Legislative History
of
Fire Island National Seashore
1964 - 1980

Compiled by the
Office of Legislative and Congressional Affairs
NPS
June 2010
An Act

To establish the Fire Island National Seashore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay, all as delineated on a map identified as "Fire Island National Seashore No. OGP-0002", dated June 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by any other political subdivision of said State may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrative unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally
owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning ordinances exist shall be in the approximately eight-mile area from the easterly boundary of the Brookhaven town park at Davis Park, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of this Act or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements therein by condemnation. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the Secretary any one of the following three alternatives:

1. that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

2. that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any one person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the actuarial fair market value of the life estate retained, determined on the basis of standard actuarial methods;

3. that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

(f) The term “improved property” as used in this Act shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are con-
September 11, 1964 - 3 - Pub. Law 88-587

consistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning ordinance approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Sec. 5. The Secretary shall permit hunting, fishing, and shell-fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purposes.

Sec. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the natural resources located there. The area known as the Sunken Forest Preserve shall be preserved from bay to ocean in as nearly its present state as possible, without developing roads therein, but con-
Shore erosion control.

Pub. Law 88-587 - 4 - September 11, 1964

continuing the present access by those trails already existing and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this section of the seashore.

(b) Access to that section of the seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act, and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 5. (a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of one new inlet across Fire Island in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

Sec. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission). The Commission shall terminate on the tenth anniversary of the date of this Act or on the declaration, pursuant to section 2(b) of this Act, of the establishment of the Fire Island National Seashore, whichever occurs first. The Commission shall consist of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations made by each of the town boards of Suffolk County, New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the recommendation of the county executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.

(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation.
(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

(f)(1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt of payment of salary in connection with the appointee’s Government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

Sec. 10. There is hereby authorized to be appropriated not more than $16,000,000 for the acquisition of lands and interests in land pursuant to this Act.

Approved September 11, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1638 accompanying H. R. 7107 (Comm. on Interior & Insular Affairs).
SENATE REPORT No. 1300 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 110 (1964):
Aug. 6: Considered and passed Senate.
Aug. 21: Senate concurred in House amendments.
FIRE ISLAND SEASHORE

AUGUST 4, 1964.—Ordered to be printed

Mr. Bible, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 1365]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1365) to establish the Fire Island National Seashore, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

AMENDMENT

Strike out all after the enacting clause and insert in lieu therefor the following:

That (a) for the purpose of preserving for public outdoor recreation purposes certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high recreation values to the Nation, the Secretary of the Interior is authorized to establish an area to be known as the Fire Island National Seashore.

(b) The boundaries of the national seashore shall extend from the Fire Island Inlet to the Brookhaven-Southampton town line. The boundaries are delineated on a map identified as "Boundary Map, NS-PI-7100, Proposed Fire Island National Seashore, March 1964". The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire and, it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by a political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the
United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) The Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore, or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning bylaw that is satisfactory to the Secretary.

(f) The term "improved property" as used in this Act shall mean any building the construction of which was begun before January 1, 1963, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the use of the building. Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning bylaws which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning bylaw or any amendment to any approved zoning bylaw submitted to him that conforms to the standards contained in the regulations in effect at the time of such approval. Such approval shall remain in effect for so long as such bylaw or amendment remains in effect as approved.

(d) No zoning bylaw or amendment thereof shall be approved by the Secretary which (1) contains any provision that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such bylaw, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use
and occupancy is not consistent with an applicable zoning bylaw approved by
the Secretary in accordance with the provisions of section 3 of this Act, and upon
tender to the owner of the right an amount equal to the fair market value of
that portion of the right which remains unexpired on the date of termination.
Sec. 5. The Secretary shall permit hunting and fishing on lands and waters
under his administrative jurisdiction within the Fire Island National Seashore in
accordance with the laws of New York, except that the Secretary may designate
zones where, and establish periods when, no hunting shall be permitted for
reasons of public safety, administration, or public use and enjoyment. Any
regulations of the Secretary under this section shall be issued after consultation
with the Conservation Department of the State of New York.
Sec. 6. The Secretary may accept and use for purposes of this Act any real or
personal property that may be donated for such purposes.
Sec. 7. The Secretary shall administer, protect, and develop the Fire Island
National Seashore in accordance with the provisions of this Act and the applicable
provisions of the laws relating to the national park system, and the Secretary
may utilize any other statutory authority available to him for the conservation
and development of natural resources to the extent he finds that such authority
will further the purposes of this Act. Appropriate user fees may be collected
notwithstanding any limitation on such authority by any provision of law.
Sec. 8. The authority of the Chief of Engineers, Department of the Army,
to undertake or contribute to shore erosion control or beach protection measures
on lands within the Fire Island National Seashore shall be exercised in accordance
with a plan that is mutually acceptable to the Secretary of the Interior and the
Secretary of the Army and that is consistent with the purposes of this Act.
Sec. 9. There is hereby authorized to be appropriated not more than $16,000,000
for the acquisition of land and interests in land pursuant to this Act.

S. 1365 was introduced by Senators Keating and Javits on April 25,
1963. The subcommittee held a hearing in Washington on December
11, 1963, at which time both Government and public witnesses testified
at length on the proposal. Thereafter members of the Public Lands
Subcommittee participated in a tour of the proposed park.
On July 24, 1964, the bill was unanimously recommended by the
subcommittee. The full Interior and Insular Affairs Committee
took similar action on July 29, 1964.
The substitute for the original measure adopted by the committee
resulted from a careful study of the hearing record, particularly the
testimony of the New York Senators and Secretary Udall.

THE PROJECT

Fire Island is one of the Nation's finest undeveloped beaches and is
located in close proximity to the largest concentration of population
in the United States. Early action is indicated to preserve this fine
area for the public benefit and enjoyment. Unless this area is pro-
tected soon for public purposes, it is obvious that it will be developed
for limited private use and the opportunity to establish an outstanding
and sorely needed national seashore will be lost forever.
As originally proposed, the national seashore extended from the
western tip of Fire Island 52 miles east to the village of Southampton,
containing approximately 8,000 acres of land. It is now provided that
the national seashore be confined to a lesser area, limited mainly
to Fire Island. This reduced area includes about 33 miles of shoreline,
or about 6,700 acres of land.
The bill further provides that private property, both improved and
unimproved, may be retained by its owner, within certain designated
communities, as long as it is maintained in accordance with approved
local zoning requirements, except that the Secretary may acquire
within such designated communities any beach or waters together
with so much of the land adjoining them as he deems necessary for
public access. It is also provided that Federal, State, county, and municipal lands cannot be acquired without the consent of the owner.

On its field investigation of the area, the committee members were impressed with the fact that there are no roads traversing Fire Island and it is the intent of the committee that the Park Service continue it in its present roadless state. Access to the area is now available by the use of bridges and ferries. The use of the park itself should be confined to trails for bicycles, hikers, and other recreationists.

In its presentation the Park Service indicated that the cost of acquiring the 3,300 acres outside the Robert Moses State Park, the Smith Point County Park, and the designated communities would not exceed $16 million. The committee has therefore written into the bill authorization limitation of that amount for the acquisition of land and interests in land.

The committee was impressed with the unanimity of sentiment from all citizens and organizations in the area in support of this legislation. The New York State Council of Parks and the Suffolk County Board of Supervisors have taken a position in favor of its establishment. The committee has received literally hundreds of letters and telegrams expressing unqualified support.

STATISTICAL SUMMARY OF THE PROPOSED AREA TO BE ACQUIRED

Location: South shore of Long Island in Suffolk County, N.Y.

Area of proposed seashore:

<table>
<thead>
<tr>
<th>Land</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>16,270</td>
</tr>
<tr>
<td>Total</td>
<td>21,970</td>
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Length of national seashore: 33 miles.

Area of Robert Moses State Park: 1,000 acres.

Area of Smith Point County Park: 260 acres.

Landownership:

<table>
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<tr>
<th>Federal</th>
<th>State</th>
<th>County</th>
<th>Town</th>
<th>Village</th>
<th>Private</th>
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<tbody>
<tr>
<td>0</td>
<td>1,000</td>
<td>1,780</td>
<td>45</td>
<td>16</td>
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</table>

Total: 5,694

Estimated land acquisition cost:

Appraiser’s estimate: $15,700,000

Estimated cost of development:

1st 5 years: $5,730,000

Future years: 788,000

Total: 6,518,000
FIRE ISLAND SEASHORE

Estimated cost of operations (management, protection, and maintenance):

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
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<tbody>
<tr>
<td>1st</td>
<td>$68,116</td>
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<tr>
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<td>147,852</td>
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<tr>
<td>3rd</td>
<td>279,923</td>
</tr>
<tr>
<td>4th</td>
<td>425,175</td>
</tr>
<tr>
<td>5th</td>
<td>508,257</td>
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</tbody>
</table>

Population within 100-mile radius: 16 million.

The committee unanimously recommends enactment of this bill.

DEPARTMENTAL REPORTS

DEPARTMENT OF THE INTERIOR,

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

Dear Senator Jackson: Your committee has requested a report on S. 1365, a bill to provide for the establishment of the Fire Island National Seashore, and for other purposes.

We favor the inclusion of Fire Island in a national seashore, but we are convinced from studies of the area we have made recently that some additional nearby portions of Long Island should also be included in a national seashore. We have, therefore, prepared a substitute draft of the bill which would accomplish this purpose, and would also make some perfecting changes. We recommend enactment of the proposed legislation if amended in accordance with the enclosed draft bill.

Under the terms of the proposed legislation, if amended as we recommend, the Fire Island National Seashore would extend from Fire Island Inlet to the junction of Meadow Lane and Halsey Neck Lane in the village of Southampton. This area includes about 52 miles of relatively undeveloped shoreline and encompasses approximately 8,000 acres of seashore environment.

The justification for this proposed national seashore may be simply stated. A unique combination of factors—the existence of some of the Nation’s finest beaches in close proximity to the largest concentration of people in the entire United States—is urgent reason that the area be protected in perpetuity for the use and enjoyment of the American people.

Much of the south shore of Long Island has been heavily and effectively developed for seashore recreation. Jones Beach, for example, is justly renowned as an example of well planned development for high-density recreation, and there are several other State parks that are heavily used.

Much of the shoreline, however, has been developed by private interests and is not available to the public. There remain nevertheless certain segments of the Long Island shoreline that have little development and thus have a substantial public use potential. Unless early action is taken to protect this area for public use, it will inevitably be developed for more limited use and the opportunity lost forever.

This point was made by the Outdoor Recreation Resources Review Commission in its report of 1962 to the President and the Congress when it commented with respect to shorelines as follows: “Highest priority should be given to acquisition of areas located closest to major
population centers and other areas that are immediately threatened. The need is critical—opportunity to place these areas in public ownership is fading each year as other uses encroach."

The west end of the area is within 50 miles of the center of New York City, and more than 16 million people in several States live within a 100-mile radius. Nowhere else in the country is there a greater need by so many people for additional outdoor recreation opportunities that can be supplied in abundance and variety in the proposed Fire Island National Seashore.

In order to provide reasonable protection to owners of improved property, the draft bill sets forth the following procedure: Improved private property or interests therein could not be acquired without the consent of the owner, so long as such properties are maintained in accordance with the purposes of this act and in accordance with certain zoning requirements mutually satisfactory to the appropriate zoning authority in New York State and to the Secretary of the Interior. Lands now in public ownership could be transferred to the administrative jurisdiction of the Secretary only with the concurrence of the present administering agency.

Fire Island, itself, is a 32-mile long, narrow stretch of sand reef varying from several hundred yards to half a mile wide. Fire Island State Park, occupying the western 4 miles of the island, currently is undeveloped. By the summer of 1964, however, a bridge will be completed connecting this area with the mainland. The State plans to develop this area for high-density use to accommodate the overflow from Jones Beach State Park, some 15 miles to the west.

Near the eastern end of Fire Island is the Smith Point bridge connecting the mainland with a Suffolk County Park on the island. Here the county has developed parking areas and a bathhouse for fairly high-density use of about a mile of ocean beachfront. Under the plans for a national seashore, these two public areas could continue under their present administration or, with the consent of the governing body, be transferred to the Federal Government.

Between these two major public areas, Fire Island contains an impressive array of seashore resources. The beaches are wide, clean, and gently sloping. The dunes are imposing and usually well stabilized by beach grass, bayberry, other vegetation, and some low-lying pitch pine. The sunken forest, in the western half of the island, is a gem of its kind, dominated by American holly trees—some several hundred years old—with an accompaniment of sassafras, red cedar, and pitch pine.

Also located in the western half of the island are several small but rather intensively developed communities. Under the provisions of the enclosed draft bill these communities, as well as the owners of more scattered improved properties, could retain their present state of development as long as adequate zoning approved by the Secretary of the Interior is in effect, and the development remains compatible with the purposes of a national seashore. However, the ocean beaches in front of these communities would be acquired by the Federal Government along with sufficient adjacent lands above the mean high tide to assure continuous free public access to and along the beach at all times.

The area from Moriches Inlet to the east boundary in the village of Southampton is similar in character to Fire Island. It possesses excellent beaches and contains picturesque natural dunes worthy of
protection in their present condition. The 1½ miles adjacent to Moriches Inlet are owned by Suffolk County and could, with the concurrence of the county, be relinquished to the Federal Government for development and administration. From this county-owned area eastward to Tiana Beach, including Westhampton and Hampton Beaches, there is an irregular pattern of development similar to that on the central portion of Fire Island. Through this section, there are an approved road parallel to the beach and three bridge connections to the mainland. The remainder, or eastern portion of the proposed national seashore, straddling Shinnicock Inlet, also possesses outstanding beaches and other recreation resources. Although roads also parallel the beach here, this portion remains almost entirely undeveloped. It was listed by the 1955 National Park Service seashore survey as one of the 16 most important public seashore opportunities on the Atlantic and gulf coasts.

Our suggested revision of this proposed legislation would establish a reasonably flexible procedure for establishment of the national seashore.

Section 1 of the draft sets forth the purposes of the act and states that the boundaries of the Fire Island National Seashore are from Fire Island Inlet to the village of Southampton. Sections 2 and 3 prescribe the limitations on the land acquisition previously referred to. These provisions will have the effect not only of promoting the objective of this national seashore but also will actually benefit the owners of improved properties by protecting them against any undesirable use or development. Section 4 will permit in appropriate cases the owner of the property that may be acquired for purposes of the national seashore to retain the right of use and occupancy for a period up to 25 years with appropriate adjustment in the selling price. Section 5 will permit hunting and fishing within the national seashore in accordance with the laws of the State of New York. Section 6 will permit the acceptance of donated real or personal property. Section 7 will permit the Secretary to use his general statutory authority governing the national park system and any other statutory authority available to him for the conservation and development of natural resources in carrying out the purposes of this act. Section 8 provides that the national seashore will not interfere with shore-erosion control and beach protection measures by the U.S. Corps of Engineers and/or the State of New York.

The proposed Fire Island National Seashore in eminently suited to become an integral unit of the system of existing and proposed national recreation areas. It meets all of the primary and the applicable secondary criteria as set forth in Policy Circular No. 1 pertaining to national recreation areas, approved by the Recreation Advisory Council on March 26, 1953.

Based upon studies thus far made, the aggregate area of the national seashore will be approximately 8,000 acres, and we believe that land acquisition costs probably will not exceed $20 million. The data required by the act of July 25, 1956 (5 U.S.C. 642a), are enclosed.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.
FIRE ISLAND SEASHORE

A BILL To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of preserving for public outdoor recreation purposes certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high recreation values to the Nation, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from Fire Island Inlet to the junction of Meadow Lane and Halsey Neck Lane in the village of Southampton. The boundaries are delineated on a map identified as "Fire Island National Seashore No. FINS-1000". The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by a political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) The Secretary shall not acquire any privately owned "improved property" or interests therein without the consent of the owners so long as the appropriate local zoning agency shall have in force and
applicable to such property a duly adopted, valid, zoning bylaw that is satisfactory to the Secretary.

(f) The term "improved property" as used in this Act shall mean any building the construction of which was begun before January 1, 1963, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning bylaws which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning bylaw or any amendment to any approved zoning bylaw submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the bylaw or amendment. Such approval shall remain effective for so long as such bylaw or amendment remains in effect as approved.

(d) No zoning bylaw or amendment thereof shall be approved by the Secretary which (1) contains any provision that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage by such bylaw, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determina-
that the use and occupancy is not consistent with an applicable zoning bylaw approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Sec. 5. The Secretary shall permit hunting and fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property that may be donated for such purposes.

Sec. 7. The Secretary shall administer, protect, and develop the Fire Island National Seashore in accordance with the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.
FIRE ISLAND SEASHORE

DEPARTMENT OF THE INTERIOR

Subject matter: Proposal to establish a Fire Island National Seashore

Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs

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Note.—All data based on premise State and counties will continue to operate parks under their jurisdiction.
DEAR Mr. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 1366, a bill to establish the Fire Island National Seashore, and for other purposes.

The report which the Secretary of the Interior is submitting describes this area, assesses its recreational potential, and favors the designation of Fire Island as a national seashore. With respect to S. 1365, the Secretary favors its enactment if amended in accordance with a substitute draft bill accompanying his report.

The enactment of this proposal will authorize certain acquisitions, the financing of which will need to be related to the availability of the proposed land and water conservation fund.

The Bureau of the Budget would have no objection to the enactment of S. 1365 if amended as suggested by the Secretary of the Interior.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.
The PRESIDENT. There being no objection, the Senate proceeded to consider the bill, which had been reported by the Interior and Insular Affairs Committee, with an amendment to strike out all after the enacting clause and insert:

That (a) for the purpose of preserving for public use and enjoyment the beaches, dunes, and other natural features within such areas, unless the Secretary determines otherwise, certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within such areas which possess high recreational values to the Nation, the Secretary of the Interior is authorized to establish an area to be known as the Fire Island National Seashore.

(b) The boundaries of the national seashore shall extend from the Fire Island Inlet to the Brookhaven-Southampton town line. The boundaries are delineated on a map identified as "Boundary Map, No. 927-T100, Proposed Fire Island National Seashore, March 1984". The Secretary shall file the map with the Federal Register, and it may also be examined in the office of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore under sentence 1 of this Act. Any property or interest therein owned by the State of New York or by Suffolk County or any political subdivisions thereof may be acquired only with the concurrence of such owner.

Notwithstanding any other provisions of law, any Federal property located within such areas may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the funds expended under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations entered into.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any lands within the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) The Secretary shall not acquire any privately owned improved property or interest therein within the national seashore; or any property or interests therein within the boundaries delineated on the boundary map mentioned in section 1, not in the public domain; or any public, private, or Federal beach or water and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the acquiring agency shall have in force and applicable to such property a duly adopted, valid, zoning bylaw that is satisfactory to the Secretary.

(f) The term "improved property" as used in this Act shall mean any buildings, or other structure, the construction of which was begun before January 1, 1988, and such amount of land, not in excess of three acres, on which the building is situated, as the Secretary considers reasonably necessary for the use of the building.

(2) That if the Secretary finds that the use of improved properties any beach or water together with so much of the land adjacent to such beach as the Secretary deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary may promulgate such regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning bylaw which must be applicable on any such zoning bylaw submitted to him for approval.

(b) The standards specified in such regulations shall have the object of prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers essential, the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development of the purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning bylaw, or any amendment of a zoning bylaw submitted to him that conforms to the standards contained in the regulations in effect at the time of approval of the zoning bylaw or amendment. Such approval shall remain effective for so long as such bylaw or amendment remains in effect as approved.

(d) No zoning bylaw or amendment thereof shall be approved by the Secretary which (1) contains any provision that he considers adverse to the protection and development of the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any ordinance, or any exception made to, the application of such bylaw or amendment.

(e) No improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act made the subject of a variance under, or be for any reason an exception to, such zoning bylaw, or be subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations promulgated by the Secretary to acquire such improved property by condemnation shall automatically cease.

(f) Any improved property with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act made the subject of a variance under, or be for any reason an exception to, such zoning bylaw, or be subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations promulgated by the Secretary to acquire such improved property by condemnation shall automatically cease.

(g) Notice shall be furnished to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves any property or interests therein which they may consider necessary for right of use and occupancy of the improved property for noncommercial residential purposes for a period of not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary if he determines that the use and occupancy is not consistent with an applicable zoning bylaw approved by the Secretary in accordance with
with the provisions of section 3 of this Act, and upon tender to the owner of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

The Secretary shall permit hunting and fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York, except that the Secretary may designate zones where, and establish penalties when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulation under this Act shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property that may be donated for such purposes.

Sec. 7. The Secretary shall administer, protect, and develop the Fire Island National Seashore in accordance with the provisions of this Act and the applicable provisions of the Act relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the purposes of development of natural resources to the extent he finds that such authority will further the purposes of this Act. Such federal fees may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or other protective measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

Sec. 9. There is hereby authorized to be appropriated not more than $18,000,000 for the acquisition of land and interests in land pursuant to this Act.

The amendment was agreed to.

Mr. Mansfield. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (H. Rept. 1350), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

THE PROJECT

Fire Island is one of the Nation's finest undeveloped beaches and is located in close proximity to the largest concentration of population in the United States. Early action is indicated to preserve this fine area for the public benefits and enjoyment. Unless this area is protected soon for public purposes, it is obvious that it will be developed for private purposes to the detriment of the national interest. The area falls entirely within the State of New York and is on the south shore of Long Island.

As originally proposed, the national seashore extended from the western tip of Fire Island 22 miles east to the village of Southampton, containing approximately 8,000 acres of land. It is now provided that this national seashore be confined to a lesser area, limited mainly to Fire Island. This reduced area includes about 33 miles of shoreline and 1,000 acres.

The bill further provides that private property, both improved and unimproved, may be donated for such purposes. The Secretary may acquire within such designated communities any beach or waters together with so much of the land adjoining them as he deems necessary for public access. It is also provided that Federal, State, county, and municipal lands cannot be acquired without the consent of the owner.

On it's field investigation of the area, the committee made a point of mentioning to the fact that there are no roads traversing Fire Island and it is the intent of the committee that the Park Service continue in its present roadless state. Access to the area is now available by the use of bridges and ferries. The use of the park itself should be confined to trails for bicycles, hikers, and other recreationists.

The grant of a bill to establish a National Seashore marks an important step in the establishment of a great national park and commemoration of the nation's natural and recreational heritage. It is a significant step in the establishment of a fine national park for the public benefit and enjoyment.

The passage by the Senate of S. 1365 is, to a great degree, the result of the work and support of the local communities in the Fire Island area whose determination to establish a national seashore has been unabated. The national seashore would preserve approximately 31 miles of shoreline and about 5,700 acres of land for outdoor recreation purposes. The legislation provides that private property, both improved and unimproved, may be retained by its owner, within certain designated communities, as long as it is maintained in accordance with approved local zoning requirements.
The United States can remain in Southeast Asia. The lasting significance of the Asian mainland can alter the fact that the Vietnamese and Chinese infantry can do nothing with measure, with humanity, and in the jungle. It is necessary to prove to the Chinese, who probably do not readily understand our power, that the elephant cannot drive the whale out of the ocean. This is an essential preliminary to a good negotiation. The Chinese will have to accept our permanent presence as a great power in the Southeast Asian scene.

It will be necessary also to convince many Americans that the United States would not enter such negotiations as a defeated power. On the contrary, the United States is an undefeated power, and as against the Chinese, it is an invincible power. Naval power is a silent service, and that is one reason why it is such a suitable instrument of policy, which seeks no conquest on the mainland but is concerned only to deter and contain military expansion. Or, as the late Senator Harry S. Truman has put it, "The American military doctrines that we should not engage the American Army on land, the main strength of the United States is in the air and the sea power. We have departed from the old doctrine, perhaps because we had to. But the new doctrine that we accept requires that any policy should be to return to it. For it is based on a true understanding of our position on this globe."

Distinguished Service to Journalism Citation Awarded to Mr. and Mrs. Newhouse

Mr. KEATING, Mr. President, Tuesday evening preceding the ceremony inaugurating the Newhouse Communications Center, Syracuse University, the chancellor of the university, William P. Tolley, made an unexpected but deeply merited award to Mr. and Mrs. Samuel I. Newhouse. It was their forethought that made possible the communications center, which, when completed, will be the world’s largest and most advanced study institution for mass communications.

Mr. President, the distinguished service citations and accompanying the gold medal awards presented to Samuel I. Newhouse and Mitzi E. Newhouse, tell a story of community service and public responsibility that deserves highest credit. The address delivered by Mr. Newhouse shows very clearly the heavy burden of responsibility which lies upon our present newspapers today to chronicle the daily life and the human values of our free society.

Mr. President, I ask unanimous consent to have printed at this point in the Record, the text of the Distinguished Service to Journalism citations and of Mr. Newhouse’s profound and meaningful address.

Text of Citations

(Following is the text of “Distinguished Service to Journalism” which accompanied gold medal awards given last night to Mr. and Mrs. Samuel I. Newhouse.)

SAMUEL I. NEWHOUSE

For more than half a century, you have labored long and tirelessly to create a communications empire whose foremost purpose is to serve the community and nation.

Consequently, you have dedicated yourself to the cause of freedom which is exemplified in the complete and unfaltering belief that editorial direction rightfully shall remain in the hands of the citizens of the country.

Without regard for personal power, you have dedicated yourself to this new concept of responsibility. You have recognized the editorial opinions of your newspapers nor changed their institutional character.

You have established a new pattern for those in command of mass media of communications.

Without exception, your entire career has been devoted to public service. Establishing the Newhouse Foundation and the Newhouse Communications Center are but two instances of your zeal for progress and civic welfare.

This generation and those to follow will indubitably mark your role in mass communications and cherish the legacy you have entrusted to them.

For demonstrating in the traditional American way the love of work, intelligence, and uncompromising integrity, you are still a pattern for others to gain as others can gain the better life which is such a small price to pay despite the most humble of beginnings.

By your activities, you have contributed to the faculty of the School of Journalism of Syracuse University, we hereby, on this 4th day of August 1964, award you this Gold Medal for Distinguished Service to Journalism.

MITZI E. NEWHOUSE

Since earliest recorded history, the maxim that “A mind is a wonderful thing” has gained credence. This is no less true today than exemplified by a life devoted to husband, family, community, and nation. In your role as wife, mother, colleague, and spirited citizen, you have—more than for any decades—shared side by side with your distinguished husband.

Your diversity of interests, your deep human sympathy, and intelligent awareness are to a significant degree responsible for the achievements which we honor today. Your interest in the arts, your leadership in fashion, and your knowledge of the arts have had an undeniable impact and reflection in many aspects of the publications under the Newhouse aegis.

Your service to important causes has transcended the most generous bounds. You have given a great personal stake to civic, social, and welfare activities. Your influence will continue to serve as an inspiration to others.

For your loyalty, for your humility, for your wise guidance and counsel, and for your efforts in so many quiet and unnoticed ways * * * by unanimous action of the faculty of the School of Journalism of Syracuse University, we hereby, on this 4th day of August 1964 award you this Gold Medal for Distinguished Service to Journalism.

THE SCHOOL OF JOURNALISM OF SYRACUSE UNIVERSITY

Text of Newhouse Address

(Following is the text of an address delivered by Samuel I. Newhouse at a dinner in his honor at Hotel Syracuse.)

