington, as well as the great need within our own locality for recreational facilities.

We have already, in Frederick County, acquired some 16 areas for parks and recreation, and have had assistance from the land and

water conservation fund. We have land along the Potomac River and at the mouth of the Monocacy River. We have secured three covered bridges and several recreation areas in smaller communities. We are also encouraging the use of public school buildings and grounds for after school, Saturday and summer programs for recreation for children's use, adults, and senior citizens.

We now have a professional director to assist the county commission in planning.

The need is great to continue our program. The National Council of State Garden Clubs also supports teaching scholarships for teaching conservation and encouraging these teachers to take their students in the elementary grades into the mountainous areas for a week's training in conservation and the preservation of our natural resources.

Thank you very much, gentlemen, for giving me the privilege of coming before this group.

Senator BURDICK. Thank you.

Senator HANSEN. If I may, let me take a moment to compliment you, Mrs. Duve, on the action you are taking in the schools.

A number of years ago the State of Wyoming came out with a conservation handbook. I think it is one of the very basic approaches we must take to this problem if we expect any resolution of it, and I think you are to be complimented, and your association is to be complimented for having the foresight to teach conservation in the schools.

Mrs. DUVE. Thank you.

Senator BURDICK. Mr. Ben H. Thompson, appearing for Sal J. Prezioso, executive director, National Recreation and Park Association.

STATEMENT OF BEN H. THOMPSON, REPRESENTING THE NATIONAL RECREATION AND PARK ASSOCIATION

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, Dr. Prezioso, unfortunately, could not be here today and asked me to speak for him.

I am Ben H. Thompson, executive secretary of the National Conference on State Parks appearing for Dr. Sal J. Prezioso, executive vice president, National Recreation and Park Association, with headquarters at 1700 Pennsylvania Avenue, NW., Washington, D.C. The National Conference on State Parks is a branch of the National Recreation and Park Association.

The National Recreation and Park Association is a private, nonprofit organization dedicated to the wise use of free time, conservation of natural resources, and beautification of the American environment. The association's board of trustees is composed of distinguished lay and professional leaders from all parts of the Nation. Over 600 outstanding park and recreation leaders serve on our various national and district advisory committees. More than 2,000 National, State, and local park and recreation agencies, public and private, are organizational members and over 7,000 professional and lay individuals are association members.

I appreciate the opportunity to testify in support of S. 1401 and the amendments recommended by the administration.

89-619—68——14

The fund has greatly stimulated State and local planning, acquisition, and development of parks and related outdoor recreation areas. All of the States now have approved preliminary statewide outdoor recreation plans and 39 States have approved comprehensive revisions of these plans. We interpret this as evidence of the effectiveness of the program in achieving one of the objectives of the Land and Water Conservation Fund Act, which is to help the States and their political subdivisions to strengthen their own park and recreation programs.

In the first 3 years of the fund's operation, State and local obligations to match the Federal grants have totaled $138.5 million for planning, acquisition, and development.

Many of the States, however, need to accelerate their programs for the same reasons that the Federal park and recreation agencies need to; namely, to acquire potential park and recreation lands before the opportunity to do so is lost.

The fact that park agencies at all levels of government are seeking accelerated allocations of money from the land and water conservation fund is, we believe, clear indication of the need to increase the revenue sources of the fund.

Estimates provided by the statewide outdoor recreation plans and by the principal Federal agencies concerned—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—indicate that in the next 10 years the States will need from the fund $2½ billion and the Federal agencies will need $1 billion for the acquisition and development of public park and recreation areas. It appears, therefore, that the annual rate of allotments from the fund should be $300 million instead of the $200 million recommended by the administration. I believe that the suggested larger annual rate of funding is reasonable and desirable and I recommend that it be authorized.

As the Department of the Interior has indicated, authority for Federal agencies to contract for the acquisition of key properties as soon as possible after the Congress has authorized such national reservations would substantially help reduce the inroads of land speculators. I hope that the committee will favorably consider such land acquisition contractual authority.

And lastly, the recommendation of the Department of the Interior that in the areas of the national park system, the Government be authorized to sell back or lease back lands or interests in lands, insofar as consistent with the purposes specified for the parks by the Congress, seems to us a very practical and desirable measure. The continuation of farming, for instance, in some historical areas is desirable as a means of preserving the character of the scene that existed at the time of the historical event being commemorated. Sometimes it is as costly to purchase a partial interest in such farm properties as to purchase them in fee. Purchase of the property in fee and then leasing back or selling back to farming right, would accomplish preservation of the historic scene and permit significant saving of Federal funds.

I hope that the committee will give favorable consideration to this recommended procedure.

Senator BURDICK. Mr. Ray Agnew, executive vice president, National Camp Ground Owners Association.

STATEMENT OF RAY AGNEW, EXECUTIVE VICE PRESIDENT, NATIONAL CAMP GROUND OWNERS ASSOCIATION

Mr. AGNEW. Mr. Chairman and gentlemen of the committee, I thank you for the privilege of being able to appear before this committee. I have statements on S. 1401 and on S. 2828.

My name is Ray Agnew. I am the executive vice president of the National Camp Ground Owners Association—U.S.A. This association is newly formed and its members are private entrepreneurs who are owners of family campgrounds or camping resorts in various sections of the country.

S. 1401

We are firmly opposed to diverting additional funds to the land and water conservation fund. Our remarks which follow are made on the basis of information which we have on the campground situation. These reasons are:

1. The Secretary of the Interior and the Bureau of Outdoor Recreation are not faithfully carrying out provisions of the Land and Water Conservation Fund Act. We believe that a congressional investigation is needed. The Land and Water Conservation Fund Act provides that when a State in seeking a grant of funds for a recreation project it should justify the needs for such a project. Campground projects are being planned and constructed, are receiving grants of funds from the land and water conservation fund and no surveys have been made as to the need for these facilities, and no assessment has been made as to the availability of private sites and the ability of the private sector to meet the demand.

We cite the case of the Prince Gallitzen State Park, Pa. In 1967 $800,000 was granted to Pennsylvania for a 750-site campground. No survey of Pennsylvania campsites was made. There is an ample supply of private campsites.

We urge an investigation into the practices of the Secretary of the Interior and of the Bureau of Outdoor Recreation.

2. The Secretary of the Interior and the Bureau of Outdoor Recreation now have authority to collect user fees and bring millions of dollars into the land and water conservation fund.

The Secretary of the Interior and the Bureau of Outdoor Recreation now have the authority to charge reasonable campsite user fees in national parks and at other Federal areas. Instead, at substantially all national parks, camping is free within the parks and at other Federal campgrounds fees are low.

State parks are charging campsite fees which may go as high as $3 or $3.50 a day. The Federal Government is foregoing a chance to receive millions of dollars in revenue in the form of reasonable fees.

3. Free campsites produce abnormally high and fictitious demand. Whenever any commodity is offered freely, or the price is substantially below a high market price, an abnormally high demand is bound to result. This has happened in the campground sector. The existing demand for campsites is not a true market demand. There is a large supply of unused private sites in many areas of the country.

Many other private campgrounds would spring up to meet the demand if it were not for the unfair competition in free and low-priced campsites of the Government.

4. Fair campsite fees will end overcrowding and slums in Federal areas. The free campsites within national parks and low fees at other Federal areas draw abnormally large numbers of campers, cause overcrowding and slum conditions.

Some campers preempt space for long periods of time, thus inconveniencing other campers. Fair and reasonable fees will end these conditions.

I might interrupt this statement—it is not a part of the prepared statement—to speak of an advertisement that appeared in the New York Times of Friday, July 28. It was entitled "Our National Parks Are Becoming Our National Slum," and points up this dilemma.

5. Campers spend $20 to $30 a day for all wants on vacation. They easily could afford fees of $2 or $3 a day. Such a fee represents only 10 percent of total daily expenditures of a family.

6. The Outdoor Recreation Resources Review Commission recommendations are being negated. The report of the Outdoor Recreation and Resources Review Commission recommended that private enterprise, be stimulated and encouraged to provide outdoor recreational facilities. Our information shows that Government campgrounds are being constructed with Land and Water Conservation Fund money and that the needs for these have not been justified. Some Government campgrounds, moreover, charge fees below a fair market level. These practices constitute unfair competition with private campgrounds and, in effect, negate the Outdoor Recreation Resources Review Commission recommendation by deterring private enterprise from going into the campground business.

7. Earmarking of revenues is an undesirable budgetary device. Congress should at all times be in firm control over national revenues and expenditures. The earmarking of revenues places a control over their expenditure without the control of Congress.

In conclusion, *a*, we oppose amending the Land and Water Conservation Fund Act, and *b*, we recommend that a congressional investigation be made as to whether the Secretary of the Interior and the Bureau of Outdoor Recreation are failing to carry out the provisions of the Land and Water Conservation Fund Act, particularly with respect to justifying the needs for proposed campground projects.

Thank you, Mr. Chairman. That is the statement on S. 1401, and I have another statement on S. 2828.

S. 2828

We are firmly opposed to S. 2828, which in effect would forbid the collection under the Land and Water Conservation Act of fees at Corps of Engineers water projects. This would be a thoroughly undesirable piece of legislation. Our reasons are given hereinafter and concern campsite user fees.

Unfair competition by U.S. Government agencies.—The construction of campgrounds with Federal funds and the operation of these areas by offering free camping is unfair competition with small private business in its most extreme form. It is a most unjust and inequitable practice and not worthy of this great Republic and the principles upon which it was founded.

Contrary to recommendations of Outdoor Recreation Resources Review Commission.—This Commission in its report rendered to the President in 1964 recommended that the creation of recreation facilities by private enterprise should be encouraged and stimulated. More private facilities are needed to meet the rising demands of outdoor recreation. The provisions of S. 2828, making free campsites available, would negate the recommendation of the ORRRC Commission and would be contrary to recently established policies of the administration laid down in the Land and Water Conservation Fund Act.

The passage of S. 2828 will well be a strong deterrent to private entrepreneurs to enter into the campground business and to that extent the creation of adequate future camping facilities will be discouraged.

Undesirable results from offering free camping facilities—overcrowding, slum conditions.—The offering of any commodity freely induces an abnormally high demand. We have seen what happens at national parks. Within most national parks camping is free. Some campgrounds are very crowded. Unsanitary and slum conditions develop. Some campers preempt space for extended periods of time because facilities are free while other campers who want to see the parks are inconvenienced.

The same conditions will prevail at Corps of Engineers campgrounds if no fees are charged.

In conclusion, we state that S. 2828 is a most undesirable piece of legislation, and we recommend to this committee that it be rejected.

Thank you very much, Mr. Chairman.

Senator BURDICK. Thank you.

Senator Hansen?

Senator HANSEN. I have no questions, Mr. Chairman.

Senator BURDICK. Charles Callison, of the National Audubon Society, has a statement.

STATEMENT OF CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT, NATIONAL AUDUBON SOCIETY

Mr. CALLISON. When the Land and Water Conservation Fund Act was signed in 1964, the National Audubon Society hailed it as landmark legislation, a farsighted accomplishment for which the 88th Congress of the United States would be honored in history. Most other national conservation organizations, I recall, expressed similar judgments. Now, nearly 4 years later, I don't think we were wrong. We were not wrong, nor was the Congress, in our common conviction that if we were going to meet the outdoor recreation needs of our rapidly growing population, and if we were going to save some significant portion of the unspoiled landscape for the inspiration and refreshment of future generations, we had to act now—in this decade—with sufficient funds and a national determination to see the task to completion. We haven't changed our mind about it one whit since 1964. If anything, our sense of the compelling urgency of the program and purposes of the act has been strengthened—and Congress has itself demonstrated a determination to follow through by passing, in 1964 and since then, a series of acts establishing two new national parks, five new national seashore and lakeshore recreation areas, the Ozark National Scenic Riverways,

four other major national recreation areas, and a couple of dozen smaller but significant additions to the national park and national forest recreation systems.

We have high hopes, Mr. Chairman, that before the 90th Congress finishes its work this year, it will have authorized a Redwood National Park, a North Cascades National Park and Recreation Area, an Apostle Islands National Lakeshore, and a national system of wild and scenic rivers.

While we were absolutely right about the conservation and recreation needs intended to be fulfilled by Public Law 88–578—needs first identified and analyzed by the Outdoor Recreation Resources Review Commission—we have to admit to some miscalculations about the revenues the act was expected to produce. By "we" I mean all of us, inside and outside of Government, who studied, advocated, and supported the bill. Sometimes the crystal ball is cloudy. After the bill was signed in 1964, the new Bureau of Outdoor Recreation put its best experts to work on the projections, and came up with an estimate that it would make available an average of $180 million per year during the first decade. Three full years have now passed and the actual revenues have fallen far short of the projections.

From 1965 through 1967, the 3-year total was only $289 million, or about 54 percent of the amount expected.

In its 1964 projections the Bureau also estimated that the act would make available an average of $72 million per year during the first decade for the acquisition of new Federal parks and recreation areas. The amount actually produced for such acquisition averaged only $43 million during the past 3 years. And the discrepancy, as this committee knows full well, has been far worse because of escalating land prices where new recreation areas have been authorized by Congress but appropriations have lagged. This was another miscalculation.

To see a mistake, to admit it, and to take steps to correct it is a mark of human maturity and intelligence. The National Audubon Society commends the sponsors of S. 1401. We believe it offers a realistic and timely correction of the shortcomings of Public Law 88–578. We respectfully urge a favorable report by this committee on S. 1401, including the advance land purchase contracting authority which we think is urgently needed, and an essential part of the bill.

We do not endorse the substitute language proposed by the Department of the Interior, which would earmark additional revenues only from the Outer Continental Shelf Lands Act, and then only enough to stabilize the land and water conservation fund at $200 million annually through the next 5 years. This amount will not meet the needs according to the Department's own figures. It would only perpetuate the "too little and too late" error that was written into the act in 1964.

I thank you for this opportunity to present the views of the Naional Audubon Society.

Senator BURDICK. It is now nearly 12 o'clock. I would like to say that if anyone here has a statement they would like to file for the record, we will accept it now.

The meeting will convene again at 2:30. There will be an adjournment now until that time. There are many conflicts on our time here.

Mr. UNPINGCO. I am executive director of the Alabama Mountain Lakes Association.

Senator BURDICK. Your name?

Mr. UNPINGCO. Bert Unpingco.

STATEMENT OF BERT UNPINGCO, EXECUTIVE DIRECTOR, ALABAMA MOUNTAIN LAKES ASSOCIATION

Mr. UNPINGCO. Mr. Chairman and members of the committee, I have been appointed by the Alabama delegation to be the spokesman at this hearing. As executive director of the Alabama Mountain Lakes Association, I am privileged also to represent 17 Alabama chambers of commerce who have fused regional interest into a force for the development and promotion of Alabama's scenic, historic, and recreational attractions.

Gov. Lurleen B. Wallace has issued a proclamation as follows:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF ALABAMA

Whereas, the people of North Alabama have benefited from the greatly expanded tourist and recreation promotion program conducted by the 15 North Alabama Chambers of Commerce who organized the Alabama Mountain Lakes Association; and

Whereas, the growing tourism and travel industry makes a substantial contribution to the economy of the Alabama Mountain Lakes and the entire State of Alabama, providing job opportunities and increased revenues; and

Whereas, the Alabama Mountain Lakes Association is recognized as an increasingly effective force in the development and promotion of recreation, attractions and tourism throughout the mountain lakes area of Alabama; and

Whereas, seventeen of the leading municipalities and twelve of the major counties in the State have given their official endorsement to the efforts of AMLA and have paid dues in support of this worthwhile effort; and

Whereas, effective promotion of the Alabama Mountain Lakes will help make Alabama a tourist terminal point rather than a "drive-through" area; and

Whereas, it is my personal hope, as Governor, that the goals for 1968 of the Alabama Mountain Lakes Association will be realized; and it is the policy of this administration to encourage the promotion and development of tourism and recreation in all regions of the State; and

Whereas, the State of Alabama will continue to expand the efforts to make our historical, recreational and scenic wonders known to our friends throughout America and the world:

Now, therefore, I, Lurleen B. Wallace, Governor of the State of Alabama, do hereby proclaim that the Bureau of Publicity and information, an official state agency charged with the responsibility of travel promotion and advertising, firmly supports and joins in these worthwhile efforts, and I urge all citizens, merchants, industries and other promotion agencies in Alabama to give wholehearted support to the Alabama Mountain Lakes Association in order to promote travel to and within the State of Alabama.

In witness whereof, I have hereunto set my hand and have caused the Great Seal of the State of Alabama to be affixed, done at the State Capitol in the City of Montgomery on this the 24th day of January, 1968:

[SEAL] LURLEEN B. WALLACE,
Governor.

Attest:

MABEL S. AMOS,
Secretary of State.

Mr. UNPINGCO. The Alabama Mountain Lakes Association was organized as a nonprofit organization by 15 north Alabama chambers of commerce in September 1963. The objective is to develop and promote a progressive program designed to make the Tennessee Valley area of Alabama and its adjoining counties an attractive place to visit and a finer place to live and work.

The Alabama Mountain Lakes Association began operation on May 1, 1965, with a board of directors composed of three representatives of each participating chamber of commerce; the chamber manager as president plus two selected by the chamber's board of directors. A full-

time executive director and a small staff operate the day-to-day activities of the association under the guidance of a 10-member executive committee of the board of directors.

To date, more than 500,000 brochures promoting the scenic, historic, and recreational attractions of the Alabama Mountain Lakes, as part of the U.S. Congress and the President's "discover America" program, have been distributed, with demand for still more.

Five attractively painted "Welcome!" billboards have been erected on the main highways leading into the region, with others planned.

The area has been featured in countless news articles and feature stories in newspapers and magazines throughout the country. Alabama mountain lakes, a region of rustic luxury, has been promoted free by exhibit, radio, commercial, and educational TV.

The Alabama Mountain Lakes Association is the agency through which the plans of participating communities are translated into action. So much for the commercials.

Sirs, we have reached the most critical point of our efforts to promote and advertise our communities * * * we must now deliver the products we have been selling.

Our community leaders have proved themselves as effective promoters. This is evidenced by the fact that in industrial plan facilities investment, the region has equaled more than the combined total of all the other States served by the Tennessee Valley Authority. Our recreational facilities investment, however, equaled less than any of our sister States served by the Tennessee Valley Authority, a situation which our community leaders are now working on to rectify.

In fact, sirs, we hereby let you and your colleagues know that you may expect an increase in requests for funds to develop the facilities which we so desperately need. This action, we believe, will spur the growth of commercially oriented recreation facilities investment.

Extremely valuable and desirable recreational sites are presently available near the growing areas of our State of Alabama. However, in our region, because of the advent of new industries, this condition is not expected to continue for more than a few years.

Immediate acquisition will not only result in substantial savings, but will permit the reservation of areas with outstanding recreational potential for development * * * areas not expected to be available in the future.

The Bucks Pocket Authority and the Alabama Mountain Lakes Association strongly endorses bill S. 1401, entitled, "To Amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes." The board of commissioners of our respective council of government supports both the objectives of the bill and the methods it provides for obtaining the necessary funds for accomplishing the objectives.

We, therefore, recommend that additional revenue from Outer Continental Shelf oil receipts, as recommended by the Outdoor Recreation Resource Review Commission, be added to current revenue sources in order to make total input of $200 million into the land and water conservation fund annually for the next 5 years. This legislation, to amend S. 1401 by providing a stabilized minimum annual sum for development, will be an essential step toward solving the problems of escalating land values in Alabama and the Alabama mountain lakes

region and areas which must be acquired and preserved as part of our scenic, historic, and recreational heritage. Your vote in support of S. 1401 will help substantially the communities in Alabama, especially those communities in Cherokee, De Kalb, Jackson, and Marshall Counties in their leaders effort to develop their outdoor recreational resources.

Senator BURDICK. Thank you for your statement.

Mr. UNPINGCO. I would like to introduce Ralph Mead, Gordon Sebring, Mr. Morris Lamunyon, chairman of the Board of Revenue of De Kalb County at Fort Payne, Ala., Mr. Kermit Johnson, chairman of the Commission on Government Finance, Marshall County, a member of the board of trustees of Bucks Pocket Authority, and also an executive committee member of the Alabama Mountain Lakes Association, of which I am executive director.

Senator BURDICK. We are happy to have them here, Mr. Unpingco.

Mr. Thomas Hale Boggs is next.

STATEMENT OF THOMAS HALE BOGGS, REPRESENTING THE OUTBOARD BOATING CLUB OF AMERICA

Mr. BOGGS. Mr. Chairman, I am Thomas Boggs. I represent the Outdoor Boating Club of America. We have a statement which I would like to include in the record. It is in support of S. 1401.

I am an attorney representing the Outboard Boating Club of America (OBC), which has its headquarters in Chicago, Ill. The OBC is composed of 350 affiliated local clubs. OBC and its sister organization, the Boat Owners Council of America, strongly support S. 1401.

The OBC was among the principal supporters of the original Land and Water Conservation Fund Act when it was enacted in 1964. Boatmen, through the Federal tax on marine fuel, have contributed about one-fourth of the fund's revenues each year for a cumulative total of close to $100 million expected by the end of fiscal year 1968. Our interest in the Land and Water Conservation Fund Act and our support of its purposes is as great as that of any organization.

We believe that enactment of the original Land and Water Conservation Fund Act was a significant step in developing needed recreational resources and preserving unique natural and scenic areas for future generations. Even though we realized at the time of passage that the projected revenues of the fund would be inadequate to meet growing needs (even presuming that land values would remain basically static), we strongly encouraged this approach to funding the program.

Older State and Federal recreational areas are overcrowded to the extent that enjoyment of the great outdoors approximates a subway rush hour. Seeking the solitude of nature and "getting away from it all" is becoming a historical and sociological artifact in many areas of our country. There just isn't room for all who would seek to enjoy the scenic and recreational pleasures of our Federal and States parks. User days increase at rates exceeding 10 percent per year in many areas—well beyond intended capacities.

New recreation areas are used well in excess of facility development and generous use projections. Construction of new facilities is actually hampered by the congestion of people seeking to use a new body of water before it is fully developed.

A survey of a portion of OBC's membership (about 4,000 persons) was conducted slightly over a year ago on a nationwide sampling basis. Seventy-one percent of the respondents felt an acute need for more launching facilities. Fifty-seven percent noted the need for more mooring facilities. Eighty percent of the sampling used public access facilities most of the time and one-third drove more than 50 miles to get to their favorite boating water. Cruising, fishing, and water skiing were the primary boating activities, followed by hunting, racing, and skindiving. The boating industry estimates that 41 million persons went boating in 1967, using the Nation's recreational fleet which now numbers an estimated 8.2 million craft of all types. Are there enough facilities to accommodate all of these people in their recreational pursuits? The answer is a resounding "No."

The States have responded in meeting the matching grant requirement under the Land and Water Conservation Fund Act of developing statewide plans for outdoor recreation. Similarly, they have developed sources of funding to provide the State half of the matching moneys. For example, New York passed a $200 million outdoor recreation bond issue. Michigan plans to build 1,000 boat-launching ramps within the next 10 years using State marine fuel taxes as a primary source of funding. Most State programs, like New York and Michigan, anticipate use of the Land and Water Conservation Fund Act matching grants as an essential element to their success in meeting the demand for outdoor recreation. Yet, the fund can provide only $65 million annually which must be allocated among 50 States.

The general facts briefly recited pertain only to the growth of outdoor recreational needs and the inability of present programs, including the Land and Water Conservation Fund Act, to meet this need. The fund has become effectively smaller through an unforeseeable factor, that of rising land costs, which can only be termed "spectacular."

Like it or not, the race is on to preserve unique, irreplaceable, and priceless scenic and recreational areas in the public domain for present and future generations. To say that S. 1401 is farsighted, while true, is to understate the urgency of the situation the bill recognizes. The battles to preserve our natural and historical heritage are only beginning—and already some of them have been lost for all time. More may be won through passage of S. 1401. We strongly urge its passage.

STATEMENT OF JOHN A. MAY, DIRECTOR, DIVISION OF OUTDOOR RECREATION, DEPARTMENT OF PARKS, RECREATION, AND TOURISM, SOUTH CAROLINA

Mr. MAY. Mr. Chairman, my name is John A. May, Director of the Division of Outdoor Recreation of the Department of Parks, Recreation, and Tourism of the State of South Carolina. I would like to present to you a letter from the chairman of the department, and I would also like to present to you, sir, our letter from our Governor relative to this.

Senator BURDICK. Those will be made part of the record.

(The letters follow:)

STATE OF SOUTH CAROLINA,
DEPARTMENT OF PARKS, RECREATION AND TOURISM,
Columbia, February 5, 1968.

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

DEAR SENATOR JACKSON: The newly created South Carolina Department of Parks, Recreation and Tourism has since July 1, 1967, administered the Land and Water Conservation Fund Program for South Carolina. The possibilities this Grant-in-Aid Program offers to the State of South Carolina and its counties and municipalities is only now being realized.

The Department is currently completing a study of a system of priorities for allocating the so-far unobligated monies apportioned to South Carolina. It is clearly indicated that as more agencies have become aware of the implications of the Fund more monies will be needed to meet current and future demands for effective recreation development.

I urge your committee and the Congress as a whole to pass appropriate legislation as embodied in S. 1401.

Sincerely,

DWIGHT A. HOLDER, *Chairman.*

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR,
Columbia, February 5, 1968.

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

DEAR SENATOR JACKSON: I am writing in reference to the passage of S1401 which the Senate Committee on Interior and Insular Affairs is considering. The Bill provides for additional revenues to accrue to the Land and Water Conservation Fund.

The Fund has begun to substantially serve its purpose of stimulating recreational development in South Carolina on State and local levels.

It has just been in the last two years that our State has moved aggressively to exploit our unlimited opportunities for recreational development.

In conjunction with our new effort in this area embodied in the creation of the South Carolina Department of Parks, Recreation and Tourism, S1401 has tremendous implications for the State of South Carolina.

For the above reasons I urge Congress as a whole to enact this legislation at the earliest possible date.

With kind regards, I am

Sincerely,

ROBERT E. MCNAIR.

Mr. BOARDMAN. Mr. Chairman, I am Walter Boardman, representing the Appalachian Trail Conference. I have a brief statement which I would like to present as if read.

Senator BURDICK. It will be so received, without objection.

STATEMENT OF WALTER S. BOARDMAN ON BEHALF OF STANLEY A. MURRAY, CHAIRMAN OF THE APPALACHIAN TRAIL CONFERENCE

Mr. BOARDMAN. Mr. Chairman, my name is Walter S. Boardman and I am appearing here as the representative of the Appalachian Trail Conference with an office located at 1718 N Street NW., Washington,

D.C. It has been reviewed by Mr. Stanley A. Murray, chairman of the Appalachian Trail Conference. He regrets that he is not able to be here in person.

Those of us who have been deeply concerned with keeping the Appalachian Trail as a continuous footpath of 2,000 miles along the mountain ridges between Maine and Georgia are deeply concerned over the changing patterns of land use and recognize the need for Federal participation in its protection. We are well aware of the need to acquire property as quickly as possible after congressional or State authorization for park or recreation purposes has been given. As a group of citizens who have tried to do for ourselves, we have first-hand experience in what happens to land values when there is any discussion of purchase by a private agency such as the nature conservancy or a land trust. It is obvious that there is a great need to have adequate funds available to purchase recreation lands before they are priced out of reach or are altered for other uses to the point where they are too costly or no longer are in a condition to serve their recreational potential.

The Trails Conference wishes to offer specific comments upon the three major objectives of S. 1401.

1. It will add for a limited time additional sources of revenue to the land and water conservation fund. This is urgently needed.

2. It will authorize the head of the department concerned to contract, under certain restrictions, for the acquisition of property within authorized areas in advance of actual appropriation of moneys from the land and water conservation fund for such acquisition.

Such authority is in keeping with sound business practice and will help to control the spiral of price demands by landowners. This can mean the difference between acquisition or loss of lands for recreational purposes.

3. It will authorize a lease-back and sell-back land management program for the property acquired for the national park system.

Some of us have reservations about this proposal as it is written. While all possible ways and means of acquiring lands for public purposes should be employed, this authority might under some circumstances become a disservice. If it means the further opening of parks and other recreational areas for concession operators, worthy as some may be, we fear it. Further study of this provision is respectfully urged.

Thank you for this opportunity to appear before you and to be heard.

Mr. ELLIS. I am Spencer Ellis, director, Maryland Department of Forests and Parks. With your pleasure, I will submit my statement for the record.

Senator BURDICK. It will be made a part of the record, without objection.

STATEMENT OF SPENCER P. ELLIS, DIRECTOR, MARYLAND DEPARTMENT OF FORESTS AND PARKS

Mr. ELLIS. I endorse S. 1401, a bill to increase the revenue of the land and water conservation fund, or any other bill designed to increase the source of funds available to the States for the acquisition and development of recreation areas.

Maryland's needs are clearly visible. Located in the highly urbanized megalopolis which stretches from Boston to Richmond and having a population of 3,800,000 people, the State finds itself not only having to serve its own people, but also citizens from neighboring States. Recent statistics from the Maryland travel and use survey conducted jointly by the Department of Forests and Parks and the Maryland State Planning Department reveal that approximately 50 percent of the Maryland State park users are from out of State.

Approximately 250,000 acres of additional recreation land will be necessary to meet the demands of a projected population of 4,678,000 by 1980. By the year 2000, with a population of 6,070,000, demand will increase to approximately 400,000 acres. These future outdoor recreation needs are clearly outlined in Maryland's statewide comprehensive plan recently approved by the Bureau of Outdoor Recreation.

Most of Maryland's open space and recreation lands are concentrated in the rural regions of the State. Eighty-six percent of the population, on the other hand, is concentrated in the Baltimore and Washington metropolitan areas.

The problem of acquiring outdoor recreation land in the face of rapidly escalating land costs has been demonstrated to the committee by the Department of Interior. The situation is even more critical at the State and local level. Land in the Washington-Baltimore corridor, which could be purchased for $750 per acre 5 years ago, now costs the State of Maryland in excess of $2,200. Land costs throughout Maryland are increasing at a rate of approximately 18 percent annually. Unless immediate action is taken to implement an accelerated land acquisition program, the State will be priced out of the market and the land will be converted to other uses and forever lost.

Since the passage of the Land and Water Conservation Fund Act, all levels of government in Maryland—State, local, and municipal—have actively participated in the program. Every effort has been made to encourage use of funds by all political subdivisions.

In Maryland, 36 percent of our total apportionment is retained and utilized by State agencies charged with recreation responsibilities. Fifty-four percent of the apportionment is suballocated to Maryland's 23 counties and Baltimore City based on a formula including population density, urbanization, and the need for additional recreation land. The remaining 10 percent is reserved in a State contingency fund and is subsequently allocated to projects of critical need.

As of January 1, 1968, Maryland had processed 64 projects totaling $12 million. Twenty-two of these projects were for land acquisition and totaled $10,461,000 or 86 percent of the value of all projects submitted. Forty-two were development projects totaling $1,675,000 or 14 percent. Of the 64 projects, 48 were submitted from the political subdivisions. Thirteen of these were acquisition projects and 35 development projects.

Maryland has, to date, been apportioned $4,449,000 during the first 5 years of funding. Of this total, $3,451,000 has been obligated, or approximately 71 percent. Twenty-two county and city projects totaling $401,461 are currently being processed and will be forwarded to the Bureau of Outdoor Recreation during the coming months. Nineteen of these projects are for development and three are for acquisition.

If Maryland was not affording the political subdivisions every opportunity to apply for the funds, 100 percent of the State's apportionment would be obligated today. In the past, the local agencies have had to adjust their budgets to apply for the funds allocated to them. These agencies are just now beginning to include funds for matching land and water monies in their budgets.

The capital improvements budgets of the State agencies charged with recreation responsibilities exceed the current land and water conservation fund apportionments by $8 to $1. In the next 5 years, it is anticipated that the State and local recreation agencies will expend approximately $100 million for acquisition and development of recreational facilities. Any additional funds provided to the State under the act could easily be matched.

Maryland is attempting to assist her political subdivisions in meeting their recreation demands by providing a State grants program. The Patuxent River Watershed Act of 1961 provides matching assistance for land acquisition to counties located adjacent to this river. Other existing programs include the Waterways Improvement Act and the Shore Erosion Control Act. The State legislature is currently considering an additional statewide grants program to provide matching assistance to the political subdivisions for land acquisition.

The land and water fund, as it exists today, has created a tremendous impetus in the recreation field. This is especially true in Maryland. Even though limited funds have been available for acquisition and development, participation throughout the State has been excellent. Considerable interest has been expressed by the subdivisions. More emphasis has been placed on the creation of recreation and parks departments and many counties which in the past expressed little interest in recreation, are now taking a serious look at planning, at providing professional staff, and the programing of fund. Much of this new interest is a direct result of the Land and Water Conservation Fund Act.

With this new spirit, combined with increased emphasis on land acquisition, development and programing of activities, it is logical to assume that our demands for funding these items is going to be substantially increased. Every effort should be made to increase the funds available under the Land and Water Conservation Fund Act so that these increasing demands may be met. Not only here in Maryland, but more important, throughout the United States.

Gentlemen, it has been a pleasure to appear before this committee and express my views. It is my hope that you will establish the necessary mechanics whereby funds under the land and water conservation program may be increased.

Thank you.

Mr. TALBOT. David Talbot. I am from Oregon. I request that my statement be made a part of the record.

Senator BURDICK. It will be so received, without objection.

STATEMENT OF DAVID G. TALBOT, SALEM, OREG.

Mr. TALBOT. Mr. Chairman and members of the committee, my name is David Talbot and I am here to present testimony in support of S. 1401.

My statement represents the views of Gov. Tom McCall of Oregon and Mr. Forrest Cooper, State liaison officer for the land and water conservation fund program in Oregon.

We heartily endorse the purpose of S. 1401 as introduced.

Oregon is one of the large, Far West States with relatively light population, but with over 50 percent of its land area owned and managed by the Federal Government. The State and local agencies in Oregon have long recognized the need for preserving our outdoor heritage. We have accomplished a great deal on our own, and have fully utilized what little Federal aid funds that have been made available to us. Our citizens are fully aware of the magnificent natural resources with which we are blessed, and more importantly, understand that now is the time to act before the opportunity is lost. Many of our citizens have come from the large urban areas of the East, the Midwest, and California, and they say to us "we moved to Oregon to get away from congestion, urban blight, dirty air and dirty water. Oregon is still clean and beautiful, with uncrowded beaches, with clear lakes and streams where we can take our families to camp and fish and swim." They say, "Don't let it happen to Oregon."

To say that the land and water conservation fund has been a shot in the arm to the outdoor recreation programs in Oregon is to put it mildly. It has done the job we believe Congress intended when the legislation was enacted in 1964. Comprehensive planning is underway and is being accepted. State and local agencies are buying key lands for outdoor recreation, and many needed facilities are being developed which would not doubt be delayed or shelved if it were not for the "carrot and stick" approach of the Federal program.

Since the program got underway, we have received requests for 181 individual projects totaling $4,182,000. Of this total amount, 76 percent has been for land acquisition and 24 percent for development. We believe that this is just the beginning and that local government in particular is just now getting geared up to the program. Our most recent analysis of funding for outdoor recreation projects through 1975 indicates that State and local agencies could match at least $30 million Federal-aid dollars for outdoor recreation projects if they were available. Under the present program we can expect only $11,350,000. We wish to emphasize that Oregon not only recognizes the need to act immediately, but stands ready to utilize nearly three times as much funds as are now being made available. This picture is made even worse when the actual funds received are substantially less than our apportionment because of insufficient fund income.

We understand that the administration has endorsed this bill, but has recommended certain amendments regarding both the amount to be transferred and the split between the Federal agencies and the States.

It is our opinion that the findings of the Outdoor Recreation Resource Review Commission regarding the "pivotal role of the States," which is the basis of the present 60–40 split, is sound and should not be changed. The place to provide recreation opportunities is where the people are and this can be best accomplished by State and local government.

We fully understand the plight of the several Federal agencies as they seek to secure key lands in the face of ever-spiraling land costs.

However, their problem is no more severe or serious than that faced by the States and local government agencies. The costs of land have gone up everywhere, and while I cannot support the point at this time with sufficient facts, I'm convinced that it may well be even more serious at the local level. The problem of Federal land costs is certainly no basis for altering the present formula.

In conclusion, Oregon has been a leader in supporting and sustaining the land and water conservation fund program. We understand both our problems and opportunities and have made good use of what funds have been made available. More financial assistance now will accelerate our programs and in the long run, save the public many dollars. We support the purpose of S. 1401, urge your serious consideration of devoting as many dollars as possible to the program and oppose changing the present apportionment formula.

We would be doing a great disservice to the many persons and agencies who have made the fund a reality if we didn't make it clear that we appreciate the existing program and especially, the dedicated staff of the Bureau of Outdoor Recreation who have done a magnificent job in working with the States and making the program the success it has been.

Mr. McCLOSKY. I am Michael McClosky, recreation director of the Sierra Club. I would like to present my statement for the record.

Senator BURDICK. We will receive it without objection.

STATEMENT OF MICHAEL McCLOSKEY, CONSERVATION DIRECTOR, THE SIERRA CLUB

Mr. McCLOSKEY. Mr. Chairman, my name is Michael McCloskey. I am the conservation director of the Sierra Club (1050 Mills Tower, San Francisco, Calif.) and am speaking for it here today. The Sierra Club is the largest outdoor club in the United States, with 60,000 members in all States of the Union. Since John Muir founded the club in 1892, the club has devoted itself to advancing programs to protect the natural scenic endowment of the United States. From its inception, the club has believed that the national park formula is one of the best this Nation has revised to protect its most significant natural areas.

It is because of our commitment to seeing the national park formula succeed in bringing protection to even more irreplaceable parts of America's landscape that we believe S. 1401 and S. 531 are so important. We strongly support the intent of these measures and congratulate the sponsors, Senator Henry Jackson and Senator Thomas Kuchel, for their leadership in seeking improved funding for our system of national parks and recreation areas. As the committee knows best of all, current funding is running far behind our existing commitments and is hopelessly inadequate to meet the needs for new authorizations.

It has been evident for some time that a new formula to finance land acquisition for our systems of national parks and recreation areas is necessary. The Congress obviously hoped that the land and water conservation fund would provide such a formula. While conservation groups strongly supported establishment of this fund, they did not do so with the understanding that it would be the only source of funding for new parks. We expected that direct appropriations would con-

tinue to be available to a limited degree, and thus did not expect that the annual revenues accruing to the fund would be regarded as the ceiling on outlays. It is increasingly clear, however, that the Congress wants to limit outlays to what the land and water fund alone can sustain.

If this is the direction in which Congress feels it must move, then the only satisfactory answer for park funding is to seek augmentation of the land and water fund. The basic questions to be answered with respect to augmentation are: (1) from what sources; (2) in what amounts; (3) for how long.

The Interior Department estimates that $318 million will be necessary to complete acquisitions of national park units already authorized. This figure does not include another $43 million which will probably be necessary to complete Point Reyes National Seashore in California. The administration estimates the cost of currently pending proposals, which it is supporting, at $160 million. There are probably at least $100 million worth of other park projects pending before this Congress on which the administration has not yet announced its position. If all of these proposals should be regarded as meritorious—and the time is late to rescue these endangered pieces of American landscape—as much as $621 million would be required to buy the land.

On top of this amount, it is only realistic to foresee that deserving new bills for some additionally outstanding areas will be introduced in succeeding Congresses. Gradually the residue of qualifying areas will diminish—and the opportunities to rescue them will diminish ever faster; it is unrealistic, however, to expect that the job will be finished by the legislation now in view. Probably between $750 million and $1 billion will be necessary in funding for Federal park projects foreseeable in just the next few years. Though this amount is large, California alone is now looking at the possibility of financing a $4 billion open space preservation plan. The Federal Government also ought to be developing its national plan to preserve open space.

In view of the magnitude of the funding needed for Federal park and open space acquisitions, it is clear to us that this is the time to face up to the need to earmark enough revenues to the land and water fund. Consequently, we support earmarking all of the revenues included in S. 1401 and S. 531, including those derived under the Mineral Leasing Act, the Potash Leasing Acts, the Outer Continental Shelf Lands Act, and those revenues now remitted to the Treasury from programs of the Forest Service. Because the revenues accruing from some of these programs vary appreciably from year to year, it would seem desirable to include revenues from all of them to stabilize the flow of funds. Moreover, there is a basic equity in earmarking all of these funds to help buy new lands where scenery is protected, in that many of these mining and forestry programs diminish the scenic character of public holdings. By earmarking these revenues, the public will secure a rough type of replacement in kind.

With earmarking of revenues to the fund from all these sources, we hope that no less than $300 million will be available each year for distribution to Federal agencies and the States. The Interior Department admits that this amount will be needed in each of the next 5 years to meet an accumulated projected need of $1.5 billion during this period. If the administration's suggestion is adopted for changing the division of allocations to 50 percent each to the States and the Federal

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Government, $150 million would be distributed annually to Federal agencies at this level of funding.

At the current level of funding, only about $48 million is available for such distribution. When the land and water fund was orignally authorized, it was expected that about $92 million each year would now be available for Federal use from the fund. Not only is the fund failing to keep pace with needs, it is even falling sadly behind its projected levels. The lesson to be learned is to give the fund enough flexible resources to do its job. We hope the committee will not accept the administration's suggestion that a $200 million ceiling be placed on the fund. This level alone falls short of the Interior Department's own estimate of need.

The last basic question which S. 1401 and S. 531 raise is the question of how long revenues should be earmarked to the fund. Over a 5-year period, funding at the level of $300 million will produce $750 million for Federal use under a 50–50 State-Federal allocation. This amount would barely meet the projected needs which the Interior Department can now foresee during this period. A 5-year limitation on earmarking would not provide leeway to plan acquisitions over a longer period. Over a 10-year period, the Department foresees the need for as much as $1.8 billion in Federal allocations ($3.6 billion in total funding, counting allocations to the States as well as to the Federal agencies). Funding at a $300 million level with a 50–50 split over a 10-year period would produce only a $1.5 billion for Federal use, leaving us still $0.3 billion short. In view of the fact that needs can be foreseen over as long as a 10-year period and that even annual revenues at a $300 million level will run short of foreseen needs—let alone unforeseen needs—we strongly recommend that no limit be placed on the duration of earmarking. In this respect, we prefer the approach taken in S. 531. Admittedly, the greatest challenge will be in the next 5-year period. Land acquisition must move forward vigorously before prices rise. But we should not foreclose the chance to pursue new opportunities as need grows with an increasingly adverse man-land ratio in this Nation.

Finally, Mr. Chairman, we would like to make it clear that we fully support the general authorities conveyed in S. 1401 which allow the Secretary of the Interior and others to enter into contractual commitments for purchase in advance of appropriations, though we hope these authorities can be renewed for periods of more than 2 years. And we fully support authorization of sale and lease back arrangements under appropriate protective restrictions, though we believe that priority in land purchase should be given to those areas where the full fee will be retained.

In summary, the Sierra Club strongly supports S. 1401, except that it urges that no limit be placed on the duration of earmarking. Thank you for the opportunity to testify.

Senator BURDICK. Melvin O. Steen, Nebraska State liaison officer, and director of the game and parks commission, has submitted a statement. Also William J. Hull, chairman of the legislative committee, Ohio Valley Improvement Association, Inc., has asked that his testimony be included in the hearing record. Without objection, those statements will be printed at this point.

(The statements referred to follow:)

STATEMENT OF MELVIN O. STEEN, NEBRASKA STATE LIAISON OFFICER AND DIRECTOR, GAME AND PARKS COMMISSION

My name is Melvin O. Steen, Nebraska State Liaison Officer and Director of the Game and Parks Commission in that state. I submit this testimony in support of legislation designed to increase and stabilize the funding of the grant-in-aid program authorized by the Land and Water Conservation Fund Act of 1965.

In Nebraska, at both state and local levels, we have long recognized an urgent need to provide more healthy recreational outlets for the citizens of our state, and particularly for the young and underprivileged. In the past, we have been unable to mount a program that could meet this social need. Under the Land and Water Conservation Fund Act we have made an excellent start in doing so. An indication of our views on this subject is the action taken by the Nebraska Legislature to implement the program:

1. They have designated the Nebraska Game and Parks Commission as the state agency which shall administer the program in our state, and provided funds for administrative costs.
2. They have appropriated adequate matching funds for all federal money that has been made available.
3. They have provided the funds and authorized the Game and Parks Commission to grant political subdivisions an additional 25% *state* grant-in-aid for approved projects.

This plan has been very effective in bringing developments at the local level. As of this date, 103 political subdivisions have applied for participation in the program. One hundred local projects are already on file, of which 15 have been completed and 21 are in various stages of progress. We have been unable to initiate the remaining 64 projects for the reason that no federal funds are available. As of February, 1966, we had programmed 28 of the 64 projects by setting aside for this use all the federal funds estimated to become available for this purpose through fiscal year 1970. The remaining 28 projects gather dust in our "hold" files, since there is no funding in sight until fiscal year 1971 and beyond.

Additional projects by political subdivisions are in various stages of planning, but we cannot recommend completion and filing, because no implementation is in sight for five years and more.

At the state level, the situation is just as bad. We presently have projects, totaling more than twenty million dollars, that can be activated as rapidly at funds become available. In addition we have other projects in various stages of planning, to be programmed as circumstances permit.

The truth is that federal funding at the present time is quite inadequate to meet identified needs in Nebraska. Moreover, the proposal to stabilize federal appropriations at $200 million annually for five years falls far short of our needs. It is our belief that funding should be substantially larger than $200 million a year, and that this new level should be maintained throughout the life of the program rather than restricted to five years.

Nebraska will always remain an agricultural state, engaged in the very important function of producing food and fiber for the American people and, indeed, the world. Because of this, we shall continue to have the wide open spaces, the clean air, recreational waters, the wildlife, the scenery and other resources that are so important in meeting outdoor recreation needs of our people. This nation is rapidly becoming so urbanized that ability to provide this recreation is sharply limited in the megalopolis regions of America. In this age of high mobility, travel does not present the problem it once did. We believe, therefore, that regions having space for people to play should make a special effort to fulfill the objectives of the Land and Water Conservation Fund Act.

The American people have achieved scientific, technological and industrial progress far beyond that reached by any people at any time in all of history. There is little doubt in my mind—and I believe the findings of the Outdoor Recreation Resources Review Commission support this conclusion—that we have fallen dangerously far behind in social progress, and particularly in the preservation and enhancement of man's environment. I submit that the time has come to correct this, not by half-hearted, inadequate means, but by such programming as will enable the American people to make up for neglect in the past, as well as to meet the growing needs of her pyramiding populations, increased and expend-

able income, and new leisure time. I submit that the scientific, technological and economic progress we have made has as its real objective but one target, and that is the better life. We do not exist to serve Science, Technology, Industry, or Economics; they exist to serve us. Let us use them to build a better environment for ourselves and for the Americans of tomorrow.

In comparison with other public expenditures, the sums needed to adequately fund the Land and Water Conservation Fund Act program at a level which meets the outdoor recreation needs of our people is minute; surely it is of no great economic concern. We recommend and urge, therefore, that the Land and Water Conservation Fund program be financed at the level proposed by the National Association of State Outdoor Recreation Liaison Officers, as submitted in the presentation of its president, R. A. MacMullen, of the State of Michigan. Finally, we believe that no grant-in-aid program authorized by Congress has been more popular nor more effective in meeting critical needs and in building for the future than the Land and Water Conservation Fund Act of 1965. We should not permit this splendid program to operate at half-pace any longer; the social welfare of the American people requires that it be put on an *adequate* operational basis for the balance of its authorized life span.

STATEMENT OF WILLIAM J. HULL, CHAIRMAN OF THE LEGISLATIVE COMMITTEE, OHIO VALLEY IMPROVEMENT ASSOCIATION, INC.

Mr. Chairman and Members of the Committee, The Ohio Valley Improvement Association, founded in 1895, is composed of civic and agricultural groups, and industries such as coal, oil, steel, aluminum, chemicals and electric power, as well as financial institutions, shippers, river operators, merchants and individual citizens who support its work and program. It is dedicated to the development and more effective use of water resources in the Ohio River Basin.

In the light of its commitment to water resource development, this Association, while sympathetic with the purposes of Public Law 88–578, the Land and Water Conservation Fund Act of 1965, to encourage development of outdoor recreational opportunities, was strongly opposed to the admission and user charge systems authorized by that legislation.

We were, of course, gratified that in the final version of the Act, Federal agencies were prohibited from charging any fee under the Act "for use of any waters." But fees for entrance, admission or access to designated land or water areas were authorized under certain circumstances as well as fees for use within an area of "sites, facilities equipment or services provided by the United States", excluding of course, fees for the use of any waters.

Application of this fee system to project areas traditionally free of such Federal charges, as in the case of Corps of Engineers water resource projects, represents our principal concern. Moreover, it has become increasingly clear that the statutory prohibition against fees for the use of waters cannot be made fully effective unless charges upon access to water areas are specifically forbidden.

As the Committee is well aware, the provision for entrance fees and user charges as to projects administered by the Secretary of the Army constitutes an extreme departure from long-established precedent. Indeed, implementation of the policy of the Land and Water Conservation Fund Act, required a specific amendment to the Flood Control Act of 1944, as amended (16 USC 460d), by deleting the words "without charge" in the portion assuring free access for recreational purposes to the water areas of Corps of Engineers reservoirs.

We are now confronted with still another precedent-shattering fee system in the form of Corps of Engineers circular No. 1130–2–25 (issued 17 November, 1966) as amended, to require collection of fees for permits covering any "private boat mooring facility (boathouse, buoy, dock or pier), duck blind, ski-jump float, swimming or diving platform or raft, or any similar facility upon the water area of any water resource development project". Not only are permits for new facilities subject to the fee system but all existing permits for such purposes are to be revoked effective 31 December, 1968 and permittees must remove their facilities or obtain a new permit prior to 1 January, 1969, for facilities to remain in place. This novel policy purports to be based upon the Act of Congress approved August 31, 1951 (65 Stat. 290; 31 U.S.C., Sec. 483a), an appropriations act, authorizing Federal agencies to prescribe fees for licenses or permits granted (among other things), except in cases where such charges are prohibited by law.

