

(Discussion off the record.)

Mr. McEWEN. That will be filled in?

Colonel ANDERSON. Yes. The city would then take over and convert this into recreation.

Mr. McEWEN. What is it used for now?

Colonel ANDERSON. Nothing.

Mr. McEWEN. I take it from this aerial view that it is from the very heart of the downtown area?

Colonel ANDERSON. Yes.

Mr. HARSHA. Colonel, I think in your suggested amendment you ask for a perpetual right to dispose in this area; is that correct?

Colonel ANDERSON. We did not put a time limit on it, sir. The idea was as soon as we had filled it, to its capacity, with dredge spoil, then the city takes over. We would anticipate, depending on just how the dredging program continues at Buffalo Harbor or Buffalo River particularly, that this would take 3 to 4 years.

Mr. HARSHA. Otherwise, we might hold up the development of this until such time as—indeinitely, as a matter of fact? Would you object, or the corps object to a time limit on this, of 5 years, say?

Colonel ANDERSON. Sir, I would like to study that a little more, but offhand, 5 years sound a little low; depending on how much spoil we dredge from the Buffalo River, which is the primary spoil that we are considering disposing here; it could take longer than 5 years to fill up the area.

Mr. HARSHA. Could you give us an estimate?

Colonel ANDERSON. I think it would be as high as 7 years.

Mr. HARSHA. You do not have to do it now. Could you provide a figure for us so when we get to executive session, by that time, it might be acceptable?

Colonel ANDERSON. We own the land, sir. That you understand.

Mr. HARSHA. Yes. I am in agreement with you, except I would not want delay of 20 or 30 years, because that will defeat the purpose of the legislation.

So if you could get together with your colleagues and determine a time that you think you can live with, that might be acceptable, we will consider that in executive session.

(The following was received for the record:)

After further consideration, the Corps recommends that the use of land under consideration for conveyance to the City of Buffalo, be reserved for a dredged spoil disposal site for seven years or such lesser time period as may be determined satisfactory by the Secretary of the Army. Should the Committee favor this proposal, then the Army's proposed amendment for a new section 3 should be modified by deleting the phrase "so long as may be required" and substituting appropriate language. For this purpose a revised new section 3 follows:

"Sec. 3. Any deed of conveyance made pursuant to this Act shall reserve to the United States, for a period of seven years from the enactment of this Act or such lesser period as may be determined satisfactory to the Secretary of the Army, the right to use such lands for a spoil disposal area for material 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 rights 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."