

Mr. McCLURE. It hadn't been my understanding that within national recreation areas it was the intention of the National Government to acquire fee to any of the land, necessarily.

Mr. HARTZOG. Well, we do have to have the fee for the areas that we are going to develop, the areas that we are going to make available for public use.

Mr. McCLURE. Surely.

Mr. HARTZOG. Then if an owner insists on developing an area that is not needed for one of these two categories, adversely the recreational environment, sometimes we simply have to acquire the fee in order to prevent it, and the Congress, recognizing this in the amendments to the Land and Water Conservation Fund Act, gave the Secretary authority in the circumstances to buy the land in fee and then either lease back or sell back a compatible development right.

Mr. McCLURE. That is an alternative, if you want to acquire a scenic easement but it is overpriced.

Mr. HARTZOG. That is correct.

Mr. McCLURE. But only in that event.

Mr. HARTZOG. That is right.

Mr. McCLURE. And not simply because the owner wishes to sell.

Mr. HARTZOG. No; that is right. But if he wishes to devote it to an adverse use. You see, this is where you come into the conflict. Assume he is running there now a dude ranch and the property becomes valuable for subdivision purposes, this is its highest and best use, in his judgment, and this is what he wants to make of it. You can't resolve the thing any other way than to pay him 90 percent or more of the fee, and in some cases this is what has been done. Our view is that the Federal Government should go ahead and buy the fee and then lease it back for operation as a dude ranch.

I would be very pleased to furnish you as part of the record the land acquisition policies that we do follow in national parks and in national recreation areas.

Mr. McCLURE. I am not sure that there is any disagreement between us but I want to make sure for the record what that policy is.

Mr. HARTZOG. Right.

Mr. McCLURE. Assume that you have acquired a scenic easement which is satisfactory, then there is no continuing problem as far as adverse use is concerned and there would then be no further acquisition of fee to that particular piece of property even though the owner might be willing to sell?

Mr. HARTZOG. That is correct, sir.

Mr. McCLURE. I think this is important not only for our purposes but for the understanding of the people in the local governments that are affected, that it is not the purpose of the Federal Government to acquire title except in the limited case that you are speaking of, of a developmental site or in the case where it is cheaper, more efficient to buy it rather than to buy the scenic easement?

Mr. HARTZOG. That is right.

Mr. McCLURE. I think your statement could have been construed the other way, that even though you have a scenic easement, even though there is no incompatible use, that there might be a further acquisition of fee by the Federal Government, which I think a good many people that I represent would find incompatible with their understanding of the policies of the Department.