We offer the following comments specifically with respect to circular No. 1130–2–25. The fees it specifies are to be applicable to the described facilities at any "water resource development project". This is a term which could apply with equal propriety to a channel deepening project, a harbor improvement or a navigation dam, as well as to a multipurpose reservoir. The fees proposed, therefore, could be applied not only to recreational but to industrial and commercial docks and other facilities in navigable waters. So applied they would constitute a thinly disguised toll or user charge, conflicting with the intent, if not the letter of section 5 of Title 33 U.S.C., which prohibits "tolls or operating charges" upon "any vessel, dredge or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation * * *".

A similar possibility of conflict with the Navigation Clause of the Northwest Ordinance is also presented, since it is hardly consistent with the central concept of free use of the navigable waters ("without any tax, impost or duty therefor") to burden navigation with fees levied on docking and mooring facilities, without which navigation would be drastically curtailed, if not entirely prevented.

The foregoing argues at the very least for a clear cut definition sharply limiting the scope of the permit fee system to avoid any erosion of the basic national free waterways policy, if indeed such a definition is conceivable. Our opposition to the permit fee system, however, is based not only on our dedication to the preservation of the long-established, toll-free waterways policy but also on the same considerations now to be developed which, in our judgment, justify prohibition of fees for entrance, admission or access to Corps of Engineer project areas or for use of minimum recreational facilities at such areas.

The pending Bill would prohibit fees under the Land and Water Conservation Fund Act, or any other provision of law, for entrance, admission or access to the project area, or for use of minimum recreational facilities at such an area, or any project administered by the Secretary of the Army acting through the Chief of Engineers. It would also prohibit fees or charges for issuance of any permit or license for any "boat mooring or docking facility, duck blind, ski-jump float, swimming or diving platform or raft or any similar floating facility on any of the waters of any project administered by the Secretary of the Army acting through the Chief of Engineers".

The prohibitions set forth in the pending legislation are, we submit, clearly in the public interest. We are convinced that imposition of fees and charges of the types falling under the ban of this legislation would discourage public recreational use. Such diminished use would tend to defeat the very purpose of the Land and Water Conservation Fund Act and other Federal legislation to expand outdoor recreational opportunities in line with increased public need resulting from rapid population growth, increased leisure time and greater mobility. Imposition of such fees and charges would reverse our long established policy of water resource development for the benefit of all the people and would place the Federal Government in the business of selling the privilege of using facilities and resources owned by all the people to those who could afford to pay for them. Such charges would restrict access and use by those most in need of the opportunities afforded by such facilities.

The prospects of these impositions is particularly alarming since no meaningful guidelines or limitations are provided by statute for determination of the amounts of the fees under either the Act of August 31, 1951, or the Land and Water Conservation Fund Act, except only the provision of the latter for a seven-dollar ceiling for annual motor vehicle stickers. No significant limitations on Executive discretionary power are to be found in the exhortation of these Acts that the fees are to be "fair and equitable, taking into consideration direct and indirect costs to the Government benefits to the recipient, public policy or interest served, and other pertinent factors". (The above quoted language is taken from Section 2(a) of the Land and Water Conservation Fund Act. The Act of August 31, 1951 is substantially identical in this regard except that it speaks of "cost" to the Government and "value" to the recipient and "other pertinent facts".)

Thus no adequate statutory safeguards are provided against arbitrary and capricious action in fee determination. This vice of vagueness in the statutory standards for fee determination is especially acute with respect to charges authorized by the Land and Water Conservation Fund Act since criminal penalties are prescribed by that Act for violations of regulations established for collection of such charges. [See Section 2(a)]

Imposition of the fees in question would have grave implications also for water resource development for flood control, water quality control, navigation and other purposes. Recreational benefits are becoming an increasingly important

element in the economic evaluation of projects. Imposition of charges burdening recreational use will inevitably diminish the appeal of the project areas and discourage public interest in their use for recreation. As recreational values decrease, the economic justification of projects will be impaired, raising serious questions as to the feasibility and ultimate construction of projects involving important flood control, navigation and other public purposes.

The matter is especially serious with respect to the projects in chronically depressed areas where tourist attractions of Federal reservoirs and navigation pools are a significant element in economic recovery programs. Under these fee systems discouraging recreational use, the adverse impact will fall with particular severity on the very areas whose relief and improvement are the special concern of national policy. For those states and local communities which have confidently assumed that Federal reservoirs and other water resource projects in their areas would constitute important tourist attractions and especially where substantial investments of public and private funds have been made in facilities for tourists, these fee systems constitute a breach of faith.

The prohibitions against fees contained in the pending bill would not only rectify grave errors of policy, but, even more significant, they are urgently demanded if the good faith of the national government is to be honored.

It has been argued in support of these fee systems that they will assist in excluding undesirable and disorderly elements and, in the case of the fees on floating facilities, in helping to prevent unsightly clutter. As Chief Justice White of the Supreme Court used to say: "To state that proposition is to refute it". Such preverse logic would justify limiting access to the National Capitol to those able to pay fees for its upkeep.

In this country we have not considered economic status a dependable index of good conduct or good taste. Nor have we expended public funds solely for the benefit of those who could afford to pay for public facilities. The central and overriding purpose of water-oriented recreational development as a Federal undertaking is to bring healthful recreational opportunities within the reach of all our people. The pending legislation is fully consistent with that wise and humane public policy. Good order and beauty can be achieved through proper planning, supervision and administration. Fee systems devised to limit access to, and use of, basic public facilities to the more fortunate among us cannot and must not be tolerated.

We appreciate this opportunity to give our full endorsement to the pending legislation and urge most strongly its favorable consideration by the Committee and its prompt enactment into law.

Senator BURDICK. Is there anyone else at this time?

The committee will reconvene at 2:30 this afternoon.

(Whereupon, at 12 o'clock (noon), the committee recessed, to reconvene at 2:30 p.m. the same day.)

AFTERNOON SESSION

Senator CHURCH (presiding). Our next witness is Joseph Fitzgerald, accompanied by Mr. B. L. Orell. Gentlemen, the Chair is happy to welcome you here this afternoon.

STATEMENTS OF JOSEPH J. FITZGERALD, CHAIRMAN OF THE FORESTRY AFFAIRS COMMITTEE OF THE NATIONAL FOREST PRODUCTS ASSOCIATION, AND BERNARD L. ORELL, CHAIRMAN OF THE PUBLIC LAND LAW AND POLICY SUBCOMMITTEE OF THE NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. FITZGERALD. I am Joseph J. Fitzgerald, executive vice president, Edward Hines Lumber Co., Chicago, Ill., and chairman of the Forestry Affairs Committee of the National Forest Products Association. Appearing with me is Mr. B. L. Orell, vice president, Weyerhaeuser Co., Tacoma, Wash., and chairman of the Public Land Law and Policy Subcommittee of my committee.

My company's manufacturing operations are principally in Oregon, Idaho, and Colorado. We are entirely dependent on Federal land for our raw material supply. NFPA, with headquarters in Washington, D.C., is a federation of 17 regional, product, and species associations representing lumber and forest products manufacturers nationwide.

Our industry has taken an active interest in the land and water conservation fund legislation since its introduction. We supported the concept of user fees for Federal recreation facilities. We also urged that the Federal portion of the fund be available for development of recreation sites and facilities rather than just for land acquisition.

We are concerned with several aspects of S. 1401 which would substantially increase revenues available for the fund and also introduce several innovations in Federal land acquisition and management practices.

We are also concerned that it is not generally recognized that recreational use of land does not necessarily preclude other productive use. Conversely land used for production of timber is not necessarily unsuitable for recreation. Land uses are not generally mutually exclusive. This committee has recognized this capability in legislation for national recreation areas, scenic rivers, and trails bills, but the concept needs to be more forcefully stated.

Timber production can and must be maintained in areas devoted to recreational development if we are going to be able to meet our Nation's need for wood and wood products. A growing forest adds as much to environmental quality as an old-growth forest. We urge that this truth be recognized in any proposals that come before this committee providing for substantial land acquisition or management restrictions on private and public lands.

EARMARKING OF RECEIPTS

Section 1(a) of S. 1401 proposes that certain Federal resource receipts, including Forest Service receipts, be earmarked for deposit in the land and water conservation fund.

The practice of earmarking receipts for certain purposes is generally not considered a wise fiscal policy and is even more questionable in light of our continued national budget deficits and uncertain international commitments. While these funds are not available until appropriated by Congress, earmarking does preclude their use for other purposes.

Currently, 25 percent of national forest receipts are returned to the counties in which the forests are located for use for roads and schools and 10 percent is available for national forest roads and trails. These funds are related to the production of additional revenue or are payments in recognition of the burden nontaxable Federal land places on local governments.

In another application of derived funds, user fees at Federal recreation sites are deposited in the land and water conservation fund. However, the use of these funds for development of Federal recreation areas is precluded by law. This restrictive assignment of funds should not be accepted as justification for earmarking additional Federal receipts, in no way related to recreational revenues.

Yesterday Interior Secretary Udall and Forest Service Chief Cliff recommended that mineral leasing and Forest Service receipts not be earmarked for the fund. They suggested that only that portion of the receipts from the Outer Continental Shelf lands needed to raise the fund to $200 million annually, be so earmarked. We urge that none of these receipts be earmarked for the fund.

NATIONAL FOREST RECEIPTS

In 1967 national forest receipts amounted to $184.5 million of which $172.8 million or 93 percent came from timber sales. Sixty-five percent of these receipts were deposited into "Miscellaneous receipts" in the Treasury. This contribution is a tangible benefit in addition to that received by the local and regional economy in the harvest and conversion of this timber. It is estimated that each dollar's worth of standing timber contributes $25 to the economy between the stump and delivery of the finished product.

When Federal agencies and the Congress are aware of these substantial contributions, adequate funds for development and management of Federal resources are more likely to be appropriated. We are fearful that restricting Forest Service receipts for a single use may tend to reduce the incentive to make essential investments for resource management and the stability and orderly growth of communities and industries dependent on Federal resources. The psychological effect on forest managers in returning income to the Treasury is an important factor which may be lost if these funds are available only for restricted purposes. Earmarking of national forest receipts should only be made for purposes related to the production of revenues.

Lack of adequate appropriations may become a problem of serious proportions to the forest products industry in the Pacific Northwest. The continued increase in the export of logs to Japan in recent years has seriously reduced the volume of timber that is economically available to many mills dependent on Federal timber.

We have been working with the Forest Service, the Bureau of Land Management, and the Departments of State, Commerce, and the Treasury in trying to develop a long-term agreement with the Japanese and an immediate interim solution that will enable those companies, large and small, dependent on Federal timber to continue operations.

Last month the Treasury Department developed discussion recommendations including a recommendation that the allowable cut from Federal lands be increased by 3.5 billion board feet annually, 1 to 2 billion board feet of which would be available immediately.

This recommendation was based, in part, in full financing for national forest management plans including access roads, thinning and salvage sales, fertilization and research on logging techniques. Two weeks later the President's budget proposed a substantial reduction in several of these items, principally a reduction of $29 million for roads.

It is unquestioned that our forests must be fully managed and our yield increased if we are to meet our domestic needs and the steadily increasing foreign demands for our wood. Diversion of national forest receipts for highly restricted purposes will not help assure that essen-

tial funds will be available for development and management of these resources.

When Public Law 88–578 was enacted it was estimated that the fund in 1967 would amount to $196 million of which $49 million would come from entrance and user fees. Actual fees collected in 1967 were $9.4 million, about 20 percent of the estimate. Entrance and user fees had been estimated to comprise $468 million during the first 10 years of the fund. Yesterday Secretary Udall indicated these sources would amount to $60 million, about 13 percent of the earlier estimate. This could be interpreted either as a general lack of demand for outdoor recreation or as unwillingness by the public to pay for use of public facilities which have largely been available without fee.

It is unquestioned that high demand exists for outdoor recreation in and around our major metropolitan areas. Mr. Orell will discuss two related items: development of Federal lands and encouragement of recreational development on private lands.

ADVANCE CONTRACTING

Section 1(b) of S. 1401 would authorize advance contracting authority of $30 million annually for the next 2 years. This is intended to permit administrative agencies to acquire lands within designated areas immediately after such areas are created by Congress.

While this is held out as a potential source of saving to the Government in some instances, it may nevertheless, be unwise to commit funds in advance of appropriations when subsequent circumstances may require our Nation to use them more effectively elsewhere in the public interest.

The current backlog of land acquisitions already authorized by Congress totals $500 million. It is estimated that Federal land acquisition projects which have or will be considered by this committee during this Congress (redwoods, scenic and wild rivers, scenic trails, and numerous others) could bring this amount to $1 billion or more.

The Bureau of Outdoor Recreation last year estimated that at least an additional $90 million would be necessary to acquire sites for which Congress had authorized $206 million. The Point Reyes area, for which Congress authorized $19 million in 1966, was estimated last year to cost $57 million. A better evaluation of potential costs and more selectivity in proposed sites by the administration and the Congress is absolutely essential.

Advance contractual authority should not be used to obscure the need for a careful review of proposed areas and a thorough investigation of expected costs and public values. We do not recommend approval of this advance contractual authority until the Congress and the administration exhibit some restraint in the creation of recreation areas which continue to reduce the land available for timber production and other uses. Currently the principal restraint has been the appropriations process.

SALE AND LEASE OF LAND AND INTERESTS

Our industry has supported the concept that the Federal Government should acquire or retain only those lands or rights in lands which are needed for essential government purposes. We are becoming con-

cerned, however, with widespread use of scenic easements, restrictive covenants, and other similar devices, since costs of land management, including timber production, are not well defined. Acquisition of unneeded lands or interests in lands with a view to their immediate or eventual sale or lease to private parties should not be encouraged.

EXCHANGE

The exchange authority proposed for the Secretary of the Interior in section 2(b) of S. 1401 is similar to the sale and lease authority in section 2(a) and we have the same comment.

Land exchanges associated with national recreation areas a few years ago prompted our industry to review our thoughts and policies on land exchange. We have urged that an active program for the exchange of forest lands between various owners, public and private, is necessary to alleviate the problems resulting from scattered patterns of land ownership. We support increased use of exchange as a management tool essential in assembling efficient management units and in keeping acquisition costs to a minimum.

Expanded use should be made of existing exchange authority. We recommend that statutory guidelines covering exchanges of public lands for private lands be consistent with the following objectives:

1. Efficient forest management, including access to and full productivity of forest lands;
2. Maintenance of local private land and tax base;
3. Stability of dependent communities and industry;
4. Multiple-use management of resources, except where limited-use management is needed to preserve rare or special values in the greater public interest;
5. Continuation of sale of public lands declared surplus;
6. Public access to information concerning availability of public lands for exchange, pending negotiations and pending transactions; and
7. Full consultation with local public officials.

We also recommend that public agencies not use the exchange procedure for the purpose of avoiding the appropriation process.

This concludes our specific comments on the provisions of S. 1401. I would now like Mr. Orell to comment on some additional areas in which he has provided leadership within our industry.

I would like Mr. Orell to comment on other areas, in which he has provided leadership within our industry.

Senator CHURCH. Mr. Orell.

Mr. ORELL. I am Bernard L. Orell, vice president of Weyerhaeuser Co. and chairman of the Public Land Law and Policy Subcommittee of the National Forest Products Association.

The operation of the land and water conservation fund has been of concern to me both professionally and personally. I was a member of the Outdoor Recreation Resources Review Commission whose report inspired the Land and Water Conservation Fund Act. It has been my privilege to assist in the development of the forest industry's attitude toward outdoor recreation and I was active in the passage of the 1964 act.

Currently I am a member of the Public Land Law Review Commission's Advisory Council. As members of this committee are well aware, the Commission is making a detailed review of our national land laws and policies and will be recommending changes needed to assure the best future use of our resources.

In testimony before this committee in 1963 and 1964, representatives of the industry urged that money from the land and water conservation fund be available for development of recreational facilities on Federal lands. The Outdoor Recreation Resources Review Commission emphasized that large sections of our national parks and national forests were underused. This, I believe, is still the case today.

The fund has encouraged States to develop recreation plans and facilities designed to meet the expressed needs of their people. The bond issues and appropriations which many of the States have made are truly impressive when compared to the situation less than 10 years ago. A new depth in State, county, and municipal recreation planning and development has become apparent in many parts of ths Nation.

Development of facilities on Federal areas have not maintained the same pace. The emphasis has been on acquisition of raw land, rather than on development in areas of known high demand.

As Mr. Fitzgerald stated, recreation is only one land use which must exist side by side with other uses if our land base, public and private, is to meet increasing demands being placed on it. There is increasing recognition from all resource users, especially those dependent on Federal resources, that multiple use is feasible and essential.

All resource use is steadily increasing and demand will soon outstrip available land capability to produce commodities and social benefits if there is not clear recognition of the nonexclusive character of many essential uses.

Our industry strongly urges that the Congress and the administrative agencies develop the full recreation potential of existing Federal lands, commensurate with other basic resource needs and the stability of dependent communities and industries.

We recommend specifically that Public Law 88–578 be amended to provide that the Federal portion of the land and water conservation fund shall be available for development of recreational areas and facilities on Federal lands as well as for additional land acquisition.

RECREATION ON PRIVATE LANDS

One of the basic recommendations made by ORRRC in its report was the charging of user fees for recreational use of public lands and facilities. This had two purposes: Creation of income and the encouragement of private development of the recreational potential of private lands. The report pointed out that if adequate recreational opportunity were to be provided future generations the private sector must make a major contribution. It recommended that Government encourage public use of private lands and private development of facilities. To date, this has largely been ignored.

Much of the land now sought by Federal, State, and municipal agencies for recreation is currently in private hands. Simple transfer of ownership does not affect the recreation potential of the land.

It is our contention that much of the land now being acquired could better serve the American public if left in taxpaying private ownership. These lands would contribute substantially if recreational developments on private lands received encouragement from our various governmental levels.

My company is a major landowner and, as such, we have inventoried our lands to determine which combination of uses, or perhaps which single use, will provide the greatest return in the long run. In some areas sale or lease of summer home sites appears best, in others long-term hunting rights may be acquired by a sportsmen's club. We are experimenting with camping and other recreational facility development for fee use and are quite confident these will return their costs and fair return on the investment as well, despite many obstacles.

Last year the National Forest Products Association sponsored a study to determine some of the barriers to increased use of private lands for recreation. A copy of that study, "Obstacles to the Recreational Use of Private Forest Lands" accompanies my statement. This is a summary of economic and legal problems encountered by private landowners and includes a discussion of possible solutions through administrative and legislative action at the State or Federal level.

Mr. Chairman, I appreciate the opportunity to present these thoughts.

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

I have received a letter from Mr. Royce G. Cox, whom you may know, chairman of the Idaho Forest Industries Committee, and he emphasizes some of the points that you have made in your testimony today, you and Mr. Fitzgerald, both, and I think this would be an appropriate place in the record to include this letter, along with the testimony you gentlemen have given.

(The letter follows:)

IDAHO FOREST INDUSTRIES COMMITTEE,
Lewiston, Idaho, February 1, 1968.

Hon. FRANK CHURCH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR CHURCH: Because of the great pressure on federal public funds to finance the multiplicity of government programs and the additional fiscal exigencies created by the Vietnam war and other international emergencies, I am sure you are concerned about the problem of maintaining some reasonable relationship between government spending and revenues.

May I suggest one area where a substantial cut in federal expenditures could be made without hurting essential programs? I refer to the ambitious land acquisition of the federal government and the cost-sharing program in land acquisition by the states.

Federal ownership of land now totals more than 770,000,000 acres. Federal land acquisitions have averaged over 1,000,000 acres annually since the Weeks Act was passed in 1911. More than 39% of the nation's land base is now removed from the tax rolls, including lands owned by federal, state, and local governments, and Indian acreage managed by the government.

In spite of this excessive federal land ownership, Congress is faced with continuing proposals for additional acquisitions, many of which are for non-essential purposes. During the fiscal year 1966–67, $287 million was spent by the federal government for land acquisition. We have seen estimates indicating an expenditure of $3.6 billion (in 1966 dollars) for the combined federal and state outdoor recreation projects to be financed under the Land and Water Conservation Fund during the fiscal years 1968 to 1977. This figure could be increased to 50% more, or as high as $5.4 billion, as the result of price escalation and inflation, much of which is resulting from government competition in land acquisition.

Other estimates for land acquisition we have read are $697 million for the national park system, $10 million for a national trails system, and $35 million over the next ten years for the national scenic rivers system. There are many other similar programs under consideration, as you well know. Government acquisitions of private land are reducing the tax base for further revenue for local as well as federal governments. The unnecessary removal of lands from the production of food and fiber is also a matter of grave concern in face of the predictions for serious world-wide shortages.

We feel that substantial cuts can be made in such non-essential spending without jeopardizing essential conservation programs, and we respectfully urge you to give extremely careful consideration to these acquisition problems in an effort to slow down or halt unnecessary or questionable expenditures.

Sincerely yours,

ROYCE G. COX, *Chairman.*

Senator CHURCH. Our next witness is Mr. John R. Moulton, president of the Potomac Basin Federation.

STATEMENT OF JOHN R. MOULTON, PRESIDENT, POTOMAC BASIN FEDERATION, CHARLES TOWN, W. VA.

Mr. MOULTON. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee: I am John R. Moulton of Charles Town, W. Va. I am president of the Potomac Basin Federation, a voluntary association of citizens' groups from various parts of the Potomac Basin. Our member groups come from all four States of the basin, and all the way from Berkeley Springs, W. Va.; Front Royal, Va.; Chambersburg, Pa.; on down to Waldorf, Md.

I am also involved in recreation, and my farm in West Virginia includes a half mile of riverfront which has been open to the public without charge for over a quarter of a century. We feel this type of thing meets a great deal of need for public recreation without any expense to the Government.

I very much appreciate the opportunity to testify before you on Senate bill S. 1401 and the similar House bill H.R. 8578.

As we interpret the wording of these bills, the major purposes are to provide substantial additional sources of revenue for the land and water conservation fund by amending the Land and Water Conservation Fund Act of 1965 to provide that revenue under the Mineral Leasing Act of 1920 and the Outer Continental Shelf Lands Act of 1953 be put in the Land and Water Conservation Fund, and by giving the Secretary of the Interior certain powers to dispose of Government-owned property. Our major interest is to protect the rights of private citizens against unnecessary encroachment by governmental agencies.

Secretary Udall, in a letter of January 4, 1968, to Senator Henry M. Jackson, states that the principal purpose of the bill is to help overcome the problem of the rapidly increasing cost of Federal and federally assisted park and recreation areas financed from the land and water conservation fund. He stressed the need to acquire land quickly after congressional authorization of park and recreation areas.

We accept this idea in principle, but we believe that the additional powers for independent action conveyed to the Secretary of the Interior by these bills need to be balanced by corresponding restrictions on certain possible uses and abuses of those powers which would work unnecessary hardship on private citizens.

Normally Congress makes all reasonable effort to protect the public interest, but an unfortunate recent case indicates how overzealous advocates of a project, urging undue haste, can cause serious repercussions. I refer to the case of the amendment to S. 1446 in the 89th Congress on January 18, 1966, to include the Shenandoah and Cacapon Rivers in West Virginia in the wild river system. This bill had been carefully written to protect the local interests along the rivers, primarily western ones, which were originally included. Hearings were held in 1965 in the affected areas and changes were made as needed, but since the Shenandoah and Cacapon were not on the list, no hearings were held in West Virginia, and almost no mention was made on the subject in that area.

But on January 6, 1966, the interim report of the Federal Interdepartmental Task Force on the Potomac was sent to the President. It contained simple one-paragraph recommendations that the Shenandoah and Cacapon Rivers in West Virginia be given wild river status.

Senator Robert C. Byrd of West Virginia later told a group of members of the Potomac Basin Federation that the Interior Department—and I was with him—then asked him to move that these rivers be included in the system, and that the people of the area were in favor of it. Not having any reason to doubt this, he made the motion and the rivers were duly included in the bill as passed by the Senate. Only later did he find that there was large-scale opposition by almost all farm and home owners on the Shenandoah, a great many on the Cacapon, and very substantial other elements in the population. There was no large-scale support for the project in the local areas affected.

The example of authorizing legislation passed by the Congress which was apparently passed without the knowledge and approval of local residents, was the Seneca Rocks provision passed in the 89th Congress. Although the House committee report on the bill states that the witnesses at the hearings were unanimous in the proposal to establish this, and the committee knows of no opposition to the acquisition, I understand that there is widespread local opposition to the project among residents who had no knowledge of it in time to testify against the proposed legislation.

I have talked to these people in the last month or two. I talked to Phil McGantz in Senator Randolph's office, and he said they had had correspondence from people in the area whose land is affected who are upset over this.

This bill authorized condemnation of a large number of homes and farms for recreational and related purposes. It didn't get passed yet. The project has not been carried out, since the House did not act on the bill in the 89th Congress. In the 90th Congress the bill has been changed, due in large part to the intervention of Senators Byrd and Randolph, to eliminate these rivers. But it could very well happen that such a proposal would be approved without the affected citizens having knowledge of it, and if the Interior Department could make use of previously appropriated funds for immediate condemnation there would be very serious problems created.

I want to digress to mention a couple of aspects that weren't in the original draft I drew here.

One is that the argument for the urgent need for immediate action is open to question. In the past several years, the Park Service has made estimates as to the number of their annual stickers that they sell, and according to the figures I have read, the amount is going to be only a small fraction, 20 to 30 percent, of what they had estimated, indicating that their future estimates of recreational needs may not always be sufficiently conservative.

Further, in the park closest to my home, the Harpers Ferry National Park, I am convinced that the claimed figure of over 700,000 individuals annually is greatly inflated by the goings and comings of local people.

I have tried to study this by watching the numbers of cars in the park as I go by there, which is frequently. It is not conceivable that they could add up anywhere near 700,000 and I think this is a case of an inaccurate method of making a statistical record of how many people go there. I just don't think it is possible. I talked this over with Mr. McGantz before I came up here, and from his knowledge of the park, he says it sounds as if my figures on this are reasonable.

I suspect that figures on the nationwide use of the parks are distorted by statistical error.

I feel the need for urgent haste is far from proven, and this is true of the area of Washington. The Park Service has had the Chesapeake and Ohio Canal for 30 years, and little use has been made of it. In Warren County, Va., it owns about 23,000 acres, most of which lies idle, while the administration demands more land acquisition. In neither of these cases is there indication that there are plans for prompt and effective use for existing Government land.

Second, the park program being planned would remove substantial portions of the land from the tax rolls. In my home county, the urgently needed program of school buildings would require the maximum possible bond issue under the law, and that is based on a percentage of the total assessed valuation of the land. If the park land program that the Interior Department is promoting were to be carried out, it is entirely probable that this program would be stalled, because it would then be legally impossible to raise the amount of money needed. I think this kind of problem would exist in other counties also, and it has to be considered in the acquisition of land.

We feel that the urgency isn't great enough, and other problems are great enough so that they should go a little slower than they have been going on this. To guard against such a danger, we propose that the bills, S. 1401 and H.R. 8578, be changed as follows: Title I of the Land and Water Conservation Fund Act of 1965 should be amended by adding at the end thereof—

SEC. 9. Moneys derived from the sources listed in Section 2 of this Act as amended shall not be used to acquire land or waters or interests in land or water by condemnation by any level of government without the prior written consent of the owner or owners. This same restriction shall apply to matching State funds required under Section 5(c) of this Act.

With regard to section 2 of S. 1401 and H.R. 8578 we also have serious reservations. We think it ill becomes the Federal Government to complain of escalation in land prices and then plan to make money by playing the same game. In Secretary Udall's letter of January 4, 1968, to Senator Jackson, he says on page 8 that Sec. 2(a) of the bill permits

the Secretary of the Interior to acquire land, strip it of certain rights inherent in fee ownership, hold it for unearned increment, and then sell it for "more than 100 percent of the initial acquisition cost."

Who now becomes a land speculator?

This is bad public policy even if the acquisition is from willing sellers. It would cause all property owners to wonder why the Government wants to buy—for use, or for speculative profit. If for profit, the existing owners would quite reasonably want to hold out for as much of the gain as possible, thus adding to the upward pressure on land prices. We consider it absolutely indefensible for the Government to condemn land from unwilling sellers and then sell it for a profit. If the Government needs the property it should prove and validate such need by prompt and effective use. If the Government does not need the property, it should be prohibited and prevented from taking it. When there is a legitimate current need for an interest less than fee simple, the negotiations should be aimed specifically at that interest. Nothing more should be acquired. No threat of full condemnation should be made to force the owners to give up part of their property rights.

Secretary Udall, in the testimony, stated that in the proposed sell-back and lease-back of the Ozark National Scenic Riverways the land should be sold subject to the condition that if it is used for other than farming, title will automatically revert to the Federal Government. In all equity, the reverse should also apply, that when the Federal Government condemns land for a particular purpose, if it uses the land for other than that purpose the land should revert to the original owner.

We are concerned about the concept of condemning land for presumed public necessity, and then opening it for the filing of mineral claims. This strikes us as inequitable, and subject to possible abuse by graft or collusion. If the mineral rights are essential to or in conflict with the Government's use of the property, the mineral rights should be specifically excluded from public claim. If the exercise of mineral rights does not adversely affect the use of the property by the Government, then the mineral rights should be reserved to the landowners at the time the Government acquires the surface rights.

In this respect, let me cite section 6(c) of S. 119, the wild and scenic rivers bill which was passed by the Senate last August. We think that section unnecessarily takes rights from private owners and throws them up for grabs.

We propose that section 2 of S. 1401 and H.R. 8578 be amended to provide that—

> No property or rights therein acquired by condemnation may be disposed of by sale, exchange, lease, or otherwise, except to the original owner from whom it was acquired, or his heirs, for a period of ten years after the actual date of consummation of the acquisition. If any such property is sold back to the former owner, the price which he may be charged shall not exceed the amount paid to him at the time of acquisition, and any Federal income or capital gains taxes paid by him at the time of acquisition must be deducted from the price he pays when he re-acquires the property.

I also wish to recommend the following legislation to be introduced or included in the bills under consideration as an amendment. This proposed bill or amendment has been approved by the board of directors of the Potomac Federation after careful study.

A BILL. To protect privately owned property from condemnation for public purposes which are desirable but less than vital, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. 40 U.S. Code 257 is hereby amended to read as follows:

a. In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so: *Provided, however,* That condemnation shall not be used by any public officer to acquire land for parks, or recreational or scenic purposes, from natural persons, without the prior written consent of the owners, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258 of this title, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

b. When the Congress deems it essential in the public interest to take personally-owned property for parks, or recreational or scenic purposes, it shall first define and delimit the property, make active efforts to place notice of proposed taking in the actual hands of the natural owners, and schedule and hold public hearings in the area of the property, with due public notice, prior to the passage of specific legislation authorizing the acquisition of such property by the Government.

In the absence of such modifications as herein suggested, we are opposed to these bills. If the suggested changes are made, it is our belief that the resulting legislation can perhaps serve a useful purpose while protecting the owners of homes, farms, and small businesses from undue damage to their rights.

Thank you very much, Mr. Chairman.

Senator CHURCH. Mr. Moulton, I appreciate your testimony. I think that the affect of land acquisition on the tax base is a very important consideration. If you lived in my State, you would be even more aware of it. My State is 70 percent owned by the Federal Government.

I believe that is the last witness.

Are there any other witnesses who want to be heard?

The session is adjourned subject to the call of the Chair.

Whereupon, at 3:20 p.m. the committee was recessed subject to call.

89-619—68——16

LAND AND WATER CONSERVATION FUND ACT AMENDMENTS

WEDNESDAY, FEBRUARY 21, 1968

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson, Washington; Clinton P. Anderson, New Mexico; Frank E. Moss, Utah; Quentin N. Burdick, North Dakota; Thomas H. Kuchel, California; Len B. Jordan, Idaho; and Clifford P. Hansen, Wyoming.

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

The CHAIRMAN. The committee will come to order.

This is a continuation of the public hearings held by the Senate Interior Committee on February 5 and 6 on bills to amend the Land and Water Conservation Fund Act.

These measures are S. 1401, a bill that the chairman introduced along with other members of this committee, which would make much-needed new revenues available for the land and water conservation fund; S. 2828, Senator Harris' bill that would prohibit the collection of the admission or user fees for which the Land and Water Conservation Fund Act provides at any Corps of Engineers water facilities; and S. 531, sponsored by our able colleague on the committee, Senator Kuchel, the primary provisions of which are incorporated into S. 1401.

The texts of these measures, together with the report and comment of the executive agencies already have been placed in this hearing record.

There also was referred to the committee and is pending before it, S. 1826, a bill sponsored by the distinguished junior Senator from Louisiana, Senator Russell Long. S. 1826 is directly related to the subject matter of these hearings today because both it and S. 1401 would make use of the revenues from mineral leasing on the Outer Continental Shelf, but for different purposes.

S. 1401 would dedicate these outer shelf revenues, for a strictly limited period of 5 years, to the land and water conservation fund. Included would be the Federal share of funds held in escrow from disputed areas.

S. 1826 would divide the outer shelf revenues among the States. Thirty-seven and one-half percent of these revenues would go to the

adjacent coastal States to be used for roads or public education, and the remaining 62½ percent would be divided among the 50 States, on the basis of population, for public education.

Thus the Long bill and S. 1401 provide for totally different uses of the same money; clearly we cannot have both bills, at least in the form in which they were introduced.

Some idea of the magnitude and importance of what we are talking about can be gained from the following facts:

The funds held in escrow from mineral leasing operations in disputed areas off the coast of Louisiana—the only State off which any substantial production in areas that might be outer shelf areas has taken place—now total approximately $1 billion in round figures.

Thus the State would get some $375 million immediately under Senator Long's bill, plus Louisiana's share under the 62½-percent formula based on population.

In the recent sale of outer shelf leases off California some $603 million was realized in bonuses alone. This is from only 373,000 acres, and thus the average bonus was some $11,000 an acre.

In general, revenues from the outer shelf have been running at something like $500 million a year.

Without objection I will direct that a statistical table of receipts from the Outer Continental Shelf leasing operations from 1955 through 1967 be placed in this hearing record at this point. It shows that a little over $3 billion has accrued.

(The document referred to follows:)

BUREAU OF LAND MANAGEMENT

OUTER CONTINENTAL SHELF RECEIPTS, FISCAL YEARS 1955 THROUGH 1967; UPDATED THROUGH JAN. 31, 1968

	Bonuses rents 141820	Royalties 142020	Escrow	Total
1955	$142,404,630.48	0	$12,217,134.37	$154,621,764.85
1956	111,171,041.53	$52,814.63	26,518,518.78	137,742,374.94
	[1] (57,434,228.69)	[1] (1,656.94)	57,435,885.63	
1957	1,976,361.00	232,342.31	10,969,890.58	13,178,593.89
1958	2,630,090.41	830,760.69	12,208,496.48	15,669,347.58
1959	1,145,720.00	2,266,484.40	20,418,121.35	23,830,325.75
1960	226,616,838.22	2,839,980.97	172,265,367.50	401,722,186.69
1961	1,716,161.23	5,588,525.60	43,762,875.15	51,067,561.98
1962	6,006,921.00	5,605,230.15	498,586,287.97	510,198,439.12
1963	359,370,525.43	7,443,921.55	(229,540,465.57)	137,273,981.41
1964	5,870,970.00	10,620,439.52	135,904,544.80	152,395,954.32
1965	42,223,700.64	11,246,201.92	89,032,099.84	142,502,002.40
1966	161,893,155.47	86,424,061.11	(39,552,372.76)	208,764,843.82
1967	596,202,951.97	41,107,770.26	148,129,983.44	785,440,705.67
Through Jan. 31, 1968	204,629,546.95	30,372,670.78	69,539,020.62	304,541,238.35
Total	1,807,807,657.66	204,629,546.95	1,027,895,388.18	3,038,949,320.77

[1] GAO adjustment taken from general fund and placed in escrow.

Note: Does not include California sale of Feb. 6, 1968, of $602,719,621.60 bonus and 1st year rental of $1,089,543.

A review of the floor debate on the bill in the 88th Congress, H.R. 3846, which established the land and water conservation fund, shows that the policy of earmarking or dedicating funds from a specific source to a specific purpose troubles some Senators.

Our committee report on H.R. 3846 lists some seven precedents for the kind of earmarking for which S. 1401 makes provision. Without objection I will direct that this list, found on pages 17 and 18 of Senate Report 1364, 88th Congress, be made a part of this hearing record.

(The extract from the document referred to follows:)

PRECEDENTS FOR EARMARKING FUNDS

The method provided in H.R. 3846 of setting aside certain revenues from particular sources is neither unprecedented nor novel in any way. Set forth below are a few of the examples of similar legislation, some of it of long standing, for generally allied purposes.

1. *Highway trust fund.*—The fund is obtained from excise taxes (on gasoline, diesel fuel, trucks, buses, tires, etc.); such revenues being earmarked and set aside in the trust fund to meet expenditures for Federal-aid highways (Highway Revenue Act of 1956 (70 Stat. 374)).

2. *Forest road fund.*—Ten percent of the annual revenues from the national forest activities is earmarked and available under the permanent appropriation roads and trails for States, for construction and maintenance in the particular State from which such proceeds are derived (16 U.S.C. 501).

3. *Pittman-Robertson Act.*—Eleven percent of the excise tax on the manufacture of firearms and ammunition is earmarked for purposes of the act. Such fund is used to reimburse States a share of the costs of wildlife restoration projects and related matters (16 U.S.C. 669).

4. *Dingell-Johnson Act.*—Earmarks 10 percent of the excise tax on sportfishing tackle; such funds being used to assist States in connection with fish restoration and management projects (16 U.S.C. 777a–k).

5. *Pribilof Islands fund.*—Receipts of sale from sealskins and other wildlife products of Pribilof Islands are earmarked and made available for administration of the islands (72 Stat. 339).

6. *Yellowstone school fund.*—A portion of the revenues received from visitors to Yellowstone National Park are earmarked for use in providing for school facilities (62 Stat. 338).

7. *Reclamation fund.*—Repayment and other revenues from irrigation and power facilities, certain receipts of sales, leases, and rentals of Federal lands in 17 Western States are earmarked and made available for expenditures for purposes of the act (43 U.S.C. 391).

The foregoing relate to the earmarking of receipts for various Federal programs. In addition, there is considerable earmarking of receipts going directly to States, as shown on pages 478 and 479 of the budget of the United States, 1965.

The CHAIRMAN. This list is only a partial one: The Mineral Leasing Act of 1920 earmarks 90 percent of its revenues. Then there is, I believe, an earmarking in the legislation pertaining to sugar.

Also in this connection, I would like to call attention to the fact that S. 1401 provides for such earmarking for a definitely limited period of time; namely, only 5 years. After that, absent new legislation, the income would go into the Federal Treasury again.

Although S. 1826 is not at this time before us for committee action, the bill deals with disposition of Outer Continental Shelf revenues, as does S. 1401, and for convenient reference I will direct, without objection, that the text of S. 1826 appear at this point in the record of these hearings, together with the administrative reports on it.

(The data referred to follow:)

[S. 1826, 90th Cong., first sess.]

A BILL Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.—This Act may be cited as the "1947 Natural Resources Conservation Act".

SEC. 2. DEFINITIONS.—As used in this Act "natural resources" include oil, gas, oil, shale, native asphalt, solid and semisolid and bitumen and bituminous rock (including petroleum bearing rock or sands from which hydrocarbons are recoverable after the deposit is mined or quarried), coal, phosphate, sodium, potassium,

and sulfur in and under and that may be produced from lands or mineral interests owned or which hereafter be acquired by the United States.

SEC. 3. CONSERVATION LAWS APPLICABLE TO LANDS AND MINERAL INTERESTS OF UNITED STATES.—The laws of the several States providing for the conservation of natural resources so as to prevent the physical and economic waste thereof, as well as providing for the protection of correlative rights of all parties having an interest in the natural resources to which the laws are applicable and all valid regulations issued pursuant to such laws by regularly constituted governmental agencies charged with the administration thereof shall apply, without discrimination, to the exploration and development upon and the production of such natural resources from lands, including mineral interests, of the United States and lands which it holds as trustee situated within the boundaries of each State, as well as the subsoil and seabed of the Outer Continental Shelf which would be within the area of the State adjacent thereto if its boundaries were extended seaward to the outer margin of the Outer Continental Shelf or any lands extending beyond such margin owned or claimed by the United States and the conservation or other agencies of each such State charged with the administration of such laws shall have the jurisdiction, right, and power and authority to administer and enforce all such laws and regulations as to the lands and mineral interests of the United States and lands which it holds as trustee the same as they are administered and enforced with respect to other lands within the respective States.

SEC. 4. Subsections (a)(3) and (b) of section 4 of the Outer Continental Shelf Lands Act covering "Laws Applicable to Outer Continental Shelf" approved August 7, 1953 (43 U.S.C. 1333), is amended as follows:

Subsection (a)(3) is amended to read as follows:

"(a)(3) The provisions of this section for adoption of State law as the law of the United States shall never be intrepreted as a basis for claiming any interest in the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom, except as provided in section 9 of this Act."

Subsection (b) is amended to read as follows:

"(b) The United States district courts shall have original jurisdiction of cases and controversies arising out of or in connection with any operations conducted on the Outer Continental Shelf for the purpose of exploring for, developing, removing, or transporting by pipeline the natural resources, or involving rights to the natural resources of the subsoil and seabed of the Outer Continental Shelf, and proceedings with respect to any such case or controversy may be instituted in the judicial district in which any defendant resides or may be found, or in the judicial district of the adjacent State nearest the place where the cause of action arose: *Provided, however,* That as to the enforcement of applicable State laws and regulations relating to the conservation of natural resources which may be produced from the Outer Continental Shelf lands the State courts of the States adjacent to such lands shall have concurrent jurisdiction with the United States district courts."

SEC. 5. Section 9 of the Outer Continental Shelf Lands Act approved August 7, 1953 (43 U.S.C. 1338), is amendd to read as follows:

"SEC. 9. DISPOSITION OF REVENUES.—All rentals, royalties, and other sums paid to the Secretary or the Secretary of the Navy under any lease on the Outer Continental Shelf for the period from June 5, 1950, to the effective date hereof shall be deposited in the Treasury of the United States and credited to miscellaneous receipts and after the effective date hereof all of said moneys shall be deposited in the Treasury of the United States and 37½ per centum thereof shall be paid by the Secretary of the Treasury, as soon as practicable after December 31 and June 30 of each year, to the State adjacent to the Outer Continental Shelf lands on account of which said moneys were received, to be used by such State for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct; and the balance of 62½ per centum of all such proceeds shall be paid by the Secretary of the Treasury, as soon as practicable after December 31 and June 30 of each year, to the fifty States in the proportion that the population of each State bears to the aggregate population of all the States and for the purpose of making such distribution, the census of each State shall be based upon an estimate certified by the Bureau of Census to the Secretary of the Treasury prior to making each distribution. All moneys so distributed to the respective States shall be used for the support of public schools or other public

educational institutions as the legislature of each State may direct. The distribution hereinabove provided of all moneys received after the effective date hereof shall also apply to all receipts after the effective date hereof, which are being or are to be held in escrow or suspense pending the determination of any controversy as to whether the lands on account of which said moneys are received constitute a part of the Outer Continental Shelf or a part of the lands of the State adjacent thereto."

SEC. 6. Section 35 of the Minerals Leasing Act, approved February 25, 1920, as amended (30 U.S.C. 191), is further amended to read as follows:

"SEC. 35. DISPOSITION OF MONEYS RECEIVED.—All money received from sales, bonuses, royalties, and rentals of public lands under the provisions of this Act shall be paid into the Treasury of the United States; 60 per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after December 31 and June 30 of each year to the State or territory within the boundaries of which the leased lands or deposits are of were located; said moneys to be used by such State, territory, or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State or territory may direct; and, excepting those from Alaska, 30 per centum thereof shall be paid into, reserved, and appropriated, as a part of the reclamation fund created by the Act of Congress, known as the Reclamation Act, approved June 17, 1902, as amended, and of those from Alaska 30 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act from lands within the naval petroleum reserves shall be deposited in the Treasury as miscellaneous receipts. All moneys received under the provisions of this Act not otherwise disposed of by this section shall be credited to miscellaneous receipts."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 20, 1968.

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

DEAR MR. CHAIRMAN: Your letter of February 3, 1968, requested this Department's report and comment on S. 1826, a bill "Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act."

We recommend against the enactment of S. 1826.

Section 2 of the bill would define the term "natural resources." The definition covers the specific minerals now in the Mineral Leasing Act. The use of the term "include" raises questions as to whether it covers other minerals not mentioned in that Act.

CONSERVATION LAWS RE: FEDERAL LANDS

Section 3 of the bill would make the laws and regulations relating to the conservation of natural resources of each State applicable to the exploration, development, and production of such resources from (1) all lands owned by the United States, e.g., national wildlife refuges, national parks, national forests, public domain, and Corps of Engineers lands, including mineral interests; and (2) lands held in trust by the United States, e.g., Indian lands. In addition, such laws of the coastal States adjacent to the Outer Continental Shelf would be extended to the subsoil and seabed of the Shelf which would be within the boundaries of each such State, if its boundaries were extended to the full width of the Shelf and to any lands beyond the Shelf's margin which are owned or claimed by the United States. The specific conservation laws are those designed "to prevent the physical and economic waste" of the natural resources, "as well as providing for the protection of correlative rights of all parties having an interest in the natural resources." The bill would transfer from the Federal Government to such States the authority to administer and enforce these conservation laws with respect to those lands and other interests of the United States.

OUTER CONTINENTAL SHELF REVENUES

Section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338) now provides that all revenues paid under leases on the Shelf shall be deposited into miscellaneous receipts of the Treasury. S. 1826 would amend this section of the Act by providing that (1) 37½ percent of the deposited receipts must be paid semi-annually to the States adjacent to the Shelf lands where such revenues were produed for State public roads and public schools and other educational institutions, and (2) the balance of such revenues shall be paid semi-annually to all of the 50 States on a population basis. The bill also provides for a similar distribution of certain shelf receipts now held in escrow pending the termination of litigation. Read literally, the mineral distribution from OCS revenues called for by S. 1826 would be retroactive to August 7, 1953, by reason of the failure to modify the phrase "after the effective date hereof" which appears on page 4, lines 18 and 19 of the bill. We doubt, however, that such retroactivity was intended.

MINERAL LEASING ACT REVENUES

The bill provides that 60 percent of the monies received from leasing the mineral rights in the public lands shall be paid semi-annually to the State within whose boundaries the leased lands are situated. The monies are to be used for public roads and schools. In addition, 30 percent of the revenues, except those in Alaska, shall go to the Reclamation Fund. In the case of revenues from Alaska, 30 percent shall go to the State. Monies from the naval petroleum reserves go to the Treasury as miscellaneous receipts, as is now the case.

COMMENT

Outer Continental Shelf Lands.—In 1953 Congress clearly and unmistakably first faced and decided the issue of interest in, and jurisdiction over, the Outer Continental Shelf in the enactment of section 9 of the Submerged Lands Act (43 U.S.C. 1302) which provides:

"Nothing in this chapter shall be deemed to affect in any wise the rights of the United States to the natural resources of that portion of the subsoil and seabed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, as defined in section 1301 of this title, all of which natural resources appertain to the United States, and the jurisdiction and control of which by the United States is confirmed."

This policy was reaffirmed later in that same year by sections 2 and 3 of the Outer Continental Shelf Act (43 U.S.C. 1331 and 1332) with express provisions that the submerged lands lying seaward of the areas granted to the States under the Submerged Lands Act are subject to the jurisdiction, control, and power of disposition of the United States. In section 4(a) of that Act (43 U.S.C. 1333), Congress explicitly excluded the operation of State taxation laws to the Outer Continental Shelf, and further provided that the adoption of State law as the law of the United States on the Outer Continental Shelf for certain purposes "shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenue therefrom."

These expressions of the policies and intent of the Congress in enacting the 1953 legislation are repeatedly affirmed in the Committee reports. The Senate Committee report on the OCS Act (S. Rept. No. 411, 83d Cong.) points out that the purpose of the legislation is to assert the *exclusive* jurisdiction and control of the Federal Government in the OCS, and that it is the intent of the Congress that "no part of these revenues [from OCS leases] are to go to any coastal State for any purpose whatever". Also, the Senate debates of June 25, 1953 (Cong. Rec. pp. 7444–7489), on the various proposals to include in the OCS Act provisions to extend State boundaries to cover the OCS, to extend State conservation laws to the OCS, to permit State taxation on the OCS, and to provide for sharing of OCS revenues with the coastal States, clearly demonstrate the reasons for their rejection by the Congress. The floor leader on the then pending bill, Senator Cordon, said:

"The propounding of this amendment [reimbursement of coastal states from OCS revenues] is simply Chapter III in the attempt of the States along the gulf to get some portion of the receipts from the areas outside their boundaries. Call them reimbursements; call them local taxes or call them severance taxes, or what

have you; what is desired is some portion of the receipts from Federal resources in the area outside those States.

"Mr. President, so far as I am concerned, if I did not stand on my feet and oppose this amendment, I would feel I was guilty of bad faith to the United States Senate. *I do not believe there is a Senator who did not understand, when we passed the submerged lands bill, that we were excluding from its operation any interest on the part of those States in any area outside their boundaries. I intend to stand unequivocally upon that principle as it was enunciated here, at least by the acting chairman of the committee, when the submerged lands bill, Senate Joint Resolution 13, was before the Senate.*"

We are not aware of any circumstances existing today that would support the complete reversal proposed by S. 1826 of the 1953 express congressional policy which was established after full consideration and debate.

In regard to the revenues derived from Shelf activities, we would like to make two comments:

First, only a few days ago this Department strongly endorsed S. 1401 with amendments which would place about 20 percent of the prospective income from the Outer Continental Shelf into the land and water conservation fund. S. 1826, however, would prevent us from using these revenues. We believe that this would be extremely unfortunate, as there is a definite need to strengthen the fund for the benefit of the people of all the States by assuring it a new source of revenue. S. 1401 supplies this need. We believe that it is one of the most vital pieces of conservation legislation to be considered by the Congress this year.

Second, the States would receive a substantial payment on a semi-annual basis from earmarked funds with no method of control through the normal budget-appropriation process. This payment would be totally unrelated to any demonstrated social or economic program need. This type of a Federal payment program eliminates all flexibility that the President and the Congress normally have in determining priorities in the budget-appropriation process. We consider this approach to providing Federal financial assistance to the States very undesirable.