Governor Rockefeller, Chancellor Tolley, friends:

It seems a long time ago—some 6 years—since Chancellor Tolley and I first sat down to discuss the possibility of creating a communications center at Syracuse.

And may I say at the outset what a satisfying experience it has been to work with our chancellor on this project. It has been stimulating to watch an idea grow into a handsome structure—the first of three dedicated to the education of promising young news talent.
we have a large number of supporters here, but almost all of us have been in the canoe country many times and all of us are concerned with some wilderness, or wildernesses. To fully understand the value of a wilderness, generally one must spend some time there, not much necessarily, but enough to gain some readjustment from the speed of life in which you spend most of your time, and this one that is as old as man himself. It does not take long for most. After all, there were men's surroundings during most of his history. As late as a century ago, or less, they were usually a part of the daily environment of our forebears. But now we are out of the canoe age. Where are the values of such a wilderness today?

The values are both tangible and intangible. The tangible values are self-evident to most of us, even to the untrained. In the scale of the welfare of all the people, the limited commercial values. The wilderness canoe country in one example, is a superabundant experience for young people particularly—although all ages receive dividends of much the foresters. To few young sportsman it has rewards of body building, character building and self-reliance training and an unequalled opportunity to get close to nature. This some understanding of nature. It has un-usual ethical and spiritual values. It has citizenship values; it tends to provide an important link with our country's past, and others, have sought to confuse the issues and nurtured in a spirit of careful de-

There are also the intangible values. We have touched on some of the intangible values above since they tend to join inevitably with the tangible values. As said before, to understand these intangible values of a wilderness, such as our wilderness canoe country, one must experience the country himself. As modern man drifts farther and farther away from his old roots in the wilderness, and nearer the crowded places where the natural environment survi-

In an indefinable way, these are sort of spiritual reference points between the individual and the land, as are acceptable to the within the reach of everyone. I am proud of this is my country, and that I have the privilege to call it my own.

For many years, the antlnwilderness people and others, have sought to confuse the issues in regard to the preservation of the wilderness. There is no problem on the present legislation for the timber industry, administered by the Forest Service, and a large number of acres are dedicated to it, but, at a cost that many feel is prohibitive. We have no desire for the preservation of some wilderness areas, but we do wish to see preservation of the wilderness canoe country—-the only region of its kind within our borders, and the equal of anything in Canad. Why are these peo-

As sound foresters, we do not squander such a heritage should be preserved for the enjoyment of future generations and not squandered by this generation's myopic outlook.

We are all painfully aware that our rapidly expanding civilization ravage vast wilderness areas in the name of progress. Over a million acres of land each year are consumed for construction purposes and new roads alone. Numerous subdivisions and other developments are the inevitables concomitants of an increasingly urbanized society in the country where trees and meadows replace steel and concrete. Certainly such a heritage should be preserved for the enjoyment of future generations and not squandered by this generation's myopic outlook.

Mr. Speaker, I am, therefore, proud to support the wilderness bill and the adoption of the conference report. For the first time in a great day it is for America and Americans to witness this forward stride in the development of a program for the protection of wildernesses in our national forests, parks, and wildlife refuges. I am convinced that this bill, germinated by careful study and review, can more than justify the recommendation, that the BWCA be reclassified to true wilderness status. We are all poignantly aware that we cannot afford to lose any part of our land that might expand the natural beauty and further depredation of the land's recre.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that any Member desiring to do so may extend his remarks on the conference report just passed. The SPEAKER pro tempore. Without objection, it is so ordered. There was no objection.

MAKING IN ORDER CONSIDERATION OF H.R. 7107, ESTABLISH-

Mr. DELANY. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 851) and ask for its immediate consideration.
The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House for the consideration of the bill (H.R. 7107) to provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

Mr. DELaney. Mr. Speaker, Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. Massman) and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 851 provides for the consideration of H.R. 7107, a bill to provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes. The resolution provides an open rule with 1 hour of general debate, making it in order, after passage of the House Resolution 851 and adoption of Speaker's table the bill S. 1365 and to move to strike out all after the enacting clause of the Senate amendment.

Mr. Speaker, there are many national parks and preserves in the United States, but none within an hour’s drive from the great metropolitan area of New York City.

The acquisition of Fire Island as a national park would afford to the many millions of people in the city of New York and the surrounding areas an opportunity to make daily visits to one of the finest beach areas in the entire world. The Island itself is a natural barrier reef just off the south shore of Long Island. It is about 31 miles long with a width varying from some 200 yards to a mile. One of the most outstanding features of the Island is the magnificent forest preserve which, it is expected, will be donated to the Federal Government as part of the national seashore. The surface area of the Island today is about 1,500 acres. There are no roads on the Island. Means of access today are by ferryboats which run from the mainland of Long Island over to Fire Island.

From an excellent viewpoint, the beach contains one of the largest clam, oyster and shellfish beds. This is the principal industry for the people on the Island who derive their livelihood as baymen, catching and processing this food from the sea. The stabilization of Fire Island under this program as a resort area will also protect the homes, and industries on the mainland of the great South Bay area of Long Island.

Protecting Fire Island from despoliation will preserve not only for today but also for many years to come one of the last frontiers of nature close to the New York metropolitan area and afford to the millions of people in that area an opportunity to visit a national park.

I urge the adoption of the resolution.

Mr. O’BRIEN of New York. Mr. Speaker, will the gentleman yield?

Mr. DELaney. I yield to the gentleman from New York.

Mr. O’BRIEN of New York. I hope to have an opportunity during the debate to discuss the merits of the legislation, but at this point I wish to express the thanks of all supporters of this legislation to the gentleman from New York, who probably knows more about Fire Island than any other Member of Congress and perhaps more than anyone on Fire Island itself.

He has been a leader of strength as the advocate of this legislation, and we are most grateful to him.

Mr. DELaney. Mr. Speaker, it has been my privilege for more than 40 years to be a resident of this area. I think that speaks for itself, and I can recommend the adoption not only of the rule but of the legislation.

Mr. MATHIAS of Nebraska. Mr. Speaker, I agree with the statements made by the gentleman from New York in regard to House Resolution 851, which provides for an open rule with 1 hour of debate and provisions for adoption of Senate bill 1385.

When members of the Committee on Interior and Insular Affairs testified before the Committee on Rules, we were told that all of the Committee of the Whole House on Rules and provisions for adoption of Senate bill 1385.

As the Committee on the Whole House on any of the amendments thereto to the House, the House shall be in order and the preamble adopted in the Committee of the Whole to the House and shall continue not to exceed one hour. Mr. Speaker, I move to strike out all after the enacting clause of that bill and substitute:

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The Clerk read the title of the bill. By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Nebraska (Mr. Mathias) will be recognized for 30 minutes and the gentleman from Pennsylvania (Mr. Saylor) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. Morris. Mr. Speaker, I yield 6 minutes to the gentleman from Colorado (Mr. Aspinall), chairman of the Committee on Interior and Insular Affairs.

Mr. Aspinall. Mr. Chairman, H.R. 7107 by our colleague, the gentleman from New York (Mr. Price), deals with the proposal Fire Island and National Seashore. This bill involves a little controversy as any bill calling for a major addition to the national park system that we have had before the Committee on Interior and Insular Affairs. I believe it is the policy of the Committee to consider this bill, and I expect that my chairmanship and less than my chairmanship and less than my. It lived through the Everglades fight, the Cape Cod controversy, the Point Reyes affair, and the Ozark Rivers matter. The people involved in these controversies have been so mild compared with those we ran into in these other cases that I sometimes wonder if the values we think are present for recreation are really present. The last three years and I could not have said this, and I suspect that we can attribute the comparative absence of controversy in this case to four factors:

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I just said that Fire Island affords both recreation and conservation opportunities. If this were a proposal for a new Coney Island under Federal auspices, I would and ought to have nothing to do with it. Fortunately, there are already two areas on Fire Island—the Robert Moses State Park and the Smith Point County Park—which will take care of whatever recreation needs there are. The Fire Island National Seashore proper, on the other hand, will fit into the traditional role of such areas as this has been developed through existence at Cape Hatteras, Cape Cod, and other places. In some parts of the area—the Sunken Forest Preserve, for instance, which will be devoted to the Government—the object will be recreation conservation. In other parts, it will be a mixture of this and some of the quieter forms of recreation—hiking, camping, fishing, swimming, bicycling, and the rest.

Dare I say, H.R. 7107 involves a land acquisition cost estimated at $15 million and development costs over a 5-year period of about $5 million. Annual operating costs are estimated at $375,000. The CHAIRMAN (Mr. PERSBERG). The gentleman will yield further, are these larger, Mr. ASPINALL. A part of the land, Mr. GROSS. Who presently owns this land? Mr. ASPINALL. A part of the land, as I understand it, is in private ownership, most of it in fact. Mr. GROSS. Most of it is owned privately? Mr. ASPINALL. Yes. Mr. GROSS. How do they get to this? Mr. ASPINALL. This is an island. It is not connected to the mainland. However, there are ferries and boats running from the mainland over to the island, and there are also two bridges. Mr. GROSS. One bridge? Mr. ASPINALL. Two bridges. Mr. GROSS. Are there toll bridges? Mr. MORRIS. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from New Mexico. Mr. MORRIS. There are two bridges. Mr. ASPINALL. One bridge at each end. Mr. MORRIS. One bridge at each end? Mr. ASPINALL. Yes. Mr. GROSS. Mr. Chairman, if the gentleman from New York [Mr. O'BRIEN], who has been such a fine worker and who has worked so hard in behalf of this legislation, Mr. DELANEY. Mr. Chairman, will the gentleman yield? Mr. O'BRIEN of New York. Yes, I yield to the gentleman. Mr. DELANEY. A moment ago the gentleman from Iowa [Mr. GROSS] asked recreation, where there are people who could find no greater or better opportunity to do that than in the present instance.

I was impressed, too, by the fact this legislation is a triumph in a sense for local cooperation and Federal concern. As the chairman of the full committee, I have never seen a greater degree of cooperation. In connection with my study of this kind of legislation, it is also 150 miles away. But it was more than that. I believe and still believe that if we are to give more lift service to the idea of bringing recreation and conservation, and recreation, and recreation, we from the East have supported conservation and recreation projects in the Far West and elsewhere, and we are grateful that the same generous hand is extended from the East. It is also for this project, and as it was for the great Cape Cod National Seashore project. This is the perfect wedding, Mr. Chairman, of conservation and recreation. This will not be a Coney Island, but it will provide recreation for millions of people, and at the same time that area will be preserved, Mr. Chairman, I say that we have the ultimate stamp on this project. It is economically sound.

I urge that this bill be enacted so that the Fire Island National Seashore be established. Mr. MORRIS. Mr. Chairman, I yield to the distinguished gentleman from Colorado [Mr. ASPINALL] for 5 minutes to the distinguished gentleman from Iowa [Mr. GROSS]. Mr. ASPINALL. I yield to the gentleman from New York.

Mr. DELANEY. We are following the precedent soon as the national seashore is set up. Mr. ASPINALL. I am happy to yield myself 5 minutes. Mr. CHAIRMAN (Mr. PHILBROOK). The time of the gentleman from Colorado has expired. Mr. SAYLOR. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GROSS]. Mr. CHAIRMAN. The map that was presented before our committee shows that in my time of the gentleman from Colorado, and the congressman has recommended as a national recreation area, but about which others have their doubts. I refer to the creation of a temporary commission to advise the Secretary of the Interior during the course of setting up the Fire Island National Seashore. Nearly all of the members of the commission will be local residents. All without compensation and the commission will go out of existence as soon as the national seashore is set up.

In providing for such an advisory commission we are following the precedent set in the Cape Cod case. The value of such a group has been attested to by the Superintendent of the Cape Cod National Seashore. I quote his words:

I believe the advisory commission is a great asset to the Cape Cod National Seashore. Looking back to my 5 years' experience as Superintendent of the Cape Hatteras National Seashore, I can now understand that the cooperation between the local community and the Commission at Cape Hatteras would have been very helpful.

I recommend enactment of H.R. 7107. Mr. GROSS. Mr. Chairman, will the gentleman yield? Mr. ASPINALL. I am happy to yield to the gentleman from Iowa [Mr. GROSS]. Mr. GROSS. Who presently owns this land? Mr. ASPINALL. A part of the land, as I understand it, is in private ownership, most of it in fact. Mr. GROSS. Most of it is owned privately? Mr. ASPINALL. Yes. Mr. GROSS. How do they get to this? Is it an island? Mr. ASPINALL. This is an island. It is connected to the mainland. However, there are ferries and boats running from the mainland over to the island, and there are also two bridges. Mr. GROSS. One bridge? Mr. ASPINALL. Two bridges. Mr. GROSS. Are these toll bridges? Mr. MORRIS. Mr. Chairman, will the gentleman yield? Mr. ASPINALL. I yield to the gentleman from New Mexico. Mr. MORRIS. There are two bridges. Mr. ASPINALL. One bridge at each end. Mr. MORRIS. One bridge at each end? Mr. ASPINALL. Yes. Mr. GROSS. Mr. Chairman, if the gentleman from New York [Mr. O'BRIEN], who has been such a fine worker and who has worked so hard in behalf of this legislation, Mr. DELANEY. Mr. Chairman, will the gentleman yield? Mr. O'BRIEN of New York. Yes, I yield to the gentleman. Mr. DELANEY. A moment ago the gentleman from Iowa [Mr. GROSS] asked recreation, where there are people who could find no greater or better opportunity to do that than in the present instance.
Mr. WYDLER. I thank the gentleman.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may desire to the gentleman from New York (Mr. O'Connell).

Mr. GROVER. Mr. Chairman, I rise in support of this bill that I helped to prepare and as a cosponsor of the Keating bill.

I want to compliment the gentleman from New Mexico (Mr. Montoya), the gentleman from New York (Mr. O'Connell), and the gentleman from Pennsylvania (Mr. Saylor), and others who have worked on this bill for their zeal in making it possible to bring out this bill. I was born about 6 years ago, and I am the law from this unmatched seashore. I still live there. This beautiful stretch of beach and dunes many centuries ago was the haunt of the wampum-hunting Patchogue, Shinnecock, Saylors, and other branches of the Long Island Indians. It has been the pride of my grandfather, my father, and many who loved the south shore. It will be available to many millions of people.

This is, I think, one of the finest pieces of legislation not really of a local nature but of a recreational nature affecting the State of New York. It is in the east coast within Federal jurisdiction.

Again, I compliment the gentleman from New York (Mr. O'Connell), the gentleman from New Mexico (Mr. Montoya), and the gentleman from Pennsylvania (Mr. Saylor) for pursuing this effort. This is particularly a bipartisan conclusion, since originally it was proposed that part of this seashore plan be in my district, and that we from this part of land topped off by Democratic point. Mr. MORRIS. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. Frukis), the sponsor of the legislation. I know the gentleman has done the work he has done on this legislation. He has been very persistent, he has cooperated with the committee, and he has done a fine job.

Mr. PIKE. Mr. Chairman, I have spoken so often and so passionately before the House Interior Committee in session and to its individual members wherever I could buttonhole them that there is no need for me to do anything along these lines except to express my wholehearted support of this legislation and my appreciation to all of those in the Interior Committee and in the Rules Committee on both sides of the aisle who have contributed toward bringing it to the floor.

In complete honesty I am compelled to say that although the Fire Island National Seashore, as described in the bill before us, is wholly within my congressional district, it was not my brainchild, I wish, in fact, the one who wanted to preserve this magnificent beach and park area solely for the residents of the county in which it is located but that story could not be told. The first bill to establish a Fire Island National Seashore was introduced in the 88th Congress by my predecessor from the First Congressional District of New York, Congressman Wheaton II; and since in the course of two political campaigns against him, one of which he won and one of which I won, I said some rather unpleasant things about him, it seems only fair that at this point I give him some credit.

During the 88th Congress similar bills were introduced first by the gentleman from New York (Mr. Lumsden), and later by the gentleman from New York (Mr. Ryan). In the 88th Congress bills were introduced by nine Members on both sides of the aisle.

I am pleased to be able to say that while there are some minor differences in the local area regarding details in the bill, I am told by the members of the Interior Committee that they have rarely seen so little local dissent over a bill of this magnitude, and I am further pleased to be able to state that almost every segment of local opinion in both political parties on Long Island favors this legislation.

In order to clear up a couple of points regarding this legislation and to establish a record as to congressional intent regarding the legislation, I would like to point out to the chairman of the Interior Committee the fact that since this bill was amended in the committee to include certain lands under the waters of the Great South Bay I have been made aware for the first time that these underwater lands constitute something of a problem and are, in a rather unique position. The title to some of these underwater lands is very good, deriving from old colonial grants and held today by private concerns engaged in an operation which I will describe simply as commercial shellfish farming. I have received one of these companies the most articulate letter stating the following:

"Bluepointe Co., Inc.,
West Sayville, Long Island, N.Y.
July 17, 1984.
The Honorable Orris G. Pike,
Congress of the United States, House Office Building, Washington, D.C.

Dear Congressman Pike: The establishment of a national system of conservation and public enjoyment is, in itself, a good thing. Unfortunately, the practical problems in the proposed legislation are among the various practical problems that will be encountered is that of present private ownership within and adjacent to the contemplated park area.

Our company, at present, enjoys the ownership of a unique and valuable farm, 23 square miles in area, which abuts both north and south shores of Great South Bay. Hence, our property, for roughly 4 miles out of a 5-mile stretch, reaches along the high-water mark of the north shore of Fire Island from Sayville on the west to a point a mile east of Long Island Pines on the east.

This area represents a colonial grant, a grant tested over and over, and most aggressively in recent years by even New York State, itself, through the agency of the Long Island Park Commission. Throughout, the title has stood without exception. Our company, operating the entire property, has always been operated—as a farm with planting of shellfish, shifting and cultivation. And, as always, we have charged a modest price for the extended upland farms—that of paying property taxes; but, in our case, on underwater bottom. This oversight, of course, is a problem we face this year after year, ironic as it seems, paying for light district, water district, fire and school—despite the widely varying production rates.
Actually, as with all farms, not all the area is in use. Certain portions are mud in which no shellfish will long survive; or are stony in which present equipment is inefficient. It is estimated that these portions, which are a small proportion of the total area, would need to be replaced if production is to be maintained. This, of course, would be a very expensive operation.

The most naturally fertile portion is that of the southernmost quarter of a baya area, which is at the parallel with Fire Island. Here are clean, sandy flats, more tidal action for cleaning and, hence, less danger of pollution (while the northern part of the bay is actually a rapidly growing bayside area). The beleaguered nature of and the consequent threat of pollution. Here, in our opinion, occurs the most promising ground upon which to determine the future of the oyster business.

But it is true that the area is limited, and the pressure of cost is kept high. However, the efforts to continue this business are now compensating for its losses. The total area of Great South Bay and Moriches Bay is about 100,000 acres, of which about 30,000 acres are suitable for oyster culture. The rest is mud, salt marsh, or other unsuitable areas. The area of Great South Bay itself is about 70,000 acres, of which only about 10,000 are suitable for oyster culture.

The area is currently divided into three main parts: Great South Bay, Moriches Bay, and the Fire Island National Park. Great South Bay is the most productive, with Moriches Bay being the second. The Fire Island National Park is less productive, but it is an important area for oyster culture. The area is currently yielding over 100,000 bushels of oysters and 90,000 bushels of clams each year.

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CONGRESSIONAL RECORD—HOUSE

process of the island which will be preserved, which will not be overrun by recreation seekers.

Mr. LINDSAY. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the Record.

The CHAIRMAN. Is there objection to the insertion of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Chairman, and members of the committee, we are presently close to the end of a long road. For almost as long as I have been in Congress I have pressed for the creation of the Fire Island National Seashore.

The first to see the wisdom of conserving this famous shoreline was our distinguished former colleague from New York, Congressman Stuyvesant Wainwright. Then in the 87th Congress I introduced my legislation and for a while was the only congressional supporter of the cause. It was deeply gratifying to be joined later by a number of distinguished New Yorkers, including our outstanding distinguished representatives in the other body, Senators KENNEDY and JAVITS. Most importantly, legislation was introduced by our distinguished colleague the gentleman from New York [Mr. PACE], in whose district the island is located. We were pleased later to receive the backing of the administration.

I should like to express my appreciation to the distinguished gentleman from New York [Mr. O'BARR], and the gentleman from Pennsylvania [Mr. SAYLOR] for their diligence and leadership on this subject. Without them there would be no bill.

Americans have gradually awakened up to the necessity of conserving our outdoor spaces and recreation areas. Included in this necessity is our national seashore. Insofar as possible, it should be preserved from natural erosion and conserved for public use.

With the population movement and increase, outdoor areas and particularly natural beachfront become more in demand and more important. Fortunately, the Federal Park Service has long understood the need for preserving such areas in their natural state. One need only examine what the Park Service has done in areas like Cape Cod to appreciate the intelligence and restraint that is used in the preservation of such areas. It is significant, for example, that the Department of the Interior early stated that it would have no interest in Fire Island in the event the proposed Long Island road went through.

I have long been an admirer of Dr. Robert Cushman Murphy, one of many conservationists who have long sought the incorporation of Fire Island as part of the national seashore structure. I was delighted that the committee report printed Dr. Murphy's important statement on the subject of Fire Island. It should be noted for the Record, and I am therefore repeating it at this point:

East of Fire Island Inlet...• • • lies a summertime that is still frontier. The longest continuous barrier in the world, the Fire Island Breakwater between peaceful lagoons and the Atlantic, Fire Island Beach extends—mostly rodless, trackless, isolated, and slumbering—35 miles to the Montauk Inlet.

Thence under other names it goes on toward Westhampton, long and narrow, and where for the first time one finds thoroughfares leading from sand to soil. Settlements, small and large, are scattered dot the beach; nevertheless, much of it remains as it is an unworldly trance which began in the time that the Indians vanished, and which now stands in danger of an unhappy awakening whenever the rush of "development" arrives. The beach has infinite salines for body and soul; it affords no chaos of unspoiled seashore, but also provides features so rare in our northern latitudes that they are in demand. And as time is high, therefore, to take counsel and to plan. The larger the human population destined to make use of Fire Island Beach, the more urgent it becomes that the face of nature be kept with as much as possible of its pristine complexion, instead of being first blanished and afterward restored with treas estimated to be several hundred years old.

This bill, I am pleased to say, is designed to fit in with and not disturb existing local conditions. For example, the bill exempted from condemnation most of the land within a number of small communities in the western part of the island, as long as the owners conform to approved local zoning ordinances.

These communities are Kismet, Saltaire, Fair Harbor, Lonelville, Atlantic, Robbins Reel, Ocean Beach, Seaview, O'Woods, Cherry Grove, Fire Island Pines, Water Island, and Davis Park.

The bill also provides, in conformity with established practice in similar bills, that landowners may retain a life estate or an estate for 26 years in improved property that is taken for the national seashore.

Section 9 creates a temporary Fire Island National Seashore Advisory Commission along the lines of a similar commission which was set up for the Cape Cod National Seashore. Its membership will be composed of persons nominated by local and State officials. It is to be hoped that care will be taken to see that its membership includes adequate representation of conservation, planning, recreation, and park interests. The function of this Commission will be purely advisory and its members, unless they are otherwise employed by the United States, will draw no salary from the Government or be entitled to reimbursement for expenses. The life of the Commission will expire 10 years after enactment of the act upon creation of the Fire Island National Seashore, whichever occurs first.

Mr. Chairman, lastly, I want to stress the fact that this conservation measure will benefit millions of people in several States who live within a 100-mile radius. There are nine million alone in New York City. The west end of Fire Island is within 50 miles of the center of New York City. Think of what this can do for these city people. And I find it very exciting that residents and property owners on Fire Island have encouraged this development. The island is a public-minded group of people.

Mr. Chairman, I am very pleased that this measure is before the House, has already passed the Senate, and I urge its enactment.

Mr. SAYLOR. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, I am proud to rise in support of H.R. 7197 providing for the establishment of Fire Island National Seashore on Long Island in my State of New York.

And, I want to particularly congratulate one of my distinguished colleagues the gentleman from New York [Mr. PACE] for his outstanding work toward the realization of this legislation before us.

The Committee on Interior and Insular Affairs deserves our praise for its favorable and excellent report on this proposal. In particular I wish to extend my heartfelt compliments to the hard-working, capable chairman of the gentleman from Colorado [Mr. ASPINWALL], and the enlightened and industrious ranking minority member, the gentleman from Pennsylvania [Mr. Saylor] for their tireless and devoted work in this and other great conservation efforts.

As early as 1955, the National Park Service recommended priority to Fire Island in its seashore reconnaissance survey. Out of the 126 areas studied Fire Island was listed 16th in the order of priority.

It is essential that this region be preserved as an outdoor recreation area, maintaining its beauty for the enjoyment of future generations. This legislation, furthermore, puts great emphasis on conservation. The island includes primitive areas which deserve to be protected. It is easily accessible to highly populated areas which need such an outlet. It is well suited for development as a recreation area.

Because of the nearby population, Fire Island could easily become injuriously overused. This legislation will preserve it for all time so that future generations may benefit as much as the present.

The small communities which have risen on the island will not be harmed by this bill. As long as those who hold property comply with zoning ordinances enacted for the benefit of all, owners will not be affected.

The National Park Service and the Bureau of Outdoor Recreation submitted a proposal to the Secretary of the Interior which provides for a visitor center, picnic and camping areas, and walking trails. The plan is to be implemented with an absolute minimum of disturbing the community. Hunting and fishing will be permitted. Provisions for erosion control are included in order to protect the seashore.

Mr. Chairman, H.R. 7197 is essential legislation for the people of my great State, and especially the densely inhabited regions adjoining Fire Island. I fervently hope that the House will record its overwhelming approval today.
Mr. MORRIS. Mr. Chairman, I yield 3½ minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN of New York. Mr. Chairman, in the first place I wish to commend the distinguished chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL] the chairman of the subcommittee, the gentleman from New Mexico [Mr. Montoya] and the gentleman from New Jersey [Mr. O'Barry] for their outstanding efforts in behalf of this legislation. I also want to commend our colleague, the gentleman from New York [Mr. Fraxx] for his efforts to reach a satisfactory resolution of the question of the boundaries, which was before the committee for so long.

Mr. Chairman, the bill before us will insure that Fire Island will not become a part of our vanishing shoreline but that its beaches will be set aside for public use and enjoyment.

I have been deeply concerned about the preservation of Fire Island and the recreation facilities it offers. I introduced legislation in the 87th Congress to establish a Fire Island National Seashore. After study by the Department of Interior, the Secretary of the Interior recommended on June 11, 1963, that a larger area be included. At the request of the Secretary, I joined our distinguished colleague, the gentleman from New York [Mr. Fraxx] in sponsoring the administration's bill.

Then on April 10, 1964, after further study, the Secretary of Interior appeared before the Subcommittee on National Parks and recommended an area corresponding to my original bill. And now, after reconvening conflicting interests the committee has reported out a bill which includes a shorter shoreline, but which in the judgment of our colleagues, the gentleman from New York [Mr. Fraxx] who represents the area of Fire Island which is included in the pending bill.

