

of the property for 20 years without the written consent of the Secretary of the Interior; and (4) upon breach of any conditions, title to the property would revert to the United States.

At the time of the above-mentioned conveyance in 1952, all parties were of the mistaken belief that title to the underwater lands was in the State of New York. The laws of the State restrict the grant of underwater lands to the adjacent riparian owner (Sec. 75, Art 6, Public Lands Law of New York). Pursuant to this statute, the City of Buffalo, as riparian owner, made application to the State for a grant of subject underwater lands, following which the existing ownership of the United States became known. Investigation also disclosed that the previous conveyance of 11.0 acres of land actually encompassed five acres of the 51 acres described in this bill, leaving a remainder in the United States of only 46 acres of underwater land. Thereafter, the Department of the Army was requested to release these lands to the City of Buffalo. H.R. 510 would provide the requisite authority for such conveyance.

The Department of the Army is not opposed to the ultimate development of this area for park and recreational purposes. However, studies relating to the pollution problem of Lake Erie, disclose a potential need for disposal areas for dredged material. Subject 46 acres of underwater lands would serve a portion of such requirement, for which reason this Department would prefer to retain the privilege of using these lands for spoil disposal purposes. Consequently, should the Committee desire to favorably consider this bill, the Department of the Army would not object to a conveyance of these lands to the City provided, it is amended to reserve to the United States the right to use such lands as long as may be required for a spoil disposal area. This may be accomplished by adding a section 3 to the bill as follows:

"Sec. 3. Any deed of conveyance made pursuant to this Act shall reserve to the United States, so long as may be required, the right to use such lands for a spoil disposal area for materials dredged from the Buffalo Harbor Project, including the right to place structures thereon and to perform all other actions incident to such use, together with the right of ingress and egress thereto. Further, said deed shall contain such additional terms and conditions as may be determined by the Secretary of the Army to be necessary to protect the interest of the United States."

In view of the factual background relating to the aforementioned prior conveyance of the uplands to the City of Buffalo, it is recommended that, prior to any action on this bill, the Committee obtain the views of the Department of Interior and General Services Administration as to the merits of the proposal.

Should the Committee favorably consider this bill, it is further recommended that the following technical changes be made:

- (a) On page 1, line 7, delete "51" and substitute "46.01".
- (b) On page 1, line 8, after the word "for" insert "public park and". This will assure consistency with the conveyance of the upland.
- (c) Commencing on page 2, line 3, delete the entire section 2 and substitute a new section 2, as attached hereto.

The fiscal effect of enactment of this bill cannot be readily ascertained.

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

Sincerely yours,

STANLEY R. RESOR,
Secretary of the Army.

PROPOSED REVISED SEC. 2, H.R. 510, 90TH CONGRESS

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

- (1) PARCEL E.—Beginning at the point of intersection of the south line of outer lot 39 prolonged and the shoreline of Lake Erie as established in 1846, which point bears S. 68° 28' W., a distance of 140 feet, more or less, from U.S. Monument (No. 7), which monument is the southeasterly corner of the said outer lot 39; thence southwesterly at right angles with the established harbor line 1,140 feet, more or less, to the said harbor line;
- thence northwesterly along said harbor line 1,310 feet, more or less, to the point of intersection of said harbor line and a line at right angles thereto passing through the point of intersection of the shoreline of Lake Erie in 1846 and a line