Conservation Measures.—We are strongly opposed to removing from the Government and handing over to individual States authority to prescribe, as a Federal responsibility, conservation measures involving, among other things, the rate of production from the shelf and inland Federal lands. This is, in our view, doubtful from a constitutional standpoint and unsound as a policy matter. The Federal Government must be able to adopt and apply Federal laws, regulations, and policies to these lands consistent with the various program needs. There must obviously be consultation and coordination between the Federal Government and the States in such matters, but the abdication of responsibility by the United States called for by S. 1826 over what is, after all, the Nation's property cannot be reconciled with the Federal system prescribed by the Constitution. The constitutional issues are fully discussed in the report of the Department of Justice in whose views we concur.

Mineral Leasing Act Revenues.—Section 35 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 191), provides for the disposition of all money received from royalties and rentals from leases issued under that Act. Under that section receipts are divided three ways: 37½ percent being paid to the State within the boundaries of which the leased lands or deposits are located, 52½ percent to the reclamation fund, and 10 percent to the Treasury of the United States as miscellaneous receipts. Each State is required to use its 37½ percent of the receipts for the construction and maintenance of public roads or for the support of schools or other public educational institutions.

Receipts from leases in the State of Alaska are treated similarly except that, instead of 52½ percent being assigned to the reclamation fund, 52½ percent is paid to the State for disposition by its legislature as it deems advisable. This 52½ percent is in addition to the 37½ percent noted above and thus the State of Alaska receives 90 percent of the receipts from mineral leasing within its borders.

We believe that before any attempt is made, by amendment of the Mineral Leasing Act, to increase the present revenue distribution to the States in which federally owned minerals are produced considerable study and evaluation should be made of both the various methods of distribution and the objectives to be attained. Adequate study of this has not been made to date. Even upon completion of study of this complex issue, the executive branch would require extensive review of the many views which would undoubtedly be expressed before any final position could be obtained on the issue. The States which are the principal re-

cipients of these revenues also receive a great many other economic and social benefits by reason of activities conducted on the Federal lands.

The Bureau of the Budget advises that there is no objection to the submission of this report and that the Bureau is opposed to the enactment of this legislation not only for the reasons set out in this report but also because the bill would be inconsistent with the 1969 Budget and result in an increased deficit.

Sincerely yours,

DAVID S. BLACK,
Under Secretary of the Interior.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., February 20, 1968.

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

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1826, a bill "Relating to the conservation of natural resources upon lands of the United States and amending certain provisions of the Outer Continental Shelf Lands Act and the Mineral Leasing Act."

S. 1826 has three separate but related purposes. First, section 3 would make state conservation laws and regulations, including market-demand proration, applicable without discrimination to all federal lands and mineral interests (including trust lands) within the States or on the adjacent outer continental shelf, to be administered and enforced by state officials; and section 4 would amend section 4(a)(3) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a)(3), by correspondingly modifying its negation of state interest in or jurisdiction over the outer continental shelf, and by giving state courts concurrent jurisdiction with federal courts of proceedings to enforce state conservation laws and regulations with respect to the outer continental shelf. Second, section 5 would distribute receipts from outer continental shelf leases (including those now impounded pending title determination), 37½% to the adjacent State, for roads or education, and 62½% among all States in proportion to population, for education. Finally, section 6 would amend section 35 of the Mineral Leasing Act of 1920, 30 U.S.C. 191, to increase from 37½% to 60% the share of the public lands mineral lease revenues given to the State where the land lies, for roads or education, and to decrease from 52½% to 30% the share contributed to the Reclamation Fund or given without restriction to Alaska.

Existing statutes authorizing the Secretary of the Interior to issue mineral leases on federal lands give him authority to prescribe applicable conservation regulations. These include the Mineral Leasing Act of 1920, section 30, 30 U.S.C. 187; the Mineral Leasing Act for Acquired Lands, section 10, 30 U.S.C. 359; the Act of May 21, 1930, for leasing minerals under railroad and other rights of way, section 6, 30 U.S.C. 306; and the Act of May 11, 1938, for leasing minerals under unallotted Indian lands, section 4, 25 U.S.C. 369d. The Outer Continental Shelf Lands Act, under which he issues mineral leases on the outer continental shelf outside state boundaries, requires him to prescribe necessary regulations, section 5, 43 U.S.C. 1334. The Naval petroleum and oil shale reserves are under the jurisdiction of the Secretary of the Navy, subject in certain respects to approval of the President or consultation with congressional committees, with experimental oil shale development conducted by the Secretary of the Interior. Production from the naval reserves is required to be adjusted to defense needs. 10 U.S.C. 7421–7438.

While section 30 of the Mineral Leasing Act, 30 U.S.C. 187, empowers the Secretary of the Interior to include various restrictions, including conservation provisions, in federal mineral leases, it requires that such provisions not conflict with the law of the State where the land lies. See the Interior Department's letter on this subject to your Committee, June 5, 1953, printed in the hearings on S. 1901, 83d Cong., 1st sess., at pages 693–694.

Until rather recently, virtually all producing areas on the outer continental shelf have been subject to a title dispute between the United States and the State of Louisiana. Pending resolution of that dispute, a practical accommodation has been reached, whereby the Secretary of the Interior has, in effect, required compliance with state regulations, but without recognizing the authority of the State in the area. On December 13, 1965, a decree was entered sustaining the exclusive federal rights in a large part of the disputed area, *United States* v.

Louisiana, 382 U.S. 288, and on December 30, 1966, the Secretary issued a notice of his intention to assume exclusive regulatory authority over the federal area, 32 Fed. Reg. 95. This does not mean, of course, that in doing so he will disregard the regulatory patterns of adjacent States or fail to give due consideration to the desirability of maintaining compatibility with them.

Without making any reference to statutory provisions such as those cited above, section 3 of S. 1826 would make a State's conservation laws and regulations applicable "without discrimination" to all federal lands and mineral interests within the State and in the adjacent outer continental shelf, and would empower state officials to administer and enforce them there. This proposal to delegate to the States complete authority for conservation regulation and enforcement over federal property and in areas of exclusive federal jurisdiction both within and outside the States raises serious constitutional and policy questions.

When President Eisenhower signed the Submerged Lands Act on May 22, 1953, he issued a statement emphasizing that the submerged lands outside state boundaries "should be administered by the Federal Government and income therefrom should go into the federal treasury." S. Rept. No. 411; 83d Cong., 1st sess., page 52. At the same time, when the Outer Continental Shelf Lands Act was under consideration, the Department of the Interior and this Department both objected to proposals to delegate to the States any authority over the outer continental shelf, both on policy grounds and because of the serious constitutional question involved. See your Committee's hearings on S. 1901, 83d Cong., 1st sess., pages 644–655, 688, and 700, and its report thereon, S. Rept. 411, 83d Cong., 1st sess., pages 26, 27, 31 and 33.

I find no reason now to take a different view of either the constitutional or policy questions. It is true that since enactment of the Outer Continental Shelf Lands Act the Supreme Court has sustained the 1948 revision of the Assimilative Crimes Act, 18 U.S.C. 13, which adopted existing and future state criminal laws as federal laws for areas of exclusive federal jurisdiction within the several States. *United States* v. *Sharpnack*, 355 U.S. 286 (1958). However, the Assimilative Crimes Act merely incorporated by reference the terms of state laws, which is a very different thing from the outright delegation of legislative and administrative jurisdiction that is proposed here. Moreover, that Act was sustained, as to its incorporation of subsequent state enactments, on the ground that it was an appropriate means of effectuating a long-standing congressional policy, the dominating purpose of which was to maintain, in federal enclaves within States, the same rules of criminal law as prevailed in the surrounding areas, regardless of the substantive content of those rules. It is by no means clear that the considerations favoring a policy of local uniformity in criminal laws governing the conduct of individuals have any relevancy to the problem of regulating the production of natural resources from federal lands by federal lessees. This is particularly true as to the outer continental shelf, which is wholly outside state boundaries and where operating conditions are so different from those closer to shore or on shore that uniformity might itself prove to be a serious discrimination. Not only can there be no assurance that the States would establish adequate differentiations, but if they did try to do so, the saving criterion of objective uniformity would disappear in a series of subjective evaluations.

The proposed transfer to the States of jurisdiction over federal enclaves within their boundaries might be sustained as not a delegation of federal power but rather a partial relinquishment of the exclusive federal jurisdiction. In that light, however, it would be of questionable propriety insofar as it would transfer the federal responsibility for trust properties; and as to all properties it would present a serious question of federal power to reassert the relinquished jurisdiction at any future time. A State cannot unilaterally reassert its jurisdiction over any area that it has relinquished to the United States, *In re Ladd*, 74 Fed. 31, 38 (D. Neb. 1896), and it seems that the same must be true as to the United States. See 2 *Report of the Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas Within the States* (1957) 83. As to the outer continental shelf, which is wholly outside state boundaries and has always been beyond state jurisdiction, the proposal can only be viewed as a delegation of federal governmental power.

This part of S. 1826 is seriously deficient in its failure to indicate its relationship to the existing authority of the Secretaries of the Interior and of the Navy, which might be either repealed by implication, or remain, but subject to state laws and regulations, or remain, superior to state laws and regulations. To

avoid needless and vexatious litigation as to the relationship between the proposed legislation and existing laws for the administration of federal lands, each such law would have to be specifically amended to state precisely its relationship to the new measure. However, it may be observed that the entire subject of federal administration of the public lands, including the mineral resources of the outer continental shelf, is now under comprehensive review under the Public Land Law Review Commission Act of September 19, 1964, 78 Stat. 982, 43 U.S.C. 1391–1400. We think it preferable not to undertake any radical change in existing federal land policies, such as is proposed by S. 1826, in advance of the Commission's report.

There are other serious policy objections to such an abdication of federal responsibility as is here proposed. One of the major aspects of conservation regulation in many states is market-demand proration which seriously distorts competition in interstate commerce. By controlling crude oil supply, market-demand proration directly and substantially affects market prices of this basic energy commodity upon which the economy of consuming states and the nation heavily depend. Moreover, the present system of controlling oil imports rests upon a finding that domestic oil reserves and sources of supply are essential to the national security. In an area so directly related to the basic federal policy of encouraging competition in the market, it is important that the United States retain its independent discretion to determine whether, and to what extent conformity to the diverse practices of the several States will best serve the public interest. Quite apart from that aspect, I should consider it undesirable to give to the States, whose interests here are largely competitive with those of the United States, this sort of control over the exploitation, by federal lessees, of wholly federal properties from which important federal revenues are derived. The situation is quite different from, for example, the Assimilative Crimes Act, where the problem was only to provide the most convenient body of federal law to govern the private conduct of individuals in federal enclaves.

At present, the extension of state conservation authority to the outer continental shelf would present another problem. There has never been a determination of how the offshore interstate boundaries would run if extended across the outer continental shelf, as contemplated by section 4(a)(2) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a)(2). A primary reason for this has been the uncertainty in many cases (for example, between Louisiana and Texas) as to the position of those boundaries within the territorial sea. Until the States settle that portion of their boundaries, it is obviously impossible to establish the seaward extensions. Apparently this has not yet caused any particular problem with respect to the general civil and criminal laws dealt with in section 4(a)(2), but the situation would be very different with respect to conservation regulation in active offshore areas. Federal lessees should not be thus needlessly subjected to the conflicting jurisdictional claims of adjacent States.

Section 4(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(a), adopts as federal law for the outer continental shelf the laws of the adjacent States (except tax laws) as they existed on August 7, 1953, to the extent that they are not inconsistent with federal laws and regulations, to be administered and enforced by federal officials and courts, and provides—

> (3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

Section 4 of S. 1826 would amend this by deleting the words, "or jurisdiction on behalf of any State for any purpose over" and by adding at the end, "except as provided in section 9 of this Act."

While the added phrase would limit the State's claim of "interest" (presumably meaning proprietary interest) to the revenue sharing that amended section 9 would provide, the deletion of reference to "jurisdiction" would seem to indicate that the States would indeed be given an element of sovereign jurisdiction under section 3 of this bill, with respect to conservation laws. Certainly it would be subject to that interpretation. The Department of Justice opposes such a development. While our federal concept of dual domestic sovereignty is well established and reasonably well understood, the introduction of a parallel concept outside state and national boundaries, on the outer continental shelf, appears unwarranted and undesirable. In that area, the United States does not claim sovereignty, but only "jurisdiction, control, and power of disposition"

under section 3 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1332, or "sovereign rights for the purpose of exploring [the continental shelf] and exploiting its natural resources" under Article 2 of the Convention on the Continental Shelf, 15 U.S.T. (Pt. 1) 473. That carefully preserved distinction from sovereignty grew out of the delicate balance between national and international rights in that area underlying the high seas. See, for example, your Committee's hearings on S.J. Res. 13, 83d Con., 1st sess., at page 1053–1055, 1067, 1079. In that sensitive area, so closely impinging on international relations, it would be unfortunate to introduce a degree of independent governmental jurisdiction of the States, outside their boundaries, where they have no interests and no responsibility for or participation in matters of international relations.

Section 4(b) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1333(b), gives federal courts jurisdiction of cases relating to natural resources of the outer continental shelf. Section 4 of S. 1826 would add a proviso giving state courts concurrent jurisdiction for the enforcement of state conservation laws and regulations. Again, this would involve creation of an element of state governmental jurisdiction over an area outside state boundaries, where all rights are held by or under the authority of the United States and where a unified and exclusive control by the national government appears far better calculated to serve the interests of the United States both as exclusive proprietor and as a member of the international community.

The next aspect of S. 1826 concerns the revenues from the outer continental shelf. Under section 9 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1338, revenues from the outer continental shelf are deposited in the Treasury and credited to miscellaneous receipts. These revenues have become a significant and rapidly increasing source of federal revenue. For example, the sale of about 158 leases on the outer continental shelf off Louisiana on June 13, 1967, produced bonuses of over $510,000,000.00, and the sale of about 75 leases on the outer continental shelf off California on February 6, 1968, produced bonuses of over $602,000,000.00. Total bonuses received under federal offshore leasing since 1954 now exceed $3,000,000,000.00, in addition to very substantial rents and royalties.

This Department, of course, is not concerned with the policy question of whether these national revenues, derived from a source outside any State, should be distributed as proposed by section 5 of S. 1826, 37½% to the adjacent State and 62½% among all States (including the adjacent State) in proportion to population, or whether it is sound fiscal policy to make unlimited dedication of particular revenues to particular uses, in the absence of any inherent correlation between the size of the revenues and the importance of the public interests to be served. I do suggest, however, that no informed decision can be made on the point until there is greater certainty than we now have as to the extent of the proposed dedication. At least until we have a judicial determination of the major issues between the United States and the coastal States, particularly Louisiana, affecting ownership of extensive offshore areas, the extent of the donation proposed by S. 1826 must remain so speculative as to preclude reasonable evaluation of the merits of the proposal. The pending litigation with Louisiana is particularly relevant because that State and, to a much less extent, California and Alaska would at present be the only major beneficiaries of the proposed donation to adjacent States.

Section 5 of the bill would amend section 9 of the 1953 Outer Continental Shelf Lands Act. The term "effective date hereof", as used in lines 16 and 17 of page 4 is unclear. There is no indication whether the reference is to the effective date of S. 1826 or the effective date of the original 1953 enactment. Similarly, the term "after the effective date hereof" is used three times in the proposed amended section 9 and in each instance its meaning is unclear. In its last usage it would appear to provide for the distribution of sums heretofore impounded pending resolution of the title dispute between the United States and Louisiana. As of November 30, 1967, this amounted to $1,102,925,657.98.

The final aspect of S. 1826 concerns revenues under the Mineral Leasing Act of 1920. Section 35 of that Act, as amended, 30 U.S.C. 191, directs semiannual distribution of receipts under the Act, 37½% to the State where the land lies, for roads or schools, and 52½% to the Reclamation Fund (or to the State of Alaska, in the case of receipts from lands in that State). Section 6 of S. 1826 would revise those percentages, increasing the former to 60% and decreasing the latter to 30%.

Determination of the appropriate correlation between the revenues to be anticipated from this source and the relative needs to be met by this dedication

in the States of origin or the States participating in the Reclamation Fund involves policy considerations as to which the Department of Justice makes no recommendation.

The Department of Justice defers to the Department of the Interior on section 6. In all other respects it recommends against enactment of this legislation.

The Bureau of the Budget advises that there is no objection to the submission of this report and that the Bureau is opposed to the enactment of this legislation not only for the reasons set out in this report, but also because the bill would be inconsistent with the 1969 Budget and result in an increased deficit.

Sincerely,

WARREN CHRISTOPHER,
Deputy Attorney General.

The CHAIRMAN. If any member of the committee has a statement we will hear from them now.

Senator KUCHEL.

STATEMENT OF HON. THOMAS H. KUCHEL, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator KUCHEL. With an increasing awareness of the blight of sprawling cities and the recreational needs of America over the coming decades, Congress in the last few years has authorized dozens of new recreation areas, parks, and seashores. The same acceleration of conservation activity has taken place at the State and local level.

To finance these programs, Congress, in 1964, created the land and water conservation fund. It is comprised of entrance and user fees at Federal recreation areas, the unclaimed Federal tax on pleasure-boat fuel, and proceeds from the sale of surplus Federal real property. The fund is distributed 40 percent to Federal projects, and 60 percent to State and local governments on a 50–50 matching basis.

Unfortunately, the sources of revenue available to the fund have been inadequate to meet the needs of authorized projects. Only about $100 million per year is raised from those sources, and a 10-year need of $2.7 billion is seen.

Governor Reagan's director of parks and recreation, William Penn Mott, testified in support of S. 1401 before this committee saying that California alone needs six times the amount of money that has been available to it from the fund. His testimony appears on page 123.

Recognizing the needs of which Mr. Mott so eloquently spoke, Senator Jackson and I, and 15 of our colleagues in the Senate have sponsored legislation to make Federal revenues from leases on the Outer Continental Shelf available to augment the land and water conservation fund.

This legislation has the support of all responsible conservation organizations in the United States. It is essential if we are to meet the commitment to conservation made in the authorization of dozens of new national parks and recreation areas over the last few years. Without this legislation there may be no money to pay for a Redwood National Park, or to complete the job which we have started at Point Reyes.

Nor will there be adequate money to meet the spiraling needs of the towns and cities of California for recreational areas. To show the broad impact which the land and water conservation fund has had on California during the first 3 years of its life, I ask unanimous consent that a list of State and local projects which have been financed by

matching funds made available through the program be printed in the record at this point.

(The data referred to follows:)

Sponsor	Nearest city or town	Project Purpose
Division of beaches and parks	Morro Bay	Assist the State in acquiring 4,441 acres ocean frontage and uplands for a new State park (Montana de Oro State Park).
Department of parks and recreation	Statewide	Maintain, strengthen, and update California's comprehensive outdoor recreation plan.
County of Orange	Anaheim	Acquire 18 acres to serve as nucleus of a new 300-acre regional park.
Do	do	Develop roads, water system, comfort station, and other facilities at Sycamore Flat Regional Park.
City of Santa Barbara	Santa Barbara	Develop parking and picnic facilities, comfort stations and other facilties at Shoreline Park.
City of San Diego	San Diego	Develop parking lot, restrooms, access road, and landscaping at Mission Beach Aquatic Park.
City of Mountain View	Mountain View	Acquire approximately 440 acres of tideland for development of regional park.
Do	do	Develop land and water area at Shoreline Park including sailing lake with facilities.
Kings County	Layton	Acquire 52 acres for development of Laton-Kingston Regional Park including picnic, parking, and sanitary facilities.
County of Merced	Merced	Acquire 119 acres for expansion of Lake Yosemite Park.
Do	do	Develop Lake Yosemite Park including access roads, parking area, picnic and sanitary facilities.
City of Los Angeles	Los Angeles	Develop camping, picnic, and boating facilities at Harbor Regional Park.
City of Berkeley	Berkeley	Develop public access, roadway, boat ramp, parking, and other facilities at Marine Park.
City of Long Beach	Long Beach	Install irrigation system to permit further development of El Dorado Park.
City of San Jose	San Jose	Develop picnic units, restroom, water, parking, trails, and other facilities at Kelley Park.
City of Santa Clara	Santa Clara	Develop camping, picnic, and play areas and other facilities at Central Park.
East Bay Regional Park District	Fremont	Acquire 671 acres of land on San Francisco Bay for development as a park.
City of San Clemente	San Clemente	Acquire 2.7 privately owned parcels of land along beach within the city limits.
City of Santa Barbara	Santa Barbara	Acquire 14 acres of beach-line property along Pacific Ocean to be developed into a community park.
City of San Diego	San Diego	Acquire 0.05 acres of land at the southern tip of Mission Beach.
San Mateo County	Belmont	Develop 2 feeder trails for access to State and county trail system including clearing, grading, fencing, and trail signs.
Los Angeles Board of Recreation and Parks.	Los Angeles	Acquire 70 acres for an addition to Chatsworth Regional Park.
Resources agency	Eureka	Acquire 1,600 acres of redwood forest area as an addition to Humbolt Redwoods State Park.
City of San Clemente	San Clemente	Develop public restroom on beach property in San Clemente.
County of Tulare	Porterville	Develop Bartlett Park including a well and related water system, restrooms, road system, play equipment, and 3 arbors.
Wildlife conservation board	San Pedro	Construct public fishing pier in San Pedro urban area.
City of Los Angeles	Sunland, San Fernando	Develop Hansen Dam Recreation Area including picnic units, walking trails, access roads, parking lot, and landscaping.
The resources agency	San Diego	Develop Ocean Beach Park including access road, parking, irrigation system, and landscaping.
Ventura County	Santa Rosa	Acquire 50 acres of land for development of a regional park.
The resources agency	Sacramento	Acquire 1,265 acres of land and water for development of Delta Meadows State Park.
County of Stanislaus	Modesto	Acquire 818.5 acres of land to add to existing Modesto Reservoir Park.
Los Angeles County	Torrance	Acquire 2.41 acres of beach property at South Torrance Beach.
County of Monterey	San Jose, Salinas	Acquire 122 acres for Royal Oaks Park.

Sponsor	Nearest city or town	Project Purpose
Fair Oaks Recreation and Park District	Sacramento	Develop Sailor Bar Park including access roads, parking, riding and hiking trails, boat launching area, and lakes.
City and County of San Francisco	San Francisco	Develop John McLaran Regional Park including day camp, trails, archery range, tennis courts, lake shoreline.
County of San Luis Obispo	San Luis Obispo	Develop Lopez Reservoir including campsites trailer sites, picnic sites, swimming, boating, and water skiing facilities.
The resources agency	Lake Tahoe	Develop Sugar Pine Point State Park including campground units, picnic areas, access roads, and entrance facilities.
San Bernardino County	San Bernardino	Develop Glen Helen Regional Park including camp and picnic units, restrooms, activity pavilion and center, and boat dock area.
The resources agency	Redding	Develop Keswick Lake including access roads, boat launching ramp, parking area, sanitary facilities, and signs.
Orange County	Orange County	Develop Sycamore Flat Regional Park including camp and picnic units, restrooms, playfield, lagoon, road, and parking.
City of Pleasant Hill	Pleasant Hill	Acquire 20 acres of land to develop Paso Nogal Park.
Wildlife conservation board	Alturas	Develop angling access area at West Valley Reservoir.
Santa Barbara County	Santa Barbara	Develop Carpinteria Valley Park including road, water and electric lines, and restroom.
Tehama County	Tehama	Develop Mill Creek Recreation Area including road, picnic units, boat ramp, landscaping, restrooms, and lighting.
Wildlife conservation board	Modesto	Develop Fox Grove angling access including boat ramp, restrooms, parking area, signs, well, and water supply system.
City of Sacramento	Sacramento County	Acquire 21 acres of land on Sacramento River for boating, camping, and fishing.
City of Eureka	Humdoldt County	Acquire 6.3 acres of land as addition to Cooper Gulch Recreation Area.
Los Angeles County	Pomona	Acquire 77 acres of land contiguous to Puddingstone State Park.
Department of parks and recreation	Kern County	Develop State park including road, camping, picnic, and play areas.
City of San Diego	San Diego County	Develop swimming pool, picnic and play area, roads, parking, and landscaping.
Department of parks and recreation	Sacramento County	Acquire 238 acres on the American River.
The resources agency	El Dorado County	Acquire 1,975 acres at Sugar Pine Point, in Lake Tahoe for outdoor recreation.
Department of parks and recreation	City of Tulare	Acquire 58 acres for new park.
Do	Tulare County	Acquire 74 acres on Kings River for picnicking and water sports facilities.
Do	Butte County	Develop Thermalito Forebay State Park including roads, parking, and picnic area.
Do	Orange County	Develop Sycamore Flat Regional Park for outdoor recreation purposes.
Do	Ventura County	Acquire 50.2 acres of Oxnard Small Craft Harbor.
Do	County of San Bernardino	Acquire 763 acres Kemper-Campbell Ranch on the Mojave River.

Any discussion of the use of Federal offshore leasing revenues eventually turns to a perennial proposal to give the coastal States a preferential right, not afforded the other States of the Union, to a portion of these revenues. Fifteen years ago the proposal was stated in the minority views of the Senator from Louisiana (Mr. Long) to this committee's report on the Outer Continental Shelf Lands Act (S. Rept. 411, 83d Cong., 1st sess., p. 65). Most recently this proposal has taken the form of S. 1826 which is pending before this committee.

Although this idea may be new to some, the problem of the coastal States' rights in the adjoining Outer Continental Shelf first became critically important to California over 20 years ago when I was State controller. In the case of *United States* v. *California*, 332 U.S. 19 (1947) at page 38 the U.S. Supreme Court said:

> The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there.

As a consequence of this discovery, California passed an Act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. Cal. Stats. 1921, c. 303. This state statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this state-federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coast, and that the Federal Government rather than the state has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

In the ensuing years a great debate raged over the coastal States' rights to offshore leasing revenues. Finally, in 1953, during my first year in the Senate and on this committee, we considered and passed the Submerged Lands Act (Public Law 83–31, 67 Stat. 29 (1953)). That act was a great victory for California and other coastal States. The coastal States were granted title to the natural resources beneath navigable waters within their States' boundaries. This act gave my State ownership of all subsurface minerals from the beaches seaward to the 3-mile limit. In the case of California, we obtained a valuable privilege which has brought $318,557,484 into the State treasury over the last 10 years.

Mr. Chairman, I would like to read the applicable provisions of the Submerged Lands Act into the record.

SEC. 3. RIGHTS OF THE STATES. (a) It is hereby determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are hereby, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof.

SEC. 4. SEAWARD BOUNDARIES. The seaward boundary of each original coastal State is hereby approved and confirmed as a line three geographical miles distant from its coast line or, in the case of the Great Lakes, to the international boundary. Any State admitted subsequent to the formation of the Union which has not already done so may extend its seaward boundaries to a line three geographical miles distant from its coast line, or to the international boundaries of the United States in the Great Lakes or any other body of water traversed by such boundaries."

Later in 1953 this committee, and the Congress, approved the Outer Continental Shelf Lands Act (Public Law 83–212, 67 Stat. 462 (1953)), which provided the method for Federal leasing of the Federal portion of the Outer Continental Shelf seaward of State boundaries. No part of the Outer Continental Shelf which is under Federal control by the terms of these two acts is within the exterior boundaries of any State. The Federal leasing revenues are derived from a part of the Outer Continental Shelf which legally is no more a part of the State of Louisiana or California, than it is a part of the State of Iowa.

This committee inserted an amendment to the Outer Continental Shelf Lands Act as a caveat to the States, providing that the division of revenues established by these two bills is a final settlement of the interests of the two sovereigns. Let me read that language:

SEC. 4. LAWS APPLICABLE TO OUTER CONTINENTAL SHELF. (a) (3) The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or

jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom.

I might observe that two of the strongest supporters of that language in executive session in 1953 still serve on this committee—our chairman, Senator Jackson, and our former chairman, Senator Anderson.

I have heard it argued that the proposal embodied in S. 1826; namely, to give coastal States 37½ percent of Federal leasing revenues, is merely an application of the Mineral Leasing Act to the Outer Continental Shelf. That argument was made in 1953 and rejected. The Mineral Leasing Act applies to Federal lands within the boundaries of States. The Submerged Lands Act established that the Federal Outer Continental Shelf lands are by no stretch of the imagination within the boundaries of the individual coastal States.

Fifteen years ago our colleague, Senator Price Daniel of Texas, was the leading proponent of improving the decisive victory won by the coastal States in the enactment of the Submerged Lands Act by slicing up Federal offshore oil-leasing revenues for the benefit of the coastal States. He failed. There was so little support for such a proposal that Senator Daniel didn't even offer a formal amendment to the bill to implement his plan.

The proposal has no more support today than it did 15 years ago. One might as well propose that coastal States get 37½ percent of all Federal income tax revenues for all the good it will do.

I believe that reopening the decades-old dispute which was compromised and settled 15 years ago would jeopardize the future of conservation in America. Strenuous support for any revenue-splitting scheme between the Federal Government and the coastal States would be specious in view of the certainty of its defeat in this committee, in both Houses of Congress, and the assured veto of the President. A crusade for this long-discredited idea could, however, kill S. 1401 and with it the Redwood National Park and other conservation legislation pending before Congress.

I refuse to participate in the dismemberment of America's conservation program, and accordingly I will oppose any foredoomed effort to disrupt the time-honored compromise of State and Federal interests which was reached in this committee, and in the Congress, 15 years ago. I think it is fair to say that my views are shared by the chairman, who represents another great coastal State, Washington.

The CHAIRMAN. The Chair would like to proceed by asking that the distinguished senior Senator from Louisiana give his testimony at this time, if that is agreeable.

STATEMENT OF HON. ALLEN J. ELLENDER, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator ELLENDER. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Ellender, we are delighted to have you with us.

Senator ELLENDER. Thank you.

The CHAIRMAN. And we will certainly welcome your comments.

Senator ELLENDER. I have a very short statement. At a meeting of

the Louisiana congressional delegation recently held, it was agreed that Hon. John J. McKeithen, Governor of Louisiana, would present the case for Louisiana.

I have read his statement and concur with it. I do not propose to reiterate the views expressed by him.

I am, however, in wholehearted agreement with the general purposes of the bill, and I am convinced of the great benefits which will accrue to the American people from the Land and Water Conservation Fund Act.

There is one feature of the bill which I believe poses serious disadvantages, and I would urge this committee to consider it carefully. Section 8 would earmark certain revenues of the Federal Government derived from the Outer Continental Shelf Act of 1953 for the exclusive use of the land and water conservation fund.

I believe that this is an unwise provision for several reasons. First, as a legislator I am convinced that it is unwise and actually hazardous for the operation of the Government to be hamstrung by dedicated revenues.

Congress has done this to a limited degree in the past, but I believe it is a serious mistake to further encroach upon the Government's ability to respond to any fiscal crisis which may arise.

We have all seen the disastrous effect upon State governments which have attempted to operate under a rigid system of dedicated revenues to fund specific programs.

Many of our State governments, including even those with enormous budgets, have so restricted their revenues by dedicating them for specific purposes that they cannot meet the day-to-day crises which confront them.

Secondly, I believe that the earmarking of these particular revenues from the Outer Continental Shelf oil and gas lands should not be done now in view of the fact that the controversy between the United States and Louisiana has not been settled.

At this point it cannot be determined how much of the funds held in escrow belong to the U.S. Government under the interim agreement of October 12, 1956. It seems to me that before this money is committed to any particular purpose that the issues between the Federal and State governments should be resolved.

As members of the committee will recall, Congress attempted to settle the controversy between the Federal Government and the coastal States by the passage of the Submerged Lands Act of 1954. As the committee will recall, Louisiana's ownership of the 3-mile strip of the coastal bottom was recognized.

The controversy today, of course, involves the determination of the outer limits of the 3-mile strip. If the committee insists upon earmarking funds for the purposes of this bill, I do believe that it should wait until the disputes heretofore mentioned are finally settled.

Mr. Chairman, I would reemphasize my belief that it is extremely unwise to dedicate revenues of the Federal Government to any specific purpose.

I repeat, I favor the objectives of the committee's bill and I hope to be able to support it, and I intend to do so if this provision of the earmarked fund is omitted.

I believe this committee should adopt a general authorization bill in whatever amount it determines is necessary to insure the conservation of our land and water and to provide recreational facilities for our people.

I am sure that every member of the committee knows that our Government is faced with overwhelming demands upon its Treasury at this particular moment and the President's ability to respond to crises should not be impaired.

There are urgent needs in the matter of education, poverty, urban assistance, and many other pressing problems. I need not dwell upon the expenses of our Armed Forces and particularly the cost of the Vietnam war.

The war, and indeed these other programs that I mentioned above, impose demands upon the Nation which require complete freedom of action on the part of the President and Congress.

In conclusion, Mr. Chairman, I would reiterate my support of the objectives of this bill and I certainly acknowledge the necessity of acting now for additional authorization.

However, I am hopeful that the committee will agree to fund the programs out of the general receipts of the treasury. I assure the members of this committee that for my own part I will, as a member of the Appropriations Committee, give complete and sympathetic consideration to the requests made for funds.

Thank you, Mr. Chairman.

Now, Mr. Chairman, as I previously stated, at a meeting in New Orleans just a few days ago, the congressional delegation selected Governor McKeithen to represent the State; that is, to make the statement representing the Louisiana point of view, and it is my great pleasure now, Mr. Chairman, with your permission, to present Gov. John J. McKeithen. As you know, he has been Governor now for almost 4 years, and he was recently elected for another 4-year term as Governor of Louisiana, and I may say in passing that he is one of the first Governors for a long time who has succeeded himself, and he has made us a good Governor, and I am sure you will be much interested in the statement that he will present to you.

The CHAIRMAN. Governor McKeithen, we are delighted to welcome you to the committee, and maybe you and Senator Long would like to come forward, now and offer your testimony.

Senator ELLENDER. Mr. Chairman, I wish to be excused. I have to preside at a meeting of the Senate Agriculture Committee, and I hope to be back before your committee recesses.

The CHAIRMAN. We understand.

Governor, won't you have a chair, and Senator Long?

Senator LONG. I will defer until you have heard the Governor, Mr. Chairman.

The CHAIRMAN. All right.

STATEMENT OF HON. JOHN J. McKEITHEN, GOVERNOR, THE STATE OF LOUISIANA

Governor MCKEITHEN. Mr. Chairman, members of the committee, I appreciate the courtesy of being permitted to testify here today concerning Senate bill 1401, a measure which is of the utmost concern

to the people of Louisiana, and indeed the other 49 States of our Nation, and particularly those States that have coastlines.

Let me again make the position of Louisiana abundantly clear from the very outset. Louisiana does not oppose the philosophy set forth in the proposed legislation new pending before this committee.

Indeed we are in sympathy with the objectives of this legislation and that is, to acquire additional recreation facilities for the American people. Louisiana has for many years dedicated substantial amount of money to the development of parks and recreation areas, and we fully realize the necessity for and desirability of such expenditures.

In fact, Louisiana has benefited substantially from moneys derived from the land and water conservation fund.

Louisiana's objections to the pending bills are not directed toward their purposes, but rather toward the manner in which these purposes would be achieved. That is, by the utilization of a portion of the submerged lands receipts as supplemental financing for the land and water conservation fund.

We believe legislation of this kind could render impossible the formulation of a permanent program for the disposition of these revenues, to the prejudice of the long-range conservation objectives which I am sure all of us seek to achieve.

It is my purpose here today if I may, to outline, in general terms, some of the problems and inequities inherent in the bills now before this committee, to the extent they affect revenues derived from the submerged lands and to suggest for your serious consideration a long-range program relating to the prudent use of all of these funds.

Members of the Louisiana congressional delegation, whose testimney follows mine—you have just heard Senator Ellender—will deal with both of these topics in greater detail.

First and foremost, the measures now under consideration completely abandon the long established, and completely fair, national policy relative to the disposition of revenues derived from Federal lands.

This policy sanctioned by history and embedded in nearly a half century of Federal land policy allocates 37½ percent of the revenues derived from the public lands to the States, in lieu of taxes.

Another 52½ percent is allocated to the reclamation fund for the benefit of the 17 reclamation areas States, and the remaining 10 percent is retained by the Federal Government to cover the cost of administration, attendant to the production of the revenues allocated otherwise under the formula.

Louisiana believes that history, precedent, and basic considerations of fair play, require that this formula be extended to the Federal submerged lands adjacent to the coasts of our Nation. Indeed, the factors which prompted the Congress as long ago as 1919 to allocate receipts derived from the Mineral Leasing Act of 1920, in the manner set forth above, are just as valid and compelling today, as they were 50 years ago.

Fundamentally we must all remember that today, as in 1920, we are dealing with proceeds derived from a wasting asset. Each barrel of oil produced from the submerged lands, each mcf of gas produced

from America's Continental Shelf, is a depletion of a capital asset. These proceeds must be considered in that context, and legislation involving their disposition must be permanent in nature, long range in application and founded upon sound principles of conservation and the prudent utilization of natural resources with a limited life.

Thus, Louisiana urges this committee and the Congress to join with Louisiana in devising a permanent program for the disposition of revenues produced from the public submerged lands just as the Congress has really already developed and enacted a permanent program for the disposition of revenues yielded from the lands of the interior of our Nation.

Any such permanent legislation must give due consideration to the needs of the States whose shores are "host" to the men whose skill, talent and dedication make possible the production of the minerals located beneath our adjacent seas.

Congress has already recognized the extent of the financial burdens imposed upon the States, in connection with the development of the mineral resources of the interior States, by allocating 37½ percent of the proceeds of such production to those States, in lieu of taxes.

And just as neither Washington, Colorado, or Wyoming may tax mineral production from public lands within their borders, so is Louisiana, and all the other coastal States, denied the power to tax mineral production from the Continental Shelf.

Yet, the demands imposed upon our coastal areas, and States, as a result of such development, are not less, and perhaps even greater, than the demands imposed upon an inland State, under like circumstances.

We all welcome the growth and long-term benefits which rapid development of a natural resource provide, but we must also recognize that none of these things are accomplished without profound problems—problems whose solutions require immediate expenditures far beyond the capabilities of most areas so affected to provide.

Almost every worker employed in offshore development lives, with his family, on the adjacent coast. His immediate needs involve schools for his children, necessary police, fire and similar protection for his home, sewerage, water and utility services for himself and his family, and, of course, transportation and related improvements for all of them.

As populations have grown and grown rapidly our coastal States have struggled in order to provide the necessary schools, roads, and related services demanded by the people whose work is so vital in developing offshore resources.

The problems are immense—not unlike those confronted by a small community which suddenly discovers itself the site of a huge military base, or some other Government installation.

In the case of the so-called federally impacted areas, the Congress has wisely recognized the necessity and justification for Federal financial assistance, just as Congress nearly a half century ago recognized the similar needs of the interior States and dedicated 37½ percent of the proceeds of mineral production to the construction of schools, roads, and like facilities within those States.

The justification for this participation is and has been long established and long embedded in the public lands legislation of our Nation,

and it is only fair that it so remain. But the logic which compelled this long-established determination requires that the coastal States be permitted a like participation in the proceeds derived from federally administered submerged lands lying off their coasts.

In this connection I wish to emphasize again that Louisiana is denied the power to tax these activities, and I am sure that every member of this committee realizes that the needs of the people who make such development possible cannot be met, even approached, by the taxing of those areas now subject to the fiscal authority of our State.

Thus experience has proved the logic, and the necessity of the formula devised by the Congress for the disposition of revenues from the public lands of the interior.

Louisiana urges its extension to the public lands underlying the sea.

The national interest demands maximum development of these areas, and this development requires that local and State governments promptly and fully meet the demands of the people whose work and talents are necessary in the achievement of such development.

To this extent, State, local and Federal interests are undeniably interrelated. The achievement of one requires also the achievement of all others. Thus, as to coastal lands as to public lands of the interior, the application of the long-established policy relating to a sharing of development proceeds, is of vital importance to us all.

Now then what of the balance of these proceeds?

It is Louisiana's position before the Congress, as it has been Louisiana's position in her local affairs, that the very nature of the mineral development which we have experienced from out water bottoms necessitates the utilization of the proceeds of such development for purposes of the broadest possible public interest.

We know that these resources are depletable. Minerals, by their nature, are capital assets, and their commercial development into consumable items amounts to a consumption of a nonrecurring asset, and depletion of what I believe accountants term a wasting asset. Thus it would be totally imprudent, we submit, for any responsible government to utilize the economic benefits of such development for anything but the acquisition of additional capital items.

Congress has recognized the validity of the conservation principle in the Mineral Leasing Act, by requiring that 52½ percent of mineral revenues derived from the public lands be dedicated to reclamation, to the development of other lands within the public land States.

Louisiana endorses the principle of the reclamation fund, and urges the extension of that principle to the submerged lands. We suggest that the same proportion of revenues—52½ percent—be dedicated to permanent long-range programs to foster further development of the resources of the sea, and to protect and, if possible, enhance, existing resources.

Basic principles of good stewardship dictate that a major portion of the revenues derived from offshore mineral development be applied to such high-priority items as control of water pollution, increased research in the field of oceanography, hurricane protection, research into the causes, and possible sources and mitigation of earthquakes, for fisheries research, and similar purposes.

It is common knowledge that the entire world faces a serious food crisis and yet we in the United States have only scratched the surface of research in this area.

In my own State one company has reported that preliminary results of experiments with regard to shrimp production, for example, indicate that some 200 pounds of shrimp can be produced from each acre of coastal estuary or marshland.

This opens tremendous fields of development and offers promise of immense additional sources of protein for human consumption. And yet I am told in India shrimp farming techniques in use there have yielded as much as 1,000 pounds of shrimp per acre.

We are far, far behind in this field.

We are also tragically behind, tragically neglectful, in my humble opinion in our efforts to discover and develop other resources of the sea. We just do not know what resources exist off our shores, and we have failed to apply either the dedication or the money necessary to get the job done.

We have also fallen far back in the field of pollution abatement and in devising ways and means of controlling, or, even better yet, preventing the pollution of our oceans, rivers, and streams.

We are also inviting disaster by failing to devise an adequate system of hurricane protection to protect the areas which produce the very revenues we are considering here today.

In the last decade Louisiana alone has suffered three disastrous hurricanes—Audrey, Hilda, and Betsy. Hurricane Audrey took a fearsome toll of lives in the Cameron area.

Damage resulting from Hurricane Betsy exceeded a billion dollars, the greatest insurance loss the Nation has ever known, much of it suffered by shore bases for offshore mineral operations.

We cannot logically expect continued development of our marine resources unless we protect the facilities needed for such development from natural disaster.

Thus Louisiana suggests the dedication of a major share of offshore mineral revenues to research into our ocean frontiers, for oceanography, pollution abatement, and expansion of our fishery resources.

We must prevent the dissipation of these resources; we must wisely invest them in additional development and research; we must provide a concentrated effort toward the exploration of America's last frontier, the sea.

Just as a major part of the revenues derived from the Federal lands of the interior are dedicated to the further development of those lands, so must we submit, a major part of the revenues derived from the Federal submerged lands be applied to the development of our ocean frontiers.

Indeed, the national interest dictates that this is the only proper approach. Congress must enact a permanent program governing revenues derived from the sea—a program tailored along the same lines as existing programs applicable to the interior States. We feel the national interest cannot afford anything less.

This is the kind of program Louisiana advocates and urges to the Congress, and this is the kind of program Louisiana will work to achieve.

We are confident that we will enjoy the support of the States of the interior of our Nation, for the program we advocate is one whose prudence and effectiveness has been proven by the test of time.

The great history of reclamation in the West offers ample evidence of the kind of results we can expect from a true conservation effort, designed to achieve maximum results from the wise investment of funds derived from a depletable asset.

There is every reason to believe that a similar program will provide similar results, when applied to the resources of the sea.

In the foreword to a recent Department of Interior bulletin, published in May 1966, the chairman of the energy policy staff observed:

> * * * the preponderant part of offshore exploratory activity over the past twenty years has been concentrated in the area off the Louisiana coast in water depths rarely exceeding 200 feet and to distances no more than 75 miles from shore. The remainder of the continental shelf adjacent to the contiguous United States and comprising well over 200,000 square miles has hardly been touched, although virtually all of it is considered to be favorable for the occurrence of petroleum deposits.

Just 1 month later, in June 1966, a study prepared by the Woods Hole Oceanographic Institution reported the existence of tremendous phosphorite and manganese deposits off the coasts of Florida, and North and South Carolina, with significant deposits of petroleum indicated to be present off the coasts of all the Atlantic States, as far north as Massachusetts and Maine.

If these published data prove any one thing, they prove conclusively that even today, after some 20 years of experience with submerged lands mineral production, we have not even begun to discover the magnitude of the resources which lie off the entire coast of the United States, from Maine to the Northwest, to Washington and Oregon in the Northwest.

Thus while the coastal States are directly affected by the proposed legislation, the futures of all of our States are involved for, unless, we provide increased impetus for the discovery and development of the resources of the submerged lands, unless we devise and implement a prudent program for the wise utilization of these rseources, we feel a great national opportunity will have been lost to us all.

For this reason, Louisiana advocates the formulation and enactment by Congress of a permanent program for the disposition of the revenues produced from the sea—a program consistent with that originally adopted nearly a half century ago in connection with the development of the public lands in the interior of our Nation.

Louisiana suggests to the Congress a program based upon the highest and best principles of enlightened conservation, utilizing a major portion of the proceeds derived from offshore development for the further development of those areas—for their protection, enhancement, and safekeeping.

Louisiana urges this program, not only on the basis of precedent, but the overriding conviction that the national interest can afford no other.

The fruits derived from the depeletion of a capital asset must be reinvested in the further development of the area producing that asset.

The resources of the sea must be used, at least in major part, to develop new resources from the sea, in much the same way as revenues from the Federal lands in the interior States are dedicated to the development of other lands in those States.

Finally Louisiana urges this committee to look beyond the current state of ocean development and contemplate the future. The program advocated by Louisiana is vitally ncessary to all of our States.

Today the context in which this problem is presented seems only to involve the Gulf States and California but the issues involved far exceed those presented, and proposed to be dealt with, in the pending bills.

All of our coastal areas have a vital stake in the determination of a permanent national policy for the development of the submerged lands—for the development of our ocean frontiers.

Louisiana urges the extension of the existing Federal policy, relative to the lands of the interior, to the submerged lands of our ocean frontier, and as in the case of the interior States, the dedication of a fair share of the proceeds of such development to assisting the States in meeting the demands attendant to such development.

The balance of the proceeds resulting from this development must be reinvested in projects reasonably related to fostering furthering development of those same areas—again, we say, in much the same manner as proceeds derived from the lands of the interior are so utilized.

We submit the basic principles of equity and fair play viewed in the light of long-established national policy, demand this result. Prudent utilization of the proceeds derived from the development of the areas involved require nothing less.

That is the end of my statement, Mr. Chairman.

The CHAIRMAN. Thank you, Governor. You certainly have very ably articulated the views of your great State of Louisiana.

I first want to call to your attention that the Federal policy of making revenues available under the Mineral Leasing Act to the States applies to States in which the Federal lands are within their State boundaries.

Now I might point out that 15 years ago—there are three of us here today who were on the Senate Interior Committee at that time, Senator Anderson, Senator Kuchel, and myself—we had in mind, frankly, the very problem that is now before us.

I want to call your attention to the provisions of the law relating to the Outer Continental Shelf. Specifically, section 4 provides that the Constitution and law of the United States shall be extended to the Outer Continental Shelf.

Paragraph 2 of the section provides in substance that, absent applicable Federal law, the laws of the adjacent State shall be applicable. Then paragraph 3—and this is very significant—I quote:

> The provisions of this section for the adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any state for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof, or the revenues therefrom.

That is from paragraph 3 of section 4 of the Outer Continental Shelf Act. The June 11, 1953, transcript of the executive session on the bill

that was the basis for the law, S. 1901, 83d Congress, shows that this section is the substance of a provision that I had proposed at that time.

The committee report, accompanying the bill sets forth the following explanation:

> The provision for the adoption of state laws as Federal Law shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the Outer Continental Shelf, or the property and natural resources thereof, or the revenues—or the revenues, I emphasize that—"therefrom."

That is from Senate Report 411 of the 83d Congress. Now during this same executive session, the following colloquy took place at the time of this discussion of the adoption of the language of paragraph 3 of section 4, and also, the language in the report:

> Senator CORDON. To me it adds nothing.
> Senator ANDERSON. I can answer only for myself, everywhere we have been given the statement, don't you worry, these states will back in, demanding their share of this revenue again.
> Senator CORDON. I suspect they will be.
> Senator ANDERSON. I suspect they will be, too, but I wanted to get something in the law that I could point to on the floor of the Senate next time, if I happen to be here, or that my grandchildren can point to if they are here.
> Senator MILLIKIN. That is what is known as a butterball.

At this point is deleted material that is not pertinent.

Then the executive session transcript goes on:

> Senator JACKSON. Before you go to sulphur, may I suggest that the staff be authorized to get up appropriate language to bolster our colloquy in connection with the amendment just adopted, making it clear that the state law referred to in Section 4(a) is merely for the purpose of filling these voids and to make it more applicable to Federal law.
> Senator WATKINS. And that in no case can the State law be used if there is a Federal enactment.
> Senator JACKSON. Just so there will not be any question on the floor, we can have it in the report.

In the floor debates on the measure, Senator Guy Cordon, floor manager of the bill, stated to the Senate:

> Section 4 might be said to be the heart of the bill legislatively and administratively. I may state the committee considered several approaches to this problem. Obviously, one such approach would, of course, have been the extension of State laws, and with them, State boundaries, to the outer edge of the shelf.

I mention this, Governor, because those of us who were present at that time still have fresh memories of what we could see as a problem in the future. The Submerged Lands Act, which we had passed previously, gave to the States all of the subsoil and minerals out to the edge of State boundaries; namely, to the 3-mile limit. In the case of Texas and Florida, there are different historical facts, and, with respect to these two States, the State boundaries run out further, to the 3-league limit.

We wanted to make it very clear that these lands beyond the boundaries were Federal lands, not within the jurisdiction of any State, and it seems to me that the precedent——

Governor MCKEITHEN. Mr. Chairman, it is very clear to us. We don't come here claiming such a right under existing law. We make no such claim at all.

The CHAIRMAN. No, sir; I was referring to the basis of your argument.

Governor MCKEITHEN. How long ago was that, Mr. Chairman?

The CHAIRMAN. 1953.