I commend the gentleman from New York [Mr. Fraxx] for his willingness to assist us in arriving at a solution to the question of the boundaries. I have not been wedded to the specific boundaries set forth in any of the various bills. My principal concern has been the creation of a Fire Island National Seashore. Action in this session of Congress is vitally important. It will be regarded as a historic achievement by present and future generations.

The need for preserving natural open space for park and recreation use is dramatically evident along the Nation's shorelines, where almost every desirable area has already been taken over for development.

Today, exclusive of Alaska and Hawaii, there is only 1 mile of publicly owned shoreline available for public recreation use for people. This shrinks each day as our population grows, and the natural seashore vanishes.

In 1954 the National Park Service undertook a survey of the 3,700 miles of Atlantic and gulf shoreline. The Park Service described the situation in "Our Vanishing Shorelines" as "foreboding":

Almost every attractive seashore area from Maine to Mexico that is accessible by road has been developed. Inaccessible beaches, including offshore islands, are almost the only hope for preservation today.

The report singled out Fire Island along with several others as being exceptionally well-suited for preservation.

As a result of this survey the 87th Congress and the administration of three national seashore areas—Cape Cod National Seashore, Mass., authorized September 26, 1961; Point Reyes National Seashore, Calif., authorized September 13, 1963; and Padre Island National Seashore, Tex., authorized September 28, 1962. The first such park to be created was Cape Hatteras National Seashore Recreation Area authorized by Congress in 1937. I believe that Fire Island should be designated as the fifth.

The Outdoor Recreation Resources Review Commission in its report of 1962 to the President and the Congress made the following point with respect to shorelines:

Highest priority should be given to acquisition of areas located closest to major populated centers and others that are immediately threatened. The need is critical—opportunity to place these areas in public ownership is fading each year as other uses encroach.

The western end of Fire Island is within 50 miles of New York City. More than 16 million people in several States live within a 100-mile radius. Fire Island represents one of the remaining attractive seashore areas in the New York metropolitan region that possesses any considerable degree of original beauty and natural condition. It is, in fact, one of the few feasible and substantial sections of beach and shore now remaining on the entire east coast with its vast population. Nowhere else in the country is there a greater need by so many people for additional outdoor recreation opportunities such as that which can be supplied in abundance and variety by the proposed Fire Island National Seashore. As a measure of its recreational possibilities, Fire Island was among the 15 areas designated for study as potential national preserves under the original shorelines bill submitted to the Congress during the early part of 1961.

The Fire Island area is a long, narrow stretch of sand reef, varying from several hundred yards to a mile in width. The beach is clean, and gently sloping, insuring safe and enjoyable swimming in most places. The dunes are imposing and usually well stabilized by beach grass, bayberry, and other vegetation, and including some pitch pine. In places along the bay side, there is a fairly good growth of sea oats providing food for wildfowl. Only at the unique Sunken Forest, located in the western half of the island, is there any considerable growth of trees. This forest is a gem of its kind—dominated by American holly trees, some several hundred years old, and also contains sassafras, red cedar, and pitch pine.

The climate of Fire Island is mild for its northern position. It is one of the few beach areas on the Atlantic which faces the sun throughout the day.

The Federal Government has already made a considerable investment in this property. The U.S. Army Corps of Engineers is currently embarking upon an 83-mile Federal-State beach erosion control and hurricane protection project for which they have spent $28 million.

By 1965, more than $11 million of Federal, State, and local funds will be spent on Fire Island to put some 12,000 acres at millions of dollars worth of property on the mainland for which the island serves as a barrier beach against the onslaughts of the Atlantic Ocean. This is another reason why the entire dune and ocean front is a matter of prime public interest.

Mr. Chairman, Fire Island is one of our last opportunities to provide recreational facilities in a natural open state for the people of the New York metropolitan region. It is easily accessible to almost 20 percent of the population of the United States, and to those who live in the eastern seaboard extending from Washington, D.C., to Boston.

This is a heritage which must be preserved. It has been threatened by a proposal to build a highway down the middle of the island. That would indeed be a desecration. I am glad that the pending bill would prohibit such a highway.

Mr. Chairman, this is a heritage which must be preserved. I urge its support.

Mr. SAYLOR. Mr. Chairman, I yield this time to the gentleman from New York [Mr. Wylde] who has been instrumental in bringing before us this legislation, and for future pleasure.

Mr. WYDLER. Mr. Chairman, I rise in support of this bill. On April 3, 1963, some 18 months ago, I wrote to Stewart L. Udall, Secretary of the Interior, asking him to clarify his Department's position relative to a national seashore at Fire Island. In April of that year he reported the following, and I quote to state that "unless stronger support is forthcoming from the New York congressional delegation the prospects are not favorable for action."
The original bill for the establishment of a Fire Island National Seashore had been introduced by the gentleman from New York, Congressman James Lucey, on February 11, 1963. Congressman Gross introduced such a bill. Now of Mr. Udall's statement, I joined Senators Jacob K. Javits and Kenneth B. Keating and the gentleman from New York, Congressman James R. Comer, in introducing bills for the establishment of a national seashore at Fire Island.

Following this, the Secretary, true to his word, on June 10, 1963, reported favorably on the Lindsay bill to this committee and came out for the inclusion of Fire Island in a national seashore. I urge the House to pass this bill without further delay. The protection afforded to the area involved is vitally needed. In so doing, however, I state my strong conviction that the way in which this national park is set up and run is the establishment in the first instance. If it is to be just another public beach, it would better be left to State and local authorities.

Fire Island is, in the main, an unspoiled part of Americana. I am personally disturbed by references to its being smothered by public beach, it would better be left to State and local authorities.

Mr. GROSS. Mr. Chairman, I begin to get some idea of what this is all about. It is proposed to turn or take all of the land over on Fire Island. There will be communities left there. What you are acquiring is the beach front and apparently the entire beach front except for the State holding, the State park at the western or southwest end of Fire Island; is that correct?

Mr. MORRIS. Robert Moses State Park is not within the boundaries.

Mr. GROSS. Then you go the entire length of Fire Island, with this $16 million, will be acquiring what amounts to beach front property in many instances, is that not correct?

Mr. MORRIS. The Smith Point County Park is within the boundaries of the Fire Island National Seashore.

Mr. GROSS. Then you go the entire length of Fire Island, with this $16 million, will be acquiring what amounts to beach front property in many instances, is that not correct?

Mr. MORRIS. Yes.

Mr. GROSS. Then you go the entire length of Fire Island, with this $16 million, will be acquiring what amounts to beach front property in many instances, is that not correct?

Mr. MORRIS. It is.

Mr. GROSS. I understand that.

Mr. MORRIS. I. understand that.

Mr. GROSS. I think we probably will yes.

Mr. GROSS. How are you going to collect from those who come across South Bay over to the island?

Mr. MORRIS. May I say to my friend the gentleman from Iowa [Mr. Gross] I said there probably would be an admission charge made. But, this is a presidential determination. The President will make the determination and he will take into consideration the factors that I mentioned, any of charging a fee and the cost of administering a fee. If it is not practicable to charge a fee, there will not be a fee charged.

Mr. GROSS. You say they will leave this to the determination of the President?

Mr. MORRIS. Yes.

Mr. GROSS. It is our money with which he will be playing.

Mr. MORRIS. It is part of his. He pays taxes too.

Mr. GROSS. Well, sure, but I am talking about the taxpayers of the country.

Mr. MORRIS. Yes.

Mr. GROSS. I am surprised that we would leave it to the discretion of the President as to whether or not they are going to charge an admission fee.

Mr. MORRIS. Well, we feel that the President should have some determination as to whether or not he will.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me at this point?

Mr. GROSS. Of course.

Mr. ASPINALL. I am with him on all fours. I feel the same way about it.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman.

Mr. KYL. I think that past experience as to the administration of the park system would indicate that if it is difficult to collect an entrance fee, this would not be charged. So, in the last analysis fees would probably be charged where there was some type of facility such as facilities for bathers and boaters and the other kind of facilities for which the individual would normally expect to pay some fee, whether the area under consideration is private or governmental.

Mr. GROSS. Let me ask my colleague from Iowa, since he is on his feet, this question: How is it proposed to keep the people who are on this beach out of the hands of the portions of the property which is going to be left on Fire Island? How will they be kept off that property?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. KYL. Mr. Chairman, I yield 2 additional minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KYL. Of course.

Mr. GROSS. I am surprised that you have not taken out any of the holdings that will be there. I think more of...
Mr. MORRIS. Mr. Chairman, I yield 3½ minutes to the gentleman from New York (Mr. Kissel), cosponsor of the legislation.

Mr. KEOGH. Mr. Chairman, I suspect that in an atmosphere of such complete harmony I should probably represent the urge to speak, but I think I must.

First, I must pay my compliments and my respects to the very able and distinguished chairman of the committee, the gentleman from Colorado (Mr. Aspinall), as well as the chairman of the subcommittee, the gentleman from New Mexico (Mr. Moosbah), for their patience and for their cooperation in getting us to the point along the legislative road that we are at today.

I must also join in the encomiums that have been directed to the personage of the former distinguished Representative of this State from New York, Stuyvesant Walton, for his insistence, and to his successor, the gentleman from New York (Mr. Fink), who has been the prime mover in this legislation.

I would be equally remiss if I did not pay my respects to the obviously able and gracious gentleman from Pennsylvania (Mr. Sartor), the ranking minority member of the committee, and the gentleman from New York, who have arisen in support of the pending bill. I can assure Members of this Committee that this is really evidence of what a representative body can do. When this proposition was first suggested it met with a loud hue and cry on the part of many people, some of whom thought they might be affected, some of whom feared they would be, and some of them who just do not want the ocean beach front to be made available to the citizens of our country.

But this committee patiently and intelligently conducted onsite inspections and onsite hearings, out of which has developed the final form of this legislation that we witness today that meets with the approval of everybody. Or, Mr. Chairman, I should say meets with the approval of practically everybody. Certainly it meets the approval of the vast majority of the people resident in the adjacent area of Long Island.

I, therefore, have to commend those who have really been doing the work. I also want to suggest to you, Mr. Chairman, if further evidence of the wisdom of the committee is the fixing of the easterly boundary of this seashore at a natural point, that is, where the red gullies south by South Bay into the Atlantic Ocean.

Mr. Chairman, I trust the bill will be passed overwhelmingly.

Mr. MORRIS. Mr. Chairman, I rise in support of H.R. 7107. Like the chairman of the full Committee on Interior and Insular Affairs, I am interested in seeing Fire Island preserved both for its recreational and for its conservation values.

Public interest in the preservation of this area dates back at least 30 years. As in many other instances, we have let time go by without doing anything. The chances are that if we had acted back in 1933 when Dr. Robert Cushman Murphy called attention to its importance, the land on the island could have been acquired for use by him in carrying out the provisions of this Act, but the liability of the United States under this Act may be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act in exercising his authority to acquire property in accordance with the provisions of this Act. In exercising his authority he may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under such contracts shall be contingent upon the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands or waters or interests therein have been acquired by the United States in whole or in part, he shall declare the establishment...
the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value of the property, or interest therein acquired by

purchase.

(d) When acquiring land by exchange the Secretary shall accept title to any nonfeder-

al or state land located within the bound-

aries of the national seashore and convey to the owner of any federal or state land under

the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in

value. The Secretary may reserve for the owner any beach or waters, to the extent necessary to the use of the building:

(e) If any improved property is condemned by the Secretary any one of the following three alterna-

tives shall be exercised in accordance with the purposes of this Act, made

Ssc. 8. (a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion con-

trosof the Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commis-

sion) on the tenth anniversary of the date of this

Act or on the tenth anniversary of the date of this

Act. The

Commission shall terminate

on the tenth anniversary of the date of this

Act or on the tenth anniversary of the date of this

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Commission shall terminate

...
One member to be appointed from the recommendation of the county executive of Suffolk County, New York; (b) one member to be designated by the Secretary; (c) A member of the Commission shall serve without compensation. (d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof. (e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 3, 3, and 4 of this Act. (f) (1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, and 284 of title 18 of the United States Code and section 180 of the Revised Statutes (6 U.S.C. 99) except as otherwise specified in paragraphs (2) and (3) of this subsection. (2) The exemption granted by paragraph (1) of this subsection shall not extend—(a) to the receipt of payment of salary in connection with the appointee's committee service from any source other than the private employer of the appointee at the time of his appointment or (b) during the period of such appointment, and the further period of two years after the appointment, to the prosecu- tion or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment. (g) No member so appointed shall be appropriated not more than $10,000,000 for the acquisition of lands and interests in lands necessary for the Act. (h) Mr. MORRIS (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and open for amendment at any point. 

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pike to the committee amendment: Page 16, line 54, and page 17, lines 12 and 31, strike out "July 1, 1963," and insert "January 1, 1948." 

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Pike as a substitute for the amendment offered by Mr. Pike: Page 16, line 34, and page 17, lines 12 and 31, strike out "July 1, 1963," and insert "January 1, 1948." 

Mr. LINDSAY. Mr. Chairman, I am not in opposition to the Pike amendment. I am for the Pike amendment, but like the gentleman from New York I have the situation among the distinguished members of the committee and I do not think it will be accepted by the committee and, therefore, its chances of adoption are slight. The committee view, as I understand it, is that its policy and practice in bills of this kind is to have a 2-year cutoff period. The purpose of that, as I understand it, is to guard against any kind of speculation. When it is rumored that there will be condemnation by the U.S. Government, and perhaps other practices and procedures that are not compatible with the purposes of the legislation.

So the distinguished gentleman from New York [Mr. Pike] has offered an amendment which would bring it down to date. In other words, instead of a 2-year moratorium, there would be zero moratorium. This substitute would change the date to January 1, 1948 in the hope that a compromise of this kind would be accepted by the distinguished members of the committee.

I realize that even January 1, 1948 is outside the limits of the 2-year rule that the committee in past bills of this kind has sought to follow. But it is still a compromise which, it seems to me, is eminently sound and reasonable and which will protect the interest of those persons who have constructed property on the island in good faith and not in the least, in any way or fashion, seeking to develop or speculate or do anything else that would be inconsistent with the purposes of this bill. There are quite a number of people who have invested for themselves and for their families in a modest family cottage in this area. Some of them are not developers. They have invested for themselves and for their families in a modest family cottage.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to both amendments.

Mr. Chairman, when this bill was originally introduced by the distinguished gentleman from New York Mr. Pike the date that he had in that bill was July 1, 1963. He now seeks to change that date and make it August 20, 1964.

For the benefit of the members of the Committee you should understand that in this area there have been a number of people who know that there was that a good chance of becoming a national seashore, have acquired property in the 8-mile area and have built homes. I do not accuse them of deliberate speculation because that has not been the case as far as the Fire Island as it has been in certain other areas. But when the House Committee on Interior and Insular Affairs began to consider the establishment of national seashores, we established a policy of making sure that speculation did not occur.

In all of the seashore bills that the House has passed, we have insisted that the date of condemnation which the Secretary of the Interior was given, did not extend the time of passage of the bill. 

For that reason, the amendment of the gentleman from New York [Mr. Lindsey] is preferable to the amendment of the gentleman from New York [Mr. Pike].

But if this House should continue its policy, and I believe we should, of adopting the same principles that we did when we established Cape Cod and Point Reyes National Seashores, we should insist on the original date in this bill. 

For the information of the members of the Committee, I would like to say that when the House passed on August 7, 1949, the bill establishing the Cape Cod Seashore, we fixed the condemnation date September 1, 1969, which was approximately 2 years before.

When we established the Point Reyes National Seashore on September 13, 1963, we established the date of September 1, 1969, or 3 years prior. 

So that I think all of these amendments should be defeated and that the date of July 1, 1963, should be kept in the bill.

Mr. KYL. Mr. Chairman, will the gentleman yield? 

Mr. SAYLOR. I yield to the gentleman from Iowa. 

Mr. KYL. I think the gentleman from Pennsylvania has put his finger on its real answer to the problem here.
The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. MORRIS. Mr. Speaker, pursuant to House Resolution 851, I ask unanimous consent to take from the Speaker's table the bill S. 1868 and that it be immediately considered.

The Clerk read the title of the bill.

The amendment was rejected.

The Clerk read the bill, as follows:

Re. Established by an Act of the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of preserving for public outdoor recreation purposes certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high recreation values to the Nation, the Secretary of the Interior is authorized to establish an area to be known as the Fire Island National Seashore.

(b) The boundaries of the national seashore shall extend from the Fire Island Inlet on the east, to the Brockhaven and Sayville lines. The boundaries are delineated on a map identified as "Boundary Map, NS-97-7101, Proposed Fire Island National Seashore, March 1964". The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire, such lands become available for the purpose or as such acquisition can be accomplished by donation or purchase with damages for taking, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act.

(b) Any property or interests therein owned by the State of New York, Suffolk County, or any subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any provision of law to the contrary, any Federal property located within such area may, with the concurrence of the agency having custodial control over all other Federal property located within such area, be acquired and is the intent of Congress that such acquisition be accomplished by direct acquisition or by condemnation. The Secretary shall acquire, and it is the intent of Congress that he shall acquire, such lands become available for the purpose or as such acquisition can be accomplished by donation or purchase with damages for taking, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interests therein owned by the State of New York, Suffolk County, or any subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any provision of law to the contrary, any Federal property located within such area may, with the concurrence of the agency having custodial control over all other Federal property located within such area, be acquired and is the intent of Congress that such acquisition be accomplished by direct acquisition or by condemnation.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall adopt regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for preventing adverse to the protection and development, in accordance with the purposes of this Act, of any property or interests therein acquired by the Secretary. The Secretary shall issue certain regulations in effect at the time of adoption of the bylaw or amendment.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than those authorized by the Federal government, that are adverse to the protection and development, in accordance with the purposes of this Act, of any property or interests therein acquired by the Secretary. The Secretary shall issue certain regulations in effect at the time of adoption of the bylaw or amendment.

(c) Following issuance of such regulations the Secretary shall approve any zoning bylaw or any amendment to any approved zoning bylaw submitted to him that conforms to the standards contained in such regulations. The Secretary shall not approve any zoning bylaw or any amendment to any approved zoning bylaw submitted to him that conforms to the standards contained in such regulations. The Secretary shall not approve any zoning bylaw or any amendment to any approved zoning bylaw submitted to him that conforms to the standards contained in such regulations.

(d) No zoning bylaw or amendment thereof shall be approved by the Secretary which (1) contains provisions inconsistent with or adverse to the protection and development, in accordance with the purposes of this Act, of any property or interests therein acquired by the Secretary, or (2) fails to have the object of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been exercised in accordance with the provisions of this Act, is made the subject of a variance under, or becomes for any reason subject to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in any regulations issued pursuant to this Act, the Secretary may, in effect at the time of adoption of the bylaw or amendment, acquire the property by condemnation if the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(f) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been exercised in accordance with the provisions of this Act, is made the subject of a variance under, or becomes for any reason subject to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in any regulations issued pursuant to this Act, the Secretary may, in effect at the time of adoption of the bylaw or amendment, acquire the property by condemnation if the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(g) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been exercised in accordance with the provisions of this Act, is made the subject of a variance under, or becomes for any reason subject to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in any regulations issued pursuant to this Act, the Secretary may, in effect at the time of adoption of the bylaw or amendment, acquire the property by condemnation if the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(h) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation has been exercised in accordance with the provisions of this Act, is made the subject of a variance under, or becomes for any reason subject to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in any regulations issued pursuant to this Act, the Secretary may, in effect at the time of adoption of the bylaw or amendment, acquire the property by condemnation if the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(i) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved...
property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserve amount reduced from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning by-law approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount representing reasonable values of use and occupancy that portion of the right which remains unexpired on the date of termination.

Sec. 6. The Secretary shall permit hunting and fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be subject to consultation with the Conservation Department of the State of New York.

Sec. 7. The Secretary shall administer, protect, and develop the Fire Island National Seashore in accordance with the provisions of this Act. Appropriations made available under the laws of New York, except that the Secretary may utilize any other statutory authority available to him for the conservation or development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriations may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. The authority of the Chief Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and is consistent with the purposes of this Act.

Sec. 9. There hereby authorized to be appropriated not more than $6,000,000 for the acquisition of land and interests in land pursuant to this Act.

Amendment offered by Mr. Morris.
Mr. Morris. Mr. Speaker, I offer an amendment.

The Clerk reads the resolution as follows:

Resolved, That, for the purposes of the studies specified in clause (1) of H. Res. 35, Eighty-eighth Congress, approved by the House of Representatives on January 31, 1963, the Committee on the Judiciary is hereby authorized to send eight of its members and such staff as the Committee determines to Europe, and to attend the twenty-fifth session of the executive committee and the twenty-second session of the Council of the Intergovernmental Committee on European Migration in Geneva, Switzerland.

The committee is authorized to sit and act where and at such times as the Secretary of the Interior or Agriculture or any other Department or agency of the United States shall appoint. Provided, That the subcommittee shall not undertake any investigation of any subject which is being investigated by any other committees of the House.

Notwithstanding section 754 of title 29, United States Code, or any other provision of law, local currencies owned by the United States shall be made available to the Committee on the Judiciary, and to the Secretary of the Interior on behalf of the Senate, and to employees of said committee or its employees in the conduct of any investigation or meeting.

Provided, (1) That no member or employee of said committee shall receive or expend local currencies for subsistence an amount in excess of current rates approved by the Standards Government Travel Regulations of the United States; (2) that no member or employee of said committee shall receive or expend an amount for transportation in excess of actual transportation costs; (3) that no appropriated funds shall be expended for the purpose of defraying expenses of members or employees in any country where counterpart funds are available for such purpose.

That each of the employees of said committee shall make to the chair of the said committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation, if furnished by public carriers.

The amendment offers the following:

Amendment offered by Mr. Morris: Strike out all the after the enacting clause of S. 1963 and insert in lieu thereof the provisions contained in H. R. 7107 as passed by the House.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The Clerk then reported the following House bill (H. R. 7107) was laid on the table.

A similar House bill (H. R. 7107) was laid on the table.

AUTHORIZATION, STUDIES, AND INVESTIGATION BY THE COMMITTEE ON THE JUDICIARY

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules I call up the resolution (H. Res. 309) and ask for its immediate consideration.

Mr. BOLLING. Mr. Speaker, I yield to the gentleman.

Mr. ANDERSON. Mr. Speaker, I merely wish to add to what the gentleman from Missouri has said. I think he has already indicated the proper and purpose of this particular travel authorization. It was cleared with the majority Members on this side of the aisle.

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not know whether the gentleman can answer this question or not, but what is accomplished at these meetings? Does the gentleman have any idea? How many Members did the resolution say would go on this junket? Mr. BOLLING. Eight Members are provided for in this resolution and three members of the staff.

I will be delighted to yield to the gentleman from Colorado (Mr. Ross) to answer that question.

Mr. ROGERS of Colorado. This has been a study on European migration and how best to accomplish and bring about the orderly processes necessary to alleviate the situation which developed years ago. This is a conference. There has been an organization of this Intergovernmental committee that is there at all times. They will have an executive session starting the 3d of November. The council itself will convene on the 9th of November.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. BOLLING. I yield to the gentleman from Iowa.

Mr. GROSS. If this would serve to cut down on the number of immigration bills on the Private Calendar each week, I might think there was something to this migration of the members of the Committee on the Judiciary over to Geneva, but I do not see any diminution in the number of private bills to bring people in this country. If the gentleman could be given a little attention when you go over to Geneva next time.

Mr. MEADER. Mr. Speaker, will the gentleman from Missouri yield?

Mr. BOLLING. I yield to the gentleman from Michigan.

Mr. MEADER. Mr. Speaker, I might say that the continuation of the work of the Intergovernmental Committee on European Migration might very well result in the diminution of private immigration bills and also pressures for changes in the immigration laws of the United States.

This Committee was the brainchild of the late Francis Walter and has been in existence some 10 or 12 years. I attended one of these council meetings myself 2 years ago at the request of the gentleman from Ohio (Mr. McCulloch). It was a rather large number of the delegation but because of illness in the family was unable to go and asked me at the last minute to go. So I learned something about the operation of this organization.

At that time I believe that the Intergovernmental Committee on European Migration had been successful in resettling surplus populations of Europe to
every standpoint and from the very beginning it has been poorly handled. The American people goes on as a real danger is then situation in the Congo. We are involving ourselves unilaterally in an area where we have no historical background of the Fire Island area, where we have nothing on earth to gain by involvement, but a great deal to lose.

I trust that before this stupid intervention in the Congo goes any further, the Administration will issue orders that will assure that our spokesmen in that area do not further commit the United States in these tribal wars.

If there is any part of the world where we should not spill a drop of American blood to cover the many mistakes of our representatives; it is in this vast land of the Congo.

FIRE ISLAND NATIONAL SEASHORE

Mr. BIBLE. Mr. President, I ask the Presiding Officer to lay before the Senate the amendment of the House of Representatives to S. 1385, a bill to establish the Fire Island National Seashore, and for other purposes, was, to strike out all after the enacting clause and insert:

That (a) for the purpose of conserving and maintaining said area and any adja-
cent relatively unspoiled and undevel-
oped beaches, dunes, and other natural
features within Suffolk County, New
York, by Suffolk County, or by any other
political subdivision of said State may be
acquired only with the concurrence of such
owner. Notwithstanding any other provi-
sion of law, any Federal property located
within such area may, with the concurrence
of the agency having custody thereof, be
transferred without consideration to the ad-
ministrative jurisdiction of the Secretary for
use by him in carrying out the purposes
of this Act. In exercising his authority to ac-
quire property in accordance with the pro-
visions of this subsection, the Secretary may
to enter into contracts requiring any ex-
penditure, when appropriated, of funds authorized
by this Act, but the liability of the United
States under such contracts shall be con-
tingent on the appropriation of funds suf-
ficient to fulfill the obligations thereby
incurred.

(b) When the Secretary determines that
lands and waters or interests therein have
been acquired by the United States in suf-
ficient quantity to provide an administra-
tive unit, he shall declare the establishment
of such unit to be in force. The Secretary
may, as a public convenience, and to
assure that other spokesmen in that area contingent on the appropriation of funds
Secretary considers reasonably necessary to
accomplish his objectives, acquire any privately owned improved or unimproved property for noncommercial residential purposes by condemnation shall mean any building, the construc-
tion of which was begun before January 1, 1963, and such amount of land, not in excess of
two acres in the case of a residence or ten
acres in the case of nonresidential use, on
which the building is situated as the Secre-
tary considers reasonably necessary to
the use of the building: Provided, That the
Secretary may exclude from improved prop-
erty such any beach or waters, together with so
much of the land adjoining such beach or
waters as he deems necessary for public ac-
cess thereto.

Sec. 3. (a) In order to carry out the pro-
visions of section 2, the Secretary shall have
regulations, which may be amended from time to time, specifying standards that are
consistent with the purposes of this Act
and the policies of the Secretary. The
Secretary may exclude from Improved prop-
erties any beach or waters, together with so
much of the land adjoining such beach or
waters as he deems necessary for public ac-
cess thereto.

