

Mr. Chairman: I would like as a sample scenic easement to insert into the record a copy of a scenic easement deed which the Department of the Interior used in connection with the establishment of the Ozark National Scenic Riverway in the State of Missouri. In addition Mr. Chairman, I would like to make available for the Committee's files a study of the problems of preserving recreational and open space lands prepared for the Department of the Interior by the Accokeek Foundation, Inc., dated October 1967. This study which deals with scenic easements may be of interest to the Committee.

SAMPLE OF SCENIC EASEMENT DEED

THIS INDENTURE, made this day of 1966 by and between of the County of St. Louis, State of Missouri, parties of the first part, and the UNITED STATES OF AMERICA, Washington, D.C., party of the second part.

WITNESSETH: WHEREAS, Public Law 88-492, passed August 27, 1964, provided for the establishment of the Ozark National Scenic Riverways in the State of Missouri, for the purpose of conserving and interpreting unique scenic and other natural values of objects of historical interest and authorized the Secretary of the Interior to acquire lands and interests therein, including scenic easements; and

WHEREAS, the parties of the first part are the owners in fee simple of the real property hereinafter described, lying, being and situate in Shannon County, State of Missouri, over which the Secretary of Interior has determined it to be necessary to acquire a scenic easement for the preservation of the scenic values of the area described in said Act, and are desirous in contributing to the development of the Ozark National Scenic Riverways;

NOW, THEREFORE, in consideration of the premises, and the sum of One and no/100 Dollars (\$1.00) to them paid by said party of the second part, the receipt of which is hereby acknowledged, the parties of the first part do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM, in perpetuity, subject to the considerations hereinafter set forth, unto the party of the second part and its assigns, an estate, interest and scenic easement in said hereinafter described real property of the nature and to the extent hereinafter described and do covenant on behalf of themselves, their heirs, successors and assigns (said covenant to run with said land) with the party of the second part and its assigns to do and refrain from doing, severally and collectively upon the said hereinafter described lands, the various acts hereinafter mentioned; it being hereby agreed and expressed that the doing of and the refraining from doing said acts, and each thereof, upon the said lands are and will be for the benefit of the part of the second part through the preservation of the scenic and other natural values and objects of historic interest to the Ozark National Scenic Riverways in accordance with Public Law 88-492 of August 27, 1964.

The scenic easement restrictions hereby imposed upon the use of said lands and the acts which the parties of the first part so covenant to refrain from doing upon the said hereinafter described lands are and shall be as follows:

1. Using the said lands for mining or industrial activity or for any purpose whatsoever except for noncommercial residential purposes or for such additional purposes as may be authorized in writing on such terms and conditions deemed appropriate by the Secretary of the Interior or his authorized representative. But the parties of the first part shall not be precluded hereby from farming the land nor from grazing livestock thereon provided the same be done in conformity with good husbandry practice. The permitted use for farming and grazing shall not include the harvesting of timber, but firewood for personal use may be gathered from selected areas upon approval of the Park Superintendent.

2. Erecting or building any structures on said lands, including major alterations to existing buildings, except as may be authorized in writing by the Secretary of the Interior or his duly authorized representative. There is specifically retained by the parties of the first part, their heirs, successors and assigns the right to perform ordinary maintenance on all existing structures and buildings, together with the right to replace, rebuild or substitute any building or structure now existing with similar buildings or structures in substantially the same location, if all or any of such existing buildings are destroyed or damaged by fire, storm or other casualty.

3. Permitting any change in the character of the topography of said lands other than that caused by the forces of nature, except as may be authorized