Governor MCKEITHEN. No one anticipated, or had the least expectation of what we were going to find out there on that Continental Shelf.

Senator ANDERSON. Oh, what is that again?

Governor MCKEITHEN. We did not, nor did our greatest geologists have any idea of what we were going to find there. We had no idea of the burden that was going to be placed upon us along that coast, and we discover more problems every time we drill another well.

But there is no question, Senator Jackson, but what the development off the Louisiana coast, and I presume even development now off the California coast, was not anticipated 15 years ago.

Senator ANDERSON. There were oil leases out there. There was oil production out there, sulfur out there——

Governor MCKEITHEN. Nothing in the magnitude that we find out there now. Nothing in the magnitude at all, nothing as far out, either. We were not faced with the problem then that we are faced with now.

The CHAIRMAN. Governor, may I say that I am sure no one had any idea of the magnitude at that time.

Governor MCKEITHEN. Correct.

The CHAIRMAN. But I think my colleagues here, my two colleagues who were present then and now, would agree that obviously there was the realization at that time that there could be a lot of oil available from the Outer Continental Shelf which would provide substantial revenue.

As you know, we had an amendment, the so-called oil for education provision proposed by Senator Hill which was defeated, that would have made the revenues both from within the 3-mile limit, and all the way out to the edge of the Outer Continental Shelf, available for education generally throughout the United States. At that time there were 48 States and since then two States have come in. The very basis for the Hill amendment was directly related to the potential revenues that could be forthcoming as a result of the Supreme Court decisions which held, as you know, that the minerals of the subsoil within the 3-mile limit and below the mean low-water mark belonged to the Federal Government. In the 83d Congress, the legislation that we had before us was to give the areas within the 3-mile limit to the adjoining States. There was strong feeling in the Congress. We debated it at length. Senator Hill and Senator Anderson and myself were cosponsors of this oil for education amendment.

We did not know what was there, obviously, but there was strong feeling that there would be revenues that could be used for public education.

Governor MCKEITHEN. No question about that. I did not mean to say, Senator Jackson, that we did not know anything was out there. We had no idea that it was going to be of the quality and quantity that it is.

I don't think any of us did. But the point we are making is that there is every reason, we feel, that where these submerged lands are contiguous to the borders of the coastal States, we feel that every reason the interior States have had to be given 37½ percent exists with

the coastal States, too, for the reasons I gave in my prepared statement.

We make no contest about the ownership of the properties out there, but we think——

The CHAIRMAN. Yes, but the point I want to make again is that the policy to which you refer relates to Federal lands within the States.

Governor MCKEITHEN. Yes, sir.

The CHAIRMAN. We are talking now about Federal lands that are not within any State. And this is an entirely different situation.

Governor MCKEITHEN. We understand that the location is entirely different—but the burden and requisites and penalties placed on the States are identical—identical, absolutely identical, that is correct, Senator, they are absolutely identical and we just feel that the coastal States, which have borne the burden, as we are bearing it right now—it is a tremendous burden—we feel that we should get the same treatment from these proceeds as are given the interior States.

The CHAIRMAN. Governor, my point is that when we put this provision in the law, and then in the report, we said in effect, "Look, we already have given property that the Supreme Court of the United States has held to be the property of all the people of the United States to the adjoining States. We now are providing for the government of the lands lying seaward of that which we have given the State."

I did not vote for the States bill. I voted the other way.

Governor MCKEITHEN. And gave very little actually in the case of Louisiana but we appreciate it. It turned out that the Supreme Court said we only got 3 miles, and I believe our sister States got 9, but we appreciated the 3 miles.

Senator ANDERSON. Oh, no. Some of it is in dispute.

Governor MCKEITHEN. We were not complaining. We appreciate it. We would love to have had more.

The CHAIRMAN. But the point I want to make is that a part of the consideration for having given you out to the 3-mile limit was that, as we said, "If you are going to have up to 3 miles, then beyond that the lands are forever Federal."

Now this is the clear history of it.

Governor MCKEITHEN. We don't dispute.

The CHAIRMAN. And those who voted for and supported the States bill, like Senator Cordon, understood this. Senator Cordon conducted the hearings on both the submerged lands and the outer shelf bills and was the floor manager of the measures.

Senator ANDERSON. That is right.

The CHAIRMAN. Even those who were supporting the tidelands bill; that is, the one to convey the property to the States, said "Look, there is where we draw the line. This is where we draw the line, unequivocally."

And this is the clear legislative history.

Governor MCKEITHEN. We don't dispute a thing you have said, Senator, not a thing you have said about the history of the legislation.

Let me just finish right here. What we do say now is that we have discovered that there are tremendous resources and minerals lying out there, not only off Louisiana, but we know now off the coast of many of

our other States, and we are telling you it has placed a tremendous burden on us, as we attempt to educate those people, and provide highways for them, just as it has on the interior States from the development of the interior lands.

We are coming here and asking you to treat us as you treat the interior States. Not just Louisiana, but all of the coastal States.

The State of California, the State of Florida, the Carolinas, who will eventually, we are told now, have tremendous resources off their coasts. We are not saying the Federal Government is not entitled to the lion's share of it, but we feel like it should be used in developing additional improvements along the coast and in the ocean itself. We are saying that the States whose coasts must host those people who work these resources are entitled to a greater part of those moneys.

That is actually basically what we are saying. We think 37½ percent is fair for us just as it is for the interior States. That is what we are presenting here to you.

The CHAIRMAN. How much revenue do you collect from the Outer Continental Shelf in the form of the State income tax?

Governor MCKEITHEN. I don't know.

The CHAIRMAN. Other taxes?

Governor MCKEITHEN. Let's see if I can find someone with me who does know.

The CHAIRMAN. My point is that in this connection with the services that you may render out there, you do collect some State revenues from the operations in the Outer Continental Shelf; don't you?

Governor MCKEITHEN. I don't know what they would be, Senator. I could get you that information. I will be glad to.

The CHAIRMAN. I don't know.

Governor MCKEITHEN. I don't either, as I say. Sales and use taxes don't apply out there, of course.

The CHAIRMAN. Well, could you get it? You don't need to respond now.

Governor MCKEITHEN. Yes; we will get you that information. I will be glad to furnish it to the committee. I think you are entitled to have it.

The CHAIRMAN. Whatever you get from the Outer Continental Shelf?

Governor MCKEITHEN. As far as I say, I can't think of any. But we will get you that information. Congressman Boggs has informed me—I am glad he prompted those of us in the State Government—that we get no State income taxes from those lands.

Senator ANDERSON. What is that?

Governor MCKEITHEN. Congressman Boggs says none.

The CHAIRMAN. If the outer shelf operators are home based in Louisiana, and they are working out there; don't they pay a tax?

Governor MCKEITHEN. You mean the employees? Yes, sir; if they are domiciled there; yes, they pay a State tax, income tax, which is not great in any of our States.

The CHAIRMAN. What about the corporations?

Representative BOGGS. Just like a seaman would pay.

Governor MCKEITHEN. I am not familiar with what a seaman pays, but I say, I can tell you that it is very, very small.

The CHAIRMAN. What about the companies?

Governor McKeithen. Most States don't have a very large income tax. We can't afford it, when we need the income for the Federal Government's projects, and I am not complaining but I can't think of a fair way to get the money.

Don't misunderstand me. But when you get through with them here in Washington, there is not much income left to tax.

I am not complaining, Senator Jackson. I am not putting the blame on anyone in the Congress, because I support the theory of the income tax, and I am not one to advocate the reduction of taxes, but I say that the State income tax is a very small thing, and I will be glad to get you that information, as nearly as we can, Senator.

The Chairman. The very able chairman of the Senate Finance Committee, who is a distinguished Senator, and a distinguished son of Louisiana, handles all of the revenue raising, and he is aided and abetted over on the House side by a very able whip, Congressman Boggs.

Governor McKeithen. That is one of the reasons why I was very careful not to criticize. I will be glad to furnish the committee with that information as quickly as I can, as nearly as we can get it.

The Chairman. I understand.

Governor McKeithen. Yes, sir.

The Chairman. Senator Anderson?

Senator Anderson. Well, let me say I never thought I would live long enough to hear this discussion about the Outer Continental Shelf. I do want to discuss a little history. You may recall that there was a filibuster going on in the Senate. Some of us who were liberals did not like to do it very much. Senator Taft, the majority leader then, spoke up and said there is a filibuster going on and the Senator from New Mexico is the organizer and leader of it. I do remember we had some discussion about it. The so-called filibuster absolutely blocked passage for a long time of the bill, granting to the States the lands the Supreme Court had said belonged to the Federal Government.

There was not 1 inch of tidelands, as such, involved at all, but the title was a better sales point. We who opposed the giveaway finally got the floor, and had a long discussion. Senator Taft appealed to some of us to try to work something out. Price Daniels and others came along, and I made the commitment that if they would support the Continental Shelf proposition, I would try to call off the filibuster.

They did agree, and the idea was proposed to Senator Douglas and others. Senator Taft met us in his little office, and asked what we wanted for a guarantee.

I said, "If Guy Cordon will draft the bill"—he was the best legislative man I ever saw—"If Guy Cordon will draft the bill, we will try to get it approved and then go on with the tidelands discussion."

Senator Cordon did draft it. That is, he sketched out the basic provisions there in Senator Taft's office. Certain commitments were made. I objected at one time that the Outer Shelf was not being unequivocally sealed off, and Guy Cordon said, "This is as strong language as you can get."

We did pass the submerged lands bill, the Inner Continental Shelf bill, and then the Outer Continental Shelf bill. It was a fight, but Senator Taft got on the floor and went around the room and said he had made his commitment for it, and that it had to be passed.

Now here a 15-year period has elapsed, and we find certain rights being asserted that I don't think exist out there at all. President Truman had vetoed previous giveaway bills, and did as long as he was the President. After he was out, and another President was in, there was a possibility the States' bill could pass. We filibustered for a long time, I am frank to say about it. We filibustered to make sure that the Continental Shelf was not going to be taken away from the people of this country.

Senator Hill brought his "oil for the lamps of learning" amendment up and we accepted it in the Senate.

Governom McKeithen. We don't advocate taking it away from the people of the country, Senator, we just advocate giving the States that support them a larger share than the other States get, who don't have that responsibility.

Senator Anderson. We debated for a long time how far out the boundaries were, and got the advice of special geographers. We were assured there was sulfur out there; we had oil leases piled up, millions of dollars worth. Men invested because they knew of the oil production in Louisiana and Texas, and they had money to drill.

Governor McKeithen. We are not advocating, Senator, that all that money should be given to us. We are advocating merely that the States from whose coasts this production is being developed should have a larger share than those that do not bear that responsibility.

Senator Anderson. But your larger share is based on Outer Continental Shelf operations, and you don't own a foot of it.

Governor McKeithen. I did not understand you, sir.

Senator Anderson. You are talking about the development on the Continental Shelf.

Governor McKeithen. Yes, sir.

Senator Anderson. You don't own a foot of it. That is the Federal Government's area.

Governor McKeithen. Sir?

Senator Anderson. That is the Government's area. There are several States, like Wyoming and Montana, and other States, that have oil production from Federal land. They say, "Why don't you give the oil to us, since it is located in lands underneath our own boundaries?"

The State of Wyoming, at that time, would have been entitled to about $103 million, or $105 million; the State of New Mexico over a hundred million dollars.

Those claims were not recognized. I supported the bill that was introduced at that time by Senator Hunt of Wyoming.

Senator Long. Senator, might I just make one statement to try to clarify this discussion, because you are discussing some things that the Governor was not around here to witness. I think I know what the position of the State of Louisiana was at that time.

I was the third member on this committee at that particular time. I was behind Senator Anderson on the Democratic side of the aisle. And the Republicans had control of the Congress at that time, one of the few times, may I say, that the Nation has made that decision, in my lifetime. The Republican chairman was Senator Butler, and you are right, Senator Cordon was the manager of that bill, but if you will recall, Senators, we passed two bills.

One bill was the so-called tidelands bill, and that bill said that every State would have at least 3 miles, and if it could prove its historic boundary was beyond 3 miles, it could have 10, into the Gulf of Mexico. That was the 3 leagues, or 10 miles, which benefited Texas and Florida.

It did not benefit Louisiana. That was the so-called Submerged Lands Act. Now Senator, as you correctly stated, you opposed that bill, and so did the other two members of the committee, Senator Jackson opposed it, and I believe one other member of the committee opposed it.

Senator KUCHEL. No, I was the co-author of it, Russell.

Senator LONG. You were not on the committee at that time.

The CHAIRMAN. Yes, he was.

Senator KUCHEL. I was the coauthor of the bill.

Senator LONG. That makes that clear, then. All right, now so that is what we call the tidelands bill, but that was the Submerged Lands Act. Now of those of us who were from coastal States, practically all voted for. I know every coastal State that had any oil in it, submerged lands, supported it, and so the vote was almost unanimous in coastal States for the bill. That bill said that those coastal States owned all lands out to the 3-mile limit.

Now subsequently, we had a second bill that passed. That was the Outer Continental Shelf, and that is the bill to which Senator Jackson made reference. Now I voted against that bill, and I tried to amend that bill at that time.

I believe Senator Ellender offered the amendment, to see that the States would get 37½ percent.

Senator ANDERSON. As did the other coastal States. They all opposed it.

Senator LONG. We did not prevail in that, but we feel that we were right about it, and may I say, Senator Anderson, I think at that time that our case was very substantially prejudiced by the fact that we had passed the Submerged Lands Act, and many Senators said, "Well, the State has got a 3-mile limit, they ought to be satisfied."

We felt that the burden, as the Governor has indicated, is the same with regard to that submerged land beyond the 3-mile limit as it would be in any interior State. If you had Federal lands located there, that you would have a burden of supporting it, and that who ever works and supports and produces the oil or the sulfur, or whatever it may be, is going to put a burden on that State government. The same logic that supports that 37½ percent for upland States supports the 37½ percent or some reasonable formula or some reasonable percentage for the burden on States and cities of the coastal areas, to produce in those lands.

So you had two acts. I voted against one, and you voted against the other one.

Senator ANDERSON. I must give other Senators time to ask questions, but I just point out that I remember when the Continental Shelf bill was presented. It was drafted, in outline form at least, in the office of Senator Taft, and I praise him for it. He made me a square toed commitment if I would call off the filibuster.

We did call it off, and Senator Taft carried out every promise he made. He was fine. At the time we never believed this issue would be back before us again.

The CHAIRMAN. I wonder, it might be well, now if Senator Long could make his statement, and then we can ask questions of any of the witnesses at the table. Is that all right, Governor?

Governor MCKEITHEN. That is fine.

The CHAIRMAN. You go ahead, Senator Long.

STATEMENT OF HON. RUSSELL B. LONG, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator LONG. I am going to abbreviate my statement, Mr. Chairman, for the benefit of those of you here. To make it clear that we of Louisiana favor the purpose that your bill seeks to accomplish, Mr. Chairman, I have consistently voted for the funds to support programs of this sort, and expect to do so in the future.

In other words, as far as the program that you have in mind, their land and water conservation fund, we expect to vote and support whatever amount of money is necessary for this fund, and we favor more, not less, for it.

Now what disturbs us about this is that when we tap the Outer Continental Shelf these revenues should not be regarded as some pot of gold that somebody found at the end of the rainbow. They should be looked upon in light of what they actually are. The coastal States have this burden upon them, which should be recognized. The legislation that I recommend says that the remainder of that fund should be spent in developing the same kind of revenues that are being depleted—in this instance, the resources of the sea.

So that we think that the needs in that area are tremendous, and they will become much greater, as time goes by, especially if we develop those resources the way that they should be developed, and now the Governor has indicated something of what the burden of it is. May I say that we in Louisiana derive most of our State revenues, either directly or indirectly, by taxes on the oil and gas industry.

That is our biggest industry. It accounts for over 40 percent of industrial employment, if you look at the direct income as well as the indirect income. Frankly, that industry is moving out into the sea.

These upland resources are being depleted. The same people who work these upland resources will be working these resources of the sea. We are facing a serious financial crisis in State government, as more and more, our efforts move out into the sea. As we deplete the resources that are beneath State land and beneath privately owned lands, and move out into the sea, this State, using the same labor, the same resources, the same contractors, the same business people to develop it, will find that the burden will be not less, they will be greater, on State government. Yet, the funds to provide the sanitary facilities, the schools, the education, the police protection, the roads, recreation facilities, and police protection, and various other things that are required for people to live somewhere, and to be a part of any government, would not be there.

Now if I might just point to one single problem that is a part of developing the sea which is not a problem with regard to an upland State, is the problem of a tropical hurricane. The property damages from Hurricane Betsy alone—that is one tropical hurricane—were estimated to be approximately $1 million in Louisiana alone.

Now that is a million dollars of property damage from only one hurricane. In Hurricane Audrey, that occurred about 5 or 6 years prior to that, one-quarter of the entire population of Cameron Parish, where the principal occupation is developing these oil resources, one-quarter of the entire population was killed. Thus the tremendous burden of adequately protecting these people, and providing them with other resources while they work the sea, is just as great as it is for upland States, where similar problems exist, and let me say that I personally would like to refer to the history of the Congress with regard to Federal lands.

If Senators recall, initially, when the Federal Government started carving out, the 13 States owned virtually all their lands and the Federal Government owned virtually none of it.

But when the Government started carving out additional lands, the first States to become members of the Union were permitted to have all the Federal lands that the Federal Government had owned, that were made a part of those States.

States like Kentucky, Tennessee, and even my own State of Louisiana, so far as there was land there, it was regarded, unless the Federal Government had some need of it, as being land that was turned over to the States, and subsequent acts took care of what they did not turn over, such as the Overflow Land Act and others that came along. Thus the States that joined the Union early, after the original 13, were permitted to have virtually 100 percent of all lands that was held there.

It was held, in effect, in trust for them.

But as some of these Western States came in, conservationists contended that the Federal Government could use this money better, and could develop this land better for the benefit of those States than the States themselves could.

Now I believe the committee would do well to refresh its memory, and I would be glad to have the benefit of the staff study on that. You have some very fine staff people here, whom I have had the privilege of working with in years gone by.

So it was said that "What are we going to do with all this land? There is nobody on it. So how do we develop it?" And they said, "Well, the Federal Government will hold it, and we will develop it as we think could best meet the needs, could best help those people."

And that being the case, the upland States, in the western area, so well represented on this committee, were accorded 37½ percent of all mineral revenues directly, and the rest of it was not directed in some way that was going to benefit Louisiana—or Kentucky or Virginia or Georgia.

We had no right to claim any of that. We had had the benefit of all of our land, why should we claim any of theirs?

And so we did not claim 5 cents of revenue that was to come from the minerals developed in Wyoming, and/or Washington State, or New Mexico, or Washington. None of it. And insofar as we got any of it, it is a complete accident, and as far as Senators and Congressmen from those States were concerned, it was felt that 37½ percent would go to help those State governments to discharge their duties and responsibilities toward their people. They needed revenue so someone could live there, and then going beyond that, it was felt that what

else was derived, the other 52½ percent, ought to go to help develop that arid land out there, to put some water on it, so people could live there and develop it. The other 10 percent was for administration.

If we in Louisiana got some of it, it is just because over a period of time the Federal Government bought some land down there in depression. What happened with regard to Texas? When Texas came into the Union, one of the big arguments against its admission was that Texas had this big public debt, and those who were opposing Texas statehood did not want to assume the Texas national debt at that time, so someone said, "Well, fine, let's us put an amendment in here to say that Texas will keep her public lands, and Texas will pay off her own public debt.

At that time, it looked like a good deal for the United States for the Senator offering that amendment, but it turned out to be a great deal for Texas, public lands has greatly exceeded what the Texas public debt would have been.

So there is a history of your land. It was developed in such a way that those who were carrying the burden of developing it should get the benefit of minerals produced from it, either directly, to a State government to provide for education and roads and public services, or indirectly, by the Federal Government providing for the developments of the overall area.

Personally, I think the 37½ percent is inadequate for those interior States, and I am going to seek to support legislation, and I will offer to amend my proposal, to see that they get the 60 percent instead of the 37½ percent and if the reclamation funds needs more money I will support appropriations to see to it that it has whatever it takes, and we were very, very generous, may I say, when we brought Alaska in, to say that the minerals produced in Alaska would be devoted in large measure to help that State.

Now we have a similar problem, and may I say Louisiana has suffered very badly from poor management of this controversy between the two. It has suffered, may I say, Senator Anderson, because the people at the executive level in Louisiana government, representing the executive of Louisiana and those representing the Federal Government, at the time all this controversy arose to begin with, were not the kind of people that have a way of getting together like you and I do on the finance committee, to say what is good for the Nation, and good for New Mexico, and also good for Louisiana.

We just had some very uncompromising people there at that time, and I wish this committee would find out what the real proposals were at that particular time, even at the executive level.

I would suggest you get Oscar Chapman up here and find out from him what he thought the answer should have been when the whole thing started out. I think he will tell you that his judgment was that the States should have received 37½ percent, plus the right to tax what was produced out there, all the way out to the end of the Continental Shelf, and that a proposed compromise was made along that basis. I regret to say that we had a rather uncompromising person representing Louisiana at that time, who would hear none of it, did not want to discuss anything except the State having all of it, and the result was that the State got the worst of it very badly. I am sorry that that happened, because we would have been a lot better off with 37½ percent

of all of it than we would be with a hundred percent of a 3-mile limit. Texas also suffered from that.

Someday, it may be that California might find that they are suffering because they did not take the Truman administration up on the suggestions that were made on its behalf by Cabinet members Oscar Chapman and Tom Clark at that time, and by the kind of people who would like to have worked it out, such as Sam Rayburn, and I think Lyndon Johnson at the time this whole controversy arose.

So we find ourselves looking at a very serious problem, where if we are to support the developments that is going on out there, and to support it properly, we would need the same kind of consideration that these interior States have.

Now why 37½ percent?

Well, the bill I introduced suggested 37½ percent, because that is what the upland States have. That is what Congress felt appropriate to help them carry the burden of State government, of developing these Federal lands in those States, and it would seem appropriate to us that that is how it should be.

Furthermore, one would say, "Well, the States don't own this." That is quite correct. Neither did the Federal Government, for that matter, and why does not the Federal Government own it?

Because it elected not to own it. And why did it elect not to own it? Because it wanted to bypass, if it could, the precedent, that there was no part of the continental United States that was not a part of some State, although it be Federal lands. We had this Perlman theory developed, and if it was not Perlman it was someone else, to say, "Well, now, here, let's not claim the Federal Government owns that land."

Let's say it has paramount rights to it. But you had to claim you had some kind of right to it, otherwise, you could not have taken the States off it, because the States saw the value of it, they were developing it, they claimed it, and it is a cinch Federal governments would not have owned it, if the Federal Government never claimed it. Thus the States having claimed it, first, the Federal Government asserted a paramount right to it, the Supreme Court upheld it, and the Federal Government put the States out of there, but they recognized the States had some rights to it, to the extent that a least they let the States keep the revenues that they had developed prior to the time that the Congress passed the act claiming that Outer Continental Shelf for the Federal Government.

And may I say, with regard to these submerged lands, with regard to all lands located within the U.S. boundary, it does not make any difference whether that land is under water, or whether that land is not under water.

The resources are treated the same. This Federal land, and the 37½-percent formula applies just the same.

Now the logical way to handle the Outer Continental Shelf would have been to have said that this is an outer extension of the lands of the United States, and those lands belong to us, even though we regard those waters as being high seas.

And logically, that is how it should have been done, but this theory of paramount rights was developed, partly to argue freedom of the seas, and partly to give the Federal Government some basis for claiming everything, and why do you claim everything?

I think it claimed everything in the beginning because it was negotiating it against State people who would not yield anything. About the best way to negotiate with somebody is to start out claiming it all for you, and then if you negotiate to some settlement midway between that point, he is likely to be happy and satisfied. He will be completely dissatisfied if you don't yield at all, so if you start out claiming the whole thing, and then you wind up letting him have 37½ percent, he feels as though he has at least made some headway, and he has saved face to some extent. Whereas, if you conceded he has the 37½ percent to begin with, and that is all he wound up getting, he would not be happy at all. I suspect that that was the basis upon which the Federal Government, at least as far as its policy for the record was concerned, under the Truman administration, was claiming all of this for the Federal Government.

I think Oscar Chapman will tell you—he has certainly told me many times—that he felt the States should have had 37½ percent, and I believe that if Tom Clark, former Supreme Court Justice, would testify to it, he would say that he felt that the same equity which allowed the inland States a share pertains also to the coastal States.

Now we submit that with regard to the other 62½ percent, or whatever that share may be, that there is a more productive use that can be made of this.

The CHAIRMAN. Go ahead—well, Senator Anderson has a question.

Senator ANDERSON. I merely want to say that you didn't claim 37½ percent all the way out at that time. Oscar Chapman never supported 37½ percent all the way. He wanted to raise a little higher figure inside, and a lower figure outside, and the result must have been about the same.

Senator LONG. Well, now, Senator Anderson, for your benefit as well as for mine, I would like for you to make it a part of the record what kind of compromise Oscar Chapman really was willing to recommend and what sort of compromise he thought would have been fair for both the State and the Federal Government. May I say that I think the State was very foolish to turn down that proposed settlement, and I think in justice to all it ought to be a part of the record because I sometimes find myself politically trying to explain to people that the Truman administration really wanted to do a lot better by us than Harry Truman did, and if our people had let them, they would have, and that frankly, there is some politics involved.

There was an election coming up within a year, and if I do say it. I was one of those from Louisiana who took the attitude that Harry Truman didn't dare go before the people in an election with that issue pending in Louisiana, Texas, and California.

Well, he did, and he carried Texas, and I believe he carried California, too, notwithstanding that. He didn't carry Louisiana, but that wasn't my fault, may I say.

But that matter was very poorly handled from the State's point of view. It is not on the record here, and you won't find it in the hearings of this committee, but it ought to be there, because that is a great portion of the history of it, and how it came to pass. Men of good will should have worked this thing out in the very beginning.

And may I say, Senator Anderson, I was not a part of those suggestions that occurred at that time. Our friend, Price Daniel was, and

when the Eisenhower administration came up here suggesting that the States shouldn't have that 37½ percent he was shocked. And it might be well for him to tell you what he knows about that—he is with the Federal Government now—because it seemed to me that the 37½ percent all the way out to the end of the Continental Shelf was something he could always depend on getting. When the Eisenhower administration, having recommended that Texas get 100 percent of 10 miles, and full ownership, proceeded to recommend that they get nothing beyond that, he couldn't believe his ears.

Senator ANDERSON. I do want to state, Senator Long, what my memory is of the situation you explained. The original tidelands bill was drawn by people who were in the oil industry. I carried it to Oscar Chapman, the Secretary, who said, "No, we will never agree to that." I took it back, and then back to him—back and forth, back and forth—I wore a path, almost. Finally, a proposal was made that might have been better for the State of Texas and the State of Louisiana than that which they ended up by getting. It was too bad they turned down the proposal. Billions of dollars were involved.

If the States had accepted, President Truman would have been happy to sign such a bill. But he couldn't get this particular leader to yield. What you say is true. The State of Louisiana would have been better off if they had, but Price Daniel had some political problems, as did others, and you couldn't budge them.

They were determined. They had to have it their own way. Louisiana would have been better off if the proposal had been accepted.

Senator LONG. Well, Sentor Anderson, Sam Rayburn was the Speaker of the House at that time, and I don't think anyone ever accused Sam Rayburn of failing to adequately represent Texas, although he was a great Speaker, and did a lot for the entire United States. And Sam Rayburn took that matter in hand, and he moved the Federal people as far as he thought that they had any business of going, and he moved them to what he thought would be a fair compromise of that issue, and it was. It was because the State people, those representing—and I regret to say, it was those representing Louisiana more than anyone else—were so completely adamant and uncompromising on that, and I wasn't a part of that, Senator. Our State wound up receiving what we thought was a very, very unfair settlement of that issue, and we did the best we could under the circumstances. It was very poorly handled, in the early stages, and had it not been for that, my guess is that we wouldn't be arguing about the 37½ percent today.

We might have had less inside the 3-mile limit, but we would certainly have had a lot more beyond that 3-mile limit, of where the State claims are so much better.

Governor MCKEITHEN. May I just interject right here, Mr. Chairman, if I may? I want to be sure that I have understood the conversation between Senator Anderson and Senator Long directly here. That is what I had understood the situation was, but I want to be sure that Senator Anderson has confirmed it. I think it is important right here that at one time, an administration here, and a Cabinet head here, recommended as a fair proposition, the very language which we are telling you is fair today.

It is an imperative point for this committee to realize that, if that is true, and I am talking about 37½ percent. If that is correct, that is what Senator Long said. I gathered you agreed with it.

Senator LONG. Let's just understand one another about that matter.

Governor MCKEITHEN. That has been recognized as fair here before.

Senator LONG. Let's just understand one another about that matter. There are a lot of facts that you can't get into the record because it is inadmissible evidence, and that is something we lawyers quarrel about, and it upsets nonlawyers to no end to think that here is a fact, here is something that is true, but they are not permitted to know it, because the court rules that it is not admissible as evidence, and any time you want to even produce evidence in a courtroom of a proposed compromise, Governor McKeithen, you know as well as I do.

Governor MCKEITHEN. No one has objected to it here, though, and we are moving right along on it. I think anything is admissible as long as it is not objected to. I believe I am correct in that feeling.

The CHAIRMAN. We don't follow judicial rules in this committee.

Governor MCKEITHEN. Senator Jackson, I do think it is important, and I feel that firmly, that it is important to this committee, and perhaps to the entire Congress. If it is correct, that at one time, in the administration here, represented by Cabinet members, recommended the very thing we are asking today, for the State of Louisiana, and for the other coastal States, in addition to the right to tax. Am I right, Senator Long?

Senator LONG. I think the record should reflect it.

Senator ANDERSON. I think you are wrong. I say that the proposal made by Senator Long and others was a better deal for Texas and Louisiana than the deal they finally got. It wasn't the full thing as I remember it. I think we agreed to offer five-eighths, five-eighths out to the edge of the territorial waters, that is, five-eighths within State boundaries. It would have been a sharing of revenues from the coast all the way out.

We offered five-eighths inside the 3-mile limit, and one-eighth thereafter all the way out. Other alternatives were proposed, but the States would have been much better off, then and now, if that offer I have referred to had been accepted. I am quoting the figures from memory, but that is as I recall them.

Senator LONG. Well, Senator Anderson, might I just suggest that I would like to urge this committee that you invite former Secretary Oscar Chapman, who was a part of this coastal submerged land struggle from the very beginning, and who has served this Nation very well as Under Secretary of Interior, and as Secretary of Interior, to give you his views about this 37½-percent matter, and also about the others.

Now, he might differ with me with regard to what should be done on the remainder, and that, of course, I think would be interesting to the committee, but I would urge you that he be invited to testify and give you his views about the whole thing, because he has served this country very well, in an important responsibility.

Now, may I say, Mr. Chairman, that the resources of the sea are going to be so much more than anyone ever estimated that people are going to find it unbelievable.

When I was on this committee, discussing the Outer Continental Shelf bill, a witness came before us and testified the fantastic food-producing potential that there could be in the sea, if you just developed it right.

He explained it this way: He said if you go out in the woods looking for nuts, and you simply pick up the nuts that you find on the ground, you are not going to get enough nuts to even provide 1 day's meal for one person.

But if you go out there and clear that forest and plant the best kind of pecan trees, let us say, and you fertilize those trees, spray them to fight off the insects, and harvest that crop at the right time, you will get a thousandfold as much in the way of nut meat as you would get if you simply went out in the woods.

Now, the same thing is to a large extent true of the sea. For example, we have 4 million acres of marsh land that adjoins the Gulf of Mexico. Louisiana Land and Exploration owns considerable land there. Their experiments right now are showing that they can produce 200 pounds of shrimp per acre in this land covered by, subjected to the ebb and flow of the tide somewhat, but that is sometimes wet, sometimes dry, ordinarily.

When they dam it, cover it with a few inches of water, and plant that land with shrimp, to separate them from predators that would eat or destroy those shrimp and the larvae otherwise, so they produced 200 pounds of shrimp per acre in marshland with weeds growing on it that otherwise would be useless for any practical purpose.

Now, they say that more intensive efforts in India have produced 1,000 pounds of shrimp per acre. One thousand pounds per acre, by the same measure, of taking virtually unproductive land and producing shrimp on that land.

Now, the same thing can be done in the sea. When you start planting the type fish and marine life that you want, and destroying and killing off all predators, for example a, garfish eats as much fish, I am told, eats his entire weight in good sports fish every day. You kill the garfish, and feed that meat to the shrimp, grind it up and feed him to the shrimp, rather than other way around, and you have a lot more of them out there. I have seen sometimes the way that bonito go at a school of shrimp.

You will have a school of shrimp as big as all Capitol Hill, covering maybe 4 square miles of these small shrimp, watch those bonito go at them, and maybe there will be 100,000 in a school of bonito, just feeding, thrashing the water until it is just being churned like water in a washing machine, eating those shrimp, and if you will catch a bonito and cut him open, you will see he is filled up to the gills with those tiny little shrimp, each about the size of a pencil point.

So there is a single bonito eating a million shrimp a day, while they are in the small larvae stage.

Now, if you pull big nets through, kill off those bonitos, and those little shrimp eat practically anything, chop those bonitos up and feed them to the shrimp, rather than the bonito feeding on the shrimp, and, help to provide food for them, the catch can be multiplied fantastically, and the same is true of other fish in the sea.

Now, all this can be done, and the production of the sea can be multiplied tenfold or hundredfold, if we do it right.

Now, that is not going to do your State of Washington any good, Senator Jackson, if we are not able to provide some quotas or do something to protect the American fishing fleet, but that is an entirely different problem that we will work on, to try to see to it that our fishermen are treated right, and get their share of the income derived from the sea.

Now, to develop it and make those resources what they should be, the yield can be fabulous. But there is not going to be much yield if you let the sea get so polluted that it doesn't produce fish, and doesn't produce shrimp or other valuable marine life, or that such as it does produce is not worthy of human consumption. This is a job that will require tens of millions of dollars, which we should be at, and it is another item that requires very serious consideration. And money should be made available to it.

It would seem to me that this source, the oil produced in the sea, is a good place to derive revenue to develop the resources of the sea, and to fight pollution in the sea. The industry should at least put up the money to eliminate the pollution that the industry itself creates. The oil industry is one of the principal pollutants of the sea right now, either by production of the oil, or by the various chemical processes that are used in connection with it.

So we would submit that while we favor what the bills would seek to achieve in providing for the development of resources, and better use of them, we do think that the coastal States are entitled to better consideration. We would like to support legislation to provide better consideration for the upland States with regard to revenues produced in those States, and in addition to that, we do feel that there are some very, very high priority uses that should be studied before the 62½ percent is otherwised disposed of.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Long. We appreciate having your statement.

Senator ANDERSON. May I ask, Mr. Chairman, to file a statement for the record. I do want now to say that the Senators from Louisiana were statesmen about this matter. We had a situation in Texas that was not solvable, apparently, and the compromise couldn't be reached. But I will say that the Senators from Louisiana were willing to try to work out an equitable compromise. The State of Louisiana would have been much better off if their judgment had prevailed.

We had long sessions on it. Louisiana has done a fine job, and so have you two Senators that have been here today on this bill.

The CHAIRMAN. Do you want the statement included in the record at this point?

Senator ANDERSON. Yes.

The CHAIRMAN. All right, without objection, Senator Anderson's statement will be included in full at this point.

(The statement follows:)

STATEMENT OF HON. CLINTON P. ANDERSON, A U.S. SENATOR FROM THE STATE OF NEW MEXICO

Mr. Chairman, I would like to go on record as being opposed to S. 1826, introduced by my distinguished colleague, Senator Russell Long of Louisiana. In particular, I am opposed to that section of the bill which provides that 37½

percentum of the revenues obtained through the leasing of segments of the Outer Continental Shelf shall be paid to the States adjacent to the lands on account of which these revenues are received.

This legislation is a direct contradiction to the spirit and intended effect of the Outer Continental Shelf Lands Act which was enacted into law in 1953. This Act states on one hand in Section 4, Paragraph 3, 43 U.S.C. 1331, that:

"The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof or the revenues therefrom."

S. 1826, on the other hand, proposed to pay to Continental Shelf adjacent states 37½ percent of all outer Continental Shelf leasing revenues. The contradiction in this proposed legislation is obvious. If S. 1826 becomes law, it will, in effect, recognize states' interests in the seabed and subsoil of this area. Interests in the Outer Continental Shelf's mineral resources by an adjacent State have never been legally recognized. Revenue derived from these areas belong to all of the people of our Nation.

The hundreds of millions of dollars involved in this legislation are totally disproportionate to the related services provided by various states. For instance, let us consider applying the bill's formula to the billion dollars presently held in escrow from mineral leasing operations off the coast of Louisiana. The State of Louisiana would receive close to $386 million under this bill's formula. New Mexico—with its small population—would receive just over $3 million. In short, the benefits to Outer Continental Shelf adjacent States such as Louisiana under S. 1826 would accrue at the expense of the rest of our Nation.

Inland States having small populations such as New Mexico would not be the only States to suffer from this legislation. Other low-population States adjacent to the Continental Shelf but not adjacent to revenue-producing areas would also suffer. They would receive no portion of the Outer Continental Shelf revenues under the State-adjacent section of the bill and would receive relatively little of the remaining 62½ percent of revenues under the population formula section.

In summation, Mr. Chairman, I must oppose this bill in the name of all those people of our Nation who do not by chance reside in one of the few States adjacent to revenue-producing areas of the Outer Continental Shelf.

The CHAIRMAN. Senator Kuchel?

Senator KUCHEL. Mr. Chairman, I want first of all to join you in extending a welcome to the distinguished Governor of Louisiana, whom we were most pleased to listen to, along with our two friends, the distinguished Senators from that fine State.

I do want to ask some questions, Governor. The purpose of the hearings which are being held today is to inquire into the validity of two pieces of legislation. One, S. 531, which I introduced in January of last year, dealing with the land and water conservation fund, and providing for an augmentation of its revenues, and two, S. 1401, introduced in April of last year by the distinguished chairman of this committee.

I was glad to join him as a coauthor. It generally covers the same subject as the earlier bill, although there are, I am quite frank to say, refinements and improvements, in my judgment, in his bill.

Governor, are you acquainted with the provisions of S. 531 and S. 1401?

Governor McKEITHEN. I would like for you, if you would, briefly, to tell me what they do, and see if I understand them as you do, Senator.

Senator KUCHEL. You are acquainted with the fact that we have a land and water conservation fund. The purpose of the two bills before this committee is to augment the land and water conservation fund by additional revenues, and in each instances, the augmentation

comes from the revenues received under the Outer Continental Shelf Lands Act of 1953. I was going to ask you, Governor, if you were acquainted with the provisions of the two bills.

Governor McKeithen. The general purpose I am; yes, sir. I am not familiar with the details of your bill.

Senator Kuchel. And would you favor the purpose of the two bills?

Governor McKeithen. Your idea of getting additional money for the purposes which I understand your bills tend to accomplish we think is completely worthy. Our objection is to the way you are going at it. By going there and picking out a specific fund to which we feel that we have certain equitable rights, we feel that you will open the gate, Senator. We feel that if you open the gate for this worthy project, that right behind you, the gate will be opened again.

There will be nothing left for us. We don't dispute the worthiness of your intentions whatsoever, Senator, but we suggest that you do it by an appropriation rather than having it allocated from this fund. And our State, I am quite sure, will support you in that effort.

Senator Kuchel. Now, Governor——

The Chairman. I just want to interject that the money would have to be appropriated annually, Governor. The money from the Outer Continental Shelf would not be made available automatically, but would go through the appropriation process as do other fund moneys.

Governor McKeithen. Well, I think then that you should say so without designating that it should come from this fund.

The Chairman. Your point is that revenues for the fund ought to come out of the general appropriations.

Governor McKeithen. Yes; that is the point I am trying to make, sir.

The Chairman. I did want to make it clear that the two bills——

Governor McKeithen. We support you and the purpose of your bill, but we disagree with you in the source of the revenues for your bill.

The Chairman. But it would require an annual appropriation.

Governor McKeithen. Yes, sir.

The Chairman. No question.

Senator Kuchel. There is a third bill pending before this committee which I rather apprehend is relevant to this hearing, and that is S. 1826, which was introduced by the distinguished junior Senator from Louisiana, Mr. Long, last May. Are you acquainted with its provisions?

Governor McKeithen. Is that your bill, Senator, the 37½ percent? Generally, I am. I am generally familiar with it, but not all the details, Senator. I know what it proposes to do generally.

Senator Kuchel. Do you favor the formula involved in S. 1826?

Governor McKeithen. We think it is a fair formula, if it is Senator Long's bill we are talking about. We are not saying that under no circumstances would we completely refuse to revise it in certain ways that perhaps the majority of Congress feel it should be revised.

We are not just standing fast. We don't want to make the same mistake, Senator Anderson, that others have made here before us, coming here and taking this position: Look, we won't yield 1 inch.

Let me say, there is a new day dawning in Louisiana. We have yielded a lot more than an inch during the past 4 years. We have gone the whole mile with a lot of people. As I say, we are not the unyielding

group you may have seen 20 years ago. There is a new breed that has taken over in Louisiana. I might say, and 82 percent of them just approved by election last fall of the new bred that is taking over in Louisiana.

I hope I make my position clear. As I say, we don't stand hard and fast on his bill. We think it is fair, but we are prepared to sit down with other fair-minded men, and if we can, perhaps reach something we can all agree on.

Senator ANDERSON. That is fine.

Senator KUCHEL. The provisions of Senator Long's bill generally are as follows: It would provide that the revenues from the Outer Continental Shelf lands should be disbursed first to the extent of 37½ percent to the States lying adjacent to the particular area. The balance of 62½ percent would then be allocated to all 50 States, on a formula which would read, quote: "In proportion that the population of each State bears to the aggregate population of all States."

Do you recommend that provision?

Governor MCKEITHEN. We back Senator Long in his bill, but let me repeat that we don't stand hard and fast on that formula, Senator, and we are prepared to talk about the formula.

In furtherance to your question, it could very well be that, as I say, one of the things that I brought forth in my statement was that we should not start going into that fund piecemeal as you are doing here, that we should wait and divide it all equitably.

It may very well be, when we make that final determination, Senator Anderson, that part of the money should be dedicated to the land and water conservation fund, when we make the final determination as to what we should do with all of it, but we think it should be made at the same time.

We are afraid, as I say, if you open the door here, there will be nothing to divide. The 37½ percent, we feel, that should go to the coastal States, won't be there. It will be gone.

Senator KUCHEL. Now, Governor, in your prepared statement you say:

> And just as neither Washington, Colorado, nor Wyoming may tax mineral production from public lands within their borders, so is Louisiana and all the other coastal States denied the power to tax mineral production from the Continental Shelf.

Governor, you do not mean, of course, do you, to imply that the Continental Shelf seaward of your 3-mile boundary is within the border of your State? Obviously not.

Governor MCKEITHEN. No.

Senator KUCHEL. Obviously not, because that is not so. So what you are recommending to this committee is not a mere extension of present policy, because, as you correctly point out, present Federal policy with respect to sharing revenues applies to public lands within the borders of the several States. Is that not true?

Governor MCKEITHEN. There is no question that that distinction is there, Senator, that the other public land is within the borders of the interior States.

Senator KUCHEL. So that what you are recommending to this committee is to change that policy by providing for shared revenues, not

simply from public lands within a State, but from lands which would adjoin the outer boundaries of the State. Is that not true?

Governor McKeithen. I think that is a fair statement. We would rather say "extend" rather than "change," but if you prefer "change," we will——

Senator Long. Could I comment on that for a second?

Senator Kuchel. Surely.

Senator Long. You see, the Federal Government derives its revenue from that land by virtue of the fact that it adjoins, it is adjacent to, the United States, and the United States has a better claim on it than anybody else. But it is equally contiguous to the State, and the State has an interest in that.

Senator Kuchel. What kind of an interest do you mean, Senator? The State has what kind of an interest in that land?

Senator Long. Well, let's take, for example, the land off the California coast, Senator Kuchel. The land beyond your 3-mile limit adjoins the United States, it is adjacent to it.

Senator Kuchel. I can't disagree with that.

Senator Long. It borders on it. And your State was deriving revenue from that 3-mile limit, even at the time the Federal Government said that the land adjoins your State.

Senator Kuchel. But tell me what interest California has in that area seaward of the State's boundary.

Senator Long. California has this interest: It adjoins that State to the same extent that it adjoins the United States, so if the claim is that it adjoins, you have an interest because it adjoins your State, just as it adjoins the United States. It is adjacent to it.

So much so that if you are going to produce oil out of it, you are going to produce it with California people, on California land, drilling from the California mainland out there to get it, and that is going to be California labor.

Now, in your particular case, you are going to collect your income tax from it, and you will collect your sales tax, unless somebody decides to go further out and drop a rod down from a boat to reach the seabed.

Senator Kuchel. Is that different, Senator, than any other State? Is it different from your State? It is precisely the same, isn't it?

Senator Long. Well, in our case, we are not going to slant-drill it, because it is so much more practical to go out there and build a platform in 40 feet of water or 50 feet of water, and just put that on the Outer Continental Shelf shore than it is to go out 50 miles, to slant-drill 5 miles beneath the sea. However, in your case, Senator, the shelf falls off so fast on California that to get at it, it is more practical to drill at an angle, let's say, about a 45° angle, out from the shore itself. Most of your wells, I think, will be drilled from the mainland, while our wells will be drilled from boats that will go out and put a platform out in the ocean.

Governor McKeithen. I just suspect there are going to be a lot of lawsuits over that, though, Senator, if that well is within the 3-mile limit, and the mineral resources out there. There are going to be a lot of lawsuits about whether or not the States can collect income taxes out beyond the 3-mile limit, and I don't think California's position will be any different from ours.

The point he is making is that in California's case, perhaps the derrick itself will be within the area that has been declared to belong to the State of California, but the mineral will be out a mile or so, and they are going to slant-hole out there to where it is in the Federal Government's area, and I dare say that probably isn't going to work. I don't know.

The CHAIRMAN. Governor, I don't know anything about the tax law, but I submit that the only doctrine that could possibly apply would be domicile.

In other words, you can select income taxes and other taxes from a citizen of Louisiana that is domiciled there, maybe working in Africa. It has nothing to do with the concept that the lands are adjacent. I am sure that is the law.

Governor MCKEITHEN. I think Senator Kuchel was leading me up to something. I think he is going to pull the rug out from under me, and I am anxious to see if maybe he can. You are a good, skillful examiner. You and I haven't disagreed yet, Senator. We have been right along together.

The CHAIRMAN. You are waiting for the other shoe to fall.

Senator KUCHEL. We are doing pretty well. We are doing pretty well.

Governor. MCKEITHEN. We are together all the way so far, I think.

The CHAIRMAN. Senator Ellender has a comment.

Senator ELLENDER. I was one who participated in the debates on the tidelands, and it is my considered judgment that if an act of Congress had been presented at any time, before oil was discovered, to make all the coastal lands adjoining a State a part of the State, that there would have been no question that the act would have passed.

But the fact that a lot of oil had been found in the coastal waters of the Gulf of Mexico to the South of Louisiana interested a lot of Senators from the inland States, and I thought at the time—in fact, I was assured at the time that the bill as introduced would pass. In other words we had sufficient votes to pass the bill although we claimed all land adjoining Louisiana because the law was on our side.

If the Federal Government decided to build any kind of facility on waters adjoining any State, it had to obtain permission from the State. And we had quite a few decisions indicating that all of the lands adjacent to States belonged to and were part of the State.

And it was on that assumption that I concluded to vote as I did.

I remember certain compromises being offered. I don't recall the exact details, but if I had to do it over again, I think I would have accepted the compromises, because of the fact that there was quite a change in the temper and the views of Senators that developed after the debate started, and as I said, the law was on our side, and that is what prompted us to claim all of the land.

The decision of the Supreme Court, declaring a paramount right, changed the picture, and even though we lost, as a lawyer, I still think that the States own the land extending from their borders.

The CHAIRMAN. Thank you, Senator Ellender.

Senator Kuchel?

Senator KUCHEL. Senator, just to comment on what you have said, I am inclined to agree with much of your statement. I am going to ask consent, although it is part of my entire statement, I am going

to ask consent that at this point an excerpt from the Supreme Court decision in *United States* v. *California* be inserted in the record.

The CHAIRMAN. Without objection, so ordered.

(The information follows:)

EXCERPT FROM UNITED STATES v. CALIFORNIA, 332 U.S. 19 (1947) AT P. 38

The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there. As a consequence of this discovery, California passed an Act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean. Cal. Stats. 1921, c. 303. This state statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this state-federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coast, and that the Federal Government rather than the state has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Senator KUCHEL. In which the Court went on to say in part:

We decide for the reasons we have stated that California is not the owner of the three-mile marginal belt along its coasts, and that the Federal Government, rather than the State, has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Well, I came here in 1952, I guess, the last day of 1952, I don't remember. Anyway, this was a great controversy in my State, because my State had developed these areas seaward to the 3-mile limit, which was the description under which California was admitted to the Union. I joined Senator Holland, and I think both you gentlemen from Louisiana, in sponsoring legislation which restored to the States the traditional 3-mile seabed, except as you have indicated, where there were two States that contended the code Napoleon applied, and you had leagues rather than miles. It was Senator Anderson who opposed that legislation, as he had a right to do. But at that time, before any legislation was passed—there is no question about this, is there, the Federal Government had dominion over and paramount right to, the submerged marginal sea?

Senator ELLENDER. You mean, since that decision?

Senator KUCHEL. Yes, after *United States* v. *California* and before the enactment of the Submerged Lands Act.

Senator ELLENDER. Since the decision; yes. But prior thereto, the States had the full ownership and rights over the land.

Senator KUCHEL. Senator, the States asserted ownership, but I believe the Supreme Court said they did not have it.

Senator ELLENDER. Well, we could cite you a lot of decisions, and if you read the record, you are going to find that what I am saying is the truth.

Governor MCKEITHEN. Senator Kuchel?

Senator KUCHEL. Yes, sir.

Governor MCKEITHEN. I think you and I could very well get together. I am dead serious, and I am not trying to be facetious at all because we have the same problem.