(b) The standards specified in such regu-
lation shall have the object of (1) pro-
hibiting new commercial or industrial uses,
(2) preserving the noncommercial uses on
which the Secretary considers are consistent
with the purposes of this Act, and (3) pro-
moting the protection and development for
purposes of this Act of the land within the
national seashore by means of zoning ordi-

Sec. 5. (a) Notwithstanding any other
provisions of this Act the Secretary may
acquire any privately owned improved or unimproved property or interests therein within the
boundaries of the seashore or any property
or interests therein within the communities
delineated on the boundary map mentioned
in section 1, except beach or waters and adja-
cing land within such communities which
the Secretary determines are needed for
public access to the beach, without the con-
sent of the owners so long as the appro-
priate local zoning agency shall have published notice in the Federal Register of
its intention to acquire such property or
interests therein. All property so acquired
shall be subject to all property acquired
by condemnation by the Secretary for
noncommercial residential purposes by con-
demnation shall mean any building, the construc-
tion of which was begun before January 1, 1963, and such amount of land, not in excess of

(e) The Secretary shall pay not more than
the fair market value, as determined by him,
for any land or interest therein acquired by purchase.

(f) When acquiring land by exchange the
Secretary may accept title to any nonfed-
ernally owned land located within the bound-
aries of the national seashore and convey
said map with the Federal Register, and it
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said person shall extend from the easterly bound-
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(b) The boundaries of the national sea-
shore shall extend from the easterly bound-
ary of the state park eastward to Moriches
Inlet and shall include not only Fire Island proper, but also all land within the state park, the
enact clause and insert:

(3) That the Secretary shall take the said
acquired only with the concurrence of such
owner. Notwithstanding any other provi-
sion of law, any Federal property located
within such area may, with the concurrence
of the agency having custody thereof, be
transferred without consideration to the ad-
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which the Secretary considers are consistent
with the purposes of this Act, and (3) pro-
moting the protection and development for
purposes of this Act of the land within the
national seashore by means of zoning ordi-

Sec. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission). The Commission shall terminate upon the tenth anniversary of the date of this Act or on the declaration, pursuant to section (b) of this Act, of the establishment of the Fire Island National Seashore, which declaration shall occur first. The Commission shall consist of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations of the town boards of Suffolk County, New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the appointment and administration of the executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.

(b) The Secretary shall designate one member to be Chairman.

c) A member of the Commission shall serve without compensation.

d) The Commission established by this section shall be the affirmative vote of a majority of the members thereof.

e) The Secretary or his designee shall, from time to time, consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

Sec. 8. (a) The authority of the Chief of Engineers, Department of the Army, to undertake to shore erosion of the beach of the Fire Island National Seashore shall extend not beyond the water line as defined in section 1 of this Act, and is consistent with the purposes of this Act.

(b) The Secretary shall contribute the necessary funds to the development of a project for the control or beach protection measures on lands within the Fire Island National Seashore, but no funds contributed shall be used for any project that is mutually acceptable to the Secretary of the Interior and the President of the United States, and that is consistent with the purposes of this Act.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purpose.

Sec. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore in accordance with the provisions of section 2 of this Act, and all natural resources located there. The area known as the Sunken Forest Preserve shall be preserved as nearly as may be possible, without developing roads therein, but continuing the present public trails already there and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this area in its natural state for generations to come.

(b) Access to that section of the seashore lying between the eastery boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by trails and footpaths only, and no roads shall be constructed therein except such minimum roads as may be necessary for park maintenance and fire protection.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the report of the Conservation Department of the United States, except that the Secretary may designate areas where, and establish periods when, hunting shall be permitted for public safety or convenience, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 8. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purpose.

Sec. 9. (a) The Commission shall: (i) Appoint a Commission to be Chairman.

(b) The Commission shall serve without compensation.

Sec. 10. There is hereby authorized to be appropriated not more than $10,000,000 for the acquisition of lands and interests in land pursuant to this Act.

Sec. 11. Mr. President, this is another one of the great national seashores that should be preserved and will be preserved upon the enactment of this bill. The Fire Island National Seashore in New York [Mr. JAVITS and Mr. KEATON] have long been the chief sponsors of this measure. I am happy to see that it is at its final stage before being sent to the White House.

There are very few differences between the House proposal and the bill earlier passed by the Senate, but the Senate should like to recite those differences.

The House reduced the length of the park from 33 to 23 miles and the land area from about 5,700 acres to about 4,000 acres.

The House version deletes the Robert Moses State Park and the Coast Guard station that were included in the overall boundaries of the Seashore.

The House provides for a temporary Advisory Commission that was not included in the Senate bill.

The House provided for an agreement between the Secretary of the Army and the Secretary of the Interior on the beach and erosion control plans for the area.

The House added certain additional language to the provision which we had in the Fire Island National Seashore bill, for the protection of the Sunken Forest Preserve, one of the most beautiful areas in the United States. It is the third one which has been created along the Atlantic coast. Areas of this kind are in very short supply and they should be preserved without delay.

Mr. KEATING. Mr. President, I am extremely grateful to the distinguished Senators from New York for their efforts to expedite passage of this bill. We and the House have worked long and hard to get this bill through this Congress. In a session which has been particularly busy for the Interior Committee, their labor is doubly appreciated. In their dedication to preserving our wilderness areas and providing recreation for our citizens has resulted in much far-reaching legislation this year.

We are particularly pleased that this Fire Island National Seashore will be established in an area there are very few national park facilities. The beautiful beaches in the Fire Island National Seashore will be located in the New York metropolitan area, but the ten millions who live within the hours of Long Island. It will provide recreational facilities not only for this generation, but will conserve the area in its natural state for generations to come.

When my colleague and I first introduced this bill in April of 1963, we did not specify exact boundaries, and expressed our desire to reconsider any language in the bill for which a substitute was found. Support for the seashore has been virtually unanimous—in the Congress, in the executive branch, and among the residents of the area. Committee work and testimony was concerned primarily, therefore, with deciding the best possible bill. The House bill differs slightly from the one which the Senate passed last week, but in the spirit of the Senate bill, and the cooperation which has marked this legislation, I am happy to see that it is at its final stage before being sent to the White House.

There is no difference between the House proposal and the bill earlier passed by the Senate. I am sure that the Senate should like to recite those differences.

The House reduced the length of the park from 33 to 23 miles and the land area from about 5,700 acres to about 4,000 acres.
Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KEATING. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO SENATOR DODD

Mr. PROXMIRE. Mr. President, this morning I received through the mail a copy of the September issue of Reader's Digest, which I understand will appear in the next several days. I wish to call the attention of my colleagues in particular to an article captioned "Crusader From Connecticut," which, in capsulized form, recounts the story of how a report by Senator Dodd, has come to the American people.

The article is captioned "Hardheaded, Hardworking Senator Thomas J. Dodd Fights a Nonstop Battle for Freedom—At Home and Abroad." The article asserts that as an anti-Communist investigator Senator Dodd has been scrupulously fair and has bent over backward to protect the innocent. And it credits him with a remarkable record for being right on foreign policy issues.

From firsthand observation of the Senator's record, I concur wholeheartedly with this estimate.

The Senator and I have stood shoulder to shoulder in more than one debate on foreign policy, most recently on the question of aid to Communist countries and the sale of wheat—on highly favorable terms and without conditions of any kind—to the Soviet Union. And I can think of no story from this body who has made a greater contribution than the Senator from Connecticut to our understanding of the foreign policy issues that come before us. And on examining his record, can I think of any other Member of Congress who has displayed more foresight or who has so consistently been right.

The Reader's Digest article tells the story of how a report by Senator Dodd persuaded President Kennedy to overrule the Department of State and call off a shipment to the Soviet Union of 45 high precision miniature ball-bearing machines. This was only one of a number of incidents where the administration, after a period of apparent difference with Senator Dodd, has come to accept the validity of his viewpoint.

At a time when we were still continuing the Cuban sugar subsidy and when the State Department was apparently still having difficulty in deciding whether Castro was an agrarian reformer or something worse, the Senator from Connecticut was able to warn that Castro was a Communist and that we were only deluding ourselves if we believed that we could prevent his subversion to Moscow by being nice to him.

It did not take too long before Senator Dodd's warnings were accepted as established facts by those who had once resisted them.

Similarly, there was a tendency to resist Senator Dodd's early warnings that Cheddi Jagan, of British Guiana, and Kwame Nkrumah, of Ghana, were completely committed Communists rather than non-descript radicals. Today I doubt whether there is any Member of Congress or anyone at the Department of State who would challenge Senator Dodd's early evaluations.

In April 1962, the Senator from Connecticut warned the Foreign Relations Committee that the decision to cede Netherlands New Guinea to Communist Indonesia would not produce a more stable situation in the area but would, on the contrary, what Sukarno's appetites and encourage him to embark on further demands and further expansionist adventures. In the light of what has happened since then, I doubt that a single responsible person could be found who would today be permitted to defend the wisdom of the decision or to challenge Senator Dodd's forecast of the consequences.

There is one more observation I wish to make. Our conservative friends are prone to pretend that they are the only true anti-Communists and that all liberals are by definition either pro-Communist or soft on communism. I challenge this contention. I believe that the liberal Members of the Senate have played a far more constructive role than have the conservative Members as opponents of communism and as critics of our foreign policy.

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HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
EIGHTY-EIGHTH CONGRESS
FIRST SESSION
ON
S. 1365
A BILL TO ESTABLISH THE FIRE ISLAND NATIONAL SEASHORE,
AND FOR OTHER PURPOSES

DECEMBER 11, 1963
N.R.6934, 6936, 7102, 7297, 7359
Printed for the use of the Committee on Interior and Insular Affairs
CONTENTS

Page

S. 1346 .............................................................................................................. 1

Departmental reports:

Bureau of the Budget ....................................................................................... 7

Interior ............................................................................................................... 2

STATEMENTS

Barbash, Maurice, chairman, Citizens' Committee for a Fire Island National Seashore ................................................................. 40

Carl, Mrs. William, representing the Garden Clubs of America .............. 72

Carr, Hon. James K., Under Secretary of the Interior; accompanied by R. F.

Lee, regional director, Park Service, Philadelphia; E. C. Crafts, Director,

Bureau of Outdoor Recreation; and A. H. Underhill, Assistant Director,

Bureau of Outdoor Recreation, Department of the Interior ................. 19

Crafts, E. C., Director, Bureau of Outdoor Recreation, Department of the

Interior ......................................................................................................... 15, 32

Dennison, H. Lee, Suffolk County executive .................................................. 45

Diamond, Henry, representing Laurence Rockefeller, chairman, New York

State Council of Parks .................................................................................. 39

Dominy, Charles R., Brookhaven Town supervisor .................................... 49

Izaak Walton League of America ................................................................. 74

Javits, Hon. Jacob K., a U.S. Senator from the State of New York .......... 8

Keith, Hon. Kenneth B., a U.S. Senator from the State of New York .... 28

Lowry, Charles, president, Fire Island Association ................................. 51

Murphy, Dr. Robert, Long Island, N.Y ............................................................ 54

Nadel, Michael, assistant executive director, The Wilderness Society .... 73

COMMUNICATIONS

Barbash, Maurice, chairman, Citizens' Committee for a Fire Island

National Seashore: Letter to Hon. Alan Bible, chairman, Subcommittee

on Public Lands, dated December 26, 1963 ................................................. 80

Bertheau, Cesar, and other members of the New Jersey Committee of

Regional Plan Associations: Letter to Senator Alan Bible, chairman,

Subcommittee on Public Lands, dated December 10, 1963 ..................... 76

Brower, David, executive director, Sierra Club, San Francisco, Calif.: Letter

to Hon. Alan Bible, chairman, Subcommittee on Public Lands, dated

December 23, 1963 ...................................................................................... 77

Dempsey, Joseph F., chairman, LIBBA delegation to National Seashore

Committee: Letter to Senator Alan Bible, chairman, Subcommittee on

Public Lands, dated December 8, 1963 ...................................................... 75

Dominy, Charles R., supervisor, town of Brookhaven, Long Island, N.Y.:

Letter to Hon. Alan Bible, chairman, Subcommittee on Public Lands,
dated December 24, 1963 ......................................................................... 80

Douglas, Philip A., executive secretary, Sport Fishing Institute, Washing-

ton, D.C.: Letter to Hon. Alan Bible, chairman, Subcommittee on

Public Lands, dated December 24, 1963 .................................................... 78

Kimball, Thomas L., executive director, National Wildlife Federation;

Letter to Hon. Alan Bible, chairman, Subcommittee on Public Lands,
dated December 10, 1963 ......................................................................... 76

MISCELLANEOUS INFORMATION

Analysis submitted by Anthony Wayne Smith, president and general

counsel, National Parks Association .......................................................... 76
FIRE ISLAND NATIONAL SEASHORE

WEDNESDAY, DECEMBER 11, 1963

U.S. SENATE,
PUBLIC LANDS SUBCOMMITTEE OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The subcommittee met, pursuant to call, at 10 a.m., in room 3110, New Senate Office Building, Senator Alan Bible presiding.


Also present: Benton J. Stong, professional staff member.

Senator Bible. The subcommittee will come to order.

This is the time set for the first of at least two hearings this subcommittee will conduct on S. 1365, which proposes to authorize the establishment of a Fire Island National Seashore Recreation Area on a barrier island off New York.

The Department of the Interior has submitted a report containing some perfecting amendments and the Bureau of the Budget concurs in the report from Interior. Both favor passage of the bill if amended. A copy of the bill and the departmental reports will be printed at this point.

(The bill and reports follow:

[S. 1365, 88th Cong., 1st sess.]

A BILL To establish the Fire Island National Seashore, and for other purposes

BE IT ENACTED by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of preserving certain unspoiled shoreline areas for the enjoyment and inspiration of the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized, in accordance with this Act, to establish the Fire Island National Seashore on the Great South Beach in the towns of Islip and Brookhaven, Suffolk County, New York, in the area between the westerly boundary of the Federal reservation at Fire Island Lighthouse and Moriches Inlet.

SEC. 2. The Fire Island National Seashore shall consist of not more than seven thousand five hundred acres of land designated by the Secretary in the area described in the first section, including the shore front and such adjoining waters and submerged lands as the Secretary shall deem necessary to carry out the purposes of this Act.

SEC. 3. (a) The Secretary is authorized to acquire real property and any interest therein in the area described in the first section by gift, purchase, condemnation, or otherwise, in order to carry out the purposes of this Act.

(b) Any property of the United States not within the jurisdiction of the Secretary shall be transferred to the Secretary for the purposes of this Act by the head of the department, agency, or instrumentality of the United States having jurisdiction of such property upon request of the Secretary.

SEC. 4. (a) Whenever the Secretary has acquired five hundred acres of the real property referred to in this Act, he shall declare the establishment of the Fire Island National Seashore by publishing in the Federal Register notice of such establishment. Establishment of such national seashore by such publica-
tion shall not be deemed to prevent the Secretary from acquiring other real property for inclusion within such national seashore, subject, however, to the acreage limitation provided in section 2 of this Act.

(b) Access to such national seashore shall be provided by ferries at such points as the Secretary may direct.

Sec. 5. In order that the seashore shall be permanently preserved in its present state, no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing; Provided, That the Secretary may provide for the public enjoyment and understanding of the unique natural, historic, and scientific features of Fire Island within the seashore by establishing such trails, observation points, and exhibits and providing such services as he may deem desirable for such public enjoyment and understanding; Provided further, That the Secretary may develop for appropriate public uses, such portions of the seashore as he deems especially adaptable for camping, swimming, boating, sailing, fishing, and other activities of a similar nature.

Sec. 6. The Secretary shall administer, develop, and protect the Fire Island National Seashore in accordance with and subject to the Act entitled "An Act to establish a National Park System, and for other purposes", approved August 25, 1916, as amended and supplemented (16 U.S.C., section 1 and others).

Sec. 7. The sum of $60,000, or so much thereof as may be necessary, is authorized to be appropriated for such surveys and studies as the Secretary may deem necessary to determine the area suitable for inclusion in the Fire Island National Seashore.

Sec. 8. There are authorized to be appropriated such sums as may be necessary for the acquisition of real property to carry out the purposes of this Act, and such further sums as may be necessary for improvement and administration.


HON. HENRY M. JACKSON, Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: Your committee has requested a report on S. 1365, a bill, to provide for the establishment of the Fire Island National Seashore, and for other purposes.

We favor the inclusion of Fire Island in a national seashore, but we are convinced from studies of the area we have made recently that some additional nearby portions of Long Island should also be included in a national seashore. We have, therefore, prepared a substitute draft of the bill which would accomplish this purpose, and would also make some perfecting changes. We recommend enactment of the proposed legislation if amended in accordance with the enclosed draft bill.

Under the terms of the proposed legislation, if amended as we recommend, the Fire Island National Seashore would extend from Fire Island Inlet to the junction of Meadow Lane and Halsey Neck Lane in the village of Southampton. This area includes about 52 miles of relatively undeveloped shoreline and encompasses approximately 8,000 acres of seashore environment.

The justification for this proposed national seashore may be simply stated. A unique combination of factors—the existence of some of the Nation's finest beaches in close proximity to the largest concentration of people in the entire United States—is urgent reason that the area be protected in perpetuity for the use and enjoyment of the American people.

Much of the south shore of Long Island has been heavily and effectively developed for seashore recreation. Jones Beach, for example, is justly renowned as an example of well-planned development for high-density recreation, and there are several other State parks that are heavily used.

Much of the shoreline, however, has been developed by private interests and is not available to the public. There remain nevertheless certain segments of the Long Island shoreline that have little development and thus have a substantial public use potential. Unless early action is taken to protect this area for public use, it will inevitably be developed for more limited use and the opportunity lost forever.
This point was made by the Outdoor Recreation Resources Review Commission in its report of 1962 to the President and the Congress when it commented with respect to shorelines as follows: "Highest priority should be given to acquisition of areas located closest to major population centers and other areas that are immediately threatened. The need is critical—opportunity to place these areas in public ownership is fading each year as other uses encroach."

The west end of the area is within 50 miles of the center of New York City, and more than 16 million people in several States live within a 100-mile radius. Nowhere else in the country is there a greater need by so many people for additional outdoor recreation opportunities that can be supplied in abundance and variety in the proposed Fire Island National Seashore.

In order to provide reasonable protection to owners of improved property, the draft bill sets forth the following procedure: Improved private property or interests therein could not be acquired without the consent of the owner, so long as such properties are maintained in accordance with the purposes of this act and in accordance with certain zoning requirements mutually satisfactory to the appropriate zoning authority in New York State and to the Secretary of the Interior. Lands now in public ownership could be transferred to the administrative jurisdiction of the Secretary only with the concurrence of the present administering agency.

Fire Island, itself, is a 32-mile long, narrow stretch of sand reef varying from several hundred yards to half a mile wide. Fire Island State Park, occupying the western 4 miles of the island, currently is undeveloped. By the summer of 1964, however, a bridge will be completed connecting this area with the mainland. The State plans to develop this area for high-density use to accommodate the overflow from Jones Beach State Park, some 15 miles to the west.

Near the eastern end of Fire Island is the Smith Point Bridge connecting the mainland with a Suffolk County Park on the island. Here the county has developed parking areas and a bathhouse for fairly high-density use of about a mile of ocean beach front. Under the plans for a national seashore, these two public areas could continue under their present administration or, with the consent of the governing body, be transferred to the Federal Government.

Between these two major public areas, Fire Island contains an impressive array of seashore resources. The beaches are wide, clean, and gently sloping. The dunes are imposing and usually well stabilized by beach grass, bayberry, other vegetation, and some low-lying pitch pine. The Sunken Forest, in the western half of the island, is a gem of its kind, dominated by American holly trees—some several hundred years old—with an accompaniment of sassafras, red cedar, and pitch pine.

Also located in the western half of the island are several small but rather intensively developed communities. Under the provisions of the enclosed draft bill these communities, as well as the owners of more scattered improved properties, could retain their present state of development as long as adequate zoning approved by the Secretary of the Interior is in effect, and the development remains compatible with the purposes of a national seashore. However, the ocean beaches in front of these communities would be acquired by the Federal Government along with sufficient adjacent lands above the mean high tide to assure continuous free public access to and along the beach at all times.

The area from Moriches Inlet to the east boundary in the village of Southampton is similar in character to Fire Island. It possesses excellent beaches and contains picturesque natural dunes worthy of protection in their present condition. The 1½ miles adjacent to Moriches Inlet are owned by Suffolk County and could, with the concurrence of the county, be relinquished to the Federal Government for development and administration. From this county-owned area eastward to Tiana Beach, including Westhampton and Hampton Beaches, there is an irregular pattern of development similar to that on the central portion of Fire Island. Through this section, there are an improved road parallel to the beach and three bridge connections to the mainland. The remainder, or eastern portion of the proposed national seashore, straddling Shinnecock Inlet, also possesses outstanding beaches and other recreation resources. Although roads also parallel the beach here, this portion remains almost entirely undeveloped. It was listed by the 1955 National Park Service seashore survey as one of the 16 most important public seashore opportunities on the Atlantic and gulf coasts.

Our suggested revision of this proposed legislation would establish a reasonably flexible procedure for establishment of the national seashore.
Section 1 of the draft sets forth the purposes of the act and states that the boundaries of the Fire Island National Seashore are from Fire Island Inlet to the village of Southampton. Sections 2 and 3 prescribe the limitations on the land acquisition previously referred to. These provisions will have the effect not only of promoting the objective of this national seashore but also will actually benefit the owners of improved properties by protecting them against any undesirable use or development. Section 4 will permit in appropriate cases the owner of the property that may be acquired for purposes of the national seashore to retain the right of use and occupancy for a period up to 25 years with appropriate adjustment in the selling price. Section 5 will permit hunting and fishing within the national seashore in accordance with the laws of the State of New York. Section 6 will permit the acceptance of donated real or personal property. Section 7 will permit the Secretary to use his general statutory authority governing the national park system and any other statutory authority available to him for the conservation and development of natural resources in carrying out the purposes of this act. Section 8 provides that the national seashore will not interfere with shore-erosion control and beach protection measures by the U.S. Corps of Engineers and/or the State of New York.

The proposed Fire Island National Seashore is eminently suited to become an integral unit of the system of existing and proposed national recreation areas. It meets all of the primary and the applicable secondary criteria as set forth in policy circular No. 1 pertaining to national recreation areas, approved by the Recreation Advisory Council on March 20, 1963.

Based upon studies thus far made, the aggregate area of the national seashore will be approximately 8,000 acres, and we believe that land acquisition costs probably will not exceed $20 million. The data required by the act of July 26, 1968 (5 U.S.C. 642a), are enclosed.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

A BILL To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes

BE IT ENACTED by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of preserving for public outdoor recreation purposes certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high recreation values to the Nation, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from Fire Island Inlet to the junction of Meadow Lane and Halsey Neck Lane in the village of Southampton. The boundaries are delineated on a map identified as "Fire Island National Seashore No. FINS-1000". The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by a political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an
(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the National Seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) The Secretary shall not acquire any privately owned "improved property" or interests therein without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning bylaw that is satisfactory to the Secretary.

(f) The term "improved property" as used in this Act shall mean any building the construction of which was begun before January 1, 1968, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning bylaws which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the National Seashore, and (2) promoting the protection and development for purposes of this Act of the land within the National Seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning bylaw or any amendment to any approved zoning bylaw submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the bylaw or amendment. Such approval shall remain effective for so long as such bylaw or amendment remains in effect as approved.

(d) No zoning bylaw or amendment thereof shall be approved by the Secretary which (1) contains any provision that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the National Seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage by such bylaw, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning bylaw approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Sec. 5. The Secretary shall permit hunting and fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York, except that the Secretary may design
nate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property that may be donated for such purposes.

Sec. 7. The Secretary shall administer, protect, and develop the Fire Island National Seashore in accordance with the provisions of this Act and the applicable provisions of the laws relating to the National Park System, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of his Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

**Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs**

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Note.—All data based on premise State and counties will continue to operate parks under their jurisdiction.
Executive Office of the President,
Bureau of the Budget,

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 1865, a bill to establish the Fire Island National Seashore, and for other purposes.

The report which the Secretary of the Interior is submitting describes this area, assesses its recreational potential, and favors the designation of Fire Island as a national seashore. With respect to S. 1865, the Secretary favors its enactment if amended in accordance with a substitute draft bill accompanying his report.

The enactment of this proposal will authorize certain acquisitions, the financing of which will need to be related to the availability of the proposed land and water conservation fund.

The Bureau of the Budget would have no objection to the enactment of S. 1865 if amended as suggested by the Secretary of the Interior.

Sincerely yours,

Philip S. Hughes,
Assistant Director for Legislative Reference.

Senator Biddle. The hearing today is to accommodate official witnesses, including the Senators from New York, authors of the original proposal, and the Department of the Interior. The committee has also agreed to hear a spokesman for major sponsoring organizations and officials from the area.

We plan to have another hearing in the early spring on Fire Island, or at a convenient nearby point, where we will hear local witnesses.

I shall not attempt to describe the proposal. This is the first time the committee members have heard the details of it, and we are here to listen.

I am advised that a number of Washington, D.C., organizations interested in this proposal have indicated a desire to be heard in support of it or to file statements. They have a big meeting going on downtown today so it is inconvenient for them to appear. The members of the subcommittee all want to be on the floor this afternoon, for it is the day designated for tributes to the late President John F. Kennedy.

Since it meets the convenience of both the subcommittee and the private groups, we will arrange to hear them later or receive their statements. It is my hope that we can complete the witnesses listed for this morning promptly, so the Senators can be on the floor when the Senate convenes.

Our first witness will be our distinguished colleague from New York, Senator Jacob Javits, one of the authors of the bill.

I might say this is in line with the statement I made the last time we had a hearing on November 27. I indicated at that time that as far as this subcommittee was concerned it intended completing three pieces of business before we adjourned or recessed over the Christmas holidays.

We intend completing Mesa Verde National Park bill and the Sleeping Bear Dunes bill. We have accomplished this and both bills will be considered by the full committee on this coming Friday. I announced at that time we would commence our hearings on Fire Island at this hearing today, with the definite understanding that there would be field hearings. I indicated then, and I repeat now, my hope that we avoid repetition of witnesses here and in the field. I have learned
over the past several years since I have been chairman of this sub-
committee, first on the Cape Cod bill and then on Padre Island and
Point Reyes, and Canyonlands and Prairie National and Ozarks and
Sleeping Bear and other allied national parks, seashore and lakeshore
proposals, that there is a great and understandable tendency on the
part of the proponents and opponents of the legislation to appear in
both places.

We found through experience that the witnesses come to Wash-
ington and testify and they end up being exactly the same witnesses that
we have had out in the field, saying exactly the same things.

I pose this caveat hoping that we can avoid duplication. We cer-
tainly want to hear everyone who has something to say on this legis-
lation. We have learned, too, by experience, that these issues become
very intense issues before they are finally disposed of. We are going
to listen to you patiently and objectively and with the hope that some-
thing will be accomplished. Again we will have a field hearing some-
time in the early spring. I will set that date.

I hope the date can be sometime in April. This is a projection
ahead and we will wait and see. We want to go up there at a time
when it is advantageous to the people in the field and when your pro-
posed Fire Island National Seashore puts on its best dress and shows
to the greatest advantage. Our first witness, as I have stated, will be
Senator Javits. We will be very happy to hear from you at this time,
Senator Javits.

