

**STATEMENT OF NELSON BAKER, PARKS DEPARTMENT, CITY OF
BUFFALO, N.Y.**

Mr. BAKER. Thank you, Congressman. Thank you, your honorable committee, for being able to appear here. I would like to read this statement and leave it with your committee.

Your honorable committee is presently considering a bill to convey to the city of Buffalo, without consideration, approximately 51 acres of underwater lands adjacent to so-called Times Beach, in the city of Buffalo, N.Y.

This area is adjacent to a parcel of approximately 11 acres of uplands previously conveyed by the U.S. Government to the city of Buffalo in 1952 for park purposes.

It is the intention and desire of the city of Buffalo to use the entire 62 acres for park purposes for the benefit of the public.

After the 11 acres were conveyed by the U.S. Government, the city found that the acreage was too small for the type of park desired, which was for picnicking and boating purposes, and efforts were made to obtain the additional underwater lands for the purposes necessary to carry out the intentions of the city.

Maps of the area in question indicated that the underwater land was owned by the State of New York, and previous efforts had been made to obtain title from the State. However, after careful examination of the records, it was finally determined, after many years of research, that the State of New York had previously, in 1906, conveyed these lands to the U.S. Government. The question of title was finally determined by counsel for the United States Corps of Engineers, Buffalo District, in an opinion rendered in October 1966. Thereafter, such information was conveyed to Congressman Dulski, who thereupon introduced a bill in Congress for the purpose of conveying such land to the city of Buffalo for park uses. Such bill was subsequently referred to your honorable committee.

Thereafter, it was my understanding that your committee referred the matter to the U.S. Corps of Engineers for their report. After the Corps of Engineers received such referral it communicated with the city of Buffalo, and a representative of the city discussed the matter with the Corps of Engineers in Washington. In the course of such discussion, the Corps of Engineers indicated to the city of Buffalo that it desired to fill such area with dredge materials and requested that the city indicate in a resolution by the common council that such conveyance be subject to the rights of the Corps of Engineers to fill the area with dredgings from the Buffalo River. Subsequently, the city of Buffalo, pursuant to resolution No. 116, common council proceedings of October 10, 1967, enacted the required legislation, a copy of which has been forwarded to your honorable committee by the U.S. Corps of Engineers.

Pursuant to the resolution enacted by the Common Council of the city of Buffalo, the city of Buffalo has agreed that the Corps of Engineers may use such land for the purposes of filling the same with dredging material. As soon as the area has been completely filled with dredging matter, the city of Buffalo will place thereon topsoil to make it available for park purposes and build thereon the facilities to utilize the area as a park. The present plans for such area are to build base-