I think, first of all, I agree with you on the merits of yours and Senator Jackson's bill. On the other hand, you are from a coastal State,

too, and I dare say you have the same problems there, or you will soon have them, that we have in Louisiana. I think very well you and I could be heading in the same direction, and feel the same way about this bill. I mean that sincerely, and I am not attempting to be facetious.

Senator KUCHEL. I will tell you why we can't. Because I think that the Congress performed a public service in passing the tidelands legislation, but I also think the Congress performed a public service when it passed the Outer Continental Shelf Lands Act, and one of the clear provisions of that second law has been read, and I want to read it again.

The law said, and it is still the law:

> The provisions of this section for adoption of State law as the law of the United States shall never be interpreted as a basis for claiming any interest in or jurisdiction on behalf of any State, for any purpose over the seabed and subsoil of the outer Continental Shelf, or the property and natural resources thereof, or the revenues therefrom.

That is the law of the land.

Governor MCKEITHEN. That is right, sir.

Senator KUCHEL. It seems to me—and I say this most respectfully—that when both those bills were passed—and I supported both of them—that the people of the United States were well served and the best interests of the coastal States were served.

I remember very well, Senator Anderson, with vigor, opposing the tidelands bill, and the points he made were telling, but the Congress ruled, and the Congress also ruled then on what to do with the land seaward from the 3-mile limit.

Now, I want to get one——

Governor MCKEITHEN. Senator Kuchel, I will go along with this.

Senator LONG. Might I just straighten one thing out, though, for the record, because this particular provision you are reading, that is one that we fellows from coastal States put in the law.

Senator ANDERSON. No.

Senator LONG. We wanted that there, and I will tell you why.

Senator ANDERSON. No, no.

Senator LONG. Hold on just one moment, now. I am going to tell you why. We wanted the laws of the coastal States to apply to our citizens when they were out on that Continental Shelf because some law ought to apply out there.

In other words, the Federal Government—now Senator, listen, listen for just one moment, because you are reading out of context. We were submitted with a Continental Shelf law which, in effect, said that this land is beyond a State's boundary. We asked the question, then: What domestic law applies?

For example, nobody ever really thought about it, but up until President Kennedy was killed in Dallas, Tex., it never occurred to anybody that it was a crime to murder the President of the United States, only under State law.

The CHAIRMAN. Not a Federal crime.

Senator LONG. That it was not a crime under Federal law to murder the President, and we have passed a law since that time to do something about it.

Now, there is a whole body of domestic law that should apply somewhere, when you have people working out on the Continental Shelf,

and we wanted the laws of Louisiana, both the conservation laws about how you take oil out of the ground, as well as the domestic law about assault and battery, murder, or anything else.

We wanted our State law to apply to an area where our people were working.

Senator KUCHEL. You don't think that this provision of the law is in opposition to your position?

Senator LONG. Hold on just 1 second, and I will make it clear.

Senator KUCHEL. All right.

Senator LONG. We wanted our law of Louisiana to apply to the extended Louisiana boundaries in the sea.

Senator KUCHEL. Yes.

Senator LONG. Guy Cordon and others on that committee were perfectly content to support that proposal, that our laws apply on the Continental Shelf, beyond our 3-mile boundary, except that they wanted to make clear that extending our domestic law out there was not to serve as a basis for us claiming anything, and we don't claim that that Outer Continental Shelf gives us any rights whatever to the resources thereof.

Senator KUCHEL. The Senator is correct.

Senator LONG. But the point is that that doesn't say that we shall not claim an interest out there. It merely says that we shall not claim it by virtue of the fact that our domestic sanitation law applies out there, for example.

Senator KUCHEL. I think that the letter from the Attorney General of the United States to my friend, the able chairman of this committee, is going to go in the record in toto, but on the point that you make, Senator, I want to read just this one sentence from the Attorney General's comments:

> It is by no means clear that the consideration favoring the policy of local uniformity in crime laws governing the conduct of individuals have any relevancy to the problem of regulating the production of natural resources from Federal land by Federal leases.

Now, I want at this point to clear the record on something that was raised a little bit ago. There is in the audience a representative of the Department of the Interior, whose responsibilities run to these leaseholds. Now, let's understand this very clearly. I want to talk now about Federal practice in mineral leases, on the Continental Shelf, off the coast of California, outside the boundaries of the State of California, and I will make this statement, on the authority of the representative from the Department of the Interior:

> There are no cases in which Federal leases are developed by slant drilling from locations within the 3-mile limit in California seaward to the Outer Continental Shelf.

Now, let's understand that. Because when it was alleged a few moments ago that it was different in California from Louisiana, and that in California, you would get State income taxes because slant drilling from the upland was taking place, I am glad to make this record abundantly clear, Senator, that that is not the fact, in my statement.

Governor MCKEITHEN. I think he said the possibility was that it would be true in Louisiana.

Senator KUCHEL. Governor, you and I are never going to have any trouble.

Governor MCKEITHEN. I think you and I could get together on this bill.

Senator LONG. Senator, if you say that is correct, I take your word for it.

Senator KUCHEL. I use it not on my own authority, but on the authority of the man from the Department.

Senator LONG. I am a little behind time. When I was on that committee, that was how you were getting your oil out in California, beneath the sea, through slant drilling, but if you are doing it from boats, I take your word for it.

Governor MCKEITHEN. Senator, you are not saying here that by the terms of that act, the State is cut off or forbidden from ever suggesting the law, equitably and properly, should be changed?

You read it two or three times, real strong. I understand it, but heavens, I presume the law was changed when the interior States started getting their 37½ percent from these public lands. I presume that the law was changed then.

Senator KUCHEL. I am going to go further than that——

Governor MCKEITHEN. What you ought to do is join me and all the other coastal States in seeing we get some money. You make a few more discoveries like those leases announced off the California coast made a few days ago, and you are going to need revenues worse than we do, and you should be here helping me get additional revenues for our State, and at the same time, then we will join you in your worthy project, right here, and you and I should be together real easy and real quick, and I mean it.

I think we can. We are all fairminded men here. We don't stand on the formula that Senator Long introduced in the Congress. As I say, we have a new breed in Louisiana now. We are practical minded, fairminded people, who want to talk, and work it out properly, but we say the revenues should be allocated, Senator Jackson, all at one time, and we shouldn't go into a piecemeal thing as is being done by the legislation before you.

The CHAIRMAN. Governor, there is nothing like open negotiations, openly arrived at.

Senator KUCHEL. I want to say this, Mr. Chairman, because it is in the statement that I have prepared, and I want to say, Governor, that the government of my State is squarely and unequivocally on the record in favor of the bill which Senator Jackson has introduced, and which I have sponsored with him.

Governor MCKEITHEN. Was that before or after the $600 million in leases was made out there, Senator Kuchel? Do you have any date on that position? And I am not trying to be facetious, again.

Senator KUCHEL. That is a good question. The answer is that Mr. William Penn Mott, the director of parks and recreation in the State of California, representing the Reagan administration, testified before this committee on the first day of the hearings on S. 1401.

Governor MCKEITHEN. Senator, we are almost for your bill, too. The only objection I see is about where you should get the money. Other than that, we are proposing to support your bill, also, and I

will give you a letter, if it would help you any, in support of the legislation. We feel, very briefly, that these revenues should be left alone, Senator Anderson, until it can be decided what to do with all of the revenues, and we feel that honestly and sincerely the coastal States are entitled to a larger share.

That basically is our position, and nothing else. And the merits of your bill, that is, of providing this money for recreation, parks, et cetera, we support 100 percent.

Senator KUCHEL. Would you look with favor on any of the revenues from the Outer Continental Shelf being used by the land and water conservation fund in the creation of parks?

Governor MCKEITHEN. We would certainly be inclined to look with favor on it, Senator, if this committee decides this is necessary.

In the overall picture, we think perhaps you haven't asked enough for that project. We can't think of a more worthy project, and we would certainly favor it, but I repeat, we don't think this committee should go at it piecemeal. Let's take the entire problem, and hear representatives of all the coastal States. Let's hear Governor Reagan after he has heard what he is facing in California. He thinks the Okies came in on you back there in the duststorms; he has something in store for him. Let's talk to the Governors of North and South Carolina facing the same problems.

Let's talk to the Governors and the Senators from the States bordering the Great Lakes, where they are likely to face the same thing, and talk to the men from the interior, perhaps give them a little more from their public lands. As far as the money is concerned for this project, we will support legislation for funds from any source, but let's look at the complete picture before any decision is made.

Senator KUCHEL. You know, I think every time either of your able representatives in the Senate have asked the Senate for assistance for Federal undertakings in their State, I joined them and helped them, and I am going to say that has worked the other way around, too, because I have occasion to make requests of your two Senators from time to time for my State, and my efforts have not been unavailing.

We are dealing here with a factual situation that I don't think we can blink at. And I do feel that along with the responsibilities of the 50 States, we do have the national purpose to serve.

Governor MCKEITHEN. Senator, you will find in Louisiana that no one has recognized that more clearly in the entire United States than the Governor of Louisiana today. I have taken some positions there that weren't popular. I can tell you that right here and now, because I thought the national interest was at stake, and I have done it time after time, and am taking some right now.

Senator KUCHEL. Well, I do feel, and I am through, that the creation of the land and water conservation fund was a good thing. I do feel that augmenting it by the use of some of these revenues from the Outer Continental Shelf is a good thing, because every dollar of the money from the Outer Continental Shelf that goes into this land and water conservation fund will be used for the acquisition and development of areas which the American people can enjoy—in your State, and in the States of these other people, and in mine.

Governor McKeithen. Senator, I don't differ greatly with you on anything you have said. My one point is that when we divide the money up, Senator, let's just consider carefully whether or not the States from whose coasts this separation is made aren't entitled to more than a State that doesn't bear any of the burden whatsoever.

That is what we are asking here, and we are saying that if you go forward piecemeal, without the opportunity of the coastal States to present their position, the weight of the bill could be destroyed. That is what we are saying.

Let's divide it up, but give the States that are contiguous to the Outer Continental Shelf, such as your State, an opportunity to make their position clear as to an equity they feel they have of more than just an even share with the other States.

That is what we are saying.

Senator Kuchel. Thank you, Mr. Chairman.

The Chairman. Thank you, Governor. The two Senators from Louisiana have been extremely helpful also.

Senator Hansen?

Senator Hansen. Well, let me say, Mr. Chairman, that this has been a very instructive session here this morning. I want to compliment all of the distinguished representatives from the State of Louisiana for the very fine contributions they have made.

I think there have been touched upon a number of concerns that are of real interest to all of us. I am going to be on hand to listen attentively to the further discussions on these bills as time moves along.

I have no questions now. I can say that some of the things to which Governor McKeithen refers apply equally to the inland States, wherein there are large areas of untaxed land, such as in our State, that must be policed, must be patrolled and governed and administered, and because we find a discrepancy between the revenues that come back to us from the Federal share of oil rights, we join with the distinguished representatives from the State of Louisiana in asking that that percentage of royalty return be increased.

I think that the delegates from Louisiana have pointed out very clearly the reasons why we feel we are entitled to a larger share of those returns, just as they do in the State of Louisiana.

Thank you, Mr. Chairman.

Governor McKeithen. May I make one further point, Senator Jackson, before we leave? And thank you very much, Senator Hansen.

The Chairman. Certainly.

Governor McKeithen. You know, as well as I, that a strong feeling in this country now has been indicated by many Governors and candidates for President of this great country of ours that a part of the Federal revenues derived from taxes in a particular State should be sent back to that State in the form of a check or a trainload of money.

I don't subscribe to that theory, because this Government is hard pressed enough now to get by on its income, and I think it is the States' responsibility to raise additional taxes.

But what I am getting at is this, and it would be my guess that if it were put to a vote of the Governors, the majority would say, "Yes, give us back some of the money you collect out of our State in direct grants without any strings attached."

I don't subscribe to this. I don't subscribe to it at all. But if Congress will take this money and divide it among the States; it would do a lot to stop that kind of movement.

Senator ANDERSON. Aren't you suing now for more money?

Governor MCKEITHEN. Suing for more money?

Senator ANDERSON. Isn't the State of Louisiana suing now?

Governor MCKEITHEN. No, we have a suit in the U.S. Supreme Court to try to determine where our coastline is, that is all. We can't agree where it is.

The CHAIRMAN. The moneys are impounded.

Governor MCKEITHEN. We are just attempting to find where our coastline is. That is all.

The CHAIRMAN. It is a dispute where the State seaward boundary line is.

Governor MCKEITHEN. Where the coastline is, and where we shall start measuring for the 3 miles. We can't figure on that, Senator.

The CHAIRMAN. Whether it should be from point to point——

Governor MCKEITHEN. That is right. Our bays down there cause a strong disagreement as to the State line. We are not suing for more money.

Senator ANDERSON. But there is a great deal of money involved in that suit. You will get money from it?

Governor MCKEITHEN. If we should win the suit, "yes." But if we lose it, we could get less money. It could work either way. It is an honest difference, Senator Anderson. We don't anticipate any tremendous amount of money out of it, but we honestly can't agree on where our coastline is. There is disagreement there between honest men.

Senator ANDERSON. And you have tied up money right now, haven't you?

Governor MCKEITHEN. Perhaps the money is. I honestly don't know. I don't know whether that particular money is in escrow or not. But we don't believe we are talking about any great quantity of money there. We honestly want to decide where our coastline is.

Senator ANDERSON. You have a billion dollars in escrow right now.

Governor MCKEITHEN. No, sir, not a billion dollars. We are not expecting any billion dollars out of this suit. If we do, you have given me a tip here I will have to run back home with. It may be much closer to a million dollars than a billion.

Senator ANDERSON. That is the amount in controversy?

Governor MCKEITHEN. No, sir; we are not expecting any great, huge amount of money out of that.

The CHAIRMAN. Senator Anderson's point is the committee was apprised that the area of controversy being litigated involves to date about a billion dollars in accumulated revenue.

Governor MCKEITHEN. No, sir.

Senator ANDERSON. Yes; it does.

Governor MCKEITHEN. No, sir; there is not a billion dollars of accumulated revenue in the area under dispute.

Senator ANDERSON. You are wrong.

The CHAIRMAN. May I respond to this. The staff informs me that we were advised by the Bureau of Land Management this morning that the amount in escrow—that is in dispute—is $1,073,894,827. That is in escrow.

Governor McKeithen. We don't expect to get anything near all the money in escrow, sir.

The Chairman. Well, don't throw away your case.

Governor McKeithen. I am not throwing away our case, anymore than Senator Anderson threw away the Federal Government's case in saying there was a billion dollars we are about to get out of that.

I repeat that we are not attempting to determine any set sum of money. We are attemptin to establish our coastline. Then, of course, we will abide by the laws and the decisions of the U.S. Supreme Court. We are just merely attempting to establish our coastline, that is all. That is the whole basis of the suit.

Senator Anderson. As the money rolls in.

Senator Ellender. This money in escrow involves moneys that are being collected beyond the 3-mile limit.

The Chairman. Well, this is what is in dispute.

Senator Ellender. That is this dispute, but the suit to which the Governor referred was a suit to establish where the outer boundary of the 3-mile limit should be.

Senator Anderson. We had geographers, political scientists, and others working on the problem of where to start measuring the 3-mile limit. We thought we knew where the Court had established it, but Louisiana now would reject that line.

Governor McKeithen. No, sir; that is not correct, Senator. There is a bona fide dispute about where our coastline is, because of the make-up of our coast and our shore and our beaches. As a matter of fact, the Coast Guard took the position that it was a certain place here a few months ago, after they had heard our presentation, they agreed they were wrong.

They agreed they were wrong. There is a bona fide dispute there about where our coastline is, we are not disputing the decisions of the Court in that they are not final and we don't understand them. We do understand them. The whole dispute is the measurement starts from our coastline, and there is an honest dispute as to where the coastline is.

Senator Anderson. But money is involved in the outcome?

Governor McKeithen. Oh, money is involved, yes, but not any billion dollars.

The Chairman. Well, let me just give the figures here. I think it would be useful, and this is projected through June 30, 1968, for Louisiana. In the general fund—this is not in dispute—what has been or will have been collected by June 30 is $1,643,754,783. Then I gave the amount in escrow, the total would be $2,717,694,610.

Governor McKeithen. You are giving us those maps. In a few years, you will be telling all those other coastal States the same thing, and California, too, soon. Make one more lease out there in California and they will be here stronger than we are today.

Senator Kuchel. No, Governor; you are wrong on that.

Governor McKeithen. I beg your pardon, Senator.

Senator Kuchel. That is one place, now. We have been very harmonious, but on that one, you are wrong.

The Chairman. Off the coast of the State of Washington, Interior has sold some leases.

Governor McKEITHEN. Well, fair, honest men can disagree occasionally.

The CHAIRMAN. Off Washington the amount is $9,112,169. We are not doing so well, out there.

Well, Governor, Senator Long, Senator Ellender, gentlemen, we want to express to you——

Governor McKEITHEN. I would like to make one other point, Senator. We are not going back in there and say we did not understand the decision of the U.S. Supreme Court. We don't recognize that the Federal Government has paramount rights or interests to the property beyond the 3-mile limit; we are not doing that, at all.

We face up to that, but it is an honest dispute there where our coastline is, and that is what the litigation is about, and I gather that the Federal Government must have some hesitancy themselves, because they are holding the money in escrow. They are not paying it out.

The CHAIRMAN. Well, this is an ancient dispute.

Governor McKEITHEN. Of course, and you will probably have the same thing in the various States, if you ever have development there. You will have the same kind of dispute. The Supreme Court will eventually settle it, and then that will be over.

The CHAIRMAN. This principle of law that is being raised is not a new one; it is an old one. There has been a fight between nations over fishing rights, a lot of other things, I understand that.

Governor McKEITHEN. When the U.S. Supreme Court said the coastline, everyone must have anticipated we would still have further additional litigation as to what and where the coastline was. I think we could certainly anticipate.

The CHAIRMAN. Any further questions of the Governor?

Senator LONG. Senator Jackson, may I just make one point here?

This suit that you talk about, of course, that is the fund you are looking at, this Outer Continental Shelf money that will be available, but this money involves a difference between the State and Federal Government, where, of course, the State is relying upon the line as fixed by the Coast Guard, saying that the line as fixed by the Coast Guard is the line of coastal waters, and that you should measure there. The Federal Government is saying, "No; you ought to come inside that line and measure from one of the other lines that the Federal Government has fixed," so you have got a valid dispute.

May I say that the Federal Government hasn't offered to compromise for any figure that would approach that billion dollars. I would say——

The CHAIRMAN. Where is the lawsuit right now? It is a suit of original jurisdiction in the Supreme Court?

Governor McKEITHEN. It is in the U.S. Supreme Court.

The CHAIRMAN. I say it is a matter of original jurisdiction, is it not?

Governor McKEITHEN. We have got the best lawyers we know, the dean of our law school up here, taking it ethically and properly as everyone would have us do it, just present our case about our coastline.

Senator ANDERSON. When was the suit filed?

Governor McKEITHEN. Senator, I don't know, perhaps Senator Long knows.

Mr. ARCENEAUX. It is an adjunct, Senator, of the 1960 decision that limited the Louisiana belt to 3 miles. It is an adjunct to that decision.

Senator ANDERSON. If you had accepted that, the money would have been freed?

Mr. ARCENEAUX. No, sir; because we still have to know from what point the 3 miles must be measured.

Governor MCKEITHEN. That is all we are arguing about, Senator, is where is the coastline?

Mr. ARCENEAUX. From what point do you commence measuring the 3 miles? We accept the 3 miles, but we are now trying to determine in ancillary proceeding before the U.S. Supreme Court from what point you commence measuring the 3 miles, and it is this disputed area that has resulted in the funds being placed in escrow, and I might say that these escrow funds go back to an agreement in 1956 between the U.S. Government and Louisiana, relating to the escrow area.

Senator ANDERSON. Would you identify yourself for the record?

Mr. ARCENEAUX. My name is George Arceneaux, and I am a special counsel for the State.

Governor MCKEITHEN. Perhaps I should present Mr. Arceneaux and former Congressman Gillis Long who will represent the State in the National Capital and with this committee. If you have any questions about our position at this time, for example, like the reference from income taxes, Senator, these two gentlemen will be calling on you to present that information to you.

The CHAIRMAN. Fine. Well, thank you, Governor, and once again, the Chair wishes to express its appreciation to you, Governor, and to Senator Ellender and Senator Long for this helpful discussion this morning.

It has been of great interest to some of us who have been following this for a long time, and I think your testimony, as far as I am concerned, has been very helpful. I am sure that is the feeling of the whole committee. We want to thank each and every one of you, and your staff assistants for the testimony that has been presented here.

Governor MCKEITHEN. Senator, I would like to say one other thing before I leave, and address it to Senator Anderson, about the litigation before the U.S. Supreme Court. When I became Governor, except what I have read in the paper, this entire tidelands thing was absolutely foreign to me, except what I had read and heard. I got the dean of our law school, and I said, "Go up there and get this thing over with. Let's quit squabbling about tidelands. Let us know what we are entitled to, and get it over with. How can we do it?"

We have got to establish the coastline.

"Well, for heaven's sake, let's get it established before the U.S. Supreme Court, so we can get at what we are entitled to, and we will have the thing concluded and finished insofar as that dispute is concerned."

And that is what we are trying to do. I don't think it should drag on. I think we should know where the line is, and get the money out of escrow, and that is what we are trying to do.

Senator ANDERSON. We spent many long hours before we could find a geographer who would advise us as to where the coastline was.

Governor MCKEITHEN. That is what the Supreme Court will decide for us, soon, we hope.

Senator ANDERSON. That was in 1953.

Governor MCKEITHEN. When I got there, it was just lying there dormant, still, no one making progress. I said, "Let's find out where it is."

Where?

"The U.S. Supreme Court. That's the only place to go."

The CHAIRMAN. And this problem, as I said, Governor, a moment ago, is not unique to the States. It has been a matter of international controversy, where other nations are in an argument over where the territorial limit begins and ends, especially in connection with fishing. We have had disputes with South American nations and we have had disputes with Mexico. I think some of your shrimp fishermen were involved.

Senator LONG. You have only one real problem there that is very unfair to the State. I was at that Geneva Conference, and I know about it; and that is that with regard to practically every other nation on earth, it is to the advantage of that nation to put its coastline as far out as it can, and that is true with regard to Canada, Ecuador, Mexico, Norway, Russia, practically any maritime nation.

The CHAIRMAN. Don't forget Korea—I mean North Korea.

Senator LONG. North Korea puts their coastline just as far out as they think they can justify it. Now with regard to the United States, it is to the advantage of our Federal Government, the Central Government, to try to persuade everyone to keep their coastline closely confined to their coast, and to contend that your coastline is close to your coast, because we have one of the largest navies, if not the largest Navy on earth, and the more restrictive the coastline is, the more advantageous it is to our Navy, because it has more sea on which to operate. We are the ones who keep trying to persuade everyone to restrict their coastline, and restrict ours accordingly.

So this Nation, different from every other nation, takes a position which is just exactly contrary to the interest of a State like Louisiana, or a State like California, where it is their advantage for the coastline to be out, just like it would be with every other nation, so the United States, before the world, is our lawyer, and our lawyer takes a position which is diametrically opposed to our point of view.

The CHAIRMAN. What you are saying, and I agree, the Navy's interest is somewhat in conflict, for example, with our fishing interests. The Navy wants to be able to get in as close as possible, and our fishing people want to get out as far as possible; Senator Magnuson and I have a problem in the State, as you do with your shrimp fishermen, especially, in the gulf.

Gentlemen, our thanks to you, again, for your very helpful testimony. We appreciate it.

Congressman Long has sent us a statement on the legislation before us that, without objection, will be placed in the hearing record at this point.

(The statement referred to follows:)

STATEMENT BY HON. SPEEDY O. LONG, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. Chairman, let me say in the beginning that I take a great deal of pleasure in this opportunity to address myself to a problem which has plagued the

governments of the United States and the State of Louisiana in particular for a good many years. This is the problem posed by the discovery of mineral wealth on the continental shelf.

I do not think there is even a shred of an argument that the revenue derived from these mineral deposits should not be used for the greater welfare of the people of this country. The problem is how to divide these revenues among the governments in an equitable way, so that the greater benefits accrue to the people of the states and of the Nation.

At this point I must respectfully register my opposition to the proposal which the committee is now considering, to use the Federal Government's share of undisputed revenues from mineral leases on the Outer Continental Shelf to fund the land and water conservation fund.

In the first place this would constitute a unilateral action in an area still very much under deliberation. And in the second place, I fear such action will detract from the efforts now going on in the Congress and at the State level to bring the tidelands dispute to a successful and mutually agreeable conclusion.

I feel quite certain that the State of Louisiana does not want to prolong the tidelands controversy, for the very simple reason that tidelands revenues would go far to bolstering the State's fiscal position. With this in mind last year, I made myself a party to the introduction of H.R. 10429, a bill which would make what the State of Louisiana and the entire Louisiana Congressional delegation considers an equitable division of tidelands revenues among all the States of the Union.

For the Congress to pledge the Federal Government's share of undisputed tidelands revenues to the land and water conservation fund, however commendable that action may be, would effectively scuttle the measure the Louisiana Congressional delegation introduced. The dispute would surely continue under such conditions, and vitally needed revenues in those disputed areas of the offshore oil fields would be denied to both the United States and to the individual states party to the tidelands controversy.

Allow me at this time to respectfully request the committee to consider the prudence of any actions related to offshore mineral revenue and act in such a manner that a final solution to the tidelands controversy can be found, which would certainly benefit the greater number of Americans.

Let me assure the committee that I personally support the principles which sustain the land and water conservation fund. It is today being used to great advantage in my own Congressional District. However, I feel there are other means of funding this vital program without placing in danger the delicate balance which solution of the tidelands controversy requires.

H.R. 10429, which I introduced in the House last July and similar bills introduced by my fellow members of the Louisiana Delegation would establish a formula for dividing the revenues derived from royalties and fees from offshore mineral fields in such a way that these funds will serve the greatest number of Americans.

Briefly, the Louisiana formula calls for 37½ percent of the offshore revenues to be paid to those States bordering tidelands from which minerals are extracted, and 62½ percent to be paid according to population to the fifty states, under the provisions of the Outer Continental Shelf Lands Act.

Under the Mineral Leasing Act, which affects interior as well as coastal states, 60 percent would be paid to those states in which Federal lands, mineral interests, trustee lands, and offshore lands are located, and 40 percent would be paid to the Federal Government.

Such revenues under both acts would be used by the States to support public education and public highways.

This formula, I feel, gives sufficient attention to all interested parties and directs the funds into areas in which the individual States are hard pressed for available funds. The weight of raising sufficient public revenue at the State and local levels is becoming almost unbearable, and a solution along these lines would serve to end the long-standing dispute over tidelands revenue and give to the various States an added source of revenue which they sorely need and which does not weigh heavily upon the ability of individual citizens to pay for education and highway services.

While the funding of the land and water conservation fund is a commendable and praiseworthy action, demanding the sincere attention of all Members of Congress who are interested in the cultural growth of the Nation, I think the benefits of a prudent division of tidelands revenues, which H.R. 10429 provides, far

outweigh the benefits which logically could be expected from dedicating these revenues to one specific field of governmental services.

Permit me to respectfully request the committee to lay aside the measure now under consideration in favor of H.R. 10429 and similar bills in the House and Senate.

Thank you, Mr. Chairman, for this opportunity to testify before the committee.

The CHAIRMAN. We have just two other witnesses, I believe, who wish to present their statements, and will now make them at this time.

Mr. Angus McDonald, research director of the Farmers' Union. Mr. McDonald, do you have a statement?

STATEMENT OF ANGUS McDONALD, DIRECTOR OF RESEARCH, NATIONAL FARMERS' UNION

Mr. McDONALD. Mr. Chairman and members of the committee. As the representative of the National Farmers Union, I appear here in complete support of S. 1401, which would greatly strengthen the land and water conservation fund by providing a new source of revenue.

As Secretary of the Interior Udall has pointed out, the land and water conservation fund, since enactment of authorizing legislation, has been very successful. I will not recite statistics and describe the progress which has contributed so much to the conservation of national parks, lakes, and shorelines. Conservation of these facilities for recreation and other purposes has become one of the high priorities of the administration and organizations such as Farmers Union during the last few years.

Although our members are primarily concerned with their economic position in the marketplace and with prices and income, we have been aware of the critical situation in regard to water pollution and to the potential deterioration of public parks and other resources due to the tremendous increase of population and the invasion of public lands by commercial enterprises.

We congratulate the Secretary of the Interior on his all-out campaign to expedite the safeguarding of public resources and to his resistance of groups which would exploit public properties for private gain. Every citizen, including farmers, has a duty to assist in every way possible in the preservation of our natural resources.

As we understand it, the bill would make possible funds to the amount of $30 million annually for several years for the acquisition of lands, water and facilities specified in the Land and Water Conservation Fund Act. It is easy to understand why costs of acquisition have skyrocketed during the last few years. When it becomes known in a particular area that the Government is interested in acquiring facilities for recreation and scenic purposes, private owners immediately increase the price of the facilities and thereby add additional costs which are much greater than expected when the program was originally authorized

While we do not pretend to be experts in regard to costs of the envisioned program, we suggest that the committee might in its consideration of the legislation, find it possible to provide that more funds be available than the Secretary suggests. We do not think budgetary considerations should entirely determine the amount of additional money to be channeled into the land and water conservation fund.

The assets related to this legislation are invaluable. Once a physical asset has been destroyed or subject to deterioration or appropriation by private groups, the damage can usually not be repaired. It should be emphasized that the funds authorized by enactment of this bill would be taken from royalties deriving from exploitations of the Outer Continental Shelf and from other sources.

We urge enactment of the legislation as speedily as possible.

The CHAIRMAN. Thank you, Mr. McDonald.

Now, Mr. Larry Chambers, of West Virginia. Mr. Chambers, I believe you have a statement.

STATEMENT OF LARRY L. CHAMBERS, VICE PRESIDENT OF THE POTOMAC BASIN FEDERATION

Mr. CHAMBERS. I have submitted my statement, Senator, and I would like to make a few points that I think should be pointed out to this committee. I appreciate your allowing me to appear.

The CHAIRMAN. Now, whom do you represent?

Mr. CHAMBERS. I represent the Upper Potomac Basin Land and River Protective Association. I am also vice president of the Potomac Basin Federation.

The CHAIRMAN. All right.

Mr. CHAMBERS. This past week, Mr. Bradford, from West Virginia, gave testimony before this committee stating that the State of West Virginia was in favor of $42 million for land acquisition and park development. Checking in the State this past week, with State senators and members of the house of delegates, and county courts, the people did not know anything about this representative of the Governor appearing here. In fact, most of the people don't even know who Mr. Bradford is.

Another thing has come up. I have been able to acquire a copy of the State outdoor recreation plan for Pennsylvania. Mr. Udall stated that he would remake the face of the Nation, if he could acquire the funds from 1401.

After going through this plan, I agree with him. He would remake the face of the Nation, and this would no longer be a plan. I believe that this committee should study the State outdoor recreation plans of the 50 States, which will be submitted to the Department of the Interior on May 1, before any action is taken on S. 1401.

This is a copy of it. If you look at the maps——

The CHAIRMAN. It would be quite a task for this committee to study and investigate the recreation plans of 50 States. I must say that would be the easiest way to put this committee out of business.

Mr. CHAMBERS. Well, Senator, maybe under this bill, we should study this, because possibly this bill should not go through, to allow——

The CHAIRMAN. Oh, you are opposed to it.

Mr. CHAMBERS. Yes, sir, I am. Our people, until we find out exactly what we are getting into.

The CHAIRMAN. Now, is it your testimony that Mr. Bradford does not represent the government of the State of West Virginia?

Mr. CHAMBERS. No; he possibly represents the Governor of West Virginia, but he does not represent the people, because the people we talked with——

The CHAIRMAN. Who elected the Governor?

Mr. CHAMBERS. The people of West Virginia.

The CHAIRMAN. Who appointed this man?

Mr. CHAMBERS. The Governor of West Virginia.

The CHAIRMAN. Well, I know, but isn't this representative government?

Mr. CHAMBERS. Well, don't you think that this should be brought out to the people, that this——

The CHAIRMAN. Oh, no, let me just say this. Mr. Chambers, obviously, we can't have a referendum on every issue. If we are going to have the people vote on everything that is brought up, we couldn't function in Congress.

Mr. CHAMBERS. Well, Senator——

The CHAIRMAN. Do you see what I mean?

Mr. CHAMBERS. Yes; I see what you mean.

The CHAIRMAN. What State are you from?

Mr. CHAMBERS. I am from West Virginia, sir.

The CHAIRMAN. Do you have the initiative, referendum and recall?

Mr. CHAMBERS. I do not know.

The CHAIRMAN. You don't know?

Mr. CHAMBERS. Not exactly.

The CHAIRMAN. And were you born in West Virginia?

Mr. CHAMBERS. Yes, sir. I was born in Martinsburg, W. Va., and I realize I am getting into something here that I——

The CHAIRMAN. No, I am amazed that you are critical of someone whom you say doesn't represent the people, and you are not even familiar with whether you do or do not have initiative referendum and recall.

Mr. CHAMBERS. Senator, we came before this committee back in April. Our two U.S. Senators had gotten us involved in what was the wild and scenic rivers bill. We received just treatment from this committee.

The Cacapon and Shanandoah were removed. What we are fighting is, and against, people coming to this committee and getting us involved in something that we do not know about.

Now, we had not had a hearing when we got involved in this, and this type of thing has got to be stopped.

The CHAIRMAN. Now, wait a minute. Just maybe I can be of help to you. This committee does not determine the plan that is offered by the State of West Virginia. They come up with a plan.

Mr. CHAMBERS. I realize that.

The CHAIRMAN. And they can spend all their own money if they want. They can utilize the funds, if they wish—they don't have to—that are available out of the Land and Water Conservation Fund Act.

Mr. CHAMBERS. That is correct.

The CHAIRMAN. So we are not dictating what the policy of West Virginia ought to be. Now, they have to meet certain standards, if they are going to get Federal funds, but that does not mean that the State of West Virginia can't do it.

Mr. CHAMBERS. Well, Senator, may I ask a question? If we turn over or if the U.S. Congress turns over funds to the States, certainly the Congress should assume some type of responsibility on how these funds are used.

The CHAIRMAN. Have you read the Land and Water Conservation Fund Act?

Mr. CHAMBERS. Yes, sir, I have.

The CHAIRMAN. Well, the standards are set forth in that act. That has already been done.

Mr. CHAMBERS. Yes, sir; but actually, would you not be earmarking funds, instead of going to the Appropriations Committee, with——

The CHAIRMAN. No, the money has to be appropriated each year. You see, if you had done your homework, you wouldn't be asking all these questions.

Mr. CHAMBERS. Well, I studied that bill pretty thoroughly.

The CHAIRMAN. Well, the bill doesn't make the money automatically available. That is the key part of the bill. Obviously, if you read it, you didn't know what you were reading.

Senator KUCHEL. Mr. Chairman, speaking of homework, and before you bang the gavel, I have some good-looking youngsters from California watching this hearing, all of whom, I am told, do their homework. Will you all stand up, if you are from my State, kids?

That is great. Good to see you.

The CHAIRMAN. Well, all from the State of California? Anyone from the State of Washington? Maybe your parents were there at one time. That is north of California.

Well, very fine. I want to compliment Senator Kuchel. You are very fortunate in having as the ranking member of this committee Senator. Kuchel, who is an invaluable member of the Senate Interior Committee.

Senator KUCHEL. Thank you, sir.

The CHAIRMAN. And you know there is an election coming up in November, too.

Senator KUCHEL. Very important. I want to see all of you.

Mr. Chambers, I also wish to thank the committee for getting me off the hot seat.

The CHAIRMAN. You can thank the boys and girls. Your statement will be included in the record.

Mr. CHAMBERS. Yes, I realize that. Thank you, Senator.

(The statement referred to follows:)

STATEMENT OF LARRY L. CHAMBERS, MARTINSBURG, W. VA.

Mr. Chairman and members of the Committee: I am Larry L. Chambers of Martinsburg, West Virginia. I am vice-president of the Potomac Basin Federation which is a federation of civic association in the Potomac Basin.

I came to speak on certain aspects of S. 1401 but want to digress for a moment.

This past week I had reason to visit with the people of Pendleton and Grant Counties in West Virginia, who are directly involved in the land acquisition programs that would be paid for by funds from the land and water conservation fund.

I spent one day with the people in each county and became thoroughly convinced that the discontent of these people at the unfairness visited on them warrants reconsideration by Congress of their plight.

They are in the Seneca Rocks—Spruce Knob Recreational Area and they were told the project would take only the Seneca Rocks Mountain and Spruce Knob mountain. They were not told and did not understand that it would also take the valleys between and the food-producing businesses.

These are young, hard-working people—people who are looking to the future with young families to raise. Contrary to government statements, these people believe in their farms and their future. These are the kind of people who make a large contribution to the backbone of this country.

Already several properties have been condemned and the people can see the kind of prices that they will receive. For instance one family was offered $1,400 for a property for which they paid $8,000 three years ago. They can see that they cannot go out and buy another $8,000 property with that $1,400. What does a man do when he has lost his business-farm and he has young children to support?

To illustrate the discontent—here is a statement by Mr. George Trumbo of Pendleton County and a petition signed by approximately 300 persons in Grant County, West Virginia. Please note that this petition was taken around by two ladies and these 300 signatures were acquired in just one day. Their comment was they could have gotten a thousand names with a little more time. Only two persons refused to sign.

The Seneca Rocks-Spruce Knob project should be reconsidered. The plans should be held up until a re-evaluation can be made. Congress should go to see for itself and should hold hearings in Grant and Pendleton Counties.

These men and women are trained in one business—the food-producing business. They cannot pick up and go to the city easily and you do not want them there—to compound the city's problems.

City people sometimes do not understand that farmers always eat when city people don't; that the food-and-fiber producers is the only business that must buy supplies and equipment at retail prices and sell their products at wholesale prices; that the money remaining at the end of the year represents *savings.*

If you plan to pay such extremely low prices for their farms, why not set up a revolving fund by which they could borrow the necessary funds to match the amount above the condemnation price paid them for their farm to buy another and perhaps a better farm with more acreage.

The loan would be a non-interest-bearing loan for ten years and amortized in thirty years.

However, perhaps a better way would be to pay the full market price going in the community for the property plus ten percent for the inconvenience. This would give the owner leeway to negotiate for another place and would take the sting out of being dispossessed of property into which he had put his hopes and ambitions.

The government is going to pay out this money anyway either in welfare checks or in repairs for vandalism. These people were trained for specialist jobs in their food-producing businesses and unable to get another business-site, they would gravitate to the cities and to infrequent low-paid laborer's jobs.

Either long-term loans or higher prices would be more equitable and would ease parting with historic farms that their great-great-great grandfathers literally carved out of the forest.

The discontent is not only in West Virginia. It is in every state where land is being acquired. The feeling of animosity toward the government is strong and deep—so strong it makes it doubtful whether it is desirable for the Congress to try to authorize this expenditure of funds during an election year.

Now for S. 1401. Section D would be an open faucet of funds for the Land and Water Conservation Fund. Funds would be enormous from the Mineral Leasing Act, from leases of the off-shore shale-oils including the Louisiana funds and from the sales of forest products and leases. There is an estimated $400 million in the Louisiana funds alone.

Even the Budget Bureau's proposal of a limitation of $200 million a year for five years is too much for these times.

It is a time to set priorities. Even without the Vietnam War, it is time to decide what is most important to our people—land for food or land for play?

Money for play lands or money for education?

Now for the freehold, leasehold and exchange of property provisions. Where persons agree willingly to such arrangements there are no problems. It is when a person is paid $2,000 for his farm against his will, then he is permitted to buy it back two years later. He must meet the top price bid by his competitors who now bid $6,000. Thirty days is hardly time in which to learn of the opportunity, find the cash and notify the Secretary.

The exchange of property is a little ambiguous. Does this mean that a person within the confines of the national forest could ask the government to acquire a property outside the confines against the owner's will and then trade the properties?

This is a hornet's nest and is bound to stir up more resentment and animosity against the federal government.

While speaking on S. 1401, it is an opportunity to comment on some of the ideas now current that are annoying the people.

Some of these are—

the population explosion is upon us.
we will need huge acreages of land for recreation.
we must get the lands before the developers do.
we must buy now before prices escalate.

The population explosion needs comparison. While the United States has a population of 200 million, Japan has a population of 100 million on a land-area the size of Montana.

Do we need huge acreages of land for recreational purposes? Recreation is the frosting on the cake of life. While camping and hunting and fishing are growing in numbers of enthusiasts, still 90 percent of the American people, according to a report by a U.S. Department of Commerce, would rather be spectators.

The question must also be raised. Is the government wise to urge people to invest heavily in recreation facilities when the industry will contract abruptly with the slightest economic strain.

We must get the lands before the developers do. Some old fellow whose name I don't recall said it isn't what one does in this life, it is the *way* it is done. It is the *way* it is done that is annoying the property owners. An educational program pointing out the necessity of county planning in rural areas and planning methods, not federal zoning, could take care of most of this problem but there is a suspicion on the part of the property-owner that the government plans to enter the real estate market for the benefit of the real estate developer and at the expense of the property-owner.

We must buy now before prices escalate. At the mean niggardly prices now being offered the property-owner, the government can acquire the property at any time-period in history and with the same increment of hatred. Land prices move up and down in relation to the market demand and the condition of the economy.

As for escalation after a park area is established by Congress, there are several ways of dealing with the speculators and of adjusting the inequities.

Has this Committee ever taken all of the land-acquisition acts and placed their powers and areas together to see just what is being done to this country?

With the Appalachian Commission, the Soil and Water Fund, the forests, the minerals under them, the national parks, wildlife refuges, waterfowl grazing areas, the shorelines of our streams and rivers and beaches, it would appear the federal government would assume ownership of the Appalachians from Mississippi to Maine.

America must retain her economic capability to produce food and fiber.

Just when—under what conditions—do we decide the government has taken enough land?

Just when—under what conditions—dare we Not take anymore land resources away from the owner of a highly efficient food-producing business.

Additional Statement of Larry L. Chambers

Mr. Chairman and members of the committee, I am Larry L. Chambers, a director of the Upper Potomac River Basin Protective Association, and vice president of the Potomac Basin Federation. I wish to express my appreciation at being allowed to testify here today.

This committee, having two bills to consider, S. 1401 and S. 1826, both of which can allocate the same funds for two different purposes, must determine which is the more critical purpose. The essential need of education or the luxury of recreation!

A representative of West Virginia appeared before this committee recently and gave testimony in favor of S. 1401. He stated that over the next 5 years $42 million would be necessary for acquisiton of land and development of recreational facilities in West Virginia. At the same time in the West Virginia Legislature a bill was being considered that would allow horseracing on Sunday and the justification was that it would provide $1½ million annually for an increase in teacher's salaries. The bill was defeated and our educators are still in need of higher salaries.

My own hometown of Martinsburg could not provide a mechanical drawing teacher this past year, as the salary was so low that no one would accept the position. Entrance requirements in most college engineering courses demand that students have had this subject in their high school curriculum.

We are faced with another problem in West Virginia that is causing much concern among parents of schoolchildren. Our teachers are being forced to move to neighboring States where they can obtain higher salaries. If S. 1826 can achieve fair payments to the States for education, omitting jurisdiction by Federal departments over said payments, it would seem feasible to me to report this bill out as soon as possible.

May I also urge this committee to accept the conclusion of the West Virginia Governor's representative with a grain of salt in his statement that West Virginia strongly urges action on S. 1401. It may well be that the people of West Virginia would be opposed to having their lands subject to acquisition by the passage of this bill.

Senator KUCHEL. I move we adjourn, Mr. Chairman.

The CHAIRMAN. The committee will stand in adjournment. Excuse me. Senator Anderson.

The record will show that Senator Anderson has asked permission to have included in the record certain excerpts from the pleadings in the Supreme Court action respecting the *Louisiana Coast Line* case now pending before the Surpeme Court—pertinent to this hearing.

(The information follows:)

EXTRACT FROM THE MOTION OF THE STATE OF LOUISIANA FOR ENTRY OF SUPPLEMENTAL DECREE NO. 2, FILED IN THE SUPREME COURT OF THE UNITED STATES, SEPTEMBER 25, 1967

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1967

No. 9, Original

UNITED STATES OF AMERICA, PLAINTIFF *v.* STATE OF LOUISIANA, ET AL.

MEMORANDUM IN SUPPORT OF MOTION FOR SUPPLEMENTAL DECREE NO. 2

I.

In *United States v. State of Louisiana*, 339 U.S. 699 (1950), this Court held that the State of Louisiana was not entitled to the lands, minerals and other natural resources underlying the Gulf of Mexico lying seaward of the ordinary low-water mark on the Coast of Louisiana and outside of its inland waters (See decree, 340 U.S. 899 [1950]). Thereafter, Congress passed the Submerged Lands Act, 67 Stat. 29, 43 U.S.C. §§ 1301–1315 (1953), confirming, granting and quit-claiming to each coastal state the submerged lands of the Continental Shelf to a minimum of three miles from its coast line, and to its historic boundary in the Gulf of Mexico not to exceed three leagues from its coast line. Section 2(c) of the Act defined coast line as the "line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters."

The United States originally brought this suit against the State of Louisiana to have adjudicated Louisiana's claim to a three league maritime boundary. Pursuant to the order of this Court, 354 U.S. 515 (1957), the suit was broadened to include all Gulf Coast States; thereafter the case was argued before the Court. The Court in its opinion, 363 U.S. 1 (1960), and decree, 364 U.S. 502 (1960), held that Louisiana was not entitled to claim a boundary three leagues from its coast line.

The opinion and decree, however, did not relate to the placement of the seaward boundary of the State or of its coast lines. As the Court stated,

"We decide now only that Louisiana is entitled to submerged-land rights to a distance no greater than three geographical miles from its coast lines, wherever those lines may ultimately be shown to be." 363 U.S. at 79.

The degree also reserved jurisdiction,

"to entertain such further proceedings, enter such orders and issue such writs as may from time to time be deemed necessary or advisable to give proper force and effect to this decree." 364 U.S. 502, 504.

To this end the United States in November, 1965, filed a motion in the Court for Supplemental Decree No. 1 ceding a portion of the areas off the Louisiana Coast theretofore in dispute.

* * * * * * *

EXTRACT FROM THE MOTION OF THE UNITED STATES FOR ENTRY OF SUPPLEMENTAL DECREE (NO. 1), FILED IN THE SUPREME COURT, NOVEMBER 23, 1965

* * * * * * *

Because of conflicting attempts by the parties to administer the disputed area while the suit was pending, the Court on June 11, 1956, enjoined new leasing or drilling in the disputed area by either party except pursuant to an agreement filed with the Court. 351 U.S. 978. On October 12, 1956, the parties executed and filed such an interim agreement (subsequently amended in various details). That agreement divides the disputed area into four zones, beginning at the "Chapman Line," a line described by certain federal officials about 1950 as constituting the coast line. Zone 1 is the area within three geographical miles seaward from the Chapman Line; Zone 2 is the next six geographical miles seaward; Zone 3 extends thence to Louisiana's claimed "Act 33" boundary, three leagues seaward from the Coast Guard line; Zone 4 is everything farther seaward. Without prejudice to either party's ultimate claims, the Interim Agreement provides, in general, that Zone 1 is to be administered by Louisiana and Zone 4 by the United States, without restriction. Leasing in Zones 2 and 3 is conducted by the United States, with limited participation by Louisiana, except for certain leases previously issued by Louisiana. Each party holds impounded its receipts from Zones 2 and 3 (with minor exceptions), to be released to the prevailing party (or, in certain circumstances, to be returned by the losing party to the lessee) upon determination of the title to the area from which they were derived.

On May 31, 1960, this Court held that Louisiana's boundary, within the meaning of the Submerged Lands Act, is three geographical miles from the coast line. The Court quieted the State's title to the submerged lands and resources within that distance (subject to the exceptions provided in section 5 of the Submerged Lands Act, 43 U.S.C. 1313), quieted the title of the United States to the submerged lands and resources seaward thereof, and directed the State to account for its receipts from the federal area since June 5, 1950. The Court retained jurisdiction to entertain further proceedings necessary or advisable to give force and effect to the decree. 363 U.S. 1; decree, 364 U.S. 502.

As appears from this summary, the only aspect of the case litigated thus far has been the width of Louisiana's maritime belt—an issue that has now been resolved by the Court in favor of the three-mile limit. Before the Court's decision can be made effective by actual identification of the respective state and federal areas, it is necessary to resolve a second issue: the location of the "coast line" from which the three miles should be measured.

* * * * * * *

The CHAIRMAN. The committee will stand adjourned.

(Whereupon, at 12:40 p.m. the committee adjourned.)

APPENDIX A

(Under authority previously given, the following statements and communications were ordered printed:)

STATEMENT OF RUSSELL E. TRAIN, PRESIDENT, THE CONSERVATION FOUNDATION

This statement is submitted on behalf of The Conservation Foundation, a private, non-profit research, education and information organization based in Washington, D.C., in response to a request for our views on S. 1401.

Interest of The Conservation Foundation in the subject of this hearing is rooted in our broad concern for environmental quality and follows the substantial efforts of the Citizens Committee for the Outdoor Recreation Resources Review Commission Report (CORC), which was merged with The Conservation Foundation in 1965.

We believe that the Land and Water Conservation Fund Act is fundamentally sound legislation, reflecting goals vital to the American people. The legislation was the direct outgrowth of the signal efforts of a distinguished group of members of Congress and citizens comprising the Outdoor Recreation Resources Review Commission whose chairman was Laurance Rockefeller. It was enacted to meet clearly defined national needs in line with a developing national outdoor recreation policy.

Much has been accomplished by the Land and Water Conservation Fund Act in its first three years of operation. The three federal agencies concerned have acquired about 310,000 acres with an expenditure of $88 million from the Fund. Even more gratifying has been the surge of state and local activity stimulated by the Fund.

For example, with equal matching federal money, state and local governments have obligated $51 million to acquire 295,000 acres; $2.9 million for 69 state recreation planning projects, and $84.6 million for 1,667 facility development projects. Every state has developed a state-wide recreation plan under the impetus of the Fund Act, and increased coordination among and between state and local resource agencies has resulted in many cases.

However, financial difficulties brought on by inadequate revenues and rising recreation land prices threaten to seriously cripple the effectiveness of the Fund. S. 1401 seeks to cure these ills by adding new sources of revenue to the Fund and by providing several administrative mechanisms designed to combat escalating prices.