STATEMENT OF HON. JACOB K. JAVITS, A U.S. SENATOR FROM THE
STATE OF NEW YORK

Senator Javits. Mr. Chairman, I think the whole State of New York
and the Nation will be grateful to the Chair and to the committee for
this expeditious hearing with respect to the Fire Island National Sea-
shore Park. I would like to say to the chairman that he sets an
example which I hope may be followed. I shall limit myself to 10
minutes if that is agreeable to the Chair. I will watch the time.

Senator Brinks. We are putting no one on a time restriction.

Senator Javits. I am limiting myself, Mr. Chairman, to emphasize,
because I am a lawyer first and foremost, the main point of my testi-
mony. The main point of my testimony is the need for accelerating
approval of this program, because upon the accelerating approval of
this program, because upon the acceleration of approval depends its
success or lack of it, and the capability for including what ought to
be included in justice to this stretch of tremendous natural beauty and
therefore of tremendous national interest. I take my text from the
communication of the Secretary of Interior to Congressman Aspinall,
dated June 10, 1968, in which he says:

Unless early action is taken to protect this area for public use, it will in-
evitably be developed for more limited use and the opportunity lost forever.

While we realize, Mr. Chairman, the limitations which probably will
exist upon rights of eminent domain and their assertions in respect of
the establishment, happily, of this Fire Island National Seashore, and
while we recognize, and I am sure the owners within the area con-
templated recognize, the paramount national interest and the need for
their observing reasonable restrictions and zoning with respect to the
use of their own property, we know that these problems are so trying that the more that is available in the public domain in the first instance the better project we will have in toto and the least costly. I just talked with the local authorities and members of the board of supervisors, who are here this morning, and I would like to compliment them publicly upon the fact that they have provided just recently an additional mile of shore front themselves, added to the four already available.

This is the direction, Mr. Chairman, in which I believe we in the Congress, in addition to authorizing the whole project, can do the most good, by the acceleration of its enactment so that it may come in time and before there are so many vested interests, so many developers have latched on to pieces of the property, as to either enormously complicate its consummation or make it prohibitively expensive or make it less useful to the purpose for which designed by Senator Keating’s bill and mine, than it otherwise would be. It happens that we are speaking of an area of which I have very intimate personal knowledge, not just as a Senator from New York and campaigner and constant traveler around my State but because for 4 successive years Mrs. Javits and I raised our children on Fire Island. We lived there. We know every single inch of it and we couldn’t think, either of us, and I believe the committee will come to the same conclusion when they get there, of a more felicitous stretch of beach and ocean than this one to preserve for the Nation.

I might say, Mr. Chairman, that I hope the Chair will confirm this when the Chair takes the tour. I know of no other place—and I have been to Nantucket and many others, and they are all very beautiful—where one has a feeling of being at sea while on land, having the touch of the ocean and actually living at sea than you do on Fire Island.

There is a fundamental difference, Mr. Chairman, between the bills of Senator Keating and myself and Secretary Udall’s proposal. Secretary Udall’s proposal is for 60 miles of this relatively undeveloped shoreline, whereas our proposal is for 32 miles. We believe we are not in any sense in opposition to each other, and my statement which I ask unanimous consent to file—

Senator BRINE. Without objection that will be the order.

(The document referred to follows:)

PREPARED STATEMENT OF HON. JACOB K. JAVITS, A U.S. SENATOR FROM THE STATE OF NEW YORK

Mr. Chairman, I very much appreciate having the opportunity to appear before this committee to testify on behalf of S. 1365, a bill to create a national seashore at Fire Island, which I have had the honor to cosponsor with my colleague, Senator Keating. I have actually lived on Fire Island, in successive summers, for 4 years, and know it well personally.

Fire Island is a 31-mile sandbar off the south shore of Long Island, approximately 50 miles from New York City. It is about 2,000 feet wide at its widest point and in many places is less than 600 feet wide. Yet, it is one of the most magnificent ocean fronts in the world. Fire Island is one of the last unspoiled stretches of natural beach on the east coast. It provides perhaps one of the last opportunities for the establishment of public recreational facilities, easily accessible to almost 20 percent of the population of the United States located in the metropolitan complex extending from Boston to Washington—and especially for the 11 million people of the New York metropolitan area. The growth of income and population have accelerated commercial development and increased
real estate values to the point where time is running out on opportunities to preserve areas such as Fire Island for the enjoyment of all the people of the United States. We simply cannot afford to allow this priceless piece of sand and sea to be lost to present and future generations who will use a Fire Island National Seashore.

Secretary Udall expressed his deep concern over the country's "vanishing shoreline" when he stated on June 11, 1963, that "nowhere in the country is there a greater need by so many people for additional outdoor recreational opportunities than can be supplied in abundance and variety." The Secretary has stated that "of the proposed national seashore and lakeshore areas, Fire Island is under the greatest threat of loss to the people of the United States, both today and tomorrow." I believe that we cannot afford to ignore this grave threat to the welfare and enjoyment of the people of New York and of the country as a whole.

The total acreage of the national seashore as established by our bill is 7,500 acres of shoreline, vegetation, and submerged wetlands, extending from the Federal reservation at Fire Island Lighthouse to Moriches Inlet. In my view, these boundaries provide the soundest approach for preserving as much of Fire Island and as effectively as possible.

I recognize that while there is a strong consensus of opinion in support of the prompt establishment of a national seashore at Fire Island, there are varying views with respect to the area to be included in the national seashore. The Secretary of Interior has proposed legislation establishing a Fire Island Seashore extending from Fire Island Inlet to the Junction of Meadow Lane and Halsey Neck Lane in the village of Southampton, to include 62 miles of relatively undeveloped shoreline and encompassing about 8,000 acres of seashore land. This proposal would extend the boundaries incorporated in our bill by 20 miles. In view of strong local opposition to the Secretary's proposal—opposition with which I am in great sympathy—Secretary Udall subsequently indicated that this proposal was subject to modification and that a consensus of opinion with respect to the boundaries of the seashore would be considered. I am hopeful that such a meaningful consensus will be reached by the committee.

Most proposals for national seashores have stirred major controversies in the past. Happily, except for details, this is not true in the case of Fire Island. Secretary Udall has indicated his strong support for the establishment of the Fire Island National Seashore as have residents of the summer communities, the Suffolk County Board of Supervisors and the administrations of townships of Brookhaven and Islip. The local chambers of commerce, League of Women Voters, sportsmen and conservationists groups and the leading newspapers are also behind this movement. With such support, we should be able to move rapidly toward the establishment of the Fire Island National Seashore.

I fully expect that great benefits will accrue to the people of Suffolk and Nassau Counties, the Metropolitan New York area and the Nation. As in the case of other national parks, adjacent land values have risen and new facilities for goods and services have been created. The seashore will be a significant asset to the Long Island area.

I am, of course, deeply concerned with the protection of the rights of those presently owning property in the Fire Island Seashore Area. The Department of Interior's proposed legislation, as introduced in the House of Representatives, contains provisions for the protection of private property rights. This legislation would forbid the taking of privately owned "improved property" and interests without the owner's consent so long as it would be maintained in accord with zoning requirements mutually satisfactory to the appropriate zoning authority in New York State and the Secretary of the Interior. I have been exploring for some time the possibility of adding provisions to insure further protection of private property rights and to prevent encroachment upon the legitimate interests of local government and residents. The Oregon Dunes bill which has been reported out of the Interior Committee and is presently scheduled for action on the floor will provide valuable precedent for acceptable language in our bill to insure the protection of private property. Consideration of such property rights will require an examination of the Secretary's power to condemn privately owned property and the formula and determination of fair value to be provided for property owners. These problems must be worked out without losing sight of the overall concern for the protection of the natural features of the seashore and its public outdoor recreational potential.

The Federal Government has already made a major investment in this property. The U.S. Army Corps of Engineers is now embarked upon an 83-mile
Federal-State beach erosion control and hurricane protection project which will involve, according to present plans, substantial work on Fire Island. By 1965, more than $11 million of Federal, State and local funds will be spent on Fire Island to protect hundreds of millions of dollars' worth of mainland property, for which the island serves as a barrier beach against the onslaughts of the Atlantic Ocean. This is another reason why the entire dune and ocean front should be preserved for the public instead of having these public funds benefit commercial developers.

Our bill would require that access to the national seashore be provided by ferries at the points determined by the Secretary of the Interior. The Secretary would also be authorized to establish trails and observation points and to provide the services he deems desirable for public enjoyment. Development of portions of the seashore for public camping, swimming, boating, sailing, fishing, and other similar activities is also authorized by our bill.

In ironing out the details of this bill, we must never forget the high national priority of the establishment of a Fire Island National Seashore.

Secretary Udall has stated that "unless early action is taken to protect this area for public use, it will inevitably be developed for more limited use and the opportunity lost forever." In addition to the national urgency, expeditious consideration of this bill in the 88th Congress is particularly necessary because the current local ban on private improvements in the seashore area may be subject to termination in the near future. Interests in addition to those already vested should not be vested or broadened beyond where we stand now. I ask the committee to give prompt and favorable consideration to Senator Keating's and my bill, S. 1305.

Senator Jarvis. My prepared statement contains a description of the area. Certainly no one can quarrel with Secretary Udall's desire to get as much as possible in a neat, proper package based upon the findings and views of his experts. If we are going to do it, I certainly can understand the Secretary's quite proper desire to do it "right." We believe, however, and this is based upon our own studies and the studies of State officials and local officials, that the 32-mile stretch which is provided for in our bill will give everything that should be included with respect to the beauty of the area and satisfy the national concern for the preservation of this magnificent seashore. At the same time it will avoid some of the major controversies which have been stirred by other projects of the same character. We have, after all, to consider the views of summer communities—the Suffolk County Board of Supervisors, the administrations of townships of Brookhaven and Islip, which are mainly concerned, the local chambers of commerce, League of Women Voters, the sportsmen and conservationist groups, and the views of the local press. It is in taking that composite, that concensus, plus the fact that we believe that the area provided for in our bill will do everything that properly should be done with respect to what is to be preserved as a national heritage that we, with respect and without any sense of sword's point controversy, press the point that the area of 32 miles contained in our bill is adequate for the purpose. It will avoid most of the major difficulties, and I believe it is a better basis than the more inclusive area which perhaps ideally would be entirely justified. We have the greatest confidence in the Secretary's good faith and in the expertness of his people, but the extended area will run into so many problems it may vitiate this very fine concept.

The only other point I would like to make, Mr. Chairman, is that there is a bill going through for the Oregon Dunes National Seashore which we thought might have some very useful material on the question of private interests and how to deal with those, which might be up the situation respecting this measure as well.
There are, as I know from personal experience and as the record shows, a good many properties in private ownership.

Taking the area as a whole it is underdeveloped. Finally, the U.S. Army Corps of Engineers has already made a major investment in this property. By 1985 more than $11 million of Federal, State, and local funds will have been spent on Fire Island to protect the hundreds of millions of dollars worth of mainland property for which the island serves as a barrier beach against the onslaughts of the Atlantic Ocean. Everybody knows there was a breakthrough there which caused very great damage in the very recent past, one of a number in modern times.

So that is another reason why the entire dune and ocean front should be preserved for the public instead of having these public funds already expended benefit commercial developers. Our bill would require access to the national seashore to be provided by ferries at the points determined by the Secretary of the Interior, who would also be authorized to establish trails and observation points and provide the services he deems desirable for public enjoyment, including provisions for camping, swimming, boating, sailing, fishing, and similar activities.

Finally, and as I close—I think I have kept within my time—I again reiterate what Secretary Udall has told us, and with which we thoroughly agree, "unless early action is taken to protect this area for public use it will inevitably be developed for more limited use and the opportunity lost forever."

In addition to the national urgency, expeditious consideration of this bill in the 88th Congress is particularly necessary because the current local ban on private improvements in the seashore area may be subject to termination in the near future. Interests in addition to those already vested should not be vested or allowed to be broadened if we can avoid it beyond where we stand now. I hope very much for favorable and prompt consideration of Senator Keating's and my bill, S. 1865.

Senator Breaux. Thank you very much, Senator Javits. I would ask you at this point only one question, and I have not had the opportunity of examining both bills in great detail. It does seem to me that the bill proposed by the Secretary builds into it the so-called Cape Cod formula. If you are not familiar with that formula it is the formula whereby we say if you own a home on Cape Cod or Fire Island Seashore, as long as you conform with the zoning ordinances of the local authority, whatever that authority may be, then you are permitted to maintain your residence there. In quickly looking over your bill—I am frank to say I have made no study of it up to now—it doesn't seem to me that there is any provision similar to the Cape Cod provision in your bill. I don't know whether you have any thinking on the Cape Cod provision or not. I am frank to say that in each one of these various seashore areas that this committee has considered this always becomes paramount:

First, the boundary question, the size, whether it should be 31 miles or 52 miles or some other figure, and then, No. 2, how will you take care of people who already have homes in this area?

There are other questions, of course, but inherent in Cape Cod and Padre Island and Point Reyes and Sleeping Bear and Oregon Dunes,
just as examples, we have this as one of our real areas of greatest concern. My own feeling is that the Cape Cod formula has worked out reasonably well, whereby we say if you have a home on this particular area you may maintain it as long as you conform with certain zoning ordinances. I don't know whether you have examined this in detail. You might prefer to have the Department give their position before you analyze it. But I would solicit your views as well as the views of Senator Keating on this subject because it is always one of the main points of controversy and conjecture.

You might like to hear the Department's position first.

Senator Javits. I would like to say to the chairman that in my testimony I have expressly endorsed the Cape Cod formula and that will be found in the prepared statement although I didn't mention it.

Senator Bible. I didn't hear you mention it.

Senator Javits. What I said was, and I would like to read it:

This legislation would forbid the taking of privately owned improved property and interests without the owner's consent so long as it would be maintained in accord with zoning requirements mutually satisfactory to the appropriate zoning authority in New York State and the Secretary of the Interior.

I gather this is pretty much the kind of formula the Chair is mentioning. I might point out that the scheme of the legislation is contained in section 2, and though it does not expressly spell out the formula it does so by exclusion, because it provides only that the seashore shall consist of property acquired by the Secretary and property transferred to the Secretary, thereby excluding property which is privately owned and which he can neither acquire, unless he had some power of eminent domain, which we don't give him, or which was conveyed to him by any of the other governmental echelons or by gift or device or in some other way.

I certainly, for myself, couldn't agree more with the Chair. There is enough here which is available to make a magnificent Fire Island National Seashore Park in the interests of the Nation. It is unnecessary to move in and kind of mow down those who have established their homes and places in this whole area. As I say, I know it personally so I speak with great feeling on that subject.

Senator Bible. I appreciate that viewpoint. Might I ask you just one other question. I know the departmental witnesses will develop it, but so we have a broad overall idea of what is embraced within this proposal, how many homes are located within the 31 miles that you propose in the bill introduced by Senator Keating and yourself?

Senator Javits. I couldn't tell the Chair right off the top of my head. I would have to appeal to the local authorities.

Senator Bible. We can develop that through the Department people.

Senator Javits. Again in repetition, in Sleeping Bear the question is whether we put 1,600 homes in there or whether we put 90 homes in there. This has been inherent in every single one of these issues.

I will say this to the Chair. The Chair will find a great disproportion between the number of homes affected by the added 20 miles and the number of homes in the 31 miles, heavily weighting the increase in the number of homes directly affected if you take the larger area. Senator Keating's view and mine was very heavily dictated by balancing the preponderance of homes affected as against what you would add to the beauty and the preservation of an important strip of land.
We feel very definitely that the balance is against rather than in favor of this extension, taking those two great considerations and balancing them one against the other.

Senator Breck. Again we find that Fire Island National Seashore follows the general pattern. We find our good friends from the Interior Department always asking for a little more than I think they really honestly feel they are going to get. This has always been our problem, to try to shrink these boundaries so they are realistic and they cause the least possible disruption. If I say so I think we have a group of men here who have handled a good many of these problems and there is a general theme that runs through them all. Senator Javits, your testimony is very, very valuable. Possibly some of my colleagues would like to ask you some questions.

Senator Allott.

Senator Allott. Yes; I would. First of all, since I am unacquainted with this particular place, as I understand it, this probably lies in the Sound east of Manhattan or northeast, is that right?

Senator Javits. It would be mostly east because Long Island runs from west to east and this is almost due east. I notice that Babylon is shown on the map because that is a proper beginning for what we have in mind. Really Fire Island proper starts below that. In round figures 55 to 60 miles out of Manhattan on excellent parkways. The run can be made in about an hour and a quarter at normal speeds, and the total transit from home to home on Fire Island is something in the area of an even 2 hours from the time you take getting on the ferry and getting off. It is very contiguous. It would really be a tremendous boon, not only to those from all over the Nation who would visit, but it is quite essential to New York and its environs, that is, Nassau and Suffolk Counties, about 11 million people. It will tie in very promptly within a year to the Jones Beach area, which is already beginning to show the strains which will become very much more acute within the next 5 to 10 years.

Senator Allott. I ask these questions because I am unacquainted with the particular geography just as I am sure the New York Senator is unacquainted with the particular geography in Colorado and some of the other Western States. I would like to ask this question: How far east of Manhattan, say, is the westernmost part of Fire Island?

Senator Javits. I would say 50 miles.

Senator Allott. Roughly 50 miles?

Senator Javits. Yes; I am told 44 by the experts. It is about that order of magnitude.

Senator Allott. Well—

Senator Javits. Bay Shore is the town I was thinking about because that is a little below Babylon which you see on the map and which is about 55 miles from New York. That is really the first point at which there is important communication. But when the bridge is built, the important communication will start about 10 miles west of that, closer to Manhattan, which would be about 44 miles from New York.

Senator Allott. What is the ownership of this island? Is it owned by the State?

Senator Javits. No; it is in a kind of mixed ownership. There is a good deal of property which is privately owned. There is a good
deal of property which is owned by the county, that is, Suffolk County.
I believe there is some State land as well. There is also right now
a park on the property, about a 4-mile park, at the westerly end of
the property and it is that which will be connected by a bridge with
what is now the Jones Beach complex. So you have the beginning
of a park area in an organized way there already.

Senator Allott. Is any substantial part owned by the county or
by the State?

Senator Javits. Yes; there would be 5 miles and the county officials
are here and they will testify, which they have themselves. That has
been added to; it was 4. It is now 5 because they themselves see the
need for keeping as much as is humanly possible in a position where
it can be part of the national park without becoming a prohibitive
question of costs.

Senator Allott. I assume that this map which says the Department
of Interior, that the dotted area represents the area that the Depart-
ment of Interior would wish to take?

Senator Javits. That is right; 52 miles. They say that is a new
proposal. Will one of you gentlemen go to the map and help us on
that?

Senator Bible. For the record, would you identify yourself?

STATEMENT OF E. O. CRAFTS, DIRECTOR OF THE BUREAU OF
OUTDOOR RECREATION, DEPARTMENT OF THE INTERIOR

Mr. Crafts. My name is Edward Crafts. I am with the Department
of Interior, Director of the Bureau of Outdoor Recreation.

The proposal that the Department sent up as the administration
measure last June 10, proposed to go from the village of Southampton
to the western tip of Fire Island, which is 52 miles. This line, the
dotted line, is the one that the Under Secretary is going to speak to
when he testifies.

Senator Javits. Will you point out the 32 miles we have?

Mr. Crafts. The 32 miles that your bill speaks of is from Moriches
Inlet and I think your bill ends down here.

Senator Javits. That is right.

Senator Allott. So the Javits-Keating bill goes from the eastern-
most part of your designation down to the inlet that you have desig-
nated, roughly?

Senator Javits. The westernmost part is the foot of the map left.
It goes west to east. In other words, our proposal would move from
this area where there is a State park now, Fire Island State Park, to
Moriches Inlet, somewhat short of this new proposal which apparently
the Interior Department will testify to, but not very much. Much
more in line with that than with the Interior Department's original
idea which goes way up here to Southampton.

Senator Allott. I have just one other question, Senator. I will
develop this other information from subsequent witnesses. We al-
ways run, as the chairman has suggested, into this matter of condemna-
tion, and even though a bill does not give the power of condemnation
you really do not have to give the power of condemnation in order to
destroy property rights. If a man has a property in this area and he
is completely surrounded by a seashore or a park, the pressures can be
put on in such an infinite number of ways that the retention of the property is simply not worth the trouble. Have you given any thought about how you would handle this problem?

Senator Javits. We have given some little study to it, both on the Cape Cod example and I mentioned in our testimony the Oregon Dunes problem. I believe in this case it would be possible to work out the problem because the places on Fire Island very much conform to a park idea. Some parts of Fire Island, for example, do not have electricity, and by design. People want it that way. The architecture, the fencing, the fact that most places on Fire Island don’t have gardens and no desire to have them. They are kind of seascape decorations. I really feel that, given the barest shred of good faith on the part of the Federal Government which would in the first instance, I hope—and I hope very much the legislation will be drafted that way—commit itself to the policy of allowing the enjoyment of the homes and private places as they exist at the time of the establishment of the park.

When you marry that to the rather unique nature of Fire Island as a place of living which at the desire of the residents quite conforms to the character of a national park, I think in this case it could work out better than many others. But I do agree with my colleague that you would have to provide in the legislation and postulate on the part of the Department and an entire good-faith determination to comply with this fundamental principle, that those who are there shall enjoy in a private way what they have. That I would say, as a sponsor of the bill with Senator Keating, is certainly my intention.

Senator Allott. Fire Island would lie within how many counties?

Senator Javits. One county, Suffolk.

Senator Allott. I presume New York has a State law relating to countywide zoning; does it not?

Senator Javits. I think it is a question of township zoning. But there is no reason why in respect of a situation of this character by cooperation with the board of supervisors of the county, which is entirely for this project, and they are here to testify, those problems can’t be worked out. Certainly I would lend myself to helping to work them out.

Senator Allott. In other words, under the New York State law, this area would be susceptible of a zoning which would take the place of the advantages—and I put several question marks after advantages—of the power of condemnation.

Senator Javits. It could be done. I deeply believe that this is a rather unique opportunity because the character of the residences now there is entirely compatible right now. You don't have to change them. That is what the people want. Entirely compatible with the character of a national seashore park.

Senator Allott. This is the last question I want to ask. Do these residences generally run the whole gamut of resort residences from plush affairs to fishing shacks?

Senator Javits. There are no plush affairs, with the exception of one or two, on Fire Island. The whole character is seashore. Some are more substantial than others, some larger than others, but essen-
FIRE ISLAND NATIONAL SEASHORE

...it is a very substantial but essentially beach cottage area. The will of the residents has been for years—they fought many battles about this themselves—to maintain that character. So it would be most congenial to this kind of development already in its character and the desire of its people.

Senator Allott. Thank you.

Senator Biddle. Senator Jordan.

Senator Jordan. Mr. Chairman, I appreciate the statement that my colleague has made here this morning about the proposed Fire Island National Seashore. As the testimony develops my knowledge of the area and its suitability for this purpose will grow, I am sure, and I am not going to detain my colleague with questions at this time that will be answered by people testifying later. I would say to him that I can think of no more suitable place for a public park or recreation area than one located so close to such a high concentration of population. I commend the Senator for his statement.

Senator Javits. I thank my colleague.

Senator Biddle. Senator Simpson.

Senator Simpson. Thank you, Mr. Chairman. I too, want to compliment my colleague on a fine presentation. I might add that his and Senator Keating's championship of this measure is the best assurance of its passage.

Senator Javits. You are very kind.

Senator Simpson. I want to say more in the way of observation to my colleague that this is the type of thing that I very much believe in, the establishment of a seashore national park in an area where the people are. We have overlooked that so much. I am quite surprised that many easterners are now seeking to do what has been done in the West for many, many years because of the wide open places. But those places are inaccessible to the people on the east coast by virtue of the economy. So to have a park or seashore where the people are makes good sense. I would even go for the whole park picture rather than the one that is advocated.

But you know the people there best and you know the protestees. We have another situation, and the Senator supported that, adjacent to Washington, 15 miles out, the beautiful Great Falls, where there is this canal built by the Father of our Country, George Washington, under his engineering guidance and leadership, and it is going into decay. It is here within 15 miles of Washington and it has tumbled down and been desecrated by vandalism and nothing has been done about it.

The bill has passed the Senate and now languishes in the House. It would be the Father of this Country's own monument and not one built for him. I would commend the Senator for this and I would go along with his proposal, because if there is any feeling of opposition against this I think you have to look at that. You know more about the people than we do and you know what the situation is.

We have the beautiful Yellowstone National Park and Grand Teton Park in our State of Wyoming and in Colorado is the beautiful Rocky Mountain National Park and we know the advantage they are to people who visit them. I am wholeheartedly in favor of this, I want...
to advise my colleague, and I would go for the whole chunk, but in
deferece to you I will go for the portion you advocate.
Senator JAVITs. Thank you very much.
Senator Bible. You have made a very fine statement, Senator Javits.
I want to indicate to you that we are running out of areas such as
this. Another very good example is the Indiana Dunes. That is very
comparable to the area you have here. It serves a great metropoli-
tan area of many millions of people just as this Fire Island seashore
will serve many, many millions of people. I think we had not better
delay action very long. I have one observation or question. Are the
people now living within this proposed area in a fair degree of agree-
ment as to this proposal?
Senator JAVITs. Yes. There will be local testimony, but I think,
given the kind of approach which is being testified to by me, and which
apparently finds a simple sympathetic ear with the committee, I be-
lieve that it is fair to say that this will find favor locally.
Senator Keating, as a matter of fact, has made some trips and
addressed mass meetings of citizens in the more settled areas of this
particular area that we have described in our bill and has found great
receptivity on their part.
Senator Bible. This is encouraging because in so many of these
areas where we have been attempting to move on seashores, if there
is not local acceptance then obviously the problem is a very, very
difficult one.
Senator JAVITs. I don't think the Chair will find any problem here.
Senator Bible. Your testimony has been most helpful.
Senator Allott. May I ask just one more question?
Generally in this area, are these permanent homes that we are deal-
ing with, or would they be just a summer type of residence, that is,
warm weather?
Senator JAVITs. They are permanent summer homes. People come
back year after year but they generally come for the season, let us
say, April—it is being stretched more and more all the time—April to
October. But they return constantly. They own them and keep com-
ing back. There is some rental housing.
Senator Allott. You are dealing generally with the seasonal occupancy?
Senator JAVITs. I don't think it is fair to say in this case. They
don't float in there in June and depart Labor Day. It is 6 months
occupancy. People go there in the winter to look after the property.
They have much more love for it. It is much more analogous to what
you people in the Western States would be doing with a house on a
lake, 5 or 6 or 10 miles away from town, where you go on a Sunday
if you want to rest or write a book or just think. Also the way you
keep it in shape, although you may not occupy it in a serious way
except for certain months of the year. It is not a transient summer
residence as you would think of in some very populous beach.
Senator Allott. This is the point I want to make. It is not an an-
nual year-around residential type.
Senator JAVITs. It is not.
Senator Allott. Thank you very much.
Senator Simpson: Senator, I just want to say that the wives write the books as evidenced by my colleague.

Senator Bible: Thank you, Senator.

The departmental witnesses are James K. Carr, Under Secretary of Interior; accompanied by R. F. Lee, regional director of the Park Service in Philadelphia, E. C. Crafts, Director of the Bureau of Outdoor Recreation, and A. H. Underhill, Assistant Director of the Bureau of Outdoor Recreation.

Gentlemen, would you assume your places at the witness stand?