It is our belief, as outlined below, that, (1) S. 1401 should be passed substantially as written, and, (2) that further steps should also be taken to assure that the Land and Water Conservation Fund Act of 1965 is able to serve the purpose for which Congress enacted it.

CRITICAL NEED FOR NEW REVENUE

During its first three years, the Fund received some $289 million in revenue, an amount far below the $367 million originally predicted for the period. Future prospects are even more discouraging. According to estimates contained in the January 1967 land price escalation study by the Department of the Interior, revenue from existing sources will total $987 million over the next ten years, while estimated state and federal needs from the fund will be $3.6 billion, resulting in a deficit of $2.7 billion; perhaps more if recreation land prices continue to escalate at their current rate of 5–10% a year. Thus, best available estimates indicate that the Land and Water Conservation Fund as now financed will be only 27% effective in the critical decade ahead.

Estimates of new revenue which would accrue to the Fund from enactment of S. 1401, as introduced, vary from $2 to $3 billion for the five year period covered. Outer Continental Shelf receipts are expected to account for between $400 and

$500 million of this annually; unearmarked portions of the Mineral Leasing Act revenues average close to $12 million per year, and un-earmarked portions of National Forest Receipts average $90 million annually. Combined with revenue from existing sources, passage of S. 1401 would mean a total of between $3 and $4 billion for the Land and Water Conservation Fund over the next five years.

This program would close the presently widening gap between needs and revenues, and would also allow for timely acquisition in advance of immediate needs. The purchase of ten-year land needs within the next five years would mean significant savings. Equally important, it could mean the difference between reserving or losing key open spaces and natural sites in rapidly developing areas such as metropolitan fringes or along shrinking shorelines.

Unchanged by S. 1401, as introduced, are existing provisions that monies in the fund shall be available for expenditure only when so appropriated by Congress and that funds not appropriated within two fiscal years after the year in which they are credited to the Fund will revert to the Treasury.

Senator Kuchel, one of the distinguished co-sponsors of S. 1401, indicated in his statement on the opening morning of these hearings that he will introduce an amendment to delete the reversion provision from the Fund Act. We believe that the basic idea of a time limit on the availability of funds has merit as a stimulus to timely action by Congress, or by the states and federal agencies in preparing their proposals.

Perhaps extension of the two-year limit to four years would be a suitable compromise. Monies would not be irrevocably committed to the Fund, but neither would they be lost to it so quickly because of unanticipated delays.

FEDERAL PROGRAM NEEDS FUNDING

One of the primary roles of the Federal Government in the implementation of a national outdoor recreation program is the preservation of scenic areas, natural wonders, primitive areas, and historical sites of national significance. Recognition of this federal responsibility is reflected in recent activities of Congress and of the Administration in this regard.

The 89th Congress authorized 23 new federal park and recreation areas involving the acquisition of about 250,000 acres at an estimated cost of $119 million. Additions now recommended by the Administration, with bipartisan support, include a Redwoods National Park in California, a North Cascades National Park and National Recreation Area in the State of Washington, and an Apostle Island National Lakeshore in Wisconsin. A national scenic river system and a nationwide system of trails have drawn broad endorsement. Still other areas of national significance are under study.

In addition, there is urgent need among federal land-holding agencies to acquire private inholdings affecting the recreational and scenic values of choice federal lands. The problem is particularly acute as regards the National Park System, where adverse private use of inholdings poses an increasing threat to park functions and purposes. The National Park Service estimates the cost of acquiring all the private inholdings in the natural areas of the Park System is now $114 million, as compared with $59 million in 1961—an increase of 93% in six years.

The Department of the Interior has estimated that, overall, approximately $478 million will be needed to acquire Park Service land in established, newly authorized and currently pending areas.

The Land and Water Conservation Fund was designed to supplant other sources for federal land acquisition funding. Thus, purchase of potential new areas will be "locked in" to an inadequate funding mechanism if sufficient new revenues are not forthcoming. A Congress which spotlights desirable recreation areas through authorization, and then fails to provide for acquisition is itself a factor in the land-price spiral in which federal outdoor recreation programs are caught. Passage of S. 1401, as introduced, is essential if the federal role is to be fulfilled.

STATE AND LOCAL PROGRAMS ARE VITAL

A major conclusion of the Outdoor Recreation Resources Review Commission was that "In a national effort to improve outdoor recreation opportunities, state governments should play the pivotal role."

One of the key purposes of the Land and Water Conservation Fund Act was to provide federal assistance and stimulus for state and local action to meet this challenge. As mentioned earlier, the Fund Act has been singularly successful in this regard.

The Commission's Report further concluded that one of the central problems of outdoor recreation over the next forty years will be to provide reasonable access to the out-of-doors for large concentrations of population, particularly in regard to "the day and weekend needs of the metropolitan residents" of moderate and low incomes.

The vast majority of our people live in urban areas and need outdoor recreation opportunities close at hand. In many cases, this will require acquisition by state and local governments of close-in, high-priced land while such land is still undeveloped. The Department of the Interior has forecast state and local needs for planning acquisition and development at $7.1 billion dollars over the next decade. State and local sources are expected to meet $4.6 billion of this, leaving a deficit of some $2.5 billion. Thus state and local programs will bear the brunt of the total estimated Fund deficit of $2.7 billion.

If the quality of the urban environment is to be improved, these state and local needs must be met.

ADMINISTRATION PROPOSAL

The Administration has proposed amending S. 1401 to provide new revenue to the Land and Water Conservation Fund only from Outer Continental Shelf receipts, and then only to the extent needed to bring total Fund revenues to an annual level of $200 million. Further, the Administration proposes that this amount be divided equally between state and federal needs over the next five years, rather than on the 60% State-40% Federal allocation now being followed.

We do not support this proposal for two reasons: (1) It would bring the Fund only up to level of financing originally envisioned when the Act was passed in 1965. This has already proved to be quite inadequate. (2) The proposed change in allocation would shift funds needed by the states to federal use, covering two-thirds of estimated federal needs over the next five years, but less than half of the estimated state needs. We believe this is contrary to the basic philosophy of the Act respecting the vital role of the states. The 60–40 allocation formula should be retained.

Concern has been expressed in these hearings that the earmarking of federal mineral and national forest receipts to the Land and Water Conservation Fund, as S. 1401 provides, would hamper federal agencies administering these programs in obtaining appropriations for necessary resource management activities. While it would not be wise to neglect these important management needs, we believe that elimination of this provision from S. 1401 should be considered only if no cealing is placed on the addition of Outer Continental Shelf receipts to the Fund. Furthermore, earmarking of these funds, in itself, does not lessen their significance in support of other resource management programs.

In summary, regarding the new revenue provisions of S. 1401, as introduced, we believe:

1. Time is of the essence if desirable recreation land is to be acquired. The Land and Water Conservation Fund was created by Congress to provide for needed acquisitions, and must be funded *now* if it is to fulfill its purpose.
2. S. 1401 will provide needed funds in time to meet priority requirements and overcome the major problem of price escalation.
3. State and local programs are vital to an effective national outdoor recreation program and should continue to receive 60% of Fund disbursements.
4. Eliminating mineral and national forest receipts *and* placing a ceiling on Outer Continental Shelf receipts would forestall an effective national program.

OTHER PROVISIONS OF S. 1401

We also support the other provisions of S. 1401, inasmuch as they are designed to allow for much-needed flexibility in federal acquisition procedures. Advance obligation authority will make it possible to acquire key tracts in newly authorized areas in advance of opportunistic private development and spiraling prices.

Passage of S. 1401, as introduced, will permit acquisition of important scenic and recreational land while it is still available. It will mean more open space accessible to urban dwellers, parks and natural areas within spreading suburban perimeters, state and regional parks to serve an increasingly mobile resident and tourist population, and preservation of outstanding, irreplaceable scenic and ecological sites.

OTHER PROBLEMS MERIT ATTENTION

Although passage of S. 1401 as introduced would solve the most immediate and significant problem confronting the national outdoor recreation program, other related matters also merit attention.

First, the annual permit and user fee provisions of the Land and Water Conservation Fund need reconsideration. Receipts have been far below original estimates and numerous administrative problems have arisen. We believe that the general concept of user fees for developed federal facilities is sound. Current proposals to abandon this concept should be opposed, and efforts made to develop and implement a more workable and equitable system.

Secondly, other mechanisms to provide flexible acquisition procedures for federal agencies should be considered. The advance contracting provisions of S. 1401 are a beginning, but are limited in both time and funds. Generally, as soon as public attention is focused on a potential recreation area of national significance, prices begin to rise, and continue to do so until acquisition. Possible solutions in addition to advance contracting include: pre-authorization option authority; limited continuing expenditure authority and advance planning appropriations. Traditionally, such administrative discretion over expenditures has been frowned upon by the Appropriations Committee and the Bureau of the Budget.

However, current policies which require specific appropriation for each Fund expenditure are unduly restrictive and more than a little unrealistic in the competitive race for recreational lands with today's energetic, flexible and innovative private real estate market.

Another possibility worth further study is the creation of a low-interest federal loan program to enable owners of key parcels to refinance, in return for their agreement to postpone development or sale of the land for a specified time. This would relieve the pressure on many land developers who generally are operating on a narrow cash margin and cannot afford to keep funds tied up in a tract for long periods.

Thirdly, means should be explored of providing pre-authorization acquisition for later "resale" at cost to federal agencies as appropriations become available. For example, Roger Revelle, director of the Harvard Center for Population Studies, has suggested creation of a federal land agency empowered and funded for this purpose. The recently created National Park Foundation will perform such a function for the National Park Service. Private philanthropy, through such organizations as the Nature Conservancy, represents a vehicle for public-private partnership action which should be encouraged.

As a final point, we suggest that consideration be given to allocation of potential federal receipts from western oil shale development to public land acquisition. This would be consonant with the concept of applying resource-derived revenues to resource development programs, and consideration could well be given now to this evolving opportunity.

In conclusion, The Conservation Foundation strongly supports S. 1401 as introduced, but suggests that this legislation be viewed as but one step toward a viable and dynamic program to meet the outdoor recreation needs of the American people.

We appreciate the opportunity of submitting this statement to the Committee.

STATEMENT OF NATIONAL ASSOCIATION OF MANUFACTURERS

This statement is filed on behalf of the National Association of Manufacturers, a voluntary association of business enterprises, large and small, located in every state.

We appreciate this opportunity to comment on S. 1401, to amend the Land and Water Conservation Fund Act of 1965, because it involves current issues of keen interest to industry and other taxpayers; that is, proper fiscal management of the federal government, and proper allocation of land resources among private owners and the various levels of government.

The Land and Water Conservation Fund Act of 1965, Public Law 88–578, enacted on September 31, 1964, and effective on January 1, 1965, established a separate fund in the Treasury of the United States for the period ending June 30, 1989, and for such additional period as may be required to repay, without interest, advance appropriations made by the Congress into the fund as set forth

in section 4(b) of the Act, which limits the advances to an 8-year period and a total of $480 million.

The purposes of the act, as extracted from section 1(b) are "to assist in preserving, developing, and assuring accessibility * * * [of] such quality and quantity of outdoor recreational resources as may be available and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States by (1) providing funds for and authorizing Federal assistance to the States in planning, acquisition, and development of needed land and water areas and facilities and (2) providing funds for the Federal acquisition and development of certain lands and other areas."

Section 2 of the act describes the revenues to be placed in the separate fund. In general, they are entrance and user fees collected by certain federal agencies; proceeds from surplus property sales; and certain revenues from the motorboat fuel tax.

The present proposals appear to arise out of two circumstances:

1. There is not as much demand for recreational use of federal lands as the Congress was led to believe; consequently, revenues from entrance and user fees have not come up to expectations.
2. Intervention by the federal government as a purchaser in the real estate market is inflationary.

These two points are demonstrated by the fact that revenues from entrance and user fees have been running only 20% of estimate, and acquisition costs for various recreational projects have overrun estimates from 50% to 200%.

The answer proposed is not to tailor the program to the dimensions suggested by the amount of revenues coming into the fund, but to earmark additional sources of revenue for payment into the fund. It appears that the Administration has chosen the most conservative of what it regards as three alternative levels of revenue. However, it is questionable whether an additional source of revenue should be earmarked at all. At least, it is apparent that the Administration is not really motivated by a desire to hold the level of expenditures for those purposes to the lowest possible level. This has been indicated by Secretary of the Interior Stewart L. Udall's statement that:

"There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small."

Thus, the Administration appears to fear that, if the Congress were allowed to work its will in its traditional legislative processes, it would come to the conclusion that the level of expenditures for these purposes should be lower than that which would be available from the proposed new revenue sources. It appears that, at a time of severe fiscal problems, it is doubtful that any more revenues should be earmarked for specific purposes. Therefore, it seems to be a dubious course of action to earmark any additional revenues for payment into this Fund. Certainly, the Congress should evaluate all available Federal revenues as against all of the Federal objectives and allocate the available resources accordingly. Earmarking certain funds in advance for certain purposes tends to impede the free exercise of that proper legislative power of the Congress. Therefore, we are constrained to object to any further expansion of the earmarking of revenues beyond what has already been authorized by the Congress. At a time of serious military involvement and soaring government expenditures domestically, together with balance of payments problems in our international accounts, it would seem unwise to establish a forced draft system of raising expenditures for acquisition of land for recreational purposes.

Another very serious question is that of proper allocation of our available land resources among private owners on the one hand and the various levels of government on the other hand. The Federal Government already owns some 770 million acres of land. It seems apparent that some strong effort should be made in the direction of disposal of a significant portion of this acreage into tax-paying, job-creating, private ownership rather than encouraging further acquisition of land by the Federal Government. A statement released by Secretary Udall on February 5, 1968, indicates that the Federal, State, and local governments acquired for recreational purposes during the previous three-year period more than 4 million acres of land. The continued trend in this direction of removing land from the tax rolls and removing it from a possibility of further economic growth and de-

velopment could only accentuate some of our severe problems in supporting government by the tax base which is left remaining.

Insofar as the Federal Government is concerned, the real need is the development of lands already owned rather than the acquisition of still more lands which are not recreationally developed. This country already possesses a tremendous physical plant for recreation purposes and spends billions of dollars each year in its use. The Outdoor Recreation Resources Review Commission stated that "public areas designated for outdoor recreation include one-eighth of the total land of the country" and that "millions of other acres, private as well as public, are also used for recreation." Surely, in the light of these facts and in the light of the fiscal condition of the Federal Government, a curtailment of land acquisition for recreational purposes by the Federal Government would appear to be in order.

The report of the Outdoor Recreation Resources Review Commission recommended that Federal high-density recreation areas which serve primarily local recreation needs should be placed under State or local government. It was also recommended by the Commission that surplus Federal lands suitable for outdoor recreation purposes should be made available to State and local governments at no cost, with appropriate reversion clauses. In regard to acquisition and development of land for recreation purposes, the emphasis was on action by the States. On page 6, the report said that "the States should play a role in making outdoor recreation opportunities available by—1. Acquisition of land . . ." On page 139, the report stated that the States should undertake a program of land acquisition and development as scheduled in the State outdoor recreation plan. It is clear that a large scale program of land acquisition by the Federal Government for recreation purposes is contrary to the report of the Outdoor Recreation Resources Review Commission which recommended that the role of land acquisition be carried out by the States. The appropriate course of action at this point would be to eliminate this aspect of the program and provide an appropriate program of State assistance with the existing sources of revenue.

Therefore, it appears that the Congress is confronted with a major policy decision in terms of both fiscal management and allocation of land resources. The Congress has already authorized an exhaustive study of public land management (from the standpoint of disposal, retention, the laws, the regulations, the policies and the practices) by the Public Land Law Review Commission. It would appear that, rather than making the policy decision posed by the present proposals at this time, it would be the better part of wisdom to defer this decision until the report of the Public Land Law Review Commission has been submitted.

Recent trends have been disturbing in that, rather than emphasizing a conversion of public lands to taxpaying, job-creating uses, they have been characterized by an increasing takeover of private land for recreational purposes.

We are pleased to note that one of the objectives of Study No. 19 of the Public Land Law Review Commission, entitled "Fish and Wildlife Resources on the Public Lands" will be to "Document the degree to which private lands are open to the public for hunting and fishing, and describe efforts being made to increase this acreage in order to permit clearer review of demand on public lands." In many instances, governmentally owned acquired lands cannot offer more to the public than what was already being offered under private ownership, and sometimes can only offer less when the acquisition is for some single purpose use. Also, government does not always need to own land to achieve certain purposes. Cooperative arrangements have been worked out in many areas.

For example, one forest products company has a thirty thousand acre tree farm enrolled under a cooperative agreement with a State conservation department. This acreage is made freely available to the public for hunting and fishing. All the company's roads can be used by the public except in restricted areas when logging is taking place. The cutting affects only a very small percentage of the tree farm at any one time. The State provides professional guidance in game management; stocks the streams; and provides special game protective controls during the hunting season. A sportsman's map of the area has been prepared by the company to encourage better distribution of hunters and fishermen over the properties. Many companies are similarly engaged, and it should be kept in mind that all these acres, which offer so much in the form of public recreation, wildlife, habitat, and watershed management are tax-paying job-creating, raw material-producing lands.

Both public and private lands can and must be managed so as to provide both timber and other goods and services required. The public lands must be managed so as to make a greater contribution to the nation's wood supply in the future.

Federal timber should be offered for sale at prices and under terms and conditions which will foster a continuously healthy industry; support employment; and stabilize dependent communities. At the same time, government recreation programs should be geared to demonstrated public interest and not to subjective estimates of recreational demand.

We are pleased to note that the Public Land Law Review Commission's Study No. 15 on Outdoor Recreation will place "emphasis on testing criteria employed in allocating public lands to various kinds of outdoor recreation, and examining the effects of the policies and practices under which such recreation opportunity is made available to the public." This particular study would undoubtedly make a valuable contribution to the Congress' deliberations in making a decision as to whether or not additional revenues should be earmarked to the land and water conservation fund. The ultimate decision should be made in the light of the desirability of policies which will insure a high degree of multiple use of lands under government ownership, and, to the extent feasible, a conversion of such lands so as to achieve the same multiple use under private ownership. The decision should also give full recognition to the economic and social desirability of forest-based industrial operations in the rural areas of the United States.

Although Secretary Udall asked for additional revenues to be paid into the fund, he nevertheless claims that the fund has accomplished much, been remarkably successful, and is not a failure. The fund certainly has been successful if it is evaluated in terms of whether it has substantially added to the already excessive land ownership of the Federal Government. Secretary Udall has stated "For example, the three Federal agencies—National Park Service, Forest Service, and Bureau of Sport Fisheries and Wildlife—have acquired about 310 thousand acres with an expenditure of $880 million since the initiation of the fun." It should be pointed out that this is at an average price of $285 per acre. Secretary Udall has also pointed out that the 89th Congress authorized 23 new Federal recreation areas involving the acquisition of 250 thousand acres at the total cost of $119 million. It should be pointed out that this is an average cost of over $475 per acre.

Secretary Udall has also stated that "Our minimum estimate is that established and recently authorized areas of the National Park System need about $318 million for acquisition, and new areas which the Administration is supporting before the Congress would need an additional $160 million or a total of $478 million." This perhaps would purchase an additional 1 million acres of land for recreational purposes.

Secretry Udall has referred to the great escalation of land prices and supports a provision for two years advance contract authority up to $30 million per year for the acquisition of property within authorized areas. The Secretary stated:

"Such authority will enable the National Park Service, the Forest Service, and the Bureau of Sport Fisheries and Wildlife to negotiate land purchase contracts as soon as new recreation areas are authorized or in other authorized areas where there is need to move swiftly.

"The need for advance land purchase contract authority for federal agencies participating in the Land and Water Conservation Fund arises from the normally unavoidable time lag between authorization of an area by Congress and the first appropriation for such area. The lag for recent authorizations has averaged about 9 months. This is a critical period when land values often rise most sharply.

"The escalation problem would be reduced and substantial savings made if agencies were authorized to proceed with mapping, land title search and other acquisition planning and to acquire quickly or obtain options for key recreation tracts most in danger of rising land values."

There is a serious question as to the propriety of such advance authority to tie up land prior to the time when Congress has actually made an appropriation for its purchase. In addition, this dubious device carries with it no assurance against land price escalation. The rise in prices in great part is due to the operation of factors of supply and demand, and if the demand factor enters the picture sooner than it might otherwise, it is quite probable that the only result will be to accelerate the increases in the land values and prices.

Secretary Udall appears to recognize the concept of the compatibility of recreational uses with economic uses under proper multiple use management. However, he does not push this concept to its ultimate conclusion. He states that

"We believe that a recreation environment can be maintained within parks or recreation areas without total federal ownership, so long as controls exist to assure compatible private uses." As previously pointed out, cooperative arrangements have been made in many areas. If sufficient effort and imagination were applied, it is quite possible that the supposed need for continued Federal land acquisition could be largely averted. But that is not the approach represented by the proposals before this distinguished Committee.

The possible alternatives to massive Federal land acquisition for recreational purposes have been recently illustrated in the Connecticut River Watershed in New England.

At hearings in January held by the Bureau of Outdoor Recreation, the Connecticut River Watershed Council testified that a proposed national recreation area was by no means a required or appropriate mechanism for coordinating recreational and related planning in the Valley.

The testimony of the Connecticut River Watershed Council pointed out that approximately 21 per cent of the total land area within the Connecticut River drainage basin was available for intensive, general, or limited recreational use by the public. The testimony went on to state as follows:

"If a count is also taken of the present availability of large tracts of timberland in the north country that is available for limited recreational use and the prospects of additional lands being opened for public use and more intensive use, it is not unreasonable to expect that within the very near future upwards of 3,600,000 acres of land in the Valley or over 50% of its total land area will be available for a great variety of public, quasi-public, and private recreational uses and environmental improvements.

"Substantially greater numbers of recreationists could be accommodated in present areas by relatively modest programs of facilities improvement, expansion, and quality control, and *without major acquisitions of additional lands.*" [Emphasis added.]

The testimony also pointed out that "Urbanization and industrialization take their toll on the natural environment but they also provide the economic base which is the source of much support, directly or indirectly, for preservation of the natural environment. Economic and esthetic values are mutually-improving. The Valley will continue to thrive by public and private programs that seek to maintain a reasonable balance of these values."

Additional testimony presented on behalf of the Connecticut River Watershed Council contained the following statements:

"The Connecticut Valley finds itself in a transitional phase of digestion, consolidation, and implementation of existing plans and programs. It needs time to transform them into reality. This should be borne in mind by the Bureau of Outdoor Recreation in weighing the effect of broad new proposals upon an already confused public."

"The task ahead of us is to coordinate the plans and programs in existence at the federal, state, regional and local levels. Perhaps the answer lies in an inter-state recreational compact that could be administered by the New England Governors or by the newly created New England River Basin Commission."

The Council testified that "existing programs, planning and tools such as easements and zoning coupled with our existing controls on the environment will eliminate the need for the traumatic experience of a Federal Recreation Area in Massachusetts."

The Council listed the following factors as making unnecessary the creation of a National Connecticut River Recreation Area:

"1. Expansive open land acreages owned by many schools and colleges in the Valley.

"2. Islands of natural and historic significance maintained by public and private interests.

"3. Public ownership of the higher ridges.

"4. Privately operated recreational areas.

"5. The proposed Northfield Mountain Project.

"6. More enlightened zoning and/or easement programs.

"7. Anticipated urban renewal.

"8. Water and air pollution abatement."

This is a vivid current illustration of the available alternatives to massive federal land acquisition for recreational purposes.

If there is any justification for earmarking revenues to be paid into special funds, it is as a means of coupling the benefits and costs of particular programs.

For example, such a logical nexus might exist in the use of admission fees to federal recreation areas for improving recreational facilities in these areas. However, we objected to the earmarking of proceeds from the sales of surplus real property and related personal property for payment into the Land and Water Conservation Fund, and we still do not see the connection. In fact, as we stated in 1963:

"The Federal Property and Administrative Services Act of 1949 was a laudable piece of legislation, an outgrowth of recommendations of the Commission for the Organization of the Executive Branch. It will be unfortunate if its purpose to achieve economy in government is distorted so as to make possible a great expansion of presently excessive governmental land ownership. In addition, there appears to be no logically valid reason why proceeds from disposal of surplus property should be earmarked for recreational purposes."

We also said:

"It is ironic to note that, in connection with real property, the 1962 Annual Report states at page 12 that: 'GSA further accelerated the disposal of surplus real property in order to place such property in the civilian economy, add the property to local tax rolls, and return sales proceeds to the Federal Treasury.'

"Every one of the objectives would be frustrated or negated if the proceeds were devoted to buying up other lands for Federal Government ownership." (Statement to the Committee on Interior and Insular Affairs of United States Senate, March 15, 1963.)

Likewise, we do not see the justification for earmarking revenues received under the Outer Continental Shelf Lands Act of 1953, the Mineral Leasing Act of 1920, and the Potash Leasing Acts of 1927 and 1948, and by the Forest Service for the purchase of additional land for recreational purposes.

The "Alternative Level III" endorsed by the Administration calls for outlays of $200 million per year for 5 years to be split equally between Federal and State expenditures. This would require additional annual amounts of from $100 million to $128 million to be earmarked out of revenues from Outer Continental Shelf Lands. Thus, curtailment of Federal land acquisition would appear to cancel out very neatly the need for additional earmarked revenues. This would not require any amendment to the basic law, inasmuch as Section 4(b) of the Act provides that the Federal-State ratio shall prevail "In the absence of a provision to the contrary in the act making an appropriation from the fund. . . ."

An alternative suggestion is to amend the act so as to devote the Federal allotment to recreational development purposes alone rather than solely to land acquisition purposes.

Therefore, we respectively urge this distinguished Committee not to report S. 1401 or any other bills which would earmark additional revenues for payment into the land and water conservation fund. We appreciate this opportunity to express our views.

STATEMENT OF THE NATIONAL LEAGUE OF CITIES

The Nation's cities are becoming increasingly concerned about the availability of recreation space for their citizens, for the Nation's accelerating trend toward urbanization is placing ever greater demands on land suitable for recreational purposes in and around our cities. A stepped up effort is needed to preserve land for recreational purposes.

The National League of Cities supports S. 1401 and H.R. 8578 which will accelerate the Federal program to preserve and protect recreation areas for all citizens by amending the Land and Water Conservation Fund Act of 1965 to increase funds available for property acquisition and to expedite acquisition procedures to avoid costs added through appreciation in value of land designated as a recreational area. An increase in the land and water conservation fund is particularly necessary to permit the Federal Government to acquire major national facilities and to maintain State and local programs. It is estimated that, at current prices, $3.6 billion in Federal aid will be needed to support Federal, State and local recreation programs in the next decade. Only about $1 billion will be available if the land and water conservation fund is continued at current revenue levels.

Availability of land for a variety of recreational uses is of vital importance to cities. Recreational areas in and around cities must be preserved now if they are to be available to meet future needs. By 1980 three-quarters of our citizens will

live in the expanding metropolitan areas of our country and by the year 2000 predictions are that the era of the three-day weekend and two-month long vacations will have arrived. The combined pressures of a growing population and increased leisure time will create a demand for far more recreational areas to be available for the use of our people than are available today. Recreation areas where people living in metropolitan areas can spend their leisure time within short distances from their homes are those most needed.

People may travel long distances for once or twice yearly vacations, going as often to other cities as they do to the open spaces of the country, but for normal daily or weekend enjoyment, recreation areas close to home are preferred. Much of the value of recreation can be lost if the frustration of a long trip to and from the recreation area must be endured. A report by Urban American, Inc. notes, "the greatest pushes for recreation development are not in the wide open spaces, or even the medium open spaces, but in what could be called the fifty-mile 'day trip' zone".

The 50-mile radius or "day trip" zone around the metropolitan centers, where the need for recreation areas is the greatest, is also the territory where land costs are accelerating most rapidly and where open land is fast disappearing under the press of development. If we are to have enough land available for recreation in 1980 and the decades thereafter, we must accelerate efforts to acquire that land now, for costs will continue to rise rapidly and choice sites for recreation areas are being bulldozed daily by the crush of expanding urbanization.

Addition to the land and water conservation fund of revenues received under the Outer Continental Shelf Lands Act will permit the Bureau of Outdoor Recreation, directly and through aid to the States, to accelerate efforts to acquire land both inside and outside the "day trip" zone. We believe that the most immediate need is to increase programs to provide recreational facilities within the "day trip" zone. For this reason, we are reluctant to accept any reduction in the state and local share of the fund, though we recognize the national need and the value of national facilities to all citizens.

Many State plans provide excellent programs for the development of new recreational facilities inside and outside of metropolitan areas. A few State plans have neglected the recreational needs of citizens living in urbanized areas. The original Ohio recreation plan made no provision for local recreation programs despite the heated objections of many Ohio cities, and some other plans make no specific commitment to aid local governments develop recreation areas. We understand also that in Tennessee, Federal funds have been spent to finance acquisition of facilities previously programed for development at State expense, so that the money has not been spent on new facilities.

The Bureau of Outdoor Recreation must be in a position to exercise increased authority to review State plans to assure that Federal funds are bing spent in accordance with the aims of the Land and Water Conservation Fund Act. We hope that the record will state that in reviewing state plans the Bureau of Outdoor Recreation will assure that the immediate recreation needs of the great number of people living in our metropolitan areas are given equitable consideration. State plans should be found unacceptable if this has not been done. In this connection we note that the share of State funds allocated to local governments has grown from 23% to 38% in the last eighteen months, however, there are still inequities in some States.

We hope that any future anology between the recreation program and the highway program will be avoided by assuring, at this early stage in the outdoor recreation program, that urban areas are given fair consideration in state plans to develop recreational areas. Problems arising because of past neglest of urban areas by Federal and State highway programs are noted in the 1968 National Highway Needs Report recently published by the Department of Transportation. Federal and State highway programs are now facing tremendous planning and financing problems because of the crying need to improve urban street and highway systems to deal with today's traffic. Many of the severest urban highway problems and a significant amount of the cost involved in correcting them could have been avoided if the States had given adequate consideration to urban needs in their earlier highway planning.

By insisting that States accelerate programs to preserve recreational areas in our country, particularly those fast disappearing areas in our urban centers. Congress can make a great contribution to the quality of urban living now and in the future. In this time of heavy demands upon our revenue to finance programs dealing with immediate domestic and international concerns, a long-range pro-

gram to preserve recreational facilities may seem to lose relative importance. However, when the great benefits the program can give, and the heavy future costs likely to be entailed if action is not taken now are considered, an increased financial commitment to these programs at this time is justified. Passage of S. 1401 and H.R. 8578 can fill a great need in providing adequate recreational facilities for our citizens and avoiding a critical shortage of these facilities in the future.

STATEMENT OF ROBERT E. SYNNESTVEDT, PRESIDENT OF NATIONAL BOATING FEDERATION

From the very beginning the waters of our country, have been preserved as belonging to the people, and their free use by the public has long been the established practice, in law and in fact.

Charging fees for the use of these waters violates this principle, annoys and harasses our citizens, and tends to curtail the economic advantages accruing from America's fastest growing outdoor family recreation—boating.

We therefore support Senate bill 2828.

STATEMENT OF ANTHONY MAZZOCCHI, CITIZENSHIP-LEGISLATIVE DIRECTOR, OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION

On behalf of our membership I am happy to endorse the objectives of S. 1401, which will provide additional financing for the Land and Water Conservation Fund Act.

Our membership—like every other labor organization—is composed of thousands upon thousands of families who depend on the federal parks for their summertime outdoor recreation and vacations.

This committee knows that outdoor recreational space is at a premium. We are not keeping up with the demand for national parks. The Land and Water Conservation Fund has not been able to raise enough money to supply the funds which Congress has modestly authorized for new parks. It is my understanding that some $400 million of new parks authorized by Congress are lacking a single penny of financing to bring them under the public domain.

S. 1401 will use for land acquisition some of the royalties which go into the United States Treasury from the continental oil shelf royalties. This is an excellent solution to a knotty problem. We need more park land. Congress has been unwilling to vote the money. The continental oil shelf royalties belong to the American public. What better way to use these royalties than by earmarking some of them for the national park system and other outdoor recreational programs of the federal government.

STATEMENT OF JOSEPH N. GILL, COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES, STATE OF CONNECTICUT

The Land and Water Conservation Fund is the most important source of federal funds which we in the State of Connecticut can utilize to assist us in purchasing areas for conservation and for outdoor recreation. The annual allocation of a portion of these monies to our State has averaged close to $1 million since the inception of the Fund. This resource has been most welcome and beneficial to our Open Space acquisition program. However, studies recently completed under the Connecticut Interregional Planning Program indicate that an accelerated program of acquisition of land and water is vital within the next five to ten years if these are to be preserved at all. The cost of this stepped-up program will be at least $50 million from local, state and federal sources during this brief period. In order to achieve our objectives, we will require significantly more Land and Water Conservation funds than we have received in the past—treble the present $1 million annual allocation.

Discussions with the liaison officers of other states has brought out the fact that most of them are facing the same problems which we are encountering in Connecticut. They also believe that they must purchase more land and water soon before it is lost or priced out of reach.

We, in Connecticut, therefore strongly support the proposal to amend the Land and Water Conservation Fund which is contained in S. 1401. The addition of the new sources of income proposed in this measure would make it possible for the Bureau of Outdoor Recreation to carry out the program of federal land and water acquisition which has been planned and should be carried out. It will also permit a substantial increase in the amount of funds annually allocated to the several states to help in the prosecution of municipal and statewide plans for acquisition.

We respectfully urge the honorable Committee to give its favorable consideration to S. 1401.

STATEMENT OF LYLE W. BENTZEN, PRESIDENT OF THE WYOMING RECREATION COMMISSION

The Wyoming Recreation Commission is pleased to have the opportunity to support the amendment to the Land and Water Conservation Fund Act of 1965. Although our State agency is somewhat young in the field of outdoor recreation, we do have the support and justification for seeking such an amendment as proposed.

Basically, existing revenue provided by the fund does not fulfill the financial projections anticipated at the outset of the program. State programs were planned around these projections and political subdivisions of State government were informed that increases in the fund were to be forthcoming. We now find ourselves in the position of discouraging acquisition and development of outdoor recreation areas and facilities instead of encouraging as the act specifically outlines.

Grass root programs have sprung up at an enormous rate in Wyoming. The program was sold to Wyoming communities as follows: We encouraged towns, cities, and counties to organize recreation planning boards and to begin financial programs to offset the operation and maintenance costs which would be so evident once the development program was concluded. Our State presently has seventy-five percent of the total number of communities participating in the fund program. Our projected needs to fulfill the applications presently existing will deplete the Wyoming apportionment for the next five years.

As a result, our Recreation Commission is continually reevaluating the applications and assigning priorities to only those which qualify to urban and high use. We are, therefore, discouraging those smaller communities who cannot compete with the larger and who primarily need the recreation facilities to a higher degree per capita.

Unfortunately, the take by the Federal Government for acquisition and development is expended east of the 100th meridian. We, therefore, cannot call on those Federal agencies administering lands within Wyoming borders to speed up their programs. The outcome is rather evident. Wyoming's prime recreation areas are just not receiving the attention so desperately needed.

The out-of-state visitor use—made up of other State's urban population—is estimated to be close to 8 million in 1967. The extra burden to provide the needed facilities falls on a resident population of 315,000 people. It is financially impossible and clearly unfair to expect these Wyoming residents to singularly provide for the multitudes who visit our great State each year.

The dilemma could partially be rectified by the increased revenue requested in the amendment of the act. However, the total program as needed in Wyoming will be largely dependent upon the ability of the Wyoming citizens to meet the financial burdens placed upon them. Local communities in most cases are willing to provide for their own citizens. But to provide the necessary facilities that are demanded by the visitors will necessitate outside help from other sources of revenues. We in Wyoming believe that the passage of an amendment to the fund act would be helpful in meeting these demands.

Wyoming communities have often stated that the land and water conservation fund program was the only Federal grant program working. Let's not discourage the grass roots programs but rather let's encourage them to greater heights.

Although other grant programs are available and are being administered in Wyoming, such as the Highway Trust Fund and the Pitman-Robinson-Dingell-Johnson programs, the realization remains that the land and water conservation fund program is the only one in which towns and cities are experiencing help to acquire and develop recreation areas and facilities.

It has been brought to the attention of the Committee in numbers of other statements that the brief history of the fund act shows beyond a doubt that this program is working. The ability of the Bureau of Outdoor Recreation to become organized and set up to administer this program certainly brings forth the fact that Federal-State relationships are heading in the right direction.

We would like to call the committee's attention to the fact that each of Wyoming's 23 counties have proposals approved by the Wyoming Recreation Commission. One hundred twenty-four projects had been submitted to the Bureau of Outdoor Recreation as of January 19, 1968. Nearly 40 more have either been approved by the Wyoming Recreation Commission or are awaiting approval. These projects represent only political subdivisions and nearly $2 million in total costs.

The State agency requests are anticipated to be nearly $7 million over the next 3-year period for acquisition and development of State park and recreation areas and facilities.

We cannot expect the land and water conservation fund program to fulfill the total needs in Wyoming. Private enterprise also has a role to play along with other Federal agencies such as the United States Forest Service and the Bureau of Land Management. We currently are enjoying cooperative working relationships with these agencies and others. But we do feel strongly that the committee should look with favor upon allocating more funds to be expended by the Federal agencies west of the 100th meridian to help take care of the multitudes of visitors originating in the metropolitan centers with destinations in Wyoming and at Federal recreation areas, Federal historical sites, Federal park areas and Federal forests.

The Wyoming Recreation Commission also foresees problems in the future of the possible diversion of these trust funds to other areas of concern. We, therefore, express to the committee that they also look to an additional amendment to the effect that these land and water conservation funds cannot be diverted for any other cause and that the States retain sole authority for their distribution.

DELAWARE RIVER BASIN COMMISSION,
Trenton, N.J., February 8, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Delaware Rriver Basin Commission supported enactment of the Land and Water Conservation Fund Act of 1965. I am writing to convey our further support to S. 1401 which I understand is now before your Committee.

Experience in the Delaware River Basin, particularly with the Delaware Water Gap National recreation area project, has already demonstrated how the cost of land acquisition can increase substantially between the time a project is authorized and funds become available for land purchases. Similar experience around the country has placed a burden upon the Land and Water Conservation Fund far beyond its resources. Establishment of new revenue sources; allowance for advance acquisition; and the lease-back and sell-back provisions, as authorized by S. 1401, would all contribute significantly to the solution of this problem.

I am pleased to lend our support to this legislation and hope it receives favorable support in the Congress.

Sincerely,

JAMES F. WRIGHT.

TOCKS ISLAND REGIONAL ADVISORY COUNCIL,
February 7, 1968.

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

DEAR SENATOR JACKSON: The purpose of this letter is to inform your Committee of this organization's support for S. 1401 and to request that this letter be placed in the official record of the hearings your Committee recently conducted on this bill.

The Tocks Island Regional Advisory Council (TIRAC) is a rather unique council of county governments which was formed in response to the Federal legislation authorizing (1) the Tocks Island dam and reservoir project and (2) the Delaware Water Gap National Recreation Area (DWGNRA). The Council, which consists of representatives from the seven counties in New York, New Jersey, and Pennsylvania which are touched by the above-named projects, has two primary purposes:

First, to identify the problems and opportunities which will be generated by the Federal development of the Tocks Island reservoir project and the Delaware Water Gap National Recreation Area; and

Second, to marshal the resources needed to effectively cope with the problems and opportunities.

Since it was formed in 1965, TIRAC has developed (1) what should, in the next few years, be a comprehensive regional environmental protection system (this involves water, sewer, solid waste and vector control studies and/or programs) and (2) the rudiments of regional planning program which should protect this region from any honky-tonk type of development.

When I first joined the organization in 1965, the most urgent problem we faced was that of land speculation within the authorized boundaries of the Delaware Water Gap National Recreation Area. We dealt with this problem through taking a long series of actions at the local or regional level. These included: (1) working with the FHA and other Federal agencies to stop Federal mortgage assistance on construction within the DWGNRA's boundaries; (2) working with local realtors and bankers to discourage sale of land and properties within the DWGNRA; (3) working with New Jersey electric utilities to adjust tariff structures (result: builders and/or property owners have to pay to have power lines brought in and taken out when the U.S. acquires the property) on lands within the authorized boundaries; (4) publicity campaigns to discourage persons from buying lots within the authorized boundaries; and numerous other steps.

While these actions helped considerably, they became truly effective only when the U.S. Government finally appropriated funds for the first land purchases for the DWGNRA. Indeed, in our experience, prompt Federal acquisition of land is the only effective way of preventing land speculation associated with the Federal development of water resource and other projects.

For this reason, we are pleased to join with other interested groups in complete support of S. 1401.

Respectfully,

FRANK W. DRESSLER.

STATE OF NEW YORK CONSERVATION DEPARTMENT,
Albany, February 5, 1968.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As the Liaison Officer of the State of New York, I wish to advise your Committee of our endorsement and support of the principles and objectives of the proposed amendments of the Land and Water Conservation Fund Act as set forth in Senate 1401.

New York has experienced a tremendous demand for expanded outdoor recreational opportunities reflecting the deep concern and vital need of its residents. Since the inception of the Land and Water Conservation Fund Program, formal applications requiring in excess of $22 million in matching funds have been received from municipal and state agencies. Unfortunately, only $12.8 million of federal assistance funds have been made available to the State of New York which has caused the postponement of many desirable projects to some future time.

Delays of this nature can only produce higher ultimate costs to the public as a result of the rising trend in land and construction costs. We must also recognize the serious potential for loss of beneficial public use of these deferred facilities and the destruction of irreplaceable natural resources through diversion to other uses.

This State has made a firm commitment towards providing funding for its natural resource and outdoor recreation programs through two substantial bond issues.

The success of our new $400 million Next Step Program representing a blending of State, Federal and local funds is greatly dependent upon the availability of Federal funds to help meet the original projections for the Land and Water Conservation Fund allocations to the States.

In view of the above, I strongly urge your Committee to favorably report this bill.

Sincerely,

R. STEWART KILBORNE, *Commissioner.*

STATE PLANNING BOARD,
COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, February 6, 1968.

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

DEAR SENATOR JACKSON: We are pleased to recommend the enactment of S. 1401, amending the Land and Water Conservation Fund Act of 1965.

Our support of this bill is based on the following considerations:

1. It would allow, for a five-year period, additional sources of revenue for Federal and State land acquisition and development purposes.

2. It would facilitate the earlier acquisition of property, helping to deal with the land price escalation problem and a stretched-out rate of land acquisition due to lack of funds.

The Land and Water Conservation Fund has been a most useful program. It has served to stimulate and support state and local efforts in outdoor recreation planning, acquisition and support. With Pennsylvania's $70 million PROJECT 70 program and the more recent $500 million Land and Water Conservation and Reclamation Program, it has been instrumental in meeting the outdoor recreation needs of the Commonwealth.

We consider S. 1401 to be in the public interest and recommend its every consideration.

Very truly yours,

IRVING HAND, *Executive Director.*

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
Silver Spring, Md., January 31, 1968.

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

DEAR SENATOR JACKSON: This letter is written to indicate support for Senate Bill 1401 to increase the authorized income of the Land and Water Conservation Fund.

This Bill is of utmost importance to park jurisdictions throughout the country and especially to those concerned with the expansion of major metropolitan cities such as Washington, D.C.

The Maryland-National Capital Park and Planning Commission is responsible for acquisition, development, maintenance and operation of a park system in Montgomery and Prince George's Counties covering a 1000 square mile area with a population of one million persons anticipated to develop within the next twenty years. Our present park program indicates a need within this period of time of public open space in the amount of 52,000 acres. The Commission has acquired approximately 20,000 acres. However, it will be most difficult to fulfill our Master Plan unless assistance is authorized by such Acts as the Land and Water Conservation Fund.

Unless suitable and adequate funding is provided soon many potential public park and recreation areas will be seriously impaired or lost completely. I earnestly endorse Senate Bill 1401 for the hundreds of thousands of people living within the Maryland portion of the Metropolitan District of Washington, D.C.

Sincerely,

JOHN P. HEWITT, *Director of Parks.*

STATE OF OHIO DEPARTMENT OF NATURAL RESOURCES,
Columbus, February 8, 1968.

Hon. ALAN BIBLE,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR BIBLE: I would like to take this opportunity to stress my endorsement of S. 1401 which would provide an additional source of matching funds to the states for the acquisition of land and the development of outdoor recreational facilities under the Land and Water Conservation Fund Act.

At present, the Ohio Department of Natural Resources plus a number of our local units of government are utilizing Ohio's current apportionment of the Land and Water Conservation Act funds to help acquire land and create outdoor recreational facilities at some 34 different sites. Unfortunately, however, the present level of funding under this program, even coupled with the funds made available through our state and local bond issues, has not permitted us to meet the current demand for these types of facilities due to an ever expanding population plus more leisure time presently being enjoyed by most segments of our population.

An additional source of Federal matching funds could serve as a much needed stimulus for initiating many of Ohio's outdoor recreation projects that are currently being held in abeyance because of a lack of funds.

I respectfully request your favorable consideration and support of the aims of S. 1401 in order that all levels of government—federal, state and local, be in a position to more adequately and rapidly meet the needs for providing additional outdoor recreational opportunities.

Sincerely,

FRED E. MORR, *Director.*

ARKANSAS PLANNING COMMISSION,
Little Rock, Ark., February 1, 1968.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: As you are fully aware, the Arkansas Planning Commission is responsible for administering the Land and Water Conservation Fund of the Department of Interior, Bureau of Outdoor Recreation, in the State of Arkansas. Since the beginning of this program, our state has been allocated approximately $2.6 million and our current year's allocation is $798,431. These funds have been used to finance significant improvements on several of our state parks and in the acquisition of land and development of outdoor recreation facilities in Little Rock, North Little Rock, Conway, Heber Springs, Bentonville, Magnolia, and Fort Smith. We have several other applications with the Bureau of Outdoor Recreation at the present time.

Senator Jackson has introduced Senate Bill 1401 which would set aside revenue accruing from the "Outer Continental Shelf Lands Act" for the Land and Water Conservation Fund for a period of five years. I understand that hearings before the Senate Interior and Insular Affairs Committee are scheduled for February 5 and 6. I feel very strongly that additional revenue for the Land and Water Conservation Fund is desirable. I feel that additional funds would help the communities of Arkansas acquire suitable land for outdoor recreation facilities before it is committed to other uses and becomes prohibitively expensive. Also, many of our state and city parks are in dire need of development to bring them up to minimum standards for outdoor recreation uses.

I sincerely request that you support Senate Bill 1401 at every opportunity. Thank you for your continuing cooperation.

Sincerely,

WINSTON C. BEARD, *Executive Director.*

STATE OF INDIANA, DEPARTMENT OF NATURAL RESOURCES,
Indianapolis, February 2, 1968.

Senator HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We strongly urge affirmative consideration of Senate Bill No. 1401 by the Senate Interior and Insular Affairs Committee and its com-

panion House Bill No. 8578. This bill is extremely important to the continued acquisition and development of badly needed outdoor recreation facilities in our state as well as across the nation.

Since the Land and Water Conservation Fund has fallen considerably short of the revenue level originally anticipated, many state and local agencies are now unable to utilize their funds as effectively as planned due to the fact that many of their programs were developed on the basis of a higher level of Federal support. Therefore, the passing of Senate Bill No. 1401 and House Bill No. 8578 is imperative if we are to accomplish our planned program to meet the rapidly increasing need of more Outdoor Recreation facilities for all our citizens.

In order for the Land and Water Conservation Fund to more adequately and rapidly meet these needs, it is most important that the bill be approved as originally written with annual receipts of $700 million. Consequently, the reduction to the proposed administration ceiling of $200 million would seriously endanger the future growth of the Land and Water Conservation Fund Program.

In light of these circumstances, we urge your approval of Senate Bill No. 1401 as originally written and companion House Bill No. 8578.

Sincerely,

ROBERT D. RAISCH
(For John E. Mitchell, Liaison Officer, State of Indiana).

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES,
Madison, Wisc., February 1, 1968.

Hon. H. M. JACKSON,
U.S. Senator, Chairman of the Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The purpose of this letter is to support your bill S. 1401 relative to increasing the Land and Water Conservation Fund.

We have found this program to be one of the greatest stimulants in the field of outdoor recreation that has ever come along. Local units of government previously without an acre of parkland are now planning, which we require, acquiring and developing recreational areas. Counties without recreational committees have now formed them and park commissioners have been hired.

In sharing this fund with local units of government, we ask that the county appoint a liaison officer that will represent all units of government in the county. On occasion these men have called joint meetings with intra-governmental units to plan for priority use of the fund, thus establishing inter-governmental coordination.

These examples are the more indirect benefits derived from the program. Direct values can be found in the preserving of a section of the Wolf River in a wilderness state, acceleration of state park acquisition and development and purchasing of shoreline frontage on Lake Michigan with 20 minutes time of downtown Milwaukee.

At this time we have submitted 223 projects to the Bureau of Outdoor Recreation, 176 of these are from county or local governmental units. Approval has been obtained on 206 of these amounting to $3,454,730.00 out of a total allocation of $4,823,940.00. By July 1, 1968, this balance will have been depleted and a backlog will exist.

This fund has been of tremendous value to us in Wisconsin, and it has been only within the last year that the state and local units of government have been able to budget for matching purposes and gear up to its potential. It is extremely important that the federal government meet its obligation as originally outlined now that the state and local governments have risen to the challenge.

I, therefore, urge speedy approval by the Interior and Insular Affairs Committee as the first step in obtaining passage of this legislation.

L. P. VOIGT, *Secretary.*

STATE PARK AND RECREATION COMMISSION,
Augusta, Maine, February 1, 1968.

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

DEAR SENATOR JACKSON: As the State of Maine's liaison officer to the Bureau of Outdoor Recreation, by appointment of the Governor, I wish to express my state's support of Senate Bill S. 1401 which seeks to amend the Land & Water Conservation Fund Act of 1965. I realize that you will receive many other supporting statements from state liaison officers for this legislation which has as its primary purpose to provide more funds to the federal and state agencies for furthering the cause of outdoor recreation. Therefore, I would like to stress what seems to me to be two of the principal reasons for increasing the revenues to the Land & Water Conservation Fund at the earliest possible date.

First of all, the very creation of the Bureau of Outdoor Recreation and the establishment of federal aid to states and their public sub-divisions for the purposes of public outdoor recreation has stirred up a great deal of activity among the communities of Maine to establish conservation committees within their own governmental structure and to assume local responsibility for planning and developing many worthwhile local recreational projects. In a state that has such a vast acreage of undeveloped natural resources as Maine this problem is so great that it cannot be met by state action alone and, therefore, we have gone to great lengths to "stir up" this responsibility at the local level. The response has been terrific and right now in our state we have many more approved local applications for projects than we have federal matching dollars. If we don't find funds in the near future to keep up this level of local participation then the interest which we have generated will fail as project applications are held up for lack of matching money.

A second matter of urgency peculiar to Maine is that, generally speaking, we are a rural state with practically no lands to speak of in the public domain. Practically all of our forests and coastal shoreline are still in private ownership and still unspoiled for outdoor recreation use. As land gets scarce in other states, speculators are turning their efforts into buying up large tracts of real estate, particularly along our Maine coast, in anticipation of the ever increasing value of land for all uses including recreation. Unless we act fast, some of this prime shoreline will be lost forever to the developers. Our state has a very limited tax base and we can't move anywhere near fast enough without more federal aid. Maine people believe in assuming what they feel to be a reasonable share of this responsibility and two years ago voted to bond themselves for $1½ million to match an equal amount of federal money to preserve the famous Allagash Wilderness Waterway. Our Legislature recently voted to ask Maine voters to make possible a $4 million bond issue, which we hope can be matched with federal monies, to acquire significant areas of Maine's natural and scenic beauty so that future generations can enjoy to some degree the natural resource heritage that was passed on to our generation.

If the voters of Maine in November 1968 commit themselves to this program the money to match these funds at the federal level must be found in the Land & Water Conservation Fund and, therefore, it is most essential that the present formula for putting monies into this fund be amended as suggested in S. 1401 to augment the present system which certainly cannot produce the funds necessary to do the job at either the federal or state level.

Therefore, I most earnestly support the addition of revenues to the Fund as proposed under Section "D" and I would go along with those provisions which propose to divide the funds in the Land & Water Conservation Fund equally between the federal and state agencies.

Sincerely yours,

LAWRENCE STUART,
Director of State Parks, and State Liaison Officer to the Bureau of Outdoor Recreation.

SOUTH CAROLINA RECREATION COMMISSION,
Columbia, S.C., February 5, 1968.

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

DEAR SENATOR JACKSON: This letter is in reference to Senate Bill 1401, pertaining to amending the Land and Water Conservation Fund Act of 1965. May

I take this opportunity to offer you our full support with this proposed amendment. I know I speak for all those recreators throughout our state who are vitally interested in continuing the funding of the B.O.R. program.

Enclosed is a resolution as adopted by a unanimous vote of the commission members present at our regular meeting held February 1, 1968.

In closing, may I extend to you our sincere thanks for your service to the recreation profession within the State of South Carolina and throughout the nation. If our office can be of assistance, please afford us the opportunity.

Sincerely,

CARL M. HUST.

[Enclosure]

RESOLUTION

Whereas, South Carolina is presently undertaking more effective outdoor recreation programs on the state, county and municipal levels; and

Whereas, more awareness of the importance of open spaces, green trees, fresh air, and wholesome exercise is evident throughout the state of South Carolina; and

Whereas, in the early stages of recreation planning throughout South Carolina, it becomes more evident that financial assistance is needed for states as well as local communities to take immediate action to meet current and future needs in outdoor recreation; and

Whereas, the land and water conservation fund is one program that can assist the states and local communities in developing recreation areas. Now therefore, be it resolved by the South Carolina Recreation Commission that the Congress of the United States be memorialized to enact S. 1401 providing for additional revenues to accrue to the land and water conservation fund program.

Adopted by the South Carolina Recreation Commission at their regular meeting February 1, 1968, Columbia, South Carolina.

GEORGIA DEPARTMENT OF STATE PARKS,
Atlanta, Ga., February 2, 1968.

Re: S. 1401 Bill.

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

DEAR SENATOR JACKSON: As Liaison Officer for the State of Georgia and the Bureau of Outdoor Recreation and Director of the Department of State Parks, we want to endorse the proposed S. 1401 Bill.

The Land and Water Conservation Fund Program has meant much to the State of Georgia. Georgia has taken advantage of this assistance program; and according to latest figures, we have only about $15,000 unobligated of the total amount apportioned to Georgia through June 1968. As stated in past letters, we believe that the ratio of 60-State and 40-Federal share should be continued, and for that matter, placed in the bill itself.

An accelerated program for the development of outdoor recreation facilities and the acquisition of lands to be devoted to outdoor recreation cannot be ignored. With the severe problem of crime that is being headlined so much, we may recall the words of Emerson, "There is no police so effective as a good hill and a wide pasture."

Were it not for the fact that the Georgia Legislature is now in session, I would be in attendance at your hearing on this bill.

My sincere congratulations to you on all of your many accomplishments and especially for your considerations of the Outdoor Recreation Program.

Sincerely,

JOHN L. GORDON,
Director, Liaison Officer.

THE MISSISSIPPI VALLEY ASSOCIATION,
New Orleans, La., January 31, 1968.

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

DEAR SENATOR JACKSON: The Mississippi Valley Association desires to be placed on record in support of S. 2828 introduced by Senator Harris on January 18. Because of schedule conflicts, it will not be possible for me to attend the hearing on February 5 and 6, 1968, to present our testimony in person. It is requested, therefore, that the contents of this letter be made a part of the hearing record.

The Mississippi Valley Association with membership extending into 36 states has, since its founding in 1919, espoused the proper development and wise management of our water and soil resources, and we feel that the impositions of charges or fees at Army Corps of Engineers reservoirs that this legislation would prevent is not wise management.

Through the years we have seen continuing efforts on the part of agencies of the Federal Government to impose taxes or user charges on our waterways. The Valley Association has resisted these efforts and will continue to do so since these efforts are contrary to the basic foundation upon which our waterways were developed. Aside from the historic and constitutional philosophies involved, we have resisted and opposed the imposition of these taxes or user charges on the basis that they would impose a second charge for these waterways on the taxpayers who have paid for their construction in the first instance. It is not proper that the American taxpayer be required to pay a second time for a commodity he has already purchased.

Although S. 2828 and the companion bills deal primarily with conditions at reservoirs constructed by the Corps of Engineers, we see a far reaching effort on the part of the Administration to use the imposition of charges for entrance and admission to reservoirs or the imposition of charges or fees for mooring or docking facilities or other floating facilities as a step toward the imposition of tolls or user charges on our navigable waterways.

The construction of reservoirs by the Corps of Engineers admittedly sometimes serve single purposes such as flood control. In the majority, however, these are multiple-purpose projects that contribute to flood control, navigation, hydroelectric power, recreation, pollution abatement, water supply and many other benefits. They have been authorized on the basis of a favorable benefit to cost ratio wherein the benefits to be received from the project exceed the costs, and in so doing, contribute widely to the overall economy including the local, state, and Federal tax bases. Some may be considered to be regional in their scope, but by and large their benefits extend far beyond the region in which they are located. Examples are: the reservoirs on the Upper Missouri River that have in the past contributed to the elimination of the salt water intrusion problem in the extreme lower Mississippi River in the vicinity of New Orleans. Additionally, the reservoirs in the Tennessee Valley in addition to supplying electric power and navigation capability, because of ther flexibility contributed to lowering flood heights on the Mississippi and Ohio Rivers.

Earlier I mentioned that our membership extended into 36 states. I must add that more than 120 other associations, with memberships running into the millions are members of the Mississippi Valley Association. Hardly one of these states does not contain reservoirs that would be affected by the impositions that this legislation endeavors to prevent. Accordingly, we would be remiss in our responsibilities to our members in those states if we did not support this legislation. We are not now nor do we intend to be remiss in representing our membership. Did we not represent so broad a cross section of the country but rather reflected only our own views, we would have to support S. 2828 on the basis of preventing dual taxation and the breaking of faith with the American public.

We strongly urge and respectfully request the approval of this legislation by your Committee so that prompt action leading to the enactment of S. 2828 may be taken by the Congress.

Sincerely yours,

ROBERT L. SHORTLE, *Vice President.*

FLORIDA RECREATION ASSOCIATION,
February 1, 1968.

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

DEAR SENATOR JACKSON: The Florida Recreation Association wholeheartedly supports S. 1401, the bill introduced by you in the Senate of the United States to amend Title I of the Land and Water Conservation Fund Act of 1965.

We here in Florida are vitally interested in acquiring outdoor recreation areas for future expansion of recreational facilities and programs. We believe that your bill as presented will do much to enable every state to purchase lands that they would not be able to purchase without the passage of Bill S. 1401.

Sincerely yours,

WALTER M. EDGE, *President.*

DEPARTMENT OF GAME FISH AND PARKS,
Pierre, S. Dak., January 30, 1968.

Hon. KARL E. MUNDT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MUNDT: Senator Jackson, Committee Chairman on Interior and Insular Affairs, has introduced S.B. 1401. The bill calls for additional receipts of approximately $700 million annually to supplement the Land and Water Conservation Fund. As administrators of the Land and Water Conservation Fund for South Dakota we know what this program has done and will do for our state in future years.

South Dakota has received a total apportionment of $2,525,685 including the fiscal year 1968 apportionment. To date we have obligated all but $340,000 of the total made available to us and have projects in the pipeline that will exhaust this figure.

The program has not only brought dollars and cents to our state but has initiated planning efforts at both city and county levels. Bond issues and special donations for recreational developments have become more a part of local financing programs. Our cities and counties are beginning to realize and are accepting their recreational responsibilities.

Many local financing programs as well as our state programs have been based on anticipated federal support under the Land and Water Conservation Fund. Since the fund has fallen short of the original anticipated amounts, many of the planned programs will never be completed.

We understand the Bureau of the Budget and the Secretary of Interior have recommended smaller amounts than what S.B. 1401 would supplement in total receipts. We believe that a higher ceiling than $200 million as recommended is justified to meet nationwide outdoor recreation demands.

The administration has also recommended a 50–50 split of funds between federal projects and the states. We are vitally opposed to this proposal. This was not the intent of the act when it was created and the effectiveness of the program would be lost if we do not keep the states the principal beneficiaries. We urge your support for the present 60–40 formula as indicated in the original Land and Water Conservation Fund Act of 1965.

We also vigorously support S.B. 1401 and hope that you give it every consideration possible.

Sincerely yours,

R. A. HODGINS, *Director.*

NEVADA OUTDOOR RECREATION FUND COORDINATING COMMISSION,
February 19, 1968.

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

HONORABLE SENATOR JACKSON: The Land and Water Conservation Fund has given an impetus in planning for and obtaining outdoor recreation lands that

would not have been possible without the additional funds. Nevada has a large new population now making heavy inroads—by building or sightseeing—into Nevada's finest scenic areas. A longtime resident population has grown up with so much open space that it is not aware that without planning Nevada soon will not be able to obtain the lands she needs for the future. The Land and Water Conservation Fund has allowed us to obtain unspoiled lands at less cost than the poorer quality, higher priced lands we would have to consider a few years from now.

The land at Tahoe is a prime example. Land and water funds have made possible the purchasing of excellent beach and forest land in their natural state. A few years from now when we might have been able to consider the area, we would be fortunate if the landholdings were still intact or available at any cost.

Therefore I, as Chairman of the Nevada Outdoor Recreation Fund Co-ordinating Commission, most heartily support your efforts on behalf of SB 1401. Nevada with the encouragement of these funds has studied the state for the highest quality recreation sites, and we therefore suggest retaining the 60–40 relationship in favor of the states.

We hope your committee has passed SB 1401.

Sincerely,

DR. R. G. MILLER,
Chairman, Nevada Outdoor Recreation Fund Coordinating Commission.

AMERICAN FARM BUREAU FEDERATION,
February 9, 1968.

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

DEAR SENATOR JACKSON: This is to present the views of the American Farm Bureau Federation relative to S. 1401, to amend the Land and Water Conservation Fund Act.

The American Farm Bureau Federation does not support the enactment of legislation to divert additional federal revenues from the general fund to the Land and Water Conservation Fund, as proposed in S. 1401, or in the modified proposal presented by Secretary of the Interior Stewart L. Udall, in order to finance an expanded land purchase program.

In support of this position we respectfully submit the following considerations:

1. We need not review the current fiscal situation. We believe it is imperative that federal expenditures be reduced substantially as an alternative to, or at least prior to, consideration of increases in federal income taxes. We believe we share the view of the majority of the people of the United States who are looking to the Congress to cut federal spending substantially.

2. The enactment of the legislation would reduce the effectiveness of Congressional review of budgets and spending policy. Included in Secretary Udall's statement was a revealing paragraph in which Secretary Udall said: "There are a number of approaches. One is to leave the Fund Act as is and supplement it by appropriations from the general funds of the Treasury. This is not favored by the Administration because the history of appropriations for Federal land acquisitions for recreation purposes prior to the Fund was dismally small." In other words, because Congress has been unwilling to appropriate funds of the desired size for land purchases, let us use a method whereby we will reduce effective scrutiny by the Congress of expenditures for this purpose. We, of course, recognize that money in the Land and Water Conservation Fund is also appropriated by Act of Congress. Nevertheless, the fact that the money is in the Fund tends to insulate appropriations thereof from the rigorous Congressional scrutiny and the appropriate attention to comparative priorities that would otherwise be given.

3. It should be noted that the Land and Water Conservation Fund is not the only source of federal funds for land purchase programs. Thus, the Department of Interior Press Release of February 5, 1968 says in part:

"Citing statistics gathered by the Bureau of Outdoor Recreation, Secretary Udall revealed that during 1967 some 1,715,000 acres of land and water were acquired for permanent public use in forest, park, open space, fish and game, and multi-purpose reservoir areas, compared with about 750,000 acres converted to urban and highway development.

"This marks the third successive year, Secretary Udall noted, that despite rising land prices, the Nation has set aside more undeveloped acres for conservation than for urban and other development.

"Of the total 1,715,000 acres conserved in 1967, Udall said Federal agencies acquired an estimated 810,000 acres and States and their political subdivisions, approximately 905,000 acres."

An acquisition of 1,715,000 acres in one year is not exactly "dismally small", when we consider that as of 1964 the federal government already owned (excluding Indian lands and public lands in Alaska) 407 million acres, state governments owned 102 million acres and local units of government 19 million acres. (1967 Statistical Abstract, Tables 283 and 284).

4. It is appreciated that much of the land owned by local, state and federal governments is not suitable for recreational use. It is also true, however, that much of such publicly owned land is suitable for such use. Of that which is suitable for development for recreational use, a large percentage has not been developed by the construction of roads, trails, picnic and camping areas, etc. This is true even in major National Parks.

We don't need to acquire additional land as much as we need to develop for public use that which is already available. We should not overlook the development of private land by private interests, for public use, which is becoming of increasing significance in many areas.

It will be appreciated if you will include this letter in the hearing record.

Sincerely yours,

JOHN C. LYNN,
Legislative Director.

THE KANSAS STATE PARK AND RESOURCES AUTHORITY,
Topeka, Kans., February 16, 1968.

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

DEAR SIR: On behalf of the Kansas Park and Resources Authority, we wish to submit a supporting statement on S. 1401 providing for additional revenues to the Land and Water Conservation Fund.

Kansas, as many other states, has experienced profound interest by the various levels of government in this grant program for land acquisition and development for outdoor recreation. We would submit there is a need for higher level funding based on the following reasons.

1. The past three years the State of Kansas has appropriated $4,629,926 for recreation purposes that would qualify for funding. The extent of Land and Water Funds utilized to match these appropriations is $1,141,006. In addition, the local units of government have submitted applications for $2,718,931 and to date $1,597,043 has been assigned for this purpose. I believe this indicates strong response to Kansas participation in the Land and Water Conservation Fund and certainly indicates a higher level of development if such additional funds were available.

2. As we now re-evaluate our Comprehensive Outdoor Recreation Plan, the land needs and attendant costs to serve areas of Kansas clearly indicate that if additional federal dollars are not available to match, the intent and purpose of the fund will not be achieved. It is a correct statement to say that these lands in most part will not be obtained without Land and Water Conservation Fund assistance.

We are aware that the Administration has recommended that S. 1401 be amended to provide an amount sufficient to bring the fund up to $200,000,000 annually. It has also been recommended that the fund be divided equally between the state and federal agencies.

It is gratifying to us to see the positive reaction in Kansas to the Land and Water Conservation Fund program and the excellent facilities being provided that otherwise would not have been accomplished at such an early date. The Fund has truly stimulated activities at all levels of government. On the basis of the local community project applications, we see good evidence of an enlightened citizenry to the need for expanded and improved outdoor recreation opportunities.

Yours truly,

LYNN BURRIS, JR., *Director.*

THE STATE OF KANSAS,
THE JOINT COUNCIL ON RECREATION,
Topeka, Kans., February 19, 1968.

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

DEAR SIR: On behalf of the Kansas Joint Council on Recreation, we recommend favorable consideration on S. 1401 (or H.R. 8578) to strengthen the revenues to the Land and Water Conservation Fund.

The past three years the Joint Council has approved 85 projects—13 land acquisition projects, 43 local development projects, and 29 state development projects. The total cost for these projects is $5,476,218, and with $2,738,109 being the Land and Water Conservation Fund share.

On the basis of the above, we find the Fund has stimulated both land acquisition and development that might not otherwise have been accomplished. On the basis of present applications, the total requested federal assistance is reaching nearly three times that which is presently apportioned to Kansas from the Land and Water Conservation Fund. Thus, additional revenues which would be provided by S. 1401 (or H.R. 8578) will bring direct response in Kansas from the local communities and better serve the purposes and objectives promulgated in the Land and Water Conservation Fund Act.

Yours very truly,

PAUL AYLWARD, *Chairman.*

RIVERS & HARBORS ASSOCIATION OF MISSISSIPPI,
February 3, 1968.

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

DEAR SENATOR JACKSON: As Executive Director-Secretary of the Pat Harrison Waterway District and President of the Mississippi Rivers and Harbors Association, I have been appointed by the Mississippi State Park System to be the spokesman for the State of Mississippi concerning Senate Bill 1401.

ENDORSEMENT OF BILL S. 1401

The State of Mississippi strongly endorses Bill S. 1401, entitled "To Amend Title I of the Land and Water Conservation Fund Act of 1965, and for Other Purposes". The state strongly supports both the objectives of the bill and the methods it provides for obtaining funds for attaining the objectives.

MISSISSIPPI'S INADEQUATE RECREATIONAL FACILITIES

At the present time Mississippi's recreational facilities are inadequate for the needs of Mississippians and cannot begin to provide Mississippi's share of attractions for tourists from across the nation although there is great potential for development if adequate financial resources become available.

Present facilities are too few in number and the few parks and other facilities available have not been developed to the minimum level needed to make them attractive to possible users. Furthermore, the present facilities are improperly distributed about the state. Most of them are more than fifty miles from major urbanized areas.

Bill S. 1401, by providing substantially increased funds quickly, would enable Mississippi to purchase large tracts near its rapidly growing urban areas. The movement of population from the rural to the urban areas in Mississippi has proceeded at a rapid pace since World War II, and is expected to continue. Thus, although desirable recreational sites are now available near the growing population centers, this condition cannot be expected to continue for more than a few years. Immediate acquisition will not only result in substantial savings, but will permit acquisition of areas with outstanding potential for development—areas that are not likely to be available a few years hence.

MISSISSIPPI'S INADEQUATE FINANCIAL RESOURCES

In 1956 the state legislature established a State Parks Board. Since that year the number of state parks has increased substantially. Usage of these parks has

increased, but at a slow rate because sufficient attractive facilities have not been provided. The budgets approved for the Board have barely permitted maintenance and operation. For the 1962–64 biennium, the budget was only $542,726. In 1964–66, it was only $686,166. Although it increased to $797,088 for 1966–68, it was quite inadequate for the tremendous development job needed. The budget of $850,251 requested for 1968–70 again falls short of providing for the minimum needs. Many states have available annually for one of their facilities more funds than are provided annually for the entire State of Mississippi.

The problem of inadequacy of funds provided by the state has been compounded by the contingent nature of the development funds provided by the law now in effect. The formation of long range plans has been hampered by uncertainty about the amounts of funds that would become available. Implementation of plans, especially acquisition of lands, has also been hampered. Bill S. 1401, by providing a stabilized minimum annual sum for development for five years, would largely solve this problem.

Mississippi's failure to provide adequate recreational facilities has not been due to lack of interest on the part of its leadership. On the contrary, the interest has been steady and intense. The need has been recognized, but the resources available could not be stretched to cover recreational needs.

The fact that the per capita income in Mississippi is the lowest in the nation is well known. Actually, its per captia income is only sixty per cent of that for the United States.

The pressure of basic needs, especially those of education and the highway system, upon the state's resources are great. The percentage of per capita income spent on education in Mississippi ranks high among the several states; however, Mississippi's expenditure per student places it at the bottom of the array of states. Educational needs for the next biennium are estimated by educational leaders to exceed the recommended budget by eighty million dollars.

The state highway system was built, for the most part, in the 1930's. Not only have additions to the system been too few to meet the growing demands, but maintenance of the existing system has been substandard. The pressure of these highway needs has made difficult the allocation of funds for recreational purposes. In fact, pressures of education, the highway system and operation of the state government have kept the state's recreational developments at the survival level.

POTENTIAL DEVELOPMENTS

Many of Mississippi's potential recreational facilities offer promise of becoming attractive to tourists from all corners of the nation. The undeveloped offshore islands in the Gulf of Mexico and the proposed Great River Road Scenic Highway along the Mississippi River are examples. Mississippi has water resources, both streams and lakes, to an extent equalled in few states. Preservation of and development of these resources will provide the state and the nation with an outstanding recreational resource. These streams and lakes are now largely in their natural state, but cannot remain thus for long. In a short time the public may well be excluded from their use, unless action is planned now and plans implemented quickly.

Bill S. 1401 may provide for Mississippi the only hope for preservation for the enjoyment of all of the people the great opportunities that are now available for development within its boundaries.

Sincerely,

SWEP T. DAVIS, *President.*

WESTERN FORESTRY & CONSERVATION ASSOCIATION,
Portland, Oreg., February 21, 1968.

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

DEAR SENATOR JACKSON: Reference is made to S. 1401, a bill to amend Title I of the Land and Water Conservation Fund Act of 1965, and for other purposes.

Western Forestry and Conservation Association submitted a statement to your Committee in a letter to you under date of March 5, 1963, in which the general idea of recreation user fees was supported and the establishment of a Land and Water Conservation Fund approved. In this testimony, however, a strong plea was made for consideration of the use of such funds in developing recreation areas and for maintenance of facilities and administration of these

areas. In line with recommendations of the Outdoor Recreation Resources Review Commission, we suggested that where the Fund was used for land acquisition, this be accomplished in areas of heavy population concentration so as to make recreation facilities more accessible to a greater number of people.

Since the passage of the original Land and Water Conservation Fund Act (PL 88–578), a number of developments have evolved. First, the user fee part of the law has not been popular and to date less than 20 percent of anticipated revenue has been collected. While the Fund has been used for recreation planning and land acquisition on a state and municipal level, at the same time the Federal share has gone primarily into the acquisition of additional national park and national forest lands. Recreation facility development on these parks and forests progresses slowly, even though the use of the areas has increased greatly during the life of the Act. Another important point is that the legislation has been used as a device for the acquisition of many more national park areas and land acquisition prices have escalated tremendously in some of these. About $500 million is already committed to this acquisition.

Western Forestry and Conservation Association opposes the amendments to the Land and Water Conservation Fund Act contemplated in S. 1401 because these amendments earmark, in addition to the receipts already so designated, National Forest Miscellaneous Receipts which, if earmarked at all, should be designated for purposes related to the production of forest resources. We believe that each Federal land acquisition must be made after most careful study and with great restraint and that the appropriations process applied to individual cases in this area by the Congress provides this restraint. We further believe that the full recreational potential of lands already government-held should be realized before vast outlays are made to acquire additional private lands. If this bill is approved, we urge that it be amended to provide for development of existing recreational areas.

The Association respectfully requests that these remarks be made a part of the record of the Senate Interior and Insular Affairs Committee on S. 1401.

Sincerely,

ARTHUR M. ROBERTS, *Forest Counsel.*

WESTERN WOOD PRODUCTS ASSOCIATION,
Portland, Oreg., February 23, 1968.

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

DEAR SENATOR JACKSON: Reference is made to S. 1401 on which you are holding hearings.

We are concerned with those aspects of S. 1401 which we feel would unnecessarily increase funds available for the Land and Water Conservation Fund, and would also set up questionable innovations in federal land acquisition and management practices.

We oppose the earmarkings of Forest Service receipts and Interior Department's Mineral Leasing receipts from the Outer Continental Shelf lands for a use which is not directly controlled by the appropriation process of the Congress.

If the Land and Water Conservation Fund Act of 1965 is amended at all such amendment should contain provision for developing existing recreational areas. As we have previously testified, a substantial portion of this fund should be used for the planning and development of recreational facilities on the many publicly owned sites that qualify for such treatment.

Since Congress has been most liberal in making monies available to the fund it would seem most inadvisable to authorize advance contractual authority to the Secretary of Interior as provided in S. 1401 even for the limited two year period. While this is intended to be a potential source of saving to the government, it may, on the other hand, pervert the appropriation process at a time when the public interest may require the use of our monetary resources more effectively elsewhere.

Sincerely yours,

ERNEST L. KOLBE,
Director, Forestry Services.

WASHINGTON STATE PARKS ASSOCIATION,
Bremerton, Wash.

Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SIRS: I will be grateful if you will make these comments and also the Resolution attached, a part of the public hearing held February 5th and 6th conecrning Senator Jackson's Bill 1401 amending the Land and Water Conservation Fund Act of 1965.

At the 20th annual Washington State Parks Association convention held September 30, 1967 in Wenatchee, Washington, the delegates unanimously endorsed Senate Bill 1401 and adopted a Resolution to fully support this measure, urging its backing by State and local governmental recreation agencies, state legislators and our Congressional delegation.

The grants made available by the Land & Water Conservation Fund Act as matching funds to states and their political sub-divisions for acquiring and developing outdoor recreation for the public is vital. It is equally vital that funds be made available for federal land acquisition from private interests. Many of our National Parks have, within their boundaries, private inholdings which should be purchased by the Federal Government. Olympic National Park is a prime example, having numerous inholdings. These privately held lands are a constant threat to the integrity of the park as real estate promoters are generally interested in obtaining them.

Revenue made available from the Land & Water Conservation Act through 1401 will be most important in setting up a nationwide system of trails which will be constructed, operated and maintained.

Because of the demand and need for more outdoor recreation by the public, present sources of revenue from the Land & Water Conservation Act will not be adequate to fulfill these needs. To help solve the problem I feel that Senator Jackson's Bill 1401 is a must.

Thank you,

S. P. "PAT" CAREY,
Past President.

RESOLUTION OF THE WASHINGTON STATE PARKS ASSOCIATION

Whereas, S. 1401 provides that from July 1, 1967 through June 30, 1972 all receipts of the Dept. of Interior from mineral leasing of public lands and the outer continental shelf lands that currently go into Miscellaneous receipts of the Treasury shall be deposited in the Land and Water Conservation Fund, and,

Whereas, lands in recently authorized recreation areas cannot generally be bought immediately because of inadequate funds and in the meantime the prices go up on an average of from 10 to 20 percent per year, and,

Whereas, the funds made available by the present Land and Water Conservation Act will not be adequate to take care of minimum public needs for outdoor recreation for the near future and additional funds must be provided now, and,

Whereas, S. 1401 would provide an additional fund of about $150 million a year for the purchase and development of land. Senator Jackson says this bill will have no effect on those revenues from National Forests or from leasing of minerals on public lands which now support other specified programs such as the reclamation fund or National Forest roads and trails, nor would it affect present provisions of law governing the sharing of mineral revenues and National Forest receipts with the State, now therefore,

Be it resolved, that the Washington State Parks Association fully support Senator Jackson's S. 1401 and strongly urge the backing of state and local governmental recreation agencies, State Legislators, and our Congressional delegation.

Passed in session Sept. 30th, 1967.

WASHINGTON STATE SPORTSMEN'S COUNCIL, INC.,
Vacouver, Wash., January 30, 1968.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior and Insular Affairs Committee,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: While we agree there is a very real need for additional funds for the Land, Water and Conservation Fund Act, we will have to oppose S. 1401 on the grounds it includes monies derived from U.S. Forest Service receipts.

The Council, in December of 1967, passed a resolution "to oppose any transfer of U.S. Forest Service lands or State Forest Preserves for trading stock or sale for the purpose of bolstering the Department of the Interior, National Park Service holdings".

S. 1401 would enable the National Park Service to use funds from the agency whose lands they covet for parks, and should those lands (Forest Service) come under Park Service jurisdiction, we as a Council, would have contributed to further emasculation of the Service, were we not to oppose the bill.

Section 2, (a) would authorize the Secretary of the Interior, and him, alone, to decide just what "use" would be compatible to the park service system. Our interpretation of this section is that anyone who qualified as a "highest bidder" would be permitted to build a summer home, etc. within park boundaries. We submit this is not the reason for establishing new parks, nor for development of national parks for ALL of the people.

We respectfully request this statement be read into the record.

Very truly yours,

ADAH WERKEMA, *Chairman.*

THE MOUNTAINEERS,
Seattle, Wash., February 1, 1967.

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

MY DEAR SENATOR JACKSON: The Mountaineers, an organization of over 5,000 members, whose purposes include the encouragement of protective legislation to preserve the beauty of Northwest America, are deeply interested in your considered modifications to the Land and Water Conservation Fund Act.

The attached resolution of the Federation of Western Outdoor Clubs has been thoroughly studied and has been adopted as the policy of this organization. You will note that we fully support S. 1401, and are further interested in all measures which my improve the sources of funds available for procurement, maintenance, and protection of recreation lands, wilderness and parks. Since the cost of lands is increasing at such a rapid rate, we are very encouraged that you are considering these problems at this time.

Respectfully yours,

JESSE EPSTEIN, *President.*

(Attachment)

RESOLUTION OF THE FEDERATION OF WESTERN OUTDOOR CLUBS

FINANCING OF NATIONAL OUTDOOR RECREATION FACILITIES

At a time of unprecedented individual prosperity but also of great external commitments, the demand and need for acquisition and development of land for its recreational and scenic benefits outstrips allocations of federal funds. The problem is compounded by inflationary land prices. It has not been resolved by a national program of user fees.

IT IS THEREFORE RESOLVED that the Federation of Western Outdoor Clubs urges that new sources of income for the Land and Water Conservation Fund be provided to accelerate purchase of inholdings within existing National Parks and Forests and of land for new parks. The Federation endorses proposals, as for example S. 1401 as introduced by Senator Jackson, to include receipts from offshore oil and other federal mineral leases, timber sales, and grazing permits.

IT IS FURTHER RESOLVED that, to maximize benefits, acquisition funds be made available quickly after authorization, and that development be deferred to land acquisition. Bonding, borrowing, advance appropriations to the Fund, or intervention by The Nature Conservancy may be effective aids.

THE IZAAK WALTON LEAGUE OF AMERICA, INC.,
Fort Wayne, Ind., February 8, 1968.

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

DEAR SENATOR JACKSON: The Public Lands Committee of the Izaak Walton League of America strongly endorsed increased financing of the Land and Water Conservation Fund which was proposed in the previous session of Congress. Essentially similar proposals are now under consideration, and we hope this new expression of support may be entered in the record on S. 1401. This measure would provide approximately $100,000,000 a year for the Fund over a five-year period, from Federal revenues realized under the Outer Continental Shelf Act of 1953.

Past sessions of Congress have authorized an important system of new national parks, seashores and lakeshores in recent years. While it is not entirely unprecedented that implementation sometimes falls short of authorization, I think it is a fair assessment to say that many of the recent authorizations are in jeopardy of almost total loss if ways are not found to increase funding, especially for acquisition.

It is hardly necessary to review the problems: rapidly increasing land values, rezoning of authorized lands placing them in enormously escalated price ranges, construction of various types on authorized lands which destroys the purposes for which they were authorized, local hardship problems and the community relations problems which attend uncertainties, and myriads of other problems.

Also, there is important work yet ahead, among the more important of them being the Redwoods National Park, Apostle Islands, North Cascades.

As one who has long dealt with these questions, I know you are fully aware of the needs, as is the full Committee which has favorably reported so many important parks, seashores and lakeshores. You are also aware that delays in funding will in a number of cases produce fatal results, and not merely commensurate delays.

Beyond the national projects, I think it is reasonable to say that the states and the counties face similar problems of shrinking outdoor resources and the loss of great plans. At all levels of participation in the Land and Water Conservation Fund, our country is faced with last chances, which in the absence of substantial funding increases will become lost chances.

We do hope that S. 1401 can be moved ahead at the earliest date to help fulfill already large national, state and local commitments, and to provide resources for important authorizations yet ahead.

Sincerely yours,

THOMAS E. DUSTIN,
Chairman, Public Lands Committee.

THE APPALACHIAN TRAIL CONFERENCE, INC.,
Roanoke, Va., January 31, 1968.

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

The following has reference to your bill S. 1401, for which public hearings are scheduled on February 5, 1968.

The conservation-minded organization of which I am a part will strongly support this proposed legislation, and will urge support by all others who hold the hope for future preservation and extension of recreation areas in this country.

We are particularly pleased with that section of S. 1401 providing for the speedy acquisition of authorized property. Experience has taught only too well of ensuing price increase stimulation when the probability of a government purchase becomes common knowledge in any specified areas.

Sincerely yours,

THOMAS H. CAMPBELL, *Vice Chairman.*

OXON HILL, MD., *February 7, 1968.*

Hon. HENRY M. JACKSON,
Senate Interior Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: As a citizen's group of home and property owners we strongly protest the provisions of the proposed bill S. 1401, allocating $200 million annually from the Outer Continental Shelf Lands receipts to the Land and Water Conservation Fund for the purpose of land acquisition by the Interior Department, as well as by the individual states.

The right of a family to own land is as basic as any of the rights which are inherent to our American way of life, and the condemnation of private property should be exercised *only* where thoroughly justified in the interests of the public good. Under Senate Bill 1401 the decision of vast condemnations would rest in the hands of an appointed official, responsible only to the President. Projects which have been repeatedly denied funds by Congress could be initiated at the whim ("discretion") of the Secretary of the Interior who would, in effect, become a monarch in the real estate and land speculation business.

The concept of the sell-back, lease-back provision included in this bill indicates not only a total lack of respect for private property rights, but also an admitted lack of need for some of the lands to be condemned. We feel that there is great injustice in a bill that would allow condemnation of a private property under the expressed intention of selling back or leasing back parcels to whomever, and for whatever price, the Interior Department deems appropriate. We have, however, no quarrel with the Interior Department, or any agency or individual, if land acquisition is restricted to fair purchases from willing sellers, or if, with public hearings, it is thoroughly justified to be in the public need. We do not believe that projected estimates of the future generations' needs for recreation facilities can justify the jeopardy and fear under which to-day's generation of property owners must live, wondering whose homes and lands will be the next to be swallowed up by the Interior Department.

We strongly urge that Senate Bill 1401 and its counterparts be drastically revised to provide protection for the private property owner, or that it be denied. We request that this protest be entered into the record.

Sincerely,

JOHN W. CHESLEY, Jr.,
Chairman, South Potomac Citizens' Council.

HUTCHINSON RECREATION COMMISSION,
Hutchinson, Kans., February 9, 1968.

Hon. HENRY JACKSON,
Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SIR: The Hutchinson Recreation Commission at its February meeting voted unanimously in support of Amendment S–1401 and H.R. 8578 to the Land Water Conservation Bill. In view of increasing demands for recreation programs and resources on the local, state and national level, the Recreation Commission urges your support for this amendment.

Sincerely,

MARIETTA GOERING, *Chairman,*
ARTHUR J. COLLINS, *Commissioner,*
HOD HUMISTON, *Commissioner,*
FRED SHAFFER, Jr., *Commissioner,*
E. VICTOR WILSON, *Commissioner.*

CONCORD, N.H., *February 2, 1968.*

Senator HENRY JACKSON,
Chairman,
Interior and Insular Affairs Committee, U.S. Senate,
Washington, D.C.:

Urge passage of S. 1401. Since enactment of the Land and Water Conservation Fund Act New Hampshire has been apportioned $2.3 million. Our needs for

Federal aid are in excess of $5 million. Passage of this bill would enable New Hampshire to move its outdoor recreation program forward.

R. J. CROWLEY, Jr.,
Department of Recreation and Economic Development.

TALLAHASSEE, FLA. *February 5, 1968.*

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

The Land and water conservation fund has been entirely inadequate to meet our recreation land acquisition needs. We earnestly solicit your support of S. 1401 particularly its provision for increased funding with Federal oil revenue.

N. E. BILL MILLER,
Florida State Parks Director.

TUPELO, MISS., *February 5, 1968.*

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, New Senate Office Building, Washington, D.C.:

The Tombigbee River Valley Water Management District, a State agency operating within the Tombigbee River Basin, comprising 18 counties in northeast Mississippi, was created by the Mississippi Legislature regular session, 1962 as "An act authorizing the creation of the Tombigbee River Valley Water Management District; to provide for a board of directors and prescribe the duties and power's thereof; to provide for a plan of conservation, recreation, water control and utilization; agricultural development, industrial and economic advancement; to include navigation within the plans of the Tombigbee River Valley Water Management District; and related purposes"—strongly endorses Senate bill 1401, and urge that additional revenues from outer Continental Shelf receipts be added to current revenue resources in order to make more funds available for the development of more outdoor recreation facilities, which are badly needed through the country.

This endorsement approved by our executive committee regular monthly meeting February 1, 1968.

THOMPSON POUND,
Executive Director,
Tombigbee River Valley Water Management District.

WASHINGTON STATE UNIVERSITY,
DEPARTMENT OF PHYSICAL EDUCATION FOR WOMEN,
Pullman, Wash., February 9, 1968.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

MY DEAR MR. JACKSON: By this letter I wish to express my personal interest in S. 1401 and strongly recommend that this bill be enacted. As an educator and as a citizen, I firmly believe that if we are to have recreation lands adequate to meet the needs of the future, we must secure these lands now. Realizing that land prices are escalating at an alarming rate, it is imperative that additional monies be made available to the Land and Water Conservation Fund by enacting S. 1401 so that revenues from mineral leasing on the Outer Continental Shelf would be made available to the Fund.

I urge enactment of S. 1401.

Cordially yours,

AGNES M. MCQUARRIE,
Associate Professor,
Coordinator, Recreation Curriculum.

SEATTLE, WASH., *February 2, 1968.*

Re: S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Senate Interior Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: As of December 31, 1967, I completed a three-year term as chairman of the Washington State Interagency Committee for Outdoor Recreation. During this period, I also served as liaison officer for the State for purposes of the Land and Water Conservation Fund. Since it is not possible for me to appear in person at the hearings on S. 1401, which would amend the Land and Water Conservation Fund Act, I would like to have this letter favoring changes in the Act made a part of the record.

The Land and Water Conservation Fund has been a real "shot in the arm" for outdoor recreation in the State of Washington. Even so, sufficient money has not been available soon enough to meet the growing demand. Accumulated requests for State and local matching grant assistance since the Fund became operative are much greater than funds available. More money is badly needed now. I also feel that it is important to stabilize the Fund so that each State will be able to program the revenues allocated to it each year. This is not now possible because yearly revenue into the Fund has not equaled the amounts appropriated.

The Fund was established to meet critical outdoor recreation deficiencies. It should, therefore, be within the intent of the Act to consider the State obligation rate as a major indicator of need. I suggest that Congressional consideration of S. 1401 should take into account the extent to which individual States, such as Washington, have obligated apportionments during the three-year period that the program has been in operation.

Between the time that the act became operative early in 1966 and January 12, 1968, $2,871,152 from the Fund has been obligated in Washington State for 48 acquisition and development, and two planning projects. On the 50–50 Federal matching grant basis, this represents a total expenditure for Land and Water Conservation Fund assisted projects in the State of $5,742,304.

During this 1965–68 period, the State's allocated share of the Fund was approximately $3 million.

Much time and effort was spent in setting priorities as the money available from all sources could not cover all of the worthwhile requests received. Even as this was being accomplished, prime outdoor recreation land was disappearing before our eyes, land prices were spiraling, and development costs rising. Dollars not put to work for outdoor recreation today are losing purchasing power tomorrow.

After studying the suggested new revenue sources in S. 1401, I believe that the moneys accruing under the Outer Continental Shelf Lands Act of 1953, including funds held in escrow, offer the best source of relief at the present time. I would also like to suggest that S. 1401 be amended so that the Fund can be stabilized at at least $400 million yearly, using only that portion of Outer Continental Shelf Lands revenue needed to reach the amount established by the amendment. Indeed, I believe use of the entire revenues of the Outer Continental Shelf Lands would be justified, but I suggest stabilizing the fund at $400 million yearly as a compromise step.

In the west, emphasis should also be given to outdoor recreation developments on Federal areas convenient to urban complexes to relieve some of the pressure on States and local governments for more facilities.

I sincerely hope that provision can be made this year for increasing the Land and Water Conservation Fund so that it can meet the great need for outdoor recreation areas and facilities more realistically.

Respectfully,

MARVIN B. DURNING,
Attorney at Law.

AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., March 4, 1968.

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

DEAR MR. CHAIRMAN: On behalf of the AFL–CIO, I wish to express our support for S. 1401, a bill to amend the Land and Water Conservation Fund Act of 1965 in order to provide additional revenues to acquire land for recreational purposes.

The Fund is falling short of expected collections from the $7 recreation area stamp, the sale of certain federal property, and the motor boat fuel tax. Receipts into the Fund as of Jan. 31, 1968 were about $290 million but Congress has appropriated some $370 million since the Act was passed.

Furthermore, land speculation escalating land prices has thrown all previous estimates of financial requirements out of balance. For example, the original estimated cost of lands for the Point Reyes (Calif.) National Seashore Area has risen from $14 million to $57.5 million.

In 1966, according to Bureau of Land Management data, total receipts under the Minerals Leasing Act of 1920 were $107 million, while those obtained from Outer Continental Shelf leasing were in excess of $248 million.

Estimates by the Department of the Interior anticipate that the increasing tempo of offshore leasing could bring total proceeds from such activities to more than $3 billion over the five-year program contemplated by S. 1401. We note, for example, that recent oil company bids for oil and gas leases off the California coast alone came to $603 million.

We conclude, therefore, that the five-year program in this legislation would, in its final three years of operation, make available a large part of the money needed to secure for the American people the lands they must have in order to enjoy leisure with their families in America's out of doors.

Mr. Chairman, I would appreciate your bringing these views to the attention of the members of your Committee. Thank you.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation and Chairman, AFL–CIO Staff Committee on Atomic Energy and Natural Resources.

ROANOKE APPALACHIAN TRAIL CLUB,
Roanoke, Va., February 6, 1968.

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

DEAR SIR: The Roanoke Appalachian Trail Club takes great interest in your bill S 1401. We are part of a large private, non-profit organization, dedicated to the preservation of America's great out-of-doors.

I, as president of the Roanoke Appalachian Trail Club, have been authorized to notify you, that this organization does appreciate, and does fully endorse your bill S 1401.

Yours Sincerely,

Dr. KENNETH P. FITZGERALD, *President.*

MILWAUKEE COUNTY PARK COMMISSION,
Milwaukee, Wis., February 2, 1968.

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

DEAR SENATOR JACKSON: I have been informed that the Interior & Insular Affairs Committee of the United States Senate will be holding a hearing on your Bill (S. 1401), which proposes an increase in the authorized income of the Land & Water Conservation Fund.

Since the original law was enacted some three years ago, the Milwaukee County Park Commission has utilized to the fullest advantage its proportionate share of the LAWCON funds in acquiring and developing park lands for the over one million people residing in Milwaukee County and environs. Projects completed or under way with LAWCON assistance are, a 306 acre metropolitan park on Lake Michigan; a 4½ mile bike trail in the heart of Milwaukee County; and, a paved play area in one of our existing neighborhood parks.

Our "Guide for Growth," a master plan of land acquisition for Milwaukee County projects the needs for some 4,000 additional acres of park land for the present and future residents of Metropolitan Milwaukee, and it is our contention that, although Milwaukee County has been a leader in acquiring and developing parks and open spaces, it cannot continue to "go it alone" without outside financial assistance.

Please add our pleas to those of the thousand other local municipalities to have the Interior & Insular Affairs Committee give affirmative consideration to your bill to increase the Land and Water Conservation Fund.

Sincerely,

HOWARD GREGG,
General Manager, Parks.

UTAH RECREATION & PARKS ASSOCIATION,
Murray, Utah, February 2, 1968.

Re S. 1401.

Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: Our State Recreation and Parks Association would like to go on record with your committee as favoring the passage of S. 1401, on which you have scheduled hearings in Washington on February 5 and 6.

Our state association, representing a broad cross-section of recreation interests of every kind in the State of Utah, has studied the purpose and objectives of this measure and find that its passage is urgently needed not only for the benefit of the recreation program in the State of Utah; but it would also affect in a similar way all other states. As you well know, the present available funds under the Land and Water Conservation Fund Act are falling far below the original estimates when the act was passed in 1965. In our state, for example, the funding has reached an average level of only about 50 per cent of that anticipated three years ago. This has sharply curtailed the matching participation by local communities, counties, and municipalities and thus has delayed the progress in a much needed recreation program development.

We would, therefore, hope that favorable consideration by your committee, the Senate, and the House will be given to this important measure or the others of a similar nature which are presently pending in the House. We hope that if the bill does pass, that the additional funding can be made effective immediately so that the benefits would begin to accrue to the Fund in fiscal year 1969.

We want to express our appreciation to you and your committee for taking the initiative in advancing this important legislation.

Sincerely yours,

CHARLES C. BAUGH, *President.*

KIMBALL CITY AND COUNTY PARK AND RECREATION BOARD,
Kimball, Nebr., January 26, 1968.

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

MR. CHAIRMAN: We are writing this letter to urge your consideration and ultimate passage of S. 1401 presently under consideration by your Committee.

We are presently in the process of developing approximately 260 acres for numerous outdoor recreation facilities for the use of Kimball, Nebraska, City and County residents, and the general public.

Included in this area will be a nine-hole grass greens golf course, four baseball, softball, and combined softball and little league diamonds, archery, trapshooting, tennis courts, picnic area and many other related facilities.

Our cost for the completion of this entire project will be in the sum of $320,000.00. To date we have completed better than 50% of the project, and without the generous aid afforded by both Federal and State funds under the Land and Water Conservation Fund Act it would have been virtually impossible for this community to have developed such an area.

Again, we urge your passage of this bill to give other communities the splendid opportunity that we have experienced to fully develop such a fine recreational area.

Donald R. Deboody, Acting Mayor, Kimball, Nebr. Joan H. Lutey, Chairman, Board of County Commissioners, Kimball County, Nebr.; L. V. Lane, Chairman, Board of Public Works; Harry R. Meister, Chairman, Kimball City and County Park and Recreation Board; J. Vogler, Secretary, Kimball City and County Park and Recreation Board; Bruce Gualand, Treasurer, Kimball City and County Park and Recreation Board; Wayne Adamson, Board Member, Kimball City and County Park and Recreation Board; Robert G. Sandridge, Board Member, Kimball City and County Park and Recreation Board; Lyle Shaw, Board Member, Kimball City and County Park and Recreation Board.

SMOKY MOUNTAINS HIKING CLUB,
Knoxville, Tenn., January 30, 1968.

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

DEAR SENATOR JACKSON: The Smoky Mountains Hiking Club, by action today of the Board of Directors, endorses and supports your S. 1401, a bill to amend Title I of the Land and Water Conservation Fund Act of 1965. However, we recommend that the substance of Secretary Stewart L. Udall's proposed further amendments to S. 1401, as mentioned to you in his letter of January 4, 1968, be incorporated into S. 1401.

We appreciate your concern in conservation and recreational development. We shall follow with interest the progress of S. 1401. If we can add further support for this bill, amended as proposed by Mr. Udall, please let us know.

Sincerely yours,

O. K. SERGEANT, *President.*

ANCHORAGE, ALASKA, *February 5, 1968.*

Senator ERNEST GRUENING,
Senate Office Building, Washington, D.C.:

The City of Anchorage is benefiting greatly through funds received from the land and water conservation funded Bureau of Outdoor Recreation matching grant program. The Jackson bill, S. 1401, and its companion, the Foley H.R. 8575, will establish an additional revenue source for the land and water conservation fund. An increase in the appropriations from this fund is sorely needed both at the Alaska State and local levels. Your active support S. 1401 at the February 5–6 hearings by the Interior and Insular Affairs Committee will be highly beneficial to Alaska. Such support is respectfully requested.

GEORGE M. SULLIVAN, *Mayor.*

PITTSBURG, KANS., *February 6, 1968.*

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

DEAR SENATOR JACKSON: Word has come to my office regarding the proposed amending of the Land and Water Conservation Fund Act of 1965 in order to provide the Federal Government, the several states, and local communities with additional funds for recreation and park development. It is my understanding that this amendment is designated as S–1401.

The City of Pittsburg has been fortunate in receiving some $45,000 in federal funds for the acquisition of additional park space and the renovation of certain

recreation facilities through the fine cooperation of the Bureau of Outdoor Recreation and the Kansas State Park and Resources Authority, the administering agency of land and water conservation funds in Kansas.

This program has provided a tremendous impetus to the development of our park and recreation system and, in fact, has been in great part responsible for our first real progress along these lines since the early 1930's. I am pleased to enclose a copy of our GOALS IN RECREATION brochure which describes in greater detail the accomplishments we have been able to make with the assistance of such federal programs.

We wholeheartedly endorse the passage of this legislation and earnestly seek your support of this measure.

Very truly yours,

HARRY C. SHUTE, *Mayor.*

CITY OF SCOTTSBLUFF, NEBR.,
January 29, 1968.

Re Senate Bill 1401.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR COMMITTEE MEMBERS: I am writing in reference to your hearing on the above bills which will be held on February 5, 1968. It is our understanding that this bill would provide additional revenues for the Land and Water Conservation Fund, thus enabling state and local governmental subdivisions to provide improved recreational facilities for our Nation's citizens.

As you probably know, the State of Nebraska presently matches a portion of the federal funds assigned to it with an additional grant representing 25% of the total project cost. Under this arrangement the local governmental subdivision is able to provide park and recreation facilities for an additional 25% of the total cost of the project. This has been of tremendous assistance to the City of Scottsbluff in acquiring and developing new facilities. During the past year we have been able to acquire and develop a badly needed neighborhood park as well as develop a campground for use by persons from Western Nebraska as well as those passing through the community.

In addition, we have presently in process two projects. One of these involving twenty acres of park land is now funded. The second project involving the development of baseball facilities for the youth of the community is tentatively scheduled for funding in the next fiscal year. In addition, we have proposed additional projects to the State which would result in substantial beautification and recreational development of the river bottom lands along the North Platte river. Development of this area would depend substantially on the availability of outside funds since the project would serve a region considerably larger than the City of Scottsbluff in fact, considerably larger than even Scotts Bluff County.

On behalf of the City of Scottsbluff I would like to urge you to give favorable consideration to this bill.

Very truly yours,

C. A. THOMAS, *Mayor.*

CITY OF SCHUYLER,
Schuyler, Nebr., January 31, 1968.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate, Senate Office Building,
Washington, D.C.

GENTLEMEN: The City of Schuyler, Nebraska, is in sympathy with Senate Bill 1401 and House Bill 8578, a companion bill, that provides for the transfer of monies from the "Off Shore Oil Funds" into "Watershed Funds."

The 3,100 citizens of Schuyler are in sympathy with this transfer for the reason that our City is in the process of acquisition and the development of outdoor recreation facilities and feel that your support of these bills will be necessary to enable our community to participate and complete our program.

Our community is growing and there is a gradual increasing demand for outdoor recreation facilities from our citizens that must be met, and we will need to have assistance of Federal and State Funds to assure our programs becoming a reality.

Your support and assistance will be appreciated by the folks that call Schuyler, Nebraska their place to do business and call home.

Sincerely,

RUSSELL D. SALAK, *Mayor.*

VILLAGE OF MULLEN,
Mullen, Nebr., January 26, 1968.

U.S. CONGRESS,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

HONORABLE MEMBERS: The purpose of this letter is to express our opinion in favor of the Bill S. 1401. We believe that the chanelling of some of the Mineral Rights revenue into an Outdoor Recreation Fund will help continue the very worth-while program initiated three years ago as the Land and Water Conservation Fund.

The Village of Mullen is just now completing a much-needed swimming pool and park; made possible through the matching Federal and State funds under the Land and Water Conservation Program. We have had no swimming pool and only an inadequate park, so we do greatly appreciate Federal assistance in this development. This is, like much of the Great Plains Region, a thinly populated area. Due to this lack of population, we are unable to finance some of those facilities which we feel are sorely needed for the beautification of the area and for outdoor recreation.

Although our immediate needs have now been filled, we are sure that there are still many communities, such as ours, which could benefit greatly through this program. There are many places of scenic beauty throughout the State of Nebraska where parks might be installed, which are yet undeveloped. We are sure that this applies to many other States as well. We are proud of the progress that has been made and enthused by the prospects of future developments.

The State of Nebraska, in granting the 25% matching fund to the Political Sub-divisions, has cooperated 100% with the Federal Program. We are assured that our State will continue to extend its full support.

For these reasons we urge the passage of S. 1401 and the continuance of the Land and Water Conservation Fund Program.

Respectfully yours,

J. D. CARLSON,
Chairman of the Board.

VILLAGE OF PAXTON,
Paxton, Nebr., January 25, 1968.

Re Bills in the Senate S. 1401 and S. 8578.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR SIR: In reference to the funds we received to help build the swimming pool in Paxton, which were acquired through the State of Nebraska, Game and Forestration Department, we feel that our community has been benefited by these funds. We believe that due to lack of recreation facilities many of our people had to drive some distance on crowded Highway 30 for entertainment.

We feel that the handling of these funds at the state level instead of the federal level is more satisfactory due to the fact that they understand problems in local areas much better.

On this project we received 25% assistance from the State Game and Forestration Department and hope this assistance can be continued in the future so that other communities like us can receive this help in improving their recreation facilities and their communities.

Sincerely,

ROBERT J. DICKENSON, Sr., *Mayor.*

CITY OF VALENTINE, NEBR.,
January 24, 1968.

CHAIRMAN,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is written in support of Senate Bill No. S–1401 now in your committee for consideration. It is my understanding that this bill proposes the diversion of funds received from mineral and off shore oil royalties as well as from Forest Service losses and timber harvests to support land and water conservation programs throughout the United States.

In my opinion there is no more critical need for our Congress to consider than that of the development, conservation, and preservation of our nation's water resources for human use as well as for recreational purposes. Any non-tax funds which could be made available for these purposes could not be spent more wisely. Our vast natural resources are our nation's greatest heritage and should be developed and preserved at all costs.

This small community of 3,000 people received a great asset for its citizens during 1967 through funds made available through the State of Nebraska and the Federal Land and Water Conservation programs. The State of Nebraska provided $25,000 and the Federal Government provided $50,000 to provide the community with an excellent swimming pool and park area for the use of the residents of the area. This facility will be a source of pleasure and pride for residents of the community for many years to come.

Your committee's very serious favorable consideration to the above referenced Senate Bill is highly recommended.

Very truly yours,

ROBERT L. GASS,
President of the Council.

CITY OF PAPILLION, NEBR.,
January 30, 1968.

CHAIRMAN,
Interior and Insular Affairs, Committee,
Senate of the United States, Washington, D.C.

DEAR SENATOR JACKSON: This is written in support of Senate Bill 1401 introduced by Senator Jackson and the passage of Senate Bill 1401.

We understand that the purpose of this bill is to provide additional funding for the Land and Water Conservation program to bring total funding in line with 1965 estimates by providing additional revenue from offshore gas, oil and mineral rights and from Forest Service receipts.

For your information, the State of Nebraska considers this program so important that in addition to the 50 percent Federal share the state provides 25% of the cost of acquisition of land and development of facilities. As a result, the local subdivisions provide 25% of the total costs. Because of this program, we were able to acquire 77 acres of Papillion creek flood plain for the expansion of our park system. We are a city of 4700 population in the Omaha Metropolitan area and have tripled our population in the last ten years. Because we anticipate continuation of this rapid growth, it was important that land available for open air recreation use be acquired before it was developed in another manner.

We feel that this program is being administered by both federal and state authorities in a very effective and impartial manner. It enables both large and small government entities to provide adequate future outdoor recreation.

Because the current program is a beneficial one, we feel that everything should be done to enable it to function at the rate it was first planned. We strongly support the passage of Senate Bill 1401.

Respectfully yours,

LYNN L. LANDGREN, *Mayor.*

CITY OF LINCOLN, NEBRASKA,
January 24, 1968.

Re Senate Bill 1401.

CHAIRMAN,
Senate Interior and Insular Affairs Committee,
U.S. Senate, Washington, D.C.

HONORABLE SIR: I am writing in my capaicty as Mayor of the City of Lincoln to request that you give favorable consideration to Senate Bill 1401 earmarking

the receipts from Tidelands oil and the receipts of the U.S. Forest Service for the next five years to supplement the Land and Waters Conservation Fund.

This fund has been of the utmost importance to the City of Lincoln and the communities of Nebraska in accomplishing a job for which there are never enough local tax dollars.

The legislature of the State of Nebraska has indicated that they too feel this is extremely important in that they have made available to the cities and towns of Nebraska, Twenty-five percent of total projects involving Land and Waters Funds.

The City of Lincoln has used Land and Waters Funds for the development of 530 acre Holmes Park. This project is now well over half done and at least four years ahead of any schedule we might have had were it not for the Land and Waters money.

Our long range projection on park development includes other projects which will not be possible to do without this aid. So again I am asking that you please consider this bill favorably.

Sincerely,

SAM SCHWARTZKOPF, *Mayor.*

CITY OF RENO, NEV.,
January 31, 1968.

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

DEAR SENATOR JACKSON: I have studied Senate bill 1401 in detail and urge, in principle, its passage. The bill will greatly increase the benefit of the Land and Water Conservation Fund program.

In Nevada, as well as other states, various levels of government are depending on the Land and Water Conservation Fund program to assist in acquiring and developing needed park and recreation areas.

May I also point out that Nevada, as well as the other states and also the federal resource agencies, are receiving demands for Land and Water Conservation funds far in excess of the funds now available. This demonstrates the fact that if the intent of the Land and Water Conservation Fund act is to be fully utilized, a new source of funding must be found to increase present state and federal allotments.

I question the Department of the Interior's proposal that the Land and Water Conservation Fund be stabilized at $200 million or that the federal-state distribution ratio of 40–60 be changed to 50% federal and 50% state.

In as much as Bill S. 1401 will substantially benefit the program, urgency in the enactment of the Bill and the retention of the present state-federal distribution ratio of 60–40 is recommended.

Sincerely,

ROCCO L. SPINA,
Park and Recreation Director,
Nevada Outdoor Recreation Coordinating Committee.

STUHR MUSEUM OF THE PRAIRIE PIONEER,
Grand Island, Nebr., January 30, 1968.

CHAIRMAN,
Senate Committee on Interior and Insular Affairs, Senate Office Building,
Washington, D.C. 20510.

DEAR MR. CHAIRMAN: It has come to our attention that there is a bill before the Senate S. 1401 which would change the funding of the water and soil conservation fund, so that monies to support the program could be obtained from off shore oil fees. We favor this bill since it would apparently make the funding of this program more stable than it has in the past. As you are aware, this program involves federal money and matching money from the States and in our case from a county. Our particular project has been delayed several years because federal money has not been available when state money has been available.

This is a very fine program for the political subdivisions: an example is the case of our project. We have a project here which involves an area which we would like to turn into a recreation area. The county in this case has no funds available for establishment of such a park but the need is very great here. The

state does maintain another small park of about this size several miles from here but during the summer particularly, the load is very heavy and cannot accommodate all of the people. While many of these are visitors it is also a community used park. We propose here with our project which amounts to 126 thousand dollars to develop a park area with picnic tables, nature trails, shelters and other recreational facilities. This will be a great asset to the community and to the surrounding area as well as providing as rest stop off the Interstate for tourists going through the area.

We also like the funding aspect of this that it comes through the state to the local people because they understand our problems and we can deal with them directly any time it is necessary to do so. We are therefore, heartily in favor of the passage of S. 1401.

Sincerely,

HALL COUNTY MUSEUM BOARD,
S. N. WOLBACH, *President.*

AINSWORTH, NEBR., *January 29, 1963.*

Senator HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee, Senate Office Building, Washington, D.C.

DEAR MR. JACKSON: I am writing this letter on behalf of the City of Ainsworth in support of S. 1401.

The City of Ainsworth is familiar with the programs which this bill is intended to fund, in fact the City of Ainsworth has been working in cooperation with the State of Nebraska in connection with a Land and Water Conservation Fund project for our city. This project has been recently approved through the fine cooperation of the State of Nebraska and the Federal Government.

It has been my observation that other communities that have participitated in this program and have been receiving funds in connection with it have greatly benefited by the program. It is my feeling that the continued funding of this program would be beneficial to many cities and communities throughout the nation.

I therefore earnestly solicit the favorable consideration of your Committee of this legislative bill.

Very truly yours,

E. E. COPES,
Mayor, City of Ainsworth.

BUTLER UNIVERSITY,
Indianapolis, Ind., January 26, 1968.

SENATE SUBCOMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate, Washington, D.C.

GENTLEMEN: I am writing to support Senator H. M. Jackson's bill S 1401 to put revenue from offshore oil receipts into the land and water conservation fund.

The "ecological crisis" which this nation and the world is facing deserves much more attention than it is now receiving, and this bill is one small step in this recognition.

Sincerely,

JOHN PELTON, *Head.*

VILLAGE OF HENDERSON,
Henderson, Nebr., January 30, 1968.

INTERIOR AND INSULAR AFFAIRS COMMITTEE,
Senate Office Building, Washington, D.C.

GENTLEMEN: We want to urge your committee to support Senate Bill S 1401, which would designated funds to go to the Land and Water Conservation Fund, that have previously been put into the General Fund.

Money from the Land and Water Conservation Fund has been used by our community for a park and recreation program, which has helped build up our community. Without this money supplied us through the Land and Water Conservation Fund, it would not have been possible for us to have done it alone.

Again we ask that you support S 1401.

Thank you.

Sincerely yours,

HENDERSON VILLAGE BOARD,
D. P. RATZLAFF, *Chairman.*

JANUARY 28, 1968.

Re bill 1401.

SENATE COMMITTEE ON INTERIOR & INSULAR AFFAIRS,
Washington, D.C.

GENTLEMEN: The Cambridge City Council wishes to go on record in support of bill 1401.

Respectfully yours,

CITY OF CAMBRIDGE, NEBR.,
By HAROLD HILTON, *Mayor.*

BOARD OF PARK AND RECREATION COMMISSIONERS,
Kansas City, Mo., January 29, 1968.

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

DEAR SENATOR JACKSON: As Director of Parks and Recreation for Kansas City, Missouri, I have been following your S. 1401 very closely. We here in Kansas City have taken advantage of the Land and Water Conservation Fund provisions and consider it imperative the program continue and expand, if possible.

Land acquisition for outdoor recreation must not be delayed. The escalation of prices will merely put more and more needed land beyond the financial feasibility and capability of Municipal, County, State and Federal agencies to obtain.

Our department, therefore, supports your bill and requests prompt committee action so it may proceed for action by the Senate.

Very truly yours,

FRANK VAYDIK,
Director, Parks and Recreation Department.

THE CITY OF ALLIANCE,
Alliance, Nebr., January 29, 1968.

Re S. 1401.

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

DEAR SENATOR JACKSON: In behalf of City of Alliance, Nebraska, I would like to make this expression to your Committee and urge the support to and adoption of S. 1401 which will dedicate certain miscellaneous funds from tideland oil receipts and from certain forest fees to the Land and Water Conservation Fund for the next five years.

If this is done we believe the appropriations and amounts of funds made available to Nebraska, and other states, for recreational purposes (programing matching funds) will be stabilized. With such stabilization, the proper state agency, in our case the Nebraska Game and Parks Commission, would know with greater assurance the appropriations to the state for recreational purposes would not be cut. This would make planning more effective and insure the fulfillment of the state plan which to a great extent is a response to the total local reqeusts for aid. The Recreation Users' fees which now determine fulfillment of such federal appropriations to the state are inadequate, resulting in an extensive appropriation cut.

We think passage of this proposed bill would be good legislation and therefore strongly urge the Committee to give it favorable action and that it be advanced to a successful passage.

Respectfully yours,

WALTER A. MISCHNICK, *Mayor.*

CITY OF CHAPPELL, NEBR.,
January 25, 1968.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building,
Washington, D.C.

DEAR SIRS: We are very grateful for your assistance in enabling us to acquire real property adjacent to Chappell and Interstate 80 so that we can develop a recreational area containing a 38 acre lake, a golf course, and a park area. We

are currently in the process of negotiating for the land acquisition which is soon to be consummated.

Our community plans to add an Air strip, a trailer park, a motel and service complex, and other useful features to supplement this recreational area. We are definitely of the opinion that the new recreational area will attract a substantial number of tourists and benefit our local economy.

We think that Senate bill S 1401 and House Bill HR 8578 will assist in our own project and others similar to ours.

The cost of our recreational area will be also supplemented by a 25% contribution by the State of Nebraska.

We are real pleased with the successful manner in which the entire project has been handled; and we prefer that the recreational area program be administered on the State level.

Thank you very sincerely for your helpful participation in our recreational area development.

Very sincerely yours,

R. L. SMITH, *Mayor.*

ROLLINS COLLEGE,
Winter Park, Fla., February 1, 1968.

Senator HENRY JACKSON,
Chairman, Committee on Insular & Interior Affairs,
U.S. Senate Building, Washington, D.C.

DEAR MR. JACKSON: As a trustee of the National Park and Recreation Association, and as one who is deeply interested in the preservation of our natural resources, I wish to express to you my appreciation for the introduction of Bill 1401 which would add revenues accruing under the Outer Continental Land Shelf Act of 1953, and earmark revenues from the Mineral Leasing Act of 1920, as well as funds from the national forests which are now deposited in the miscellaneous receipts of the United States Treasury. I think this bill is one of the most important pieces of legislation that has been introduced.

Sincerely,

PAUL DOUGLASS,
Professor of Government.

SAVE THE DUNES COUNCIL,
Munster, Ind., January 30, 1968.

Hon. HENRY JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We wish to indicate our whole-hearted support for S–1401. The funds presently available to the Land and Water Conservation Fund are inadequate and new sources of monies are needed. It is entirely fitting, indeed most logical and appropriate, that receipts from the use of a natural resource—namely revenues from off-shore oil—should be used for conservation purposes to preserve some of our natural heritage.

We are most concerned with the Indiana Dunes National Lakeshore. Very limited funds were appropriated for the acquisition of land and land costs in this area are rapidly rising. Some encroachments of inappropriate uses are being attempted and if sufficient funds were available these threatened areas could be purchased by the National Park Service.

May we respectfully urge approval of S–1401 as written.

Yours very truly,

SYLVIA TROY,
Assistant to the President.

THE CATTLE NATIONAL BANK,
Seward, Nebr., January 31, 1968.

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Building, Washington, D.C.

DEAR SIR: The Park Board of Seward, Nebraska wishes to support Senate Bill 1401 and its companion H.B. 8578.

Seward is scheduled for funding of our Centennial Park project in Fiscal Year 1969. If it were not for Land and Water Conservation Fund money, it would

have been many years before the project could have been completed. If there had been more Land and Water Conservation Fund money we could have been using our new park area for the last two years.

We are preparing a project for further development of our park system, which will include the addition of more park area and the development of more outdoor recreation facilities in our present parks.

We hope you will give this matter your favorable consideration.

Sincerely,

A. C. BEK,
Chairman, Seward Park Board.

NATIONAL CAMPERS & HIKERS ASSOCIATION,
Carbon Hill, Ala., January 31, 1968.

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

DEAR SENATOR JACKSON: In the capacity of Southeastern Regional Conservation Director of the National Campers and Hikers Association, I wish to assure you that I am encouraged and pleased to further your efforts in favor of S. 1401.

It is my feeling that Secretary Udall's recommendation to you with his suggested amendments are wise and favorable.

Information concerning this bill reached me too late to circularize it to the various chapters, however I will advise the several State Associations of the NCHA in this SE Region of the action you have made, and of course, your continuing effort to provide for an effective functioning of the Land and Water Conservation Fund Act.

Sincerely yours,

BERNARD L. PELZ,
Southeastern Regional Conservation Director.

NATIONAL COUNCIL OF STATE GARDEN CLUBS, INC.
Atlanta, Ga., February 2, 1968.

Hon. HERMAN E. TALMADGE,
U.S. Senate, Washington, D.C.

DEAR SENATOR TALMADGE: As you know, Senator Jackson, Chairman of the Committee Interior and Insular Affairs Committee, will hold hearings on Senate Bill 1401 which amends Title 1 of the Land and Water Conservation Fund Act of 1965. The National Council of State Garden Clubs would appreciate your help in getting a favorable Committee report. We prefer that only revenues from the Outer Continental Shelf receipts be added to make a total of $200 million annually for the next 5 years.

Garden Club members have long been in favor of the acquisition of land for public recreation purposes. It must be done now as land prices are escalating rapidly. Senate Bill 1401 will help establish 23 new Federal recreation areas. This legislation will make is possible for our State of Georgia to have more state parks and recreation areas.

I hope you will support S. 1401 and make this letter part of the public hearing record.

Sincerely yours,

ELIZABETH MASON,
Conservation Chairman.

GREENWOOD COUNTY, S.C., *February 22, 1968.*

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

DEAR SENATOR JACKSON: This letter is in reference to Senate Bill 1401, pertaining to amending the Land and Water Conservation Fund Act of 1965. May I take this opportunity to inform you that at a recent meeting of the Executive Board of the South Carolina Recreation and Park Society, the vote was 100% in support of your amendment to the bill.

We are sincerely grateful for you service to the recreation profession within the State of South Carolina and throughout the nation. If our Society can be of assistance, please afford us the opportunity.

Sincerely,

W. M. WILBANKS,
Legislative Chairman, South Carolina Recreation and Park Society.

BEVERLY SHORES, IND., *February 20, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SIR: With man seemingly bent on destroying himself and everything about him, it is encouraging to know that there are some who will work toward conservation of a small portion of our beautiful land.

The threat to our tiny speck of Indiana which was supposedly saved for a National Lakeshore is so great and immediate. A bill such as S. 1401 is apparently the only thing which can halt the greedy destrution of the Indiana Dunes and other threatened areas of the country.

Sincerely,

MIRIAM BUHMAN.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

Whereas, the United States Department of the Interior has just received bids totaling $603,000,000.00 for the lease of certain Federal tracts of land in the Santa Barbara Channel for the development of petroleum resources; and

Whereas, it makes good common sense to allocate funds derived from the depletion of one natural resource, namely offshore petroleum resources, to the development of another natural resource, such as acquisition of coastal lands for creation of a sea-shore recreational area for all the public to enjoy; and

Whereas, to this end Senate Bill 1401, co-authored by Senators Thomas H. Kuchel of California and Henry M. Jackson of Washington proposes allocation of all Federal off-shore income during the next five years to the Land and Water Conservation Fund, a fund established in 1965 for purchase of recreational lands by Federal and State governments; and

Whereas, President Lyndon B. Johnson has informed Congress that he will recommend that approximately $100 million of off-shore petroleum lease income be used for the Land and Water Conservation Fund;

Now, therefore, be it and it is hereby ordered and resolved that the Board of Supervisors does endorse the SB 1401 and does urge the United States Department of the Interior to expend monies so derived from the Land and Water Conservation Fund for the purchase of those coastal lands west of the area known as "Gaviota" in Santa Barbara County, California, for the creation of a national sea-shore recreational area.

It is further ordered and resolved that copies of this resolution be transmitted to U.S. Senator Henry M. Jackson, U.S. Senator Thomas H. Kuchel, Congressman Charles Teague, Assistant Secretary of the Interior Stanley Cain, State Senator Robert Lagomarsino, and Assemblyman Winfield A. Shoemaker, urging their support of this resolution.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, this 13th day of February, 1968, by the following vote:

Ayres: George H. Clyde, Joe J. Callahan, Daniel G. Grant, F. H. Beattie, and Curtis Tunnell.

Noes: None.

Absent: None.

CURTIS TUNNELL,
Chairman, Board of Supervisors.

LAS VEGAS, NEV., *February 4, 1963.*

Subject: S. 1401.
Hon. HENRY M. JACKSON,
Chairman, Interior and Insular Affairs Committee,
Senate Office Bldg., Washington, D.C.

DEAR SENATOR JACKSON: Because the experience of the brief operation of the Land and Water Conservation Fund has shown it to be woefully inadequate. I am in favor of substantially increasing the fund by some means such as provided in S. 1401. I also favor retention of the 60–40 federal-state ratio.

Thank you for sponsoring this forward-looking legislation.

Sincerely yours,

VIRLIS L. FISCHER,
Vice President Nevada Wildlife Federation.

WINNETKA, ILL., *February 6, 1968.*

Hon. HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JACKSON: I am writing to add my voice to others who support S. 1401 to put revenue from off-shore oil receipts into the Land and Water Conservation Fund and thereby help provide funds for the purchase of additional national park land.

My support can only have meaning in that I may be typical of a great portion of the silent vote which does not keep intimate watch on every advance or retreat of conservation legislation but which is in full sympathy with every effort being made not only to maintain but to expand and improve the parks and outdoor resources of this country.

I can only hope that you are successful with this bill and with others of similar intent which may follow.

Sincerely,

ROBERT BRADNER.

BEVERLY SHORES, IND., *February 5, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: Please support S. 1401 to amend the Land and Water Conservation Fund Act to put revenue from off-shore oil receipts into the Land and Water Conservation Fund, amounting to $200 million annually for the next five years, in order that money from this fund can be used to purchase land in National Parks.

The threats and encroachments to the Indiana Dunes National Lakeshore necessitate the purchase of some of this land immediately. The west end of Beverly Shores, an area of about 340 acres, is threatened by the Indiana Dunes State Park. The state park intends to level the most beautiful dunes and woods for 3,200 parking spaces and a sewerage disposal plant that will spoil the water system just put in for the town of Beverly Shores, and it will condemn the 50 homes in the area, forcing the people to move. The National Lakeshore has conservation in its program and will save these beautiful dunes and woods and allow the homeowners to keep their homes if they wish.

The town of Beverly Shores is as a unit against the state park take-over, and since this is at a critical stage now, we desperately need your help. We will support the National Lakeshore, if only we are allowed to do so.

Yours very truly,

Mr. and Mrs. PHILLIP RAPHAEL.

CONCORD, CALIF., *January 20, 1968.*

Senator HENRY M. JACKSON,
Chairman, Senate Committee on Interior and Insular Affairs, Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: We strongly support your bill, S. 1401, amending the Land and Water Conservation Fund Act.

This bill will make it possible to acquire future National Parks and outdoor recreation systems.

We are very happy to see this important piece of legislation.

We ask that this letter be made a part of the hearing record.

Very truly yours,

WILLIAM SATTLER.
GENEVIEVE SATTLER.

GRETNA STATE BANK,
Gretna, Nebr., February 7, 1968.

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

DEAR SENATOR JACKSON: We would certainly appreciate your support to arrange that proceeds of offshore oil drilling should be directed to the Land and Water Conservation fund so as to preserve the capital assets of this great nation and in connection with the hearings on bill 1401.

We, as a nation, can only benefit from the oil depletion by re-investment for future generations, who certainly will have a much greater need than do we today.

Sincerely,

MARVIN L. KILLION, *President.*

ASHEVILLE, N.C., *June 7, 1968.*

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

DEAR SENATOR: I would like to urge enactment of S. 1401 to amend title I of the Land and Water Conservation Act of 1965.

I also recommend that the bill should have suitable amendments thereto as proposed by the Secretary of Interior to add receipts from the Outer Continental Shelf to the current revenue resources and provide adequate funding.

Respectfully,

ARCH NICHOLS.

CHESTERTON, IND., *February 6, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs
Washington, D.C.

DEAR SENATOR: May I impress upon you the importance of your support of S. 1401.

Its passage, amending the Land and Water Conservation Act, will make funds for immediate acquisition of the areas already designated for Indiana Dunes National Lakeshore available without the long delay which would bring encroachment on these areas.

Your help is needed, and thank you.

LOUISE M. BROWN.

CHESTERTON, IND., *February 7, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

MY DEAR SENATOR: I urgently request that you support Senate Bill S. 1401, that would enable the Department of Interior to obtain additional monies for the purchase of land in National Parks; specifically, for the Indiana Dunes National Lakeshore which land is being purchased by speculators for other than conservation purposes.

Sincerely,

CHESTER R. BRONSKI.

CHESTERTON, IND., *February 7, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR: This note is being sent to again impress upon you the importance of your giving all pressure possible to the passage and support of S. 1401.

Its passage will mean help for this area in acquiring the land immediately for the National Indiana Dunes Lakeshore.

Most sincerely,

HELEN BROWN.

CHESTERTON, IND., *February 6, 1968.*

Senator HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR: Your support of Bill S. 1401 is most important.

Its passage to amend the Land and Water Conservation Fund Act will, as you know, make available more funds for acquiring the areas already designated for the Indiana Dunes National Lakeshore. Further delay will mean encroachment on these areas.

Most sincerely,

OLGA ADAMS.

WASHINGTON, D.C., *February 12, 1968.*

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

DEAR SENATOR JACKSON: My wife and I, as land and home owners in Maryland, with to urge you most strongly to reconsider your bill S. 1401 which has in mind to turn over hundreds of millions of dollars to the Land and Water Conservation Fund of the Department of the Interior. This money, we understand, would be used to purchase land for additional parks and more recreational facilities.

As interested citizens, we are appalled at the tremendous problems facing our country today, and it is incomprehensible to us that such huge sums of money should be considered for parkland at a time when the war in Vietnam is worsening, crime is rampant all over America, and the slum conditions of the poor are intolerable. (In fact, the parks now in existence are not safe because the criminal elements appears to go unchecked!) Surely, additional support for our boys who are dying on foreign soil, better-trained and larger police forces, and jobs and job-training for the unemployed supersede any programs for buying more parks.

Obviously, the purchase of additional property for such parkland would be from private property owners, taking that much more land off of the tax rolls. This appears to us to be an ill-considered proposal in the light of the country's already beleaguered economy.

We request again that you and your committee take another look at the true value of S. 1401, and we hope that you will recommend instead, that this money be put to a more vital use. Thank you.

Yours truly,

ARNO AND MABEL VIEHOEVER.

ARCATA, CALIF., *February 12, 1968.*

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

DEAR SENATOR JACKSON: I oppose S. 1401 and similar bills both as an individual and as a member of the Landowners Protective Association. My reasons for opposing this type of legislation are:

(1) It is poor practice to earmark the revenues from specific tax resources for certain uses. The Congress should retain control of the public purse.

(2) Now that the federal government has begun to recognize that it cannot provide free recreation to the public it is time for the government to begin withdrawing from the recreation business. Without excessive competition

from the government, private enterprise would meet all real recreational needs. This would be done better than it is now being done by the government.

(3) There is too much land in government ownership now. If additioal government funds are to be spent on recreation they should be spent on development, not on acquisition.

(4) Overbuying land by the government is more likely to cause than to avoid land price escalation.

In view of the foregoing, I hope that your Committee will not report favorably on S. 1401 and similar legislation.

Would you please have this letter included in the printed record of the hearings on S. 1401.

Sincerely,

WILLARD E. PRATT.

PINDER'S RESORT,
Protem, Mo., February 3, 1968.

DEAR SIRS: We do not think it fair or equitable for the Corps of Engineers to develop these campgrounds around commercial docks or public lakes, built with taxpayers monies for floods, not recreation.

If resorts with boats were allowed to rent boats for the day, there would be plenty of camp grounds built at no cost to the government. They are holding back improvements on private ground with their unevorkable rules. And, thereby depriving counties of taxes.

Sincerely yours.

MRS. WALTER J. PINDER.

MOUNTAIN HOME, ARK., *January 27, 1968.*

SENATE PUBLIC WORKS COMMITTEE,
U.S. Senate, Washington, D.C.

GENTLEMEN: As the emphasis seems to be on the fees charged on the lake docks, we are wondering if they are the only consideration.

As bad as their situation is, The Golden Eagle fee has been far more desructive for those affected by it. We have gone on record many times as to the gross discrimination created by the Golden Eagle, so I'll not repeat it here.

What I can report, after one full year of the Golden Eagle is—that of the eight resorts on Cranfield Road, one has been sold, one has a for sale sign displayed, and one has been closed completely.

The small resort now returns such a small profit that it doesn't take much to bankrupt it.

Our gross returns were off as 30% last year in some instances. The traffic count-down about 33%. If we are contacting the wrong committee, please forgive us, but the situation is desperate and the 1968 tourist season is rapidly approaching.

Sincerely yours,

CECIL PILGER.

CONCURRENT RESOLUTION OF SOUTH CAROLINA LEGISLATURE

Concurrent resolution memorializing Congress to enact proposed legislation amending the Land and Water Conservation Fund Act of 1965

Whereas, outdoor recreation is necessary for physical development and is a re-creation of one's sense of purpose and a re-juvenation of one's awareness of himself and others around him; and

Whereas, the United States and South Carolina have an abundance of natural resources, effective federal, state and local action is necessary to assure the people of America a place in which to re-create; and

Whereas, it is evident that population will double in the United States by the year 2000 with demand for recreational opportunity tripling during the same period; and

Whereas, outdoor recreation lands and facilities are deficient in most urban areas; and

Whereas, high quality non-urban areas must be acquired and preserved now for recreational use by future generations; and

Whereas, we in South Carolina recognize that in our heritage our Country and State offer many recreational opportunities; and

Whereas, without proper planning for orderly acquisition and development there is no assurance that needs will be met; and

Whereas, local communities as well as some states do not presently have the fiscal resources to undertake a planning, acquisition or development program of the magnitude recreation requires; and

Whereas, we in South Carolina are using the resources of the land and water conservation fund as one of the federal programs which we believe will contribute in a large measure to meeting recreation needs; and

Whereas, the land and water conservation fund is inadequate in some areas to sufficiently fulfill its purpose of an incentive for recreational acquisition and development: Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Congress be memorialized to enact, without delay Senate Bill 1401 which proposes to amend Title 1 of the Land and Water Conservation Fund Act of 1965 to provide for additional revenues to accrue to the fund.

Be it further resolved, That a copy of this Resolution be forwarded to each United States Senator and member of the House of Representatives from South Carolina and to the President of the United States Senate and to the Speaker of the United States House of Representatives.

Attest:

[SEAL]

INEZ WATSON,
Clerk of the House."

PORTLAND, OREG., *February 6, 1968.*

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

MY DEAR SENATOR JACKSON: Would you be good enough to include this letter in the record of the February 5 and 6, 1968 hearings on S. 1401, amending the Land and Water Conservation Fund Act.

I urge that Congress take favorable action on S. 1401.

My work as Parks and Recreation Chairman of the Portland Metropolitan Study Commission, as Secretary of Oregon's 800-member Committee to Save the Beaches, and as General Chairman of the 1967 Convention of the Federation of Western Outdoor Clubs, has convinced me that we need more financing for recreation now. More funds must be readily available to purchase authorized park lands promptly, before speculation causes land costs to sky-rocket and before conflicting land uses develop.

In Oregon, where tourism and recreation will be our second industry in a few years, and our premier industry by the year 2000, we are increasingly aware of the need to protect more land for public recreation. It is widely conceded that our magnificient coastline is threatened unless public funds can be found now to preserve for all time its unique, undeveloped character. We have authorized a bold and far-reaching Willamette River Greenway park project to establish a greensward through that part of Oregon which sustains 80 percent of our population. Increasing the amount of Land and Water Conservation Funds for projects such as these would immeasurably enrich the heritage of coming generations of Americans everywhere in our country.

I am pleased also to note the inclusion in this bill of provisions to permit the Secretary of Interior to protect scenic values without maintaining an exclusive interest in certain lands in or adjacent to parks. We need laws at both the state and federal level to protect in a flexible manner the recreational potential of the greatest possible amount of land, without purchasing a fee interest in all such land, or intruding upon wholesome private uses.

Very truly yours,

JANET MCLENNAN.
Mrs. Wm. S. McLennan.

CHICAGO, ILL., *February 1, 1968.*

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

DEAR SENATOR JACKSON: I have recently received information pertaining to the pending Bill S. 1401 for increasing the authorized income of the Land and Water Conservation Fund.

Along with many others, I regard this as a most important legislative measure in the Public Parks field. Unless adequate funding is provided, many authorized public parks and recreational areas, I am sure, will be seriously jeopardized, or totally ignored. We all know how important this is to our Nation and trust that every possible action will be taken to see that this Bill is passed.

Being identified in the field of recreation as Trustee of the National Recreation and Park Association for a number of years, I have a particular interest in seeing that the response to this Bill is favorable.

Yours very sincerely,

SANGER P. ROBINSON.

WEEPING WATER, NEBR., *January 31, 1968.*

Re S. 1401; H.R. 8578.

Hon. SENATOR HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SIR: We ask your support for these bills because they would direct more money into the Land and Water Conservation Fund Program.

Weeping Water, Nebraska has applied for help to build a swimming pool, out-door tennis and basketball courts, and a foot-bridge across the creek to join the park and lakes, but no funds are available.

We would appreciate your support on these bills.

Sincerely yours,

CHESTER HOPPER, *Secretary.*

RANDOLPH, NEBR., *January 24, 1968.*

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Senate Office Building, Washington, D.C.

DEAR SENATORS: It has come to our attention that there exists a surplus in the off-shore resources revenues funds. It has also been reported that a bill has been offered that would transfer this surplus to the Land and Water Fund.

We write you in urgent support of this action as represented by Senate Bill 1401 and House Bill 8578.

Successful passage of this legislation would assume the further development of our Great State of Nebraska's, and other States' programs, for resources and recreation development for large numbers of culturally and recreationally deprived persons and areas.

Our State, under the able leadership of Mr. Mel Steen, has moved forward in this area with enthusiasm and meaningful support, paying 25% of the cost of these worthwhile and needful projects, and will not be able to continue this development with the present existing shortage, of participating federal monies in the Land and Water Fund.

Our own local project will fill a void that, up to the present, leaves hundreds and hundreds of area people deprived of nature's rewards.

Your positive action in this matter will be greatly appreciated by Nebraska and other needy areas.

Sincerely,

NORBERT OLBERDING, *Mayor.*

CHESTERTON, IND., *February 2, 1968.*

Senator HENRY JACKSON,
Senate Committee on Interior and Insular Affairs, Washington, D.C.

DEAR SENATOR JACKSON: My husband and I hereby express our support for S. 1401 which would amend the land and water conservation fund act to put money from off-shore oil receipts into the fund.

It seems highly appropriate that profits derived from the public domain should be plowed back into acquisition of public lands through the land and water conservation fund.

The great disparity between the areas authorized for public parks (and the need for additional parks) and the money presently available in the land and water conservation fund for purchase of land in authorized areas makes this measure a vital one for every American citizen.

Sincerely yours,

CHARLOTTE J. READ.
Mrs. Herbert P. Read.

KNOXVILLE, TENN., *January 30, 1968.*

Senator HENRY JACKSON,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: We hope that you will support the bill S. 1401 and that the Udall amendments be incorporated.

Sincerely,

Mrs. JANE H. ORLEANS, *Girl Scout Leader.*

KNOXVILLE, TENN., *January 31, 1968.*

Senator HENRY M. JACKSON,
Senate Office Building,
Washington, D.C.

DEAR MR. JACKSON: I wish to express my support for your bill S. 1401 with amendments as proposed by Sec. Udall in his letter to you of Jan. 4, 1968. Considering the increasing demand for outdoor recreation areas the need to reduce costs and provide funds for these is more urgent than ever.

Yours truly,

H. R. PAYNE.

SEATTLE, WASH., *January 16, 1968.*

SENATE COMMITTEE ON INTERIOR AFFAIRS,
U.S. Senate, Washington, D.C.

DEAR SIRS: I am writing this letter as an individual, to express my strong support for S. 1401, amending the Land and Water Conservation Fund Act.

My work as a professional in the field of resource conservation has made me painfully aware that one of the greatest problems in this area is the problem of escalating land values in areas necessary to acquire as part of our National Park and Recreation Ssytems. S. 1401, with its provisions for increasing the revenues of the Land and Water Conservation Fund, would go a long way toward meeting this critical problem. Therefore, I am strongly in favor of this act and urge favorable action upon it by the Committee.

Very truly yours,

M. BROCK EVANS.

BEVERLY SHORES, IND., *February 4, 1968.*

SENATOR HENRY M. JACKSON,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR JACKSON: Please support S. 1401 to amend the Land and Water Conservation Fund Act. We need money here in Beverly Shores immediately to buy 340 acres in the west end of town for The National Lakeshore. This area is threatened by the State Park of Indiana that intends to raze it for a 3,200 parking space area. It is now beautiful dunes and woods that the National Lakeshore wishes to develop with conservation in mind. Not only the people who live in the 50 houses in this area, but the whole town wants the National Lakeshore; please help all of us now before it is too late.

Yours sincerely,

STEPHEN FRANCIS POLYAK.

OLYMPIC PARK ASSOCIATES,
Everett, Wash., February 4, 1968.

SENATOR HENRY M. JACKSON,
Chairman, Committee of Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

Olympic Park Associates supports S. 1401 to add revenue to the land and water conversation fund from oil receipts of Outer Continental Shelf. Olympic National Park has over 7,000 acres of inholdings in more that 2,000 parcels. These inholdings have caused problems for the park for the 30 years of its existence. They must be purchased in order to preserve the integrity of the park. With expanding land values in Northwest these inholdings become more difficult to obtain. S. 1401 should speed up this process.

PHILLIP ZALESKY, *President.*

HARRISBURG, PA., *February 2, 1968.*

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

The Pennsylvania Game Commission supports the intent of S. 1401 and H.R. 8578 and recommends the support of the committee and ultimate enactment.

GLENN L. BOWERS,
Executive Director.

DENVER, COLO., *February 6, 1968.*

Hon. FRANK CHURCH,
Chairman, Subcommittee on Public Lands,
Senate Committee on Interior and Insular Affairs,
Washington, D.C.:

Please include in hearing record for S. 1401: Strongly urge passage of S. 1401 providing three measures for increasing land and water conservation fund moneys and granting preauthorization purchase authority in view of billions appropriated for reclamation and increase in recreation land values. Appropriations for recreation lands must be made available now.

Regional Parks; Aiken Ornithological Society; Rocky Mountain Chapter, Sierra Club; Association for Beautiful Road; Federation of Womens Garden Clubs; Colorado Hawking Association; Colorado Mountain Club; Colorado White Water Association; Colorado Wild Life Federation; Denver Field Ornithologists; Mountain Area Planning Council, Men's Garden Club, Boulder; Plains Conservation Center.

HELENA, MONT., *February 3, 1968.*

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

Further reference our wire urging passage S. 1401. May we reaffirm our interest in this highly important legislation but also express concern regarding apparent administrative recommendation concerning change present 40–60; Federal, State apportionment ratio to 50–50. Thanks for consideration.

FRANK H. DUNKLE,
Director, Montana Fish and Game Department.

HONOLULU, HAWAII, *February 2, 1968.*

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

We in Hawaii are deeply concerned with the implementation of the Land and Water Conservation Fund Act. We are in full accord with the principles embodied in the bill, S. 1401, and hereby indicate our full support for this important legislation.

SHELLEY M. MARK,
Department of Planning and Economic Development.

DENVER, COLO., *February 5, 1968.*

Senator HENRY JACKSON,
Chairman, Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee, U.S. Senate, Washington, D.C.:

7,000 Colorado Federation of Women club members urge favorable action on S. 1401.

RUTH A. NEWLON.

LAS VEGAS, NEV., *February 5, 1968.*

Senator HENRY JACKSON,
U.S. Senate, Washington, D.C.:

I strongly support S. 1401. Nevada, behind in meeting outdoor recreation needs, would appreciate additional assistance.

Mrs. SAMUEL FORD.

DENVER, COLO., *February 5, 1968.*

Hon. FRANK CHURCH,
Chairman, Subcommittee on Public Land,
Senate Committee on Interior and Insular Affairs, Washington, D.C.:

Urge passage S. 1401 providing increased revenue and preauthorization purchase authority for land water conservation fund.

Mr. and Mrs. KENNETH A. PORTER.

APPENDIX B

(Under authority previously granted, the following Executive order of February 26, 1965, pertaining to user fees under the Land and Water Conservation Fund Act, was ordered printed in the hearing record:)

EXECUTIVE ORDER 11200, PROVIDING FOR ESTABLISHING USER FEES PURSUANT TO THE LAND AND WATER CONSERVATION FUND ACT OF 1965

Whereas it is desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people; and

Whereas these resources are to a considerable extent located on lands administered by the Federal Government through the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico); and

Whereas the Act of May 28, 1963, 77 Stat. 49, vested the Secretary of the Interior with legal authority to promote coordination of Federal plans and activities generally relating to outdoor recreation; and

Whereas it is fair and equitable that the users of certain recreation areas and facilities managed by such agencies pay a reasonable fee for the recreation benefits received; and

Whereas it is desirable to establish uniformity of practices among such Federal agencies regarding recreation user fees and related matters; and

Whereas the Congress, recognizing the need for urgent and effective action in this regard, enacted the Land and Water Conservation Fund Act of 1965, Public Law 88–578; 78 Stat. 897 (hereafter in this order referred to as "the Act"):

Now, threefore, by virtue of the authority vested in me by the Act, by Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Designation of areas for 1965.* (a) All areas administered by the National Park Service, Bureau of Land Management, Bureau of Sport Fisheries and Wildlife, Bureau of Reclamation, Forest Service, Corps of Engineers, Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission (United States and Mexico), at which entrance, admission, or other recreation user fees (hereafter in this order referred to as "recreation user fees") were collected directly by those Federal agencies during any part of 1964 are hereby designated, pursuant to Section 2(a) of the Act, as areas at which recreation user fees shall be charged during 1965.

(b) The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Defense, the Board of Directors of the Tennessee Valley Authority, and the Commissioner, United States Section of the International Boundary and Water Commission (United States and Mexico), or their designees, shall, by April 1, 1965, designate any additional areas under their respective jurisdictions at which recreation user fees are to be charged during 1965.

(c) Recreation user fees for such areas shall be prescribed as provided in Section 5 of this Order.

SEC. 2. *Designation of areas for years after 1965.* (a) Subject to the provisions of subsection (b) of this section, the areas designated by Section 1(a), or pursuant to Section 1(b), of this Order are hereby designated as areas for which recreation user fees shall be charged for years after 1965.

(b) The officials described in Section 1(b) of this Order shall, before January 1, 1966, and at least annually thereafter, review all areas then under their respective jurisdictions, including those described in subsection (a) of this section, to determine (1) whether any additional areas should, in accordance with the designation criteria prescribed by Section 3 of this Order (or under those designation criteria as revised by the Secretary of the Interior pursuant to Section 6(c) of this Order), be designated as areas for which recreation user fees shall be charged, or (2) whether the recreation user fee for any area theretofore designated should be increased, reduced, or eliminated under the designation criteria then in effect.

(c) (1) Whenever, in accordance with subsection (b) of this section, it is determined that the recreation user fee for an area should be reduced or eliminated, such action shall be taken forthwith.

(2) Whenever, in accordance with subsection (b) of this section, it is determined that a recreation user fee should be charged with respect to an area with respect to which no such fee has theretofore been charged, such new fee shall be charged only after the posting requirements of Section 4 of this Order have been satisfied.

SEC. 3. *Criteria for designation of areas.* (a) Areas shall, in accordance with Section 1(b) and Section 2(b) of this Order and to the extent permitted by the Act, be designated as areas at which recreation user fees shall be charged if the following conditions are found to exist concurrently:

(1) The area is administered by any of the eight agencies specified in Section 1(a) of this Order;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreational purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that fee collection is administratively and economically practical.

(b) Areas designated as those at which recreation user fees shall be charged shall hereafter in this Order be referred to as "designated areas."

SEC. 4. *Posting of designated areas.* The heads of administering agencies and departments shall provide for the posting of signs at all designated areas such as will clearly notify the visiting public that recreation user fees are charged therein. All areas designated pursuant to Sections 1 and 2 of this Order shall be so posted prior to the beginning of the recreation season or as soon as practicable following designation. No recreation user fee established pursuant to this Order shall be effective with respect to any designated area until that designated area has been posted.

SEC. 5. *Establishment of fees.* (a) Each official described in Section 1(b) of this Order shall, subject to the criteria prescribed by the Secretary of the Interior, establish a recreation user fee for each designated area administered under his jurisdiction by selecting from a schedule of fee, prescribed by the Secretary of the Interior pursuant to Section 6 of this Order, the fee which is appropriate for each such designated area under criteria prescribed by the Secretary pursuant to that section. Each such official shall also specify which designated areas shall be excluded from the coverage of the annual fee described in Section 2(a)(1) of the Act and which, as a result of that exclusion will be subject to the fee described in Section 2(a)(iii) of the Act. The range of recreation user fees to be charged and the criteria for their selection shall be established under the procedures prescribed by Section 6 of this Order.

(b) The Secretary of the Interior shall prescribe the procedures for the production, distribution, and sale of the Land and Water Conservation Fund Sticker, which shall be issued to those individuals who elect to pay the annual fee. The Secretary of the Interior shall also prescribe the manner in which the Sticker shall be displayed. The conditions under which it may be used shall be determined under the procedures prescribed by Section 6 of this Order.

SEC. 6. *Coordination.* (a) The Secretary of the Interior shall, after consultation with the heads of other affected departments and agencies, adopt such coordination measures as are necessary to carry out the purposes of Sections 2(a) and 4(a) of the Act and the provisions of this Order.

(b)(1) In order that the purposes of the Act and of this Order may be effectuated without delay, the Secretary of the Interior shall, subject to the limitations imposed by the Act and without regard to the other provisions of this section, forthwith issue a schedule of recreation user fees and criteria to

be used in determining which such fees shall be charged with respect to each of the designated areas.

(2) Subject to the limitations imposed by the Act and subject to the provisions of subsections (a), (c), and (d) of this section, the Secretary of the Interior may, from time to time, amend or replace the schedule of fees and the criteria prescribed by him pursuant to subsection (b)(1) of this section.

(c) Subject to the limits set forth in the Act, the measures which the Secretary of the Interior may adopt pursuant to subsection (a) of this section may include, but are not limited to, the following—

(1) Initial preparation and coordination of the comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the Land and Water Conservation Fund, as required by Section 4(a) of the Act.

(2) Development of such additional procedures and interpretive materials as are necessary to facilitate the implementation of this Order and related provisions of the Act.

(3) Review and revision, if needed, of the criteria for designation set forth in Section 3 of this Order.

(d) Except with respect to the schedule of fees and the criteria prescribed by the Secretary pursuant to subsection (b)(1) of this section, measures and regulations adopted by the Secretary pursuant to this Order shall not become effective until 30 days after they are presented for the consideration of the other officials described in Section 1(b). Any such official who does not concur in any such measure or regulation may, within that 30-day period, refer the matter to the Recreation Advisory Council established under Executive Order No. 11017 for resolution. If a proposed measure is referred to the Council for resolution, it shall not become effective until approved by the Council. With the approval of all other officials described in Section 1(b) of this Order, the provisions of this subsection may be waived with respect to any specific measure or regulation adopted by the Secretary of the Interior pursuant to this order so that any such measure or regulation may be made effective before the expiration of the 30-day waiting period prescribed by the first sentence of this subsection.

SEC. 7. *Review of contracts.* The officials described in Section 1(b) of this Order shall, within a reasonable time, review all existing contracts and other arrangements between their respective agencies and any non-Federal public entity which relate to non-Federal management of Federally-owned outdoor recreation areas. Special attention shall be given to any provision in any such contract or other arrangement which prohibits or discourages in any way such non-Federal public entity from charging recreation user fees. Unless otherwise prohibited by law, each such restrictive provisions shall be the subject of renegotiation designed to accomplish a modification thereof that will permit the charging of recreation user fees.

SEC. 8. *Regulations.* The Secretary of the Interior is authorized to issue such regulations as may be necessary to carry out his functions under this Order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
February 26, 1965.

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