I might say that Secretary Carr has indicated to me that Secretary Udall is out of the city and cannot be here. Secretary Carr has also indicated there is a Cabinet meeting which he must attend and he must leave for that in a short time. So I have indicated to him that when he finishes his statement it will be perfectly all right for him to leave and then we can question his battery.

I see one member of the battery, Mr. Hartzog. He is not on my list but we are glad to have you.

Mr. Secretary.


Mr. Carr. Mr. Chairman and members of the committee, you have mentioned Mr. George Hartzog, who is Associate Director of the National Park Service, and Mr. Crafts and Mr. Lee. In addition we have with us this morning Mr. Thomas Sullivan of the Solicitor's Office in case there are any legal questions about the legislation.

Senator Bible. Might I ask a question at this point? It is always helpful to the committee to know the man who has been there and who has walked over the land and knows what the houses are like and how many people are there, what the local feeling is and the terrain and all the rest of these problems. We find sometimes those people who are in Washington offices sometimes don't know exactly what the seashores embrace. You have with you somebody today who has walked over this and knows it from A to Z.

Mr. Carr. He sits on my left.

Senator Bible. This is the man who will be asked the most questions.

Mr. Carr. Mr. Underhill, Assistant Director of the Bureau, has also been over the area, as has Mr. Crafts.

Senator Bible. Thank you.

Mr. Carr. Mr. Chairman, I appear before you this morning on behalf of the Secretary who is on an assignment for the President and unable to attend this hearing. I am available with other representa-
tives of the Department to furnish what information you desire and
urge approval, with some modifications, of Senate bill 1365, to estab-
lish the Fire Island National Seashore in New York.

I should like to tell you briefly what is proposed, what it would cost
why it is proposed, and how the Department would administer the
area if the Congress decides it should be established.

First, by way of background, a Fire Island National Seashore is an
outgrowth of a study of the Nation's coastal areas originally made by
the National Park Service some years ago. Within the past year, it
has been restudied by the Bureau of Outdoor Recreation and the Na-
tional Park Service working jointly.

There is only one bill pending in the Senate. There are several bills
pending in the House differing mainly as to boundaries and to the
authority that would be granted to the Secretary for the acquisition
of lands.

The Department has reported on S. 1365 as well as the House bills
and has in both cases recommended a substitute bill which would
extend the boundaries of the seashore to the village of Southampton.
The substitute bill would also restrict the power of eminent domain
principally as it applies to improved property. Because of the nu-
umerous minor differences in various pending bills it seemed best to pro-
pose a substitute bill in connection with the Department's report of
June 10, 1968. This you have before you.

Senator BiBBLE: For the information of everyone the official report
of the Department of Interior dated June 10, 1968, the report signed
by Secretary of Interior Udall, and the attachment to the report, the
proposed substitute bill, have been ordered printed at the beginning
of the hearing record immediately following S. 1365.

Mr. Carr. I might point out that with reference to improved pro-
erty in the substitute bill, if you look at section 2(e) and section 2(f)
you will see that the Department substitute bill makes no distinction
between improved commercial property and improved noncommercial
property. So this proposal by the Department is a broader proposal
than was in the Cape Cod legislation.

Senator BiBBLE. It is broader in that it treats commercial property?

Mr. Carr. Yes; it is more generous to those people who have im-
proved property than the Cape Cod bill.

Senator BiBBLE. We will want for the record to again ascertain the
number of houses and their character and whether they are year
around and the approximate value and what type of commercial enter-
prises are there.

Mr. Carr. We have that information and Mr. Lee will be able to
furnish it for you.

Senator BiBBLE. I won't question you on that point.

Mr. Carr. Since the Department's report was submitted, there
have been widespread discussions of S. 1365, the House bills, and the
Department's proposal. Hearings have been held on Long Island
by a House subcommittee.
At this point I think I should apologize to Senator Javits and Senator Keating for the fact that we did not let them know prior to the hearing of this recent change which has been hammered out in the last 2 or 3 days with Secretary Udall and others in which we at the Department have reduced the proposal.

In the next minute or so I would like to tell you about that.

Senator Bible. What you are saying is that the position you took on June 10 is not the position you are taking today?

Mr. Carr. Exactly.

Senator Bible. What is your position as of today and what are we working on?

Mr. Carr. That is what I want to tell you right now.

Senator Bible. Very well.

Mr. Carr. It is the Department's view that at this time that, while there are many arguments in favor of a larger area extending from the western tip of Fire Island to the village of Southampton, a lesser area would be a very important and commendable step toward saving for the future our rapidly vanishing seashore resources. Cape Hatteras and Cape Cod are the only other national seashores on the east coast authorized by the Congress. Thus, the remarks I shall make will be directed to a proposal extending from the western tip of Fire Island to the east end of the county property lying 1½ miles east of Moriches Inlet.

This means there is a difference in the length of the area as proposed by Senator Keating and Senator Javits and the Department of about a mile and a half.

Senator Bible. The difference is a mile and a half instead of something like 18 or 20 miles?

Mr. Carr. That is right; the total length is about 33 miles. This would reduce the gross land area in the June 10 proposal from 8,000 to about 5,700 acres. Of the 5,700 about 8,500 acres are unimproved lands.

I want to point out, too, that this would require a change in the bill that was sent up on June 10. Section 1(b) would have to have a new map, number and a new map that corresponds with this latest Department proposal. I think this has been illustrated if you have a copy of this map.

Senator Bible. Yes; Mr. Reporter, we have a map that for purposes of this hearing may be identified—may be marked "Exhibit 1." It shows the entire area under discussion and will be included in the printed record.

(The document referred to was marked "Exhibit No. 1" and faces p. 1.)

Senator Bible. The second exhibit to which Mr. Carr is referring bears the designation, Bor: FINS-10,000. It may be so identified and referred to as exhibit No. 2.

(The document referred to was marked "Exhibit No. 2" and is as follows:)
Mr. Carr. I would explain to the chairman that it is Bureau of Outdoor Recreation, Fire Island National Seashore drawing No. 1,000. On this little sketch you will note that Senator Keating's and Senator Javits's bill has a length which is designated here as No. 2. It so happens that No. 3, which is comparable to a House bill introduced by Congressman Ryan is very close or identical with the Department's present length of the seashore at that point.

So it is a difference of a mile and a half. Insofar as we are aware, there is complete local support for a Fire Island National Seashore of about the size the Department now recommends. We will have to clear up whether the county agrees with the mile and a half. The Suffolk County Board of Supervisors is on record as favoring a Fire Island National Seashore, as are Members of Congress from that area. The Department has received hundreds of letters favoring a national seashore in this general area.

What the Department is recommending now with respect to Fire Island is an act of Congress that would authorize the Secretary of the Interior, after certain acquisitions have been made, to declare as a minimum the 33 miles previously described to be the Fire Island National Seashore.

I should point out there that this differs from the Senator Keating and Senator Javits bill. If I recall correctly they have a provision which says that after 500 acres have been acquired, the Secretary can declare it. The provision that is in our bill does not set a particular arrangement.

Senator Allott. Would you repeat that? I don't understand that statement, Mr. Secretary.

Mr. Carr. The bill, 1365, has a provision that says the Secretary can declare the establishment after we have acquired 500 acres. The provision in the Department's substitute bill which accompanied the letter of June 10 does not name any specific amount of land that must be acquired before it is established. It leaves it up to the judgment of the Secretary. You may have some views that it should be 500 or it should be some other figure before we establish it as an operating seashore. I just wanted to call that to the attention of the committee.

Along this 33-mile stretch there are several areas intensively developed for summer-home use and several stretches of county, State, and municipal lands. The proposal is to encompass the 33-mile entire area along with some of the outlying islands within the seashore boundary.

Senator Biddle. At that point have you somebody that can speak for the record as to the ownership of the 33-mile stretch?

Mr. Carr. We have another map, Mr. Chairman, that will cover that and Mr. Lee and Mr. Crafts have information on the ownership and also going back to Senator Allott's questions of the number of people in the area with permanent summer-home occupancy.

Senator Biddle. If you are covering this otherwise you just proceed with your statement.
Mr. Carr. Yes, sir. So that you have the full information, Mr. Chairman, I have another tabulation which shows the land area and the water area and the total. I would like to point out to the chairman—

Senator Bible. May we have copies of that for the committee?

Mr. Carr. Yes, sir. Crafts will make that available to the committee.

Senator Bible. Do you have more than one copy?

Mr. Carr. Yes, sir.

Senator Bible. This document will be marked "Exhibit 3." It is entitled "Fire Island National Seashore" and shows the area, the length, the landownership and acquisition cost and will be made a part of the record at this point.

(The document referred to was marked "Exhibit 3" and is as follows:)

Fire Island National Seashore

Area of proposed seashore (revised):  
Land---------------------------------------------------------acres--5,700  
Water--------------------------------------------------------do---16,270  
Total--------------------------------------------------------do---21,970  

Length of area (revised)----------------------------------------miles--32  

Landownership (revised):  
Federal--------------------------------------------------------acres--00  
State----------------------------------------------------------do---1,000  
County---------------------------------------------------------do---800  
Town-----------------------------------------------------------do---22  
Village---------------------------------------------------------do---16  
Private--------------------------------------------------------do---8,772  

Total--------------------------------------------------------do---5,700  

Estimated land acquisition cost (revised)------------------------$12,000,000  

Senator Bible. You may develop it from there.

Mr. Carr. Mr. Chairman, I mentioned that the land area is 5,700 acres. The present boundaries would include 16,270 acres of water in the area, a total of 21,970 acres with the length of the area 32 miles. I think it is between 32 and 33.

Senator Bible. For the record because we will be asked the question, who owns the water acreage 16,270 acres?

Mr. Carr. I am proposing that Mr. Lee will explain why they need this water area. I did want to bring it to the attention of the committee that it was more than the land. The important part is the landownership. You will note there that the Federal land is 90 acres, State land 1,000 acres, county land 800. To answer a previous question, would you point out where those pieces of county land are on the map? There were five pieces as I remember. Would you point those out, Mr. Underhill?

Mr. Underhill. The other holdings or township holdings Mr. Secretary?

Senator Bible. Let us develop this so that the reporter will have the correct designations. The map to which you refer will be designated exhibit 4.

(The document referred to was marked exhibit 4 for reference.)
Senator Bible. The colors along the map indicate what? They are different colors. Is there a legend that goes with it?

Mr. Carr. We refer to it as our ownership map.

Senator Bible. It may be referred to in addition as exhibit 4 as the ownership map showing the ownership along the 32 miles of the proposed Fire Island National Seashore. What do the colors mean?

Mr. Underhill. Green is State land. The dark green is State land. The blue is Federal land, the Coast Guard station. The maroon is county land, and the small pieces in red are small township or town parks.

Senator Bible. And the rest I take it is in private ownership.

Mr. Underhill. The balance in tan or yellow is in private ownership, that is right.

Senator Bible. Thank you. Tell us the acreages of each of them.

Mr. Carr. The acreages are Federal, 90 acres; State, 1,000 acres; county, 800 acres; townships, 22 acres; village, 16 acres; and private ownership, 3,772 acres out of a total of 5,700 acres. The estimated land acquisition cost, instead of the $20 million that was mentioned with the June 10 letter, has been reduced to $12 million. I would like to make it clear to the committee that no detailed appraisals or estimates have been made. However, Mr. Lee, the regional director, has been working recently to try to firm up the $12 million. So this is the best figure we have at the moment, $12 million. So this is the best figure we have at the moment, $12 million against the original $20 million.

Senator Bible. It seems to me that this would be the proper place in the record to indicate what each of these ownerships are. I mean how many homes or are you going to develop this through Mr. Lee?

Mr. Carr. Mr. Lee has that information. We can develop it here if the chairman wishes.

Senator Bible. I know you are under pressure to meet your schedule.

Mr. Carr. I would prefer to finish my testimony because I think there will be additional questions as you proceed.

Senator Bible. Suppose you finish your testimony now.

Mr. Carr. Thank you, Mr. Chairman. We would now not advocate the taking of improved private property if zoning standards are met which are acceptable to local authorities and the Secretary of the Interior. Under the terms of the Department's suggested bill the Secretary would not acquire the non-Federal public land in the seashore unless the local governing authorities wish that these lands be taken over by the Department of the Interior. It is proposed that the power of eminent domain may be used if necessary to acquire unimproved private property.

The Department also proposes that underdeveloped stretches between the currently developed areas be maintained and managed largely in their natural state. The basic purpose of proposing the seashore is to make available near the enormous concentration of population in the Northeast States stretches of undeveloped land and natural beach for the long-term future enjoyment of the public.

We do not recommend a road down the length of Fire Island. On the contrary, we suggest that access to particular portions of the seashore be by existing bridges and ferries. Also, there may be
needed additional ferry service to the mainland and along the barrier reef. Hunting and fishing would be permitted under State law.

We do not propose under the Department's plans that the island revert to its natural state. By that I mean we would maintain and continue to use the homes that are established as we have done in other areas. We do propose to maintain undeveloped areas largely in their natural state and thus to protect its future value and also maintain existing developments. The proposal for Fire Island is essentially the same as that which Congress authorized with respect to Cape Cod.

One further point relating to management of the area—the Congress already has given authority to the Corps of Engineers for dune stabilization and shore protection along the island. If approved by the Congress, section 8 of the substitute bill proposed by the Department would modify existing authority of the Chief of Engineers to require that plans for beach protection measures be carried out under a plan mutually agreed upon by the Department of the Interior and the Department of the Army.

As to cost: A rough estimate has been made of about $20 million for acquisition of undeveloped lands in the originally proposed 8,000-acre area. By cutting the gross area back as is now suggested to 5,700 acres, we estimate the cost of acquisition would be about $12 million, or a saving of $8 million.

As to the cost of dune stabilization, we think the Corps of Engineers is the best source of this information. This would be a cost over and above the cost of acquisition. Further cost would involve about $1 million a year for the first 5 years for development plus annual operation costs of between $300,000 and $400,000 a year.

Senator Bidle. Do I understand your $12 million figure correctly, that it is for the acquisition of undeveloped lands alone?

Mr. Carr. That is right.

Senator Bidle. This does not contemplate the acquisition of any of the houses or cottages or homes or structures that are on the land because they would be protected under the so-called Cape Cod formula, if we can use that phrase?

Mr. Carr. Yes, the Cape Cod formula on a more generous basis.

Senator Bidle. The $12 million figure is the cost of acquisition of undeveloped lands?

Mr. Carr. That is right, Mr. Chairman.

Senator Bidle. Thank you.

Mr. Carr. Secretary Udall asked me to emphasize to you that there is a critical need for defining the future highest beneficial use of this land. It is near the largest concentration of population in the United States.

The major objections have been met by proposed modification of the bill. Existing landowners will be protected. We respectfully urge this committee to report favorably and push for early passage of Senate bill 1365 with the amendments I have outlined.

The proposed Fire Island Seashore has one of the highest priorities in the Department. It represents an opportunity to provide for the future welfare of millions, an opportunity that will soon disappear forever, if we do not act now.

Thank you, Mr. Chairman.
Senator Bible. Thank you very much, Secretary Carr, and we will develop through the witnesses these other questions that we have. Do you have any questions of Secretary Carr?

Senator Allott. How big a hurry are you in, Mr. Secretary?

Mr. Carr. Senator, I can always stay for the Senate.

Senator Allott. Just one question, then, because I can ask these other questions later. What would be the situation of a person who had both a piece of property here, we will say, a young man, with the idea of developing a cottage on it, and what would be his picture for the future? Would you take his property since it is now undeveloped?

Mr. Carr. You could, under this act, buy that property if he had the property and no improvements on it. We have in the substitute bill, if I recall, a date of improvements as of January 1, 1963. This is a date that the members of the committee may wish to examine, but it was a sort of cutoff date at which time people would know whether they could keep their property or not.

Senator Allott. I may be going into a hypothetical area. I don't know. But with the pressure that this committee has seen and the chairman has seen over and over again, as we all have, for seashore property, particularly on the east coast, it occurred to me that this question might arise. I just wanted to get your statement with respect to it.

Mr. Carr. This is a very difficult problem and applies to some other areas as to the cutoff date that should apply, and whether certain people have been able to move in and speculate on the property after the Congress began to consider certain legislation.

Senator Allott. I am not worrying about speculators. They can take their own chances. But I am concerned, for example, about a young man who, just getting started with a family, realizes that he wants something like this for his family. After perhaps 2 or 3 or 4 or 5 years of looking he has finally found a spot that he can afford to buy. He is not at the stage where he can start developing it. He may not be for another period of 2 or 3 years. This is the person I am talking about. I am not talking about speculators.

Mr. Carr. Senator, I understand very clearly what you mean because at one time I was personally in the same position.

Senator Allott. It is a question of how fast they can go and what constitutes improvement. I think Mr. Crafts and Mr. Hartzog can discuss this with you.

Senator Allott. I won't detain you any longer but I just wanted to get your ideas about it.

Senator Bible. I think it is a very excellent question—this cutoff date. Mr. Lee might give a little thought to commenting on it in his testimony, as to exactly what that ownership pattern is there. Because it may very well be as Senator Allott has so properly said that we have many people who own unimproved lots on this island with the hope of starting to build within the next few years. This is the question I wish you would direct your attention to, Mr. Lee, at the time we call on you.

Mr. Carr. As you know, Mr. Chairman, this applies to some other areas where we are trying to work out a policy.
Senator Bible. I recognize that and it is always a difficult question.

Senator Jordan.

Senator Jordan. Mr. Chairman, I shall withhold such questions as I have until the testimony is further developed.

Senator Bible. Senator Simpson.

Senator Simpson. No questions, Mr. Chairman.

Senator Bible. Thank you very much, Mr. Secretary. I will dismiss the panel at this time because I see the distinguished coauthor of this legislation coming in and I know he would probably like to testify at this time.

Senator Keating, we will be very happy to hear from you now.

Mr. Carr. Thank you very much, Mr. Chairman.

Senator Bible. Senator Keating, we are very happy to have you with us this morning.

STATEMENT OF HON. KENNETH B. KEATING, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator Keating. Thank you. I appreciate your hearing me out of order and I am sorry I was not able to be here at the opening of the session.

I am very grateful to you for arranging these hearings. My appearance, as you know, is in favor of one of the bills to establish a national seashore at Fire Island. There are a number of them and not unnaturally my preference is for S. 1365; which happens to be the bill cosponsored by Senator Javits.

Senator Bible. I think, Senator Keating, I should say in fairness, because Secretary Carr apprised this committee, that they have again reexamined their June 10 proposal, and I don't know whether you are aware of this or not, but their present proposal has shrunk from 52 miles to 38 miles. In that respect boundarywise it is very, very close to the same area that is in the bill you and Senator Javits propose. I would assume you were possibly aware of that. I was not positive because Secretary Carr said he didn't know whether or not you had been completely brought up to date on this change of thinking in the Department of Interior.

Senator Keating. I was informed of it by my own staff. The Interior Department had not informed me of this new bill.

Senator Bible. I don't think it is a new bill. I think it is shrinking it down to something like 38 miles, which in that respect is very, very close to the same boundaries as is indicated in your bill.

Senator Keating. It is, and is a great improvement.

Senator Bible. Senator Allott has directly prompted me and said it simply extends 1½ miles to the east over the proposal that you introduced.

Senator Keating. That is right.

Senator Bible. I thought I should call that to your attention.

Senator Keating. I appreciate your bringing that to my attention. At the time that we introduced our bill back in April, I pointed out then that Fire Island is one of a group of constantly diminishing, exceptionally important and relatively undeveloped seashore areas on the Atlantic coast. It has the decided advantage of being only 50
miles from New York City, and within hours of approximately 20 percent of the Nation's population. The National Park Service has concurred in the statement, "It should be preserved as a substantially natural area because of its special qualities and character." In June of this year, I took a special fact-finding trip to Fire Island and spoke to hundreds of citizens in the area. I have received literally thousands of letters from constituents about the proposal and have seen, in my Washington office, dozens of interested persons. In September, I testified before the National Parks Subcommittee of the House Interior Committee in behalf of this bill.

There is no disagreement, either in the Government or in the Fire Island area, on the need to establish this national seashore. Points of conflict have arisen on two issues however. The first is boundaries and the second is private property rights.

The bill— which Senator Javits and I introduced specifies that the park should extend from Fire Island to Moriches Inlet—a distance of some 31 miles—and consist of not more than 7,500 acres of land designated by the Secretary. When in June we met with Secretary Udall to discuss the Interior Department's position on our bill, we were surprised by his suggestion—later translated into a bill introduced by the House—that a considerably larger area, now privately owned, be included in the park. This proposal has met with strong opposition in Long Island and I would most definitely be opposed to the extension. A second meeting with the Secretary has clarified his support of a national seashore at Fire Island and brought about his agreement not to insist upon adoption of his earlier suggestions on boundaries.

I am not at the moment prepared to discuss very intelligently that extra mile and a half.

Senator BURKE. On that point you would certainly be welcome to stay or have some member of your staff stay and keep you advised of it, because we plan on asking Mr. Crafts and Mr. Lee and Mr. Hartzog exactly why they extended it a mile and a half east. We hope through questioning we can develop this.

Senator KEATING. I hope to be informed on that. There may be no objection to it. I am not familiar with that at the moment.

Senator BURKE. Neither is the committee.

Senator KEATING. The second difficulty has arisen with regard to private property rights and how best to protect them. There are thousands of small homeowners on Fire Island whose families have been summer residents for generations. While our bill is fairly general in authorizing the Secretary to acquire real property by gift, purchase, condemnation, or otherwise in order to carry out the purposes of this act, both sponsors, I know, would welcome the informed judgment of the members of the subcommittee on specific language affording the fullest possible protection.

You have had experience with bills of this nature before. A provision of the Point Reyes National Seashore bill of last year, for example, directs that—

No parcel of more than 500 acres ** shall be acquired without the consent of the owner as long as it remains in its natural state, or is used exclusively for ranching and dairying purposes, including housing directly incident thereto.
Of course, this 500 acres would not be applicable to Fire Island. We have more creative artists and dramatists there than we do cattlemen and dairymen, but I use this example because it was one which was particularly appropriate to the particular area. I know that you, working with the residents and homeowners of this area, can devise appropriate language to effect a similar result in Fire Island and we will be happy to help on that language with your staff.

Senator BRATE. On that very point, and I directed the same question to your colleague; this substitute bill, as proposed by the Secretary of Interior in his transmittal of June 10, very largely if not identically builds into the Fire Island proposal the so-called Cape Cod formula with one very marked difference; that is, that it treats commercial as well as residential property in the same category. The Cape Cod bill did not. It says that as long as the property owner conforms with the zoning code adopted by the proper governmental authority and adopts zoning provisions that meet the approval, I think, of the Secretary of Interior and the local zoning ordinance, then in that event they can remain there in perpetuity, both the commercial establishments and the residential establishments. I would invite your attention to the language in the proposed substitute bill of June 10 for whatever comments you might care to make on it.

As you correctly point out, this is always the heart of the controversy in all of these national seashore proposals. I have made inquiries since we created the Cape Cod proposal which as you know was the brainchild of the late President when he was a Senator and was later enacted into law. I have been told that it has worked out very well in that area with a minimum of adjustments, a minimum of controversy and discord with the Park Service. I would invite your attention to the language that is now proposed, not in your particular bill but in the substitute bill that comes to us from the Interior Department, because as you correctly say this is one of the most important areas in these bills. The fact that you have apparently such great unanimity among the property owners of this area would seem to indicate that they are fairly well satisfied with the proposal.

Senator Keating. I think so. I agree with you about the Cape Cod area. It has worked out with comparatively little friction. I happened to be up there within the last year and was inquiring about it. I found universal support for the way it had been handled. I will see, if I may, after talking with some of the residents, that your staff is apprised about their feelings regarding this language in the more recent bill of the Secretary.

Senator Biddle. Thank you.

Senator Keating. Now, I must make one final plea and that is for the expedition of this bill. I realize that the exigencies of the situation are such that it cannot be passed at this session and there is no intention to do so and that hearing or further hearings are to be held next year, probably on site. But there is a need for prompt action if we are going to stem the sand erosion that is taking place in these dunes. The Army Corps of Engineers have begun to work but we know that the passage of this bill would give impetus to their labor. We also know that the longer we wait the greater will be the cost of preserving and protecting the area.
The dangers of land speculation in these situations is, I am sure, evident to all of you, so I mention that as a second reason for speed, only in passing. I would like to add a word for the New Yorkers and the other millions of Americans who make their homes in what has been called the megopolis stretching from Boston to Richmond. They will be the beneficiaries of this legislation. They will find respite from the demands of the teeming cities and repose in this haven of natural beauty. Population experts have projected figures which show that before too long, 88 of every 100 Americans will live in a metropolitan area. Unless we begin now to set aside areas for preservation and recreation, near the cities, not 1,000 miles away, our children and their children are apt to condemn our lack of foresight. You know there is an American born every $7\frac{1}{2}$ seconds, so we don't have too much time.

I am very grateful to you, Mr. Chairman, and to the members for taking up this matter at this time, and hope that it can be expedited as much as possible.

Senator Bible. I think that is a very fine statement, Senator Keating, and I can personally vouch for your continued persistence in moving this important legislation forward. I know you have been a great champion of this proposal, and you have my assurance, and I announced at the beginning of this meeting and announced at the time we had a prior meeting that we will move this along as expeditiously as possible. We do plan an onsite hearing. I think the members of this committee are unanimously in the opinion that they have a better feel of the grandeur and the propriety of the area that is being created into a national seashore park if they have actually visited it.

There is no substitute for an onsite inspection. We are going to do this sometime in the range of March or April. I think you made a very fine statement.

Senator Allott.

Senator Allott. I have no questions.

Senator Bible. Senator Jordan.

Senator Jordan. I have no questions, but a word of commendation to my colleague for a fine statement. I look forward to visiting the area and hope you will go along with us.

Senator Keating. I hope I can. I suggest that you don't wait until it is swimming weather because that is going to delay consideration of this bill a little bit. It is a little bad for swimming in March, but we can figure out some day that it is going to be a nice day for you.

Senator Bible. If you can guarantee that, you are all right. We will accept that good day.

Senator Allott. If my colleagues will yield, I hope you will do something about this, because the day that this committee visited Cape Cod was one of the rawest, coldest days I think you can imagine. I am sure the chairman of this committee would agree.

Senator Bible. I am thoroughly in agreement with Senator Keating, if he will assure us a fine day.

Senator Keating. Yes, we will arrange that.

Senator Bible. Senator Simpson.

Senator Simpson. I thank the Senator for his fine presentation. I will come any time. I don't swim.

Senator Keating. That is fine. Thank you very much.
"Senator Brulé. Thank you very much, Senator Keating. Now we will resume with out Department witnesses.

Mr. Crafts, would you care to elaborate on the statements that have been previously made? There is no use of repeating them. I think we very definitely need for the record the ownership pattern. I hope this might be a proper place to inject that. We also want to hear from someone, either you or Mr. Hartzog or Mr. Lee, as to why you added this one and a half miles to the east.

STATEMENTS OF E. O. CRAFTS, DIRECTOR, BUREAU OF OUTDOOR RECREATION, AND K. O. LEE, PARK SERVICE—Resumed

Mr. Crafts. I might say, Mr. Chairman, that the Under Secretary read into the record the acreage under the different landownership that total 5,700 acres in the current proposal of the Department, which I believe you have before you.

Senator Brulé. Yes; that was made an exhibit.

Mr. Crafts. That is right. In terms of estimated mileage, that is, beach front mileage, there is about a half a mile of Federal ownership, about 5 miles of State ownership, about 2½ miles of country, about a quarter of a mile of town and village ownership, ad early 24 miles of private ownership. With respect to the question of inclusion in the proposed seashore boundaries of the mile and a half to the east of Moriches Inlet, and also with respect to the inclusion of about 5 miles of State park at the west end of the island, the basic thinking behind this was that it follows a pattern that has arisen in connection with other proposals, that these lands are public lands at the present time. They are not Federal lands. The inclusion of them in the seashore boundary does not mean that they will become Federal lands and be managed by the Department of Interior unless the local public agencies wish to make arrangements with the Department to do so.

Senator Brulé. Of course I can give you my position on that very clearly because it is exactly the position we had in the Ozarks National Rivers and I think positively and definitely and unequivocally if this is of assistance to this area in creating a national seashore, as a great national attraction, the land to be acquired at a cost of $12 million, and acquisition costs of many million dollars and an annual operation and maintenance cost of $4,000 or $5,000, it seems to me that the State or the county or the local unit, whatever it is, should donate free of charge the State part of the lands under their control if they want the Federal dollar. I think they ought to put in something themselves. This is unequivocal and we have written language in the Ozarks indicating that and also the Oregon Dunes. This is my position as chairman of this committee.

I hope this can be worked out. It doesn't seem to me to make sense to have an overlapping side by side State and Federal operation.

Mr. Crafts. This could be done under the terms of the Department's bill. It would not be required. I think this would be a point on which it would be very appropriate for the Congress to investigate its views in connection with legislative history. But to come to the point I wanted to make. The reason we propose to include this in the boundary is so there can be comprehensive planning with respect to the development of the total area and coordinated planning between those areas which will be acquired and administered by the
Federal agencies and those that currently are under the administration of local public agencies.

Senator Bible. Tell me about the State park. Do you call it a State park?

Mr. Crafts. That is at the far end of the island.

Senator Bible. What is it officially called?

Mr. Crafts. Robert Moses State Park. Mr. Lee can tell you more about the details of that park.

Senator Simpson. If the chairman will yield, just to familiarize myself, you are speaking about the west end. The inclusion is up on the east end, is it not?

Mr. Crafts. These are county lands, Senator. The difference between Senator Keating's and Javits' bill is twofold. I would like to clear up a point or two that the Under Secretary made. The Department's present proposal would run the boundary from this point, one and a half miles east of this inlet.

Senator Simpson. I mean east of this inlet to the far end of this. Why?

Mr. Crafts. For the reason I have just tried to explain. To incorporate these areas so that if the local governments wish to make them available to the Federal Government they can do so. But in any event to encourage coordinated planning and operations between the Federal Government and the local government.

Senator Simpson. Did you do that on your own volition or did you consult with any of the public people with respect to that?

Mr. Crafts. I would have to ask Mr. Lee as to the degree of local consultation on this point.

Mr. Lee, Mr. Chairman, the National Park Service has consulted with the Board of Supervisors of Suffolk County on several occasions. Several of the members of the board are here in this room today. At the House hearing the county executive, Mr. Dennison, who is also here, testified about the county lands. The county, I believe, has not fully made up its mind about the transfer of those lands provided authority is written into the bill for the Federal Government to so accept them. It is my understanding, however, that the county authorities would like to have the bill written in such a way that the Federal Government can accept those lands.

Senator Bible. I can assure you, Mr. Lee, as far as the chairman is concerned, we will at least write that in because we have written it in right along. This just implements my prior statement. I think it would be helpful, and I don't think the record is completely clear yet, Mr. Crafts, why we go a mile and a half to the east. This is county-owned land?

Mr. Crafts. That is right.

Senator Bible. This is the reason you say you think it should be incorporated into the bill because then you would have a general pattern of operations and you would follow the same standards. What actually is done on this mile and a half of county-owned land at this time? What is there?

Mr. Lee. Your question, sir, is, What is there now?

Senator Bible. Yes; a mile and a half to the east.

Mr. Lee. There is very little development there. It is at the end of a road that comes down Westhampton Beach and terminates at the eastern end of that section area. There is a very small parking area...
at that point and the few visitors who come there walk around and enjoy the beach and may do a little fishing from the inlet.

Senator Bible. Are there any homes?

Mr. Lee. Not within the county lands, but along the road approaching it there are homes almost continuously on the oceanside and for considerable stretches on the bayside of that road.

Senator Bible. Within the mile and a half area?

Mr. Lee. No. The road terminates at the entrance to the maroon area on the map, sir.

Senator Bible. That is what I wanted to develop for the record. Your testimony is that within the mile and a half lying east of the so-called Keating-Javits proposal, it is county owned, No. 1. No. 2, it is completely unimproved. No. 3, there are no structures whatever on it.

Mr. Lee. That is right.

Senator Bible. Thank you. Who can tell me about the State park? I would be interested in knowing who operates it. Can you develop that?

Mr. Lee. The Robert Moses State Park, recently named that—it used to be called the Fire Island State Park—is the first of a chain of parks on Long Island. Establishment began in 1908. Gov. Charles Evans Hughes, of New York, I think, was responsible for starting the park. It is the oldest of the State parks on Long Island and is, I believe, the oldest State park on the Atlantic seaboard.

Senator Bible. How large is it, Mr. Lee?

Mr. Lee. There are 1,000 acres of land and something like 2,000 or 2,500 acres of water surrounding it. It is submerged land that is administered as part of the State park. Jones Beach is 15 miles west of the Robert Moses State Park.

Senator Bible. Could that be pointed out to us?

Mr. Crafts. It doesn’t show on this.

Senator Bible. It is beyond the green color.

Mr. Lee. Jones Beach is intensely developed with, I believe, parking fields for something like 28,000 automobiles. But even with the amount of development that Jones Beach has, it is not adequate for the public use. So the Long Island State Park Commission, which also administers Jones Beach, has built a bridge from Captree State Park, which is on the main part of Long Island opposite that general area to the green area, and it will be open this winter. It is not open at the present time. Prior to the construction of that bridge the State park was reached only by ferryboat. I think something like 175,000 visitors have used the bathhouse, the picnic areas, the other facilities that are there. The State is currently building a second bathhouse, additional parking fields, and the chief engineer of the Long Island State Park Commission, Mr. Shapiro, told me this summer that they expected it would accommodate about 3 million people when it is fully developed a few years from now.

Senator Bible. This is the Robert Moses State Park?

Mr. Lee. Yes. Recently the name was changed from Fairyland to Robert Moses State Park and the bridge is called the Robert Moses Bridge. This is to take overflow from Jones Beach.

Senator Bible. This I understand. The Robert Moses State Park has an annual visitation of how many did you say?
Mr. Lee. When it was accessible by ferry, it had an annual visitation of 175,000. When this bridge is opened the predictions were, I believe, that the first year the bridge is open the travel may reach 2 million and the ultimate facilities that will be provided there are expected to accommodate about 3 million.

Senator Bible. Do you know what the cost of operation is?

Mr. Lee. No, sir; I don't.

Senator Bible. Is the director of the State park one of the witnesses at this hearing? I understand he is not. If not, that can be developed when we are on the site. You may proceed, Mr. Crafts. I don't know if you have finished your statement.

Mr. Crafts. The only thing I might add, Senator, is one item that was not mentioned. This is Smith County Park here or rather Smith Point County Park. There is a bridge across from here to here. This is developed with visitors centers and accommodations for bathing at the present time. The main concentrations of people are largely in this area here.

Senator Simpson. Let the record show you are pointing toward the west end.

Mr. Crafts. Yes, sir; although there are several smaller concentrations of homes scattered along the private land stretch of the island. As far as the number of homes, the population, I can give you only generalized figures. Perhaps Mr. Lee can refine these. But my recollection is that there is a summer residence on the island of about 30,000 people. I think there are about 2,500 homes. I think there is a year-long residence on the island of only a few hundred people. There are only a hundred or so homes that are permanently occupied year long. I don't know whether you wish to get into the question that Senator Allott raised concerning the power of taking of the private property. I might point out one or two items with respect to this.

This is a permissive power. This does not mean that the Secretary would automatically take all of the unimproved private property on the island. I would suspect as a matter of policy that the priority acquisitions would be in the areas which have the minimum of development. I think this is a point that has not been made. I think also with respect to the point that Senator Allott made about the individual who had acquired a lot but had not yet developed it, there is nothing in the Department's proposal that would prevent his improving that property after the passage of the bill. The property, if improved after the cutoff date, whatever that might be, would, however, be subject to exercise of eminent domain if it fell in an area of priority taking.

Senator Bible. Developing that example one step further, you still follow the Cape Cod formula and the formula you built into Oregon Dunes and Sleeping Bear and others of our lakeshore and seashore proposals, that if you desire to use the right of condemnation in the example that you gave, would you permit the owner to exercise his right to a lifetime estate or for 25 years?

Mr. Crafts. I think it is 25 years in this bill.

Senator Bible. Just a flat 25 years.

Mr. Crafts. I believe that is correct.

Senator Bible. In either event if I am a homeowner there now prior to the cutoff date, or if I am a homeowner afterwards, I would have a different protection?
Mr. Crafts. If you are a homeowner now you would not be subject
to the power of eminent domain if your improvements meet the zoning
requirements. If you are owner of a home constructed prior to the
cutoff date you would have a right of 25 years tenancy, as I recall.

Senator Bible. Prior to the date that is a voluntary exercise on my
part. If I have a home prior to the cutoff date, then I can elect to
sell it to the National Park Service either outright, or I can agree to
take it subject to a 25-year estate.

Mr. Crafts. That is right.

Senator Bible. You would compensate me for the 25-year estate, is
that true?

Mr. Hartzog. Mr. Chairman, if I may, section 4 of the revised bill
refers to the life tenancy in terms of improved property. Improved
property is previously defined in section 2 of the bill as property that
is improved on or before January 1, 1963. So if I may suggest for
your consideration, I do not believe that the man who builds on a
vacant lot after such date as the Congress may establish for the cutoff
would have the right as would the individual owning improved prop-
erty prior to the cutoff date established by the Congress.

Mr. Crafts. I stand corrected on that.

Senator Bible. I am glad to get that clarification. If I had a home
on Fire Island prior to the cutoff date, then I can either elect to stay
there in perpetuity, or I can agree to sell to the Park Service subject
to a 25-year estate, is this a correct statement?

Mr. Hartzog. That is correct, Mr. Chairman.

Senator Bible. These are the issues that involve people and home-
owners and they are very vital in their considerations. I want the
record abundantly clear so there is no misunderstanding on it. The
additional question, Mr. Crafts, that I would like to have developed—
I don’t know whether you can supply that now or not—I understand
you to say there are about 2,500 homes. I would like to have some
indication for the record, Mr. Lee, of the character of these homes.

Will you supply them?

Mr. Lee. Mr. Chairman, the private properties fall within the two
towns, most of them within the town of Brookhaven, part of them in
the town of Islip. Our statistics conform to that breakdown. In the
town of Brookhaven there are 1,197 summer residences. Brookhaven,
incidentally, is the easterly boundary and is practically identical—the
right end of this map. The westerly boundary is in the vicinity of
that last red spot. That is approximately the west limit of Brook-
haven and beyond that is the town of Islip. In the town of Brook-
haven there are 1,197 summer residences. There are about 20
commercial properties. I have a breakdown if you want it. Four
restaurants, two hotels, three motels, two casinos, two groceries, two
yacht clubs, and a clothing store. In the town of Islip, there are
1,200—

Senator Bible. I think it is well for the record, what is a town under
the law of the State of New York? Is it what we would call an unincor-
porated village in the West? Who is the governing body? It
doesn’t have a mayor or city council?

Mr. Lee. I am unable to answer in detail. Each town has a super-
visor who is a member of the county board of supervisors. The town
government is linked with the county government in that way.
Senator BIBLE. Somebody in the Suffolk County official family can give us the correct answer to that and I think we should have it for the record.

I am happy to note for the record, Mr. Reporter, there are some 25 or 30 people that are here because of their great interest in this proposed Fire Island National Seashore. Mr. Lee, you may proceed.

Mr. Lee. In the town of Islip, there are 1,675 houses and about 30 commercial properties. Of these, 12 are apartments or hotels, 2 yacht clubs, 10 restaurants, 6 stores, and there are 17 other commercial properties. There are a number of churches in the 2 towns, 13 in the town of Islip and 4 in the town of Brookhaven.

Senator BIBLE. That embraces all of the private ownership?

Mr. Lee. That embraces all of the improved private ownerships. There is, of course, land in the communities and outside of the communities that is privately owned but not developed.

Senator BIBLE. Do you have any idea, because I think it is a relevant question, of the amount, numberwise, of the private ownership of unimproved property within the proposed taking area? Does one person own it all or a thousand persons?

Mr. Lee. No; there are a large number of private owners. I would have to furnish that, sir. It is probably around 6,000 individual ownerships all told.

Senator BIBLE. About 6,000 private ownerships. They own what, a lot 100 by 200 feet or do they own a half acre or are they all irregular sizes? Do we recognize them as town lots or city lots? What I am trying to develop, in this ownership of 2,500, are these half-acre lots or 50 by 100 or 75 by 125?

Mr. Lee. They tend to be smaller than a half acre and conform to the zoning provisions which obtain in the respective towns. If I am correct, I believe it is—the size of lot in Brookhaven is about 6,000 square feet.

Senator BIBLE. That is a minimum requirement. It must be at least 6,000 square feet.

Mr. Lee. It must be at least 6,000 square feet.

Senator BIBLE. That is pursuant to a zoning ordinance?

Mr. Lee. Yes, sir. I am not informed in detail on that but I think that is substantially correct.

Senator BIBLE. I don't think it is necessary and I don't think you are really the proper witness on it, but I think this is something that the supervisor or whoever is the head man for Brookhaven and the other town should be prepared to supply the ordinances which will speak for themselves as to the requirement of landownership and homeownership. I would suggest that whoever is the responsible witness be prepared to do that. If he can't do it here in Washington, we can certainly get that in the field. Did you have anything further, Mr. Lee, at this time?

Mr. Lee. No, sir; not unless there are further questions.

Senator BIBLE. There is one further question. No. 1, who owns the water and why do you put this within the seashore area? You have 16,270 acres of water. Who owns that water?

Mr. Lee. If I may go to the map and speak from there, there are offshore a number of islands. These are low, most of them without any improvements on them, privately owned; a number of them are important bird nesting areas and have other natural values. It has
been suggested by various people that some of those islands ought to be included in the national seashore. Among the islands that have been mentioned are Holly Island, Pelican Island, Bridge Island, Reefs Island, Pattersquash Island, and counting the very small ones, there are some 17 of them. The waters offshore adjoining the Robert Moses State Park on the oceanside as well as on the bay side are administered as part of the State park. The line that is shown here embraces an area that includes the water between the islands—between Fire Island and the smaller islands adjoining it—as well as a thousand feet on the Atlantic Ocean side.

It is our feeling that Congress might wish to consider the desirability of incorporating that as a conservation area with the lands that will be included in the park.

Senator BIBLE. Mr. Lee is referring to exhibit 1.

Mr. LEE. This water is very shallow. This Great South Bay is often 2 or 3 feet deep only. It is a very important area for migratory waterfowl. It is important for shellfishing. It is important for other kinds of fishing. It is a nature study area. It has a variety of uses that I am sure that many of the witnesses who testify on the natural values will enlarge upon. The land under the water is owned variously. Part is owned by the town of Islip and the town of Brookhaven. But some 2,800 acres of submerged land is privately owned, scattered through this area. I believe that in Great South Bay itself beyond this land—beyond this boundary much of the land is privately owned and has been disposed of in that fashion. In the case of Cape Cod we go a quarter mile offshore.

In the case of Cape Hatteras again we go a certain distance offshore. That I believe was for purposes of administration where people swim. There is surf fishing, there are activities that take the people into the adjoining waters. It is our feeling that, while I am sure we are not insistent upon it, it would be desirable to consider that as a part of the conservation project. If it were considered favorably it would add something like 10,000 acres of water if one included the waters adjoining the State park to the 5,700 acres of land area involved in the project.

Senator BIBLE. You would acquire that on behalf of the Federal Government. How much would that cost?

Mr. LEE. The cost of that land is estimated to be very small. I have the figure here somewhere. I think around $213,000 is what it was estimated to cost from the tax assessor’s records.

Senator BIBLE. To acquire from the various ownerships to which you testified?

Mr. LEE. That is right.

Senator BIBLE. Thank you, Mr. Lee. Senator Simpson, did you have some questions of these witnesses?

Senator SIMPSON. The bridges are developed by the State of New York, I take it.

Mr. LEE. Yes, sir.

Senator SIMPSON. Would the Park Service propose to take over the transport services like the ferries under this proposal?

Mr. LEE. I would say, no, sir. We would hope and expect that the existing ferry services would continue and would be augmented in order to provide additional services to Fire Island.

Senator SIMPSON. That is all, Mr. Chairman.
Senator Bible. Gentlemen, I very much appreciate your appearance here. It has been very helpful. I hope you will remain. Senator Simpson, we have 1 hour more remaining to accommodate the witnesses and without objection we will stand in recess until 2:15 p.m. (At 12:05 p.m., the subcommittee recessed until 2:15 p.m. of the same day.)

AFTER RECESS

(The subcommittee reconvened at 2:15 p.m., Senator Alan Bible, chairman of the subcommittee, presiding.)

Senator Bible. The subcommittee will be in order.

Our first witness this afternoon is Henry Diamond.

STATEMENT OF HENRY DIAMOND, REPRESENTING LAURANCE ROCKEFELLER, CHAIRMAN, NEW YORK STATE COUNCIL OF PARKS

Mr. Diamond. My name is Henry Diamond. I am assistant to Laurance Rockefeller, who is chairman of the New York State Council of Parks. At a meeting on October 31, the New York council adopted a position favoring the Fire Island Seashore. With your permission, sir, I would like to incorporate that position into the record and very briefly point out the five points of it.

Senator Bible. Without objection, that will be the order.

(The statement referred to follows:)

PREPARED STATEMENT OF HENRY L. DIAMOND, ASSISTANT TO LAURANCE ROCKEFELLER

My name is Henry L. Diamond. I am an assistant to Laurance S. Rockefeller, chairman of the New York State Council of Parks. I am representing him here today.

At its meeting on October 31, the State council of parks adopted a position favoring a Fire Island National Seashore. I would like to present to the committee a copy of that position.

1. The State council of parks recommends the establishment of a national seashore recreation area on Fire Island.

2. The council believes that consideration should be given to the following boundaries for the seashore: On the west, Sunken Forest, on the east, a point approximately 2 miles east of Moriches Inlet; provided, however, that developed areas within these limits be excluded. Later if the excluded areas or additional areas to the west so desire, consideration should be given to inclusion of them in the national seashore area.

3. Shoreline and storm damage protection should be a major management objective of the seashore. However, consideration of current legislation should not deter the shore protection programs of the U.S. Army Corps of Engineers from going forward in cooperation with State and local governments.

4. The council recommends that any legislation include provision for a representative commission to work out arrangements to protect local interests and property owners while assuring the benefits of the national seashore for future generations.

5. The Fire Island committee of the State council as presently constituted shall continue to be available to offer suggestions and advice on legislative proposals and keep the council informed on developments.

Mr. Diamond. The council first of all favors a national seashore on Fire Island. The council suggests a consideration be given to these boundaries which are somewhat at variance with those in all of the bills. On the east point approximately 2 miles, which we can say is one and a half miles beyond the inlet, on the west, however, the council recommends that the sunken forest, which is a point somewhat in the
east of the present western boundary, be considered. To the west of
the sunken forest are primarily heavily developed areas and the Rob-
ert Moses State Park. The council, however, felt that this was not
an adamant position and if the areas involved are wished to be in-
cluded it would certainly favor it.

It also pointed out that shoreline and storm damage protection
should be a major aspect of park management and it felt that the
present shore protection programs of the Corps of Engineers presently
going forward should go forward during this consideration.

The council also recommends and very strongly would like to call
your attention to a provision that any legislation include provision
for a representative commission to work out arrangements to protect
the local interests and property owners while assuring the benefits of
the national seashore for future generations. This would be made up
of townspeople, local government people, State people working with
Interior. The State council stands ready to continue to help and ad-
vise in any way it can be helpful, sir.

That completes my statement.

Senator Bible. Thank you very much.

Mr. DIAMOND. Thank you very much.

Senator Bible. Thank you.

Our next witness will be Mr. Maurice Barbash, chairman of the
Citizens’ Committee for Fire Island National Seashore.

STATEMENT OF MAURICE BARBASH, CHAIRMAN, CITIZENS’ COM-
MITTEE FOR A FIRE ISLAND NATIONAL SEASHORE

Mr. Barbash. We wish to thank you for the opportunity of stating
our case before you and may we also add, and I discussed this with
members of our committee over lunch, that we are all greatly impressed
by your manner of conducting this hearing and your questioning of the
Department, and we think you are doing a very fine job in developing
an understanding of this particular problem.

Senator Bible. I appreciate that. We have been working on these
for about 6 years so a little has rubbed off. They all follow strangely
enough a pretty general pattern. Usually you can be sure that if you
have a problem and you take some of the controversy out of it, I hope,
in New York, if you go to Oregon you find almost identically the same
problem, the question of boundaries and property owners.

Mr. Barbash. In the interest of brevity I will excerpt our testimony.

Senator Bible. Without objection, Mr. Barbash’s prepared state-
ment will be incorporated in full in the record.

(The statement referred to follows:)

Prepared Statement of Maurice Barbash, Chairman, Citizens’ Committee
For a Fire Island National Seashore

Mr. Chairman and members of the committee, the Citizens’ Committee for a
Fire Island National Seashore wishes to thank you for the opportunity of testi-
FIRE ISLAND NATIONAL SEASHORE

flying today. We are aware that you will hold a later hearing in the Fire Island area, at which time local interests will be heard. Time is of the essence on Fire Island, however, and it is for this reason that we appear before you now instead of waiting for the convenience of the local hearing. May we also at this time express our admiration for your committee, which has done such an excellent job of protecting America's natural resources.

It is fitting that this hearing takes place today as the Senate prepares to eulogize President Kennedy this afternoon. This is precisely the type of natural resource proposal which was closest to his heart, as illustrated by his enthusiastic support of the Cape Cod National Seashore. This and other similar proposals are perhaps the best memorial to his vision for America.

The merit of the Fire Island seashore is immediately evidenced by the overwhelming, unanimous, bipartisan support it enjoys among governmental and private agencies on all levels. The town boards of the townships of Islip and Brookhaven, in which Fire Island is located, the Suffolk County Board of Supervisors, the New York State Council of Parks under Laurance Rockefeller, and the U.S. Department of the Interior under Secretary Udall, all support this proposal, as do our New York Senators, Kenneth B. Keating and Jacob K. Javits, and our local Congressmen, Otis G. Pike and James R. Grover. In addition, our Long Island colleges and universities, chambers of commerce, and virtually every local and national conservation organization are in support. This unprecedented unanimity of approval derives directly from the basic merit of the proposal, for nowhere else in America can one unspoiled seashore mean so much to so many people. Fire Island, due to its comparative roadless isolation up to this time, has truly become the wilderness within the city. If we subscribe at all to the proposition that we must conserve and protect our irreplaceable national heritage, especially our rapidly vanishing shoreline, the Fire Island National Seashore deserves your immediate action.

Others will tell you what this seashore proposal offers to the people of America in terms of recreational, conservation, scientific, educational, and economic opportunities. We wish to address ourselves today to the cost, to certain aspects of the legislation, and to the urgency for prompt action.

We know that you are concerned with the expenditures involved in this proposal. Is the price right? Here we come to a most unusual aspect of this project. Despite the fact that Fire Island represents waterfront property, indeed with waterfront on both sides, and despite the fact that it is within 50 miles of New York City, the island's relative roadless remoteness has helped to hold the price down. We have made a study of typical land sales on Fire Island during the past 5 years, and this study convinces us that the Department of the Interior can purchase the undeveloped lands in the eastern portion of Fire Island for an average price of $125 a running waterfront foot, or $660,000 a mile. Presuming there are approximately 15 miles of beautiful undeveloped land, we believe that the total cost of the basic acquisition could be in the neighborhood of $10 million. Let us add a sum to this for the offshore islands in the Great South Bay and even a large amount for error or other unforeseen expenses, still the total basic cost of 15 miles should not exceed $15 million. This we submit is a fantastically reasonable price for waterfront property in the heart of this population center. For proof, compare these figures with the estimated price that New York City will have to pay for a much smaller piece of property on Breezy Point—just 34 miles to the west. There, the cost may go to $3,000 per front foot, and has been estimated between $20 and $200 million and all because the tide of development and population got there before the city decided to act.

We cannot afford to wait for this to happen to Fire Island, as surely it must in the immediate future. Much beautiful waterfront land can be saved now, and the price is right. Tomorrow or the day after tomorrow will certainly be too late. Fire Island is on the brink of development today. It will be engulfed tomorrow and the opportunity lost forever. Certainly a national seashore is preferable to further subdivision on this vitally located, beautiful shoreline area.

Concerning the legislation itself, we would like to make the following general points now and request permission to submit a detailed recommendation at a future date:

1. The boundaries of this seashore should extend from Fire Island Inlet on the west to the Brookhaven-Southampton town line, beyond the Moriches Inlet on the east.

2. The various islands and wetlands along Fire Island's north shore in the Great South Bay should be included.
3. The seashore should include State, town, and county properties, if desired by the Department of the Interior and consented to by the local governmental bodies.

4. The concept of a natural, roadless national seashore should be emphasized to the maximum extent feasible.

5. Before the legislation is written in its final form, the National Park Service should designate to the Congress those areas on Fire Island which are considered efficiently administrable for national seashore purposes. All other areas, especially in the developed western end of the island, which for reason of their limited size, proximity to intensive development, or other reasons, are not considered efficiently administrable for park purposes, should be included in a zone which permits their continued development, subject to building and zoning ordinances approved by the Secretary of the Interior. The size and nature of the project permits the National Park Service to make such inventory quickly.

6. A citizens' advisory commission, similar to that created in the Cape Cod Seashore legislation, should be authorized in this legislation.

We are confident that your experience in the establishment of previous national seashores will enable you to solve the normal problems of public access and adjustment of public and private interests. The people of our area are doing their best to hold the line for the national seashore. Specifically, the Brookhaven Town Board is desperately trying to build on or further subdivide Fire Island property. As you must realize, this holding action cannot succeed indefinitely.

We know that you have many proposals before you, and that many worthy projects have been under consideration for years, but in view of the urgency of this situation, the unanimity of support, the unusual opportunity and merit, and the fact that the price is right, we respectfully request your immediate approval.

Mr. Barbash. The unanimous bipartisan support that this has engendered is self-evident today, I think. The need for this type of project, this one in particular, has been more eloquently expressed than I can do now. Therefore, I will go to some of the pertinent points: First, the price.

Is the price right? Here we come to a most unusual aspect of this project. For despite the fact that Fire Island represents waterfront property, indeed with waterfront on both sides, and despite the fact that it is within 50 miles of New York City, the island's relative roadlessness, remoteness has helped to hold the price down until now. We have made a study of the typical land sales on Fire Island during the past 5 years and this study convinces us that the Department of Interior can purchase the undeveloped lands on the eastern portion of Fire Island for an average price of $125 a running waterfront foot over $680,000 per mile. Presuming there are approximately 16 miles of beautiful undeveloped land, we believe that the total cost of the basic acquisition could be in the neighborhood of $10 million.

Let us add a sum to this for the offshore islands which have been discussed, and even a large amount for error or other unforeseen expenses, still the total basic cost of 15 miles should not exceed $15 million. This, we submit, is a fantastically reasonable price for waterfront property in the heart of this population center. For proof we ask you to compare these figures with the estimated price that New York City will have to pay for a much smaller piece of property on Breezy Point, actually just 34 miles to the west of this property in question today. There the cost may go as high as $3,000 per front foot and has been estimated to run between $20 and $200 million, and all because the tide of the development and population got there before the city decided to act.

We cannot afford to wait for this to happen on Fire Island, as surely it must in the immediate future. There is much land that can
be saved and the price is right today. Tomorrow I assure you, sir, it will be too late. Concerning the legislation itself, we would like to make the following general points now and request permission to submit a detailed recommendation at a future date.

Senator Bible. We will be happy to have you do that. We will be up in your country one of these days and you can submit it in full then.

Mr. Barbash. Thank you. The boundaries should extend from Fire Island Inlet on the west to the Southampton town line on the east as discussed by various witnesses.

Senator Bible. Is that the 32 miles?

Mr. Barbash. That is right. Approximately 31 or 33 miles. With this addition it might be 33.8. The various islands and wetlands of Fire Island north shore and Great South Bay should be included. The seashore should include State, town, and country property if desired by the Department of Interior and consented to by the local governmental bodies.

The next point, No. 5, hits directly to questions which you and Senator Allott raised this morning. I will read our point and discuss it briefly. Before the legislation is written in its final form the National Park Service should designate to the Congress those areas on Fire Island which are considered efficiently administrable for national seashore purposes. All other areas, especially in the developed western end of the island, which for reason of their limited size, proximity to intensive development, or other reasons, are not considered efficiently administrable for park purposes should be included in a zone which permits their continued development subject to a building and zoning ordinance approved by the Secretary of Interior. The size and nature of this project permits the National Park Service to make such an inventory quickly.

Senator Allott asked about the fellow who bought a piece of property and wanted to build a house there. To my knowledge this would occur mostly in the highly developed communities. Most of the undeveloped land is in larger parcels than someone would own if he just wanted to build a little house there. It would seem to me, if I may point this out, sir, that when it comes to these highly developed areas where the Park Service has really nothing to gain by taking over existing houses and they state they do not want the houses, it would be proper to delineate these areas and allow the single, little property owner to build a house there, because allowing a 60 by 100 plot to lie there fallow serves nobody's interest. It serves not the park nor the individual property owner. So instead of allowing it to lie in limbo I suggest that you delineate the area and permit continued building.

Senator Bible. I think there is a lot of merit in that suggestion. I might say we did exactly that in our Cape Cod legislation where we carved out three villages. Of course, in carving out those three villages we did not envision the taking of a vacant lot right in the middle of the town which is what you are saying.

Mr. Barbash. That is exactly correct, sir. In this legislation the villages are all included within the boundaries of the national seashore. In the Cape Code they were excluded. Therein lies the difference. If you wish to include them he should be set aside in a separate
zone. I think you have a pending seashore bill in the hopper now which provides a similar condition. It may be Sleeping Bear, if I am not mistaken.

Senator Bible. Sleeping Bear had that among many other problems, and it was about the most energetic bear I have ever seen to be called a sleeping bear. We hope it comes to life tomorrow. It has been reported out of the subcommittee.

There is a lot of merit in what you say and it does not make good commonsense to prevent something being done with a vacant lot that lies between two improved pieces of property. I think this is what you are saying. I am sure we can work out something along that direction. We will know more about it when we make our on-site inspection.

Mr. Barbash. Thank you, sir.

The last point is the one of the Citizens Advisory Commission which you have written into legislation for other seashores.

Senator Bible. I think there is merit in that.

Mr. Barbash. We know you have many proposals before you and many worthy projects have been under consideration for years. But in view of the urgency of this situation, the unanimity of support, the unusual opportunity and merit, and the fact that the price is right, we respectfully request your immediate approval.

Thank you very much.

Senator Bible. Just one thing: Identify the Citizens' Committee for Fire Island National Seashore. What is it, who makes it up, how many members do you have, are they dues paying members, is it a volunteer group, how often do you meet, when did you organize?

Mr. Barbash. We like the word “confederation.” We are a group primarily of Suffolk County residents who organized ourselves in a very loose manner, not incorporated, to act as an action body and a coordinating body for all of the various organizations which are interested in acquiring and establishing a national seashore in Fire Island. The list is a mile long and we would be glad to submit it to you.

Senator Bible. I don't care about seeing the list. How many members are there?

Mr. Barbash. We operate with an effective group. I guess you see half of them here right now, of about 30 people in Suffolk County who actually do the work. We have a central office and we employ help when we need it and we correspond with all of the conservation groups in New York State, people like the Federated Garden Club, the Garden Club of America, the League of Women Voters, the Long Island Beach Buggy Association and you can go down the list and the national groups like the Wilderness Society, National Wildlife Federation, National Audubon Society, and we are in constant contact with all of them coordinating this effort to establish this national seashore.

Senator Bible. How many members do you have?

Mr. Barbash. I would say we have roughly 35 members.

Senator Bible. You have 35 members?

Mr. Barbash. Not everybody comes to the board meetings. I think we can claim a representation probably of hundreds of thousands of people through our affiliated groups. I don't know how many National Audubon has.
12. Fire Island

An Act to establish the Fire Island National Seashore, and for other purposes. (78 Stat. 928)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the “Fire Island National Seashore”.

(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay, all as delineated on a map identified as “Fire Island National Seashore No. OGP-0002”, dated June 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements therein and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by any other political subdivision of said State may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance

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with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrative unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid zoning ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning ordinances exist shall be in the approximately eight-mile area from the easterly boundary of the Brookhaven town park at Davis Park, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of this Act or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements therein by condemnation. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisi-
tion by the Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

(2) that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any one person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the actuarial fair market value of the life estate retained, determined on the basis of standard actuarial methods;

(3) that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

(f) The term "improved property" as used in this Act shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.
(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning ordinance approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Sec. 5. The Secretary shall permit hunting, fishing, and shellfishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.
Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purposes.

Sec. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the natural resources located there. The area known as the Sunken Forest Preserve shall be preserved from bay to ocean in as nearly its present state as possible, without developing roads therein, but continuing the present access by those trails already existing and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this section of the seashore.

(b) Access to that section of the seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. (a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of one new inlet across Fire Island in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.
Sec. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission). The Commission shall terminate on the tenth anniversary of the date of this Act or on the declaration, pursuant to section 2(b) of this Act, of the establishment of the Fire Island National Seashore, whichever occurs first. The Commission shall consist of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations made by each of the town boards of Suffolk County, New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the recommendation of the county executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.

(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

(f) (1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt of payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim
against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

Sec. 10. There is hereby authorized to be appropriated not more than $16,000,000 for the acquisition of lands and interests in land pursuant to this Act.

Approved September 11, 1964.

Legislative History

House Report No. 1638 accompanying H.R. 7107 (Committee on Interior and Insular Affairs).
Senate Report No. 1300 (Committee on Interior and Insular Affairs).
Congressional Record, Vol. 110 (1964):
Aug. 6: Considered and passed Senate.
Aug. 21: Senate concurred in House amendments.

An Act to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes. (79 Stat. 967)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of lands, submerged lands, islands, and marshlands or interests therein, known as the William Floyd Estate located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, Including the William Floyd Estate", numbered OGP-0003, dated May 1965, which map or a true copy thereof shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior. Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest.

Sec. 2. The Secretary is also authorized to accept the donation of the main dwelling on said lands, which was the birthplace and residence of General William Floyd (a signer of the Declaration of Independence) and the furnishings therein and any outbuildings, subject to like terms, covenants, and conditions. The Secretary is authorized to lease said lands, dwellings, and outbuildings to the grantors thereof for a term of not more than twenty-five years, at $1 per annum, and during the period of the leasehold the Secretary may provide protective custody for such property.

Sec. 3. Upon expiration or surrender of the aforesaid lease the property shall become a detached unit of the Fire Island National Seashore, and shall be administered, protected, and developed in accordance with the laws applicable thereto subject, with respect to said main dwelling and the furnishings therein, to such terms, covenants,
FIRE ISLAND NATIONAL SEASHORE, N.Y.

JULY 30, 1964.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Morris, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 7107]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 7107) to provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following language:

That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pataugas Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said areas to distances of 1,000 feet in the Atlantic Ocean and up to 4,000 feet in the Great South Bay and Moriches Bay, all as delineated on a map identified as "Fire Island National Seashore No. OGP-0002", dated June 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of
the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by any other political subdivision of said State may be acquired only with the consent of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the exercise of his authority to acquire property in accordance with the provisions of the Secretary for use by him in carrying out the purposes of this Act. In exercising his authority to acquire property in accordance with the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this Act.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid zoning ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning ordinances exist shall be in the approximately eight-mile area from the easterly boundary of the Brookhaven town park at Davis Park, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of this Act or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements within the same. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

(2) that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any one person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the actuarial fair market value of the life estate retained, determined on the basis of standard actuarial methods;

(3) that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

(f) The term "improved property" as used in this Act shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying
standards that are consistent with the purposes of this Act for zoning ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of: (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the National Seashore, and (2) promoting the protection and development for purposes of this Act of the land within the National Seashore by means of aerainge, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning ordinance, or any amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which: (1) contains any provisions that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the National Seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such ordinance or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such ordinance, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning ordinance approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Sec. 5. The Secretary shall permit hunting, fishing, and shellfishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws and regulations of the United States of America, except that the Secretary may designate zones where, and for such periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purposes.

Sec. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the natural resources located there. The area known as the Sunken Forest Preserve shall be preserved from bay to ocean in nearly its present state as possible, without developing roads therein, but continuing the present access by those trails already existing and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate this section of the seashore.

(b) Access to this section of the seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.
(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. (a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of one new inlet across Fire Island in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

Sec. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission). The Commission shall terminate on the tenth anniversary of the date of this Act or on the declaration, pursuant to section 2(b) of this Act, of the establishment of the Fire Island National Seashore, whichever occurs first. The Commission shall consist of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations made by each of the town boards of Suffolk County, New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the recommendation of the country executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.

(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

(f) (1) Any member of the Advisory Commission appointed under this Act shall be exempted, with respect to such appointment, from the operation of sections 281, 283, 284, and 1914 of title 18 of the United States Code and section 190 of the Revised Statutes (5 U.S.C. 99) except as otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this subsection shall not extend—

(i) to the receipt of payment of salary in connection with the appointee's Government service from any source other than the private employer of the appointee at the time of his appointment; or

(ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

Sec. 10. There is hereby authorized to be appropriated not more than $16,000,000 for the acquisition of lands and interests in land pursuant to this Act.

PURPOSE

The purpose of H.R. 7107, by Congressman Pike, is to provide for the establishment of the Fire Island National Seashore. As the bill was amended by the committee, this national seashore will include as much of Fire Island, N.Y., as lies between Moriches Inlet on the
east and the Robert Moses State Park on the west. It will also include a number of small islands and the water areas bordering it to a distance of 1,000 feet on its Atlantic Ocean side and not more than 4,000 feet on its Great South Bay and Moriches Bay side. The total length of the national seashore on the oceanside will be about 25 miles and its land areas will be about 4,300 acres.

BACKGROUND

Attention to the importance of acquiring and preserving this area for public use dates back more than 30 years. In 1933, Dr. Robert Cushman Murphy put the case thus:

East of Fire Island Inlet ** lies a summerland that is still frontier. The longest continuous reach of barrier, the natural breakwater between peaceful lagoons and the Atlantic, Fire Island Beach extends—mostly roadless, trackless, isolated, and alluring—for 25 miles to the Moriches Inlet. Thence under other names it goes on toward Westhampton, where the bays narrow and where for the first time one finds thoroughfares leading from sand to soil. Settlements, small and far between, dot the beach; nevertheless, much of it remains as if in an unworldly trance which began in the time that the Indians vanished, and which now stands in danger of an unhappy awakening whenever the rush of "development" arrives. The beach has infinite solace for body and soul; it affords not only the usual charms of an unspoiled seashore, but also provides features so rare in our northern latitudes that they are in the nature of wonders. It is high time, therefore, to take counsel and to plan. The larger the human population destined to make use of Fire Island Beach, the more urgent it becomes that the face of nature be kept with as much as possible of its pristine complexion, instead of being first blemished and afterward restored with makeup.

In 1955 Fire Island was studied by the National Park Service in connection with its seashore recreation area survey of the Atlantic and gulf coasts. Out of a total of 126 undeveloped areas covered by the study, Fire Island was one of the 16 to the acquisition of which it was recommended that the highest priority be given. A bill to carry out this plan was introduced in the 86th Congress and interest was continued by the introduction of further bills in the 87th Congress. When the committee took up the matter in the 88th Congress it had before it not only Congressman Pike's bill, but nine others as follows:
H.R. 3693 (Lindsay), H.R. 4999 (Ryan of New York), H.R. 6111 (Grover), H.R. 6213 (Wydler), H.R. 6934 (O'Brien of New York), H.R. 6936 (Ryan of New York), H.R. 7297 (Mrs. Kelly), H.R. 7359 (Keogh), and H.R. 7512 (Carey). Hearings on these bills were held on Long Island on September 30, 1963, and in Washington on April 10, 1964. As a result of these hearings and further consideration in executive session, the bill was amended in a number of respects.
THE NATIONAL RECREATION AREA CONCEPT

The Committee on Interior and Insular Affairs has, in recent years, been emphasizing the importance of establishing national recreation areas in places readily accessible to large segments of the American population. Its interest in this matter is illustrated by its reports on three earlier bills to establish national seashores that have become law—House Report No. 673, 87th Congress, on the Cape Cod National Seashore, Mass.; House Report No. 1628, 87th Congress, on the Point Reyes National Seashore, Calif.; and House Report No. 2379, 87th Congress, on the Padre Island National Seashore, Tex. The object of such areas is neither merely that of providing present opportunities for outdoor recreation that could not or would not otherwise be provided nor merely that of preserving for the enjoyment of future generations the natural conditions and scenery which such areas now afford, but a blend of the two. The concept of the national recreation area puts more emphasis on recreation as such than is usually associated with the idea of a national park and more emphasis on conservation as such than is normally associated with the outdoor recreation facilities that are provided by cities, counties or even, in many cases, the States. These points and others are spelled out in more detail in Policy Circular No. 1 of the President's Recreation Advisory Council, a group composed of the Secretaries of the Interior, Agriculture, Defense, Commerce, and Health, Education, and Welfare, and the Administrator of the Housing and Home Finance Agency. Policy Circular No. 1 is appended to this report for the information of Members of the House.

DESCRIPTION OF THE AREA

Fire Island admirably meets all of the points just mentioned. It includes within itself areas that are primitive and unspoiled and that deserve to be protected and preserved. It is strategically located in terms of population. It is suited to a wide variety of recreation activities.

Fire Island is a natural barrier reef lying just off the south shore of Long Island. Its overall length (including its western tip, which is not included within the national seashore) is about 31½ miles. In width it varies from 200 yards to a half mile. Its eastern half is almost uninhabited and there are no paved roads on the island except such as lead into the Robert Moses State Park and the Smith Point County Park. In addition to its almost uninterrupted stretch of sand beach backed up by low dunes, it has marshy areas on the bay side and, most important of all, an almost unique holly forest with trees estimated to be several hundred years old. In addition to holly, the plantlife of the island includes red maple, red cedar, tupelo, sassafras, and other types of trees as well as the fast-disappearing bog orchis, plus sea lettuce, widgeon grass, reed grass, seabeach amaranth, and sandwort. It furnishes a wintering spot for migratory waterfowl, a breeding ground for ducks, geese, and European mute swans, and nesting areas for the black skimmer, common tern, least tern, and black-crowned night heron. Bluefish, fluke, winter flounder, and blowfish inhabit the bay waters to the north, and striped bass, kingfish, bluefish, mackerel, fluke, and weakfish the ocean waters to the
south. Whitetail deer, foxes, and other small mammals are found on the undeveloped parts of the island.

As this description of the area within the Fire Island National Seashore makes evident, it will afford opportunity for a wide variety of attractive noncommercial outdoor activities—swimming, hiking, picnicking, bird watching, fishing, camping, hiking, and bicycling. It has the advantage, moreover, of having facilities for intensive use programs already developed at either end of the island. The existence of these facilities in the Robert Moses State Park and the Smith Point County Park will help to assure the carrying out of the quieter mission of the Fire Island National Seashore. The two types of areas will be complementary to each other.

As the committee noted in its report on the Cape Cod bill cited above, the danger of overuse of such an area as this is far greater than that of underuse. Certainly there is no likelihood of the latter in this case considering, first, that the western end of Fire Island is within 50 miles of Times Square and that well on to 45 million people, living in 10 States, dwell within 250 miles of it; second, that direct access to the island is readily available by seven ferry routes and two bridges, all originating on Long Island; and, third, that preliminary estimates by the National Park Service and the Bureau of Outdoor Recreation indicate attendance at the national seashore of 6 million visitor-days a year within a comparatively few years.

**PLAN OF DEVELOPMENT**

The plan for development presented to the committee by the National Park Service and the Bureau of Outdoor Recreation calls for a minimum of disturbance to the area. This plan is outlined in a pamphlet entitled "A Report on the Proposed Fire Island National Seashore," dated March 1964. There will be a visitor center, several visitor-contact stations, picnic and camping areas, and trails suitable for walking and bicycling. The committee especially endorses the recommendation in this report that—

"Foot trails and bicycle paths be provided as the major means of travel on Fire Island; no road be built the length of Fire Island; automobile access to the island be restricted to the existing bridgeheads and parking areas at the State and county parks and such additional parking areas as may be developed therein . . . ."

This is fully consistent not only with the remarks heretofore made in this report concerning the natural value of the area but with other proposals of the Department of the Interior made in connection therewith as, for instance, that "The recreation resources of Fire Island . . . be developed and managed for maximum public use, consistent with the protection objectives" [emphasis added], that "a balance . . . be achieved as between intensive (high density) and extensive (low density) recreation use," that "the undeveloped portions of Fire Island be set aside for the protection of natural values and [for] activities compatible with this preservation objective," that "intensive use . . . be concentrated at the two areas readily accessible from the mainland of Long Island—Robert Moses State Park and Smith Point County Park," and that "the development of private supporting facilities for food, lodging, and other services
OTHER PROVISIONS OF BILL

As reported, H.R. 7107 contains a number of provisions designed to gear its operations to local conditions. It exempts from condemnation most of the land within a number of small communities on the western part of the Island as long as the owners conform to approved and valid local zoning ordinances. These communities are identified on the map (OGP-0002, June 1964) to which reference is made in the first section of the bill. They are Kismet, Saltaire, Fair Harbor, Lonelyville, Atlantique, Robbins Rest, Ocean Beach, Seaview, Ocean Bay Park, Point O'Woods, Cherry Grove, Fire Island Pines, Water Island, and Davis Park. The bill also provides, in conformity with established practice in similar bills, that landowners may elect to retain a life estate or an estate for 25 years in improved property that is taken for the national seashore. If such election is made, the purchase price will, of course, be reduced. Provision is made for contracts to purchase property in advance of appropriations if, but only if, the liability of the United States is recognized as being contingent on the appropriation of funds sufficient to carry out the contract.

Hunting and fishing will be permitted within the Fire Island National Seashore in accordance with the applicable laws of the United States and the State of New York. If public safety or other factors require the closing of an area to any such activities, this will be done by the Secretary of the Interior only after consultation with the Conservation Department of the State of New York.

Special provisions for the protection of the Sunken Forest Preserve—an area which, it is expected, will be donated to the Government—and the 8-mile stretch of land east of the Brookhaven Town Park are included in the bill. The preservation of these areas in a natural condition is urgent.

Section 8 deals with the subjects of erosion control and the construction of a new inlet across Fire Island from the Atlantic Ocean to Great South Bay by the Corps of Engineers. The committee recognizes the importance of such work. In order to protect the national seashore, such work as is done will be performed in accordance with plans acceptable both to the Secretary of the Interior and the Secretary of the Army.

Section 9 creates a temporary Fire Island National Seashore Advisory Commission along the lines of a similar commission which was set up for the Cape Cod National Seashore. Its membership will be composed almost entirely of persons nominated by local and State officials. It is to be hoped that care will be taken to see that its membership includes adequate representation of conservation, planning, recreation, and park interests. The function of this Commission will be purely advisory and its members, unless they are otherwise employed by the United States, will draw no salary from the Government or be entitled to reimbursement for expenses. The life of the Commission will expire 10 years after enactment of the act or upon creation of the Fire Island National Seashore, whichever occurs first.
COMMITTEE AMENDMENT

The committee amendment is in the nature of a substitute for everything after the enacting clause of the bill as introduced.

COST

The bill, as amended, limits the amount authorized to be appropriated for land acquisition to $16 million. This is a smaller sum than that estimated in the report of the Department of the Interior which, however, was based on a somewhat larger acreage than that included in the reported bill. Should the authorized $16 million prove to be insufficient—and there is no reason to think at present that it will—additional legislation will be required before appropriations for the additional amount are made. Development costs over a 5-year period are estimated at about $5 million and annual operating costs at about $375,000 after the national seashore is in full operation.

DEPARTMENTAL REPORT

The report of the Department of the Interior recommending creation of the Fire Island National Seashore follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,

Hon. Wayne N. Aspinall,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

Dear Mr. Aspinall: Your committee has requested a report on H.R. 3693 and H.R. 4999, similar bills, to provide for the establishment of the Fire Island National Seashore, and for other purposes.

We favor the inclusion of Fire Island in a national seashore, but we are convinced from studies of the area we have made recently that some additional nearby portions of Long Island should also be included in a national seashore. We have, therefore, prepared a substitute draft of the bill which would accomplish this purpose, and would also make some perfecting changes. We recommend enactment of the proposed legislation if amended in accordance with the enclosed draft bill.

Under the terms of the proposed legislation, if amended as we recommend, the Fire Island National Seashore would extend from Fire Island Inlet to the junction of Meadow Lane and Halsey Neck Lane in the village of Southampton. This area includes about 52 miles of relatively undeveloped shoreline and encompasses approximately 8,000 acres of seashore environment.

The justification for this proposed national seashore may be simply stated. A unique combination of factors—the existence of some of the Nation's finest beaches in close proximity to the largest concentration of people in the entire United States—is urgent reason that the area be protected in perpetuity for the use and enjoyment of the American people.

Much of the south shore of Long Island has been heavily and effectively developed for seashore recreation. Jones Beach, for example,
is justly renowned as an example of well planned development for high-density recreation, and there are several other State parks that are heavily used.

Much of the shoreline, however, has been developed by private interests and is not available to the public. There remain nevertheless certain segments of the Long Island shoreline that have little development and thus have a substantial public use potential. Unless early action is taken to protect this area for public use, it will inevitably be developed for more limited use and the opportunity lost forever.

This point was made by the Outdoor Recreation Resources Review Commission in its report of 1962 to the President and the Congress when it commented with respect to shorelines as follows: "Highest priority should be given to acquisition of areas located closest to major population centers and other areas that are immediately threatened. The need is critical—opportunity to place these areas in public ownership is fading each year as other uses encroach."

The west end of the area is within 50 miles of the center of New York City, and more than 16 million people in several States live within a 100-mile radius. Nowhere else in the country is there a greater need by so many people for additional outdoor recreation opportunities that can be supplied in abundance and variety in the proposed Fire Island National Seashore.

In order to provide reasonable protection to owners of improved property, the draft bill sets forth the following procedure: Improved private property or interests therein could not be acquired without the consent of the owner, so long as such properties are maintained in accordance with the purposes of this act and in accordance with certain zoning requirements mutually satisfactory to the appropriate zoning authority in New York State and to the Secretary of the Interior. Lands now in public ownership could be transferred to the administrative jurisdiction of the Secretary only with the concurrence of the present administering agency.

Fire Island itself is a 32-mile-long, narrow stretch of sand reef varying from several hundred yards to half a mile wide. Fire Island State Park, occupying the western 4 miles of the island, currently is undeveloped. By the summer of 1964, however, a bridge will be completed connecting this area with the mainland. The State plans to develop this area for high-density use to accommodate the overflow from Jones Beach State Park, some 15 miles to the west.

Near the eastern end of Fire Island is the Smith Point bridge connecting the mainland with a Suffolk County park on the island. Here the county has developed parking areas and a bathhouse for fairly high-density use of about a mile of ocean beachfront. Under the plans for a national seashore, these two public areas could continue under their present administration or, with the consent of the governing body, be transferred to the Federal Government.

Between these two major public areas, Fire Island contains an impressive array of seashore resources. The beaches are wide, clean, and gently sloping. The dunes are imposing and usually well stabilized by beach grass, bayberry, other vegetation, and some low-lying pitch pine. The Sunken Forest, in the western half of the island, is a gem of its kind, dominated by American holly trees—some several hundred
years old—with an accompaniment of sassafras, redcedar, and pitch pine.

Also located in the western half of the island are several small but rather intensively developed communities. Under the provisions of the enclosed draft bill these communities, as well as the owners of more scattered improved properties, could retain their present state of development as long as adequate zoning approved by the Secretary of the Interior is in effect, and the development remains compatible with the purposes of a national seashore. However, the ocean beaches in front of these communities would be acquired by the Federal Government along with sufficient adjacent lands above the mean high tide to assure continuous free public access to and along the beach at all times.

The area from Moriches Inlet to the east boundary in the village of Southampton is similar in character to Fire Island: It possesses excellent beaches and contains picturesque natural dunes worthy of protection in their present condition. The one and a half miles adjacent to Moriches Inlet are owned by Suffolk County and could, with the concurrence of the county, be relinquished to the Federal Government for development and administration. From this county-owned area eastward to Tiana Beach, including Westhampton and Hampton Beaches, there is an irregular pattern of development similar to that on the central portion of Fire Island. Through this section, there are an improved road parallel to the beach and three bridge connections to the mainland. The remainder, or eastern portion of the proposed national seashore, straddling Shinnecock Inlet, also possesses outstanding beaches and other recreation resources. Although roads also parallel the beach here, this portion remains almost entirely undeveloped. It was listed by the 1955 National Park Service seashore survey as one of the 16 most important public seashore opportunities on the Atlantic and gulf coasts.

Our suggested revision of this proposed legislation would establish a reasonably flexible procedure for establishment of the national seashore.

Section 1 of the draft sets forth the purposes of the act and states that the boundaries of the Fire Island National Seashore are from Fire Island Inlet to the village of Southampton. Sections 2 and 3 prescribe the limitations on the land acquisition previously referred to. These provisions will have the effect not only of promoting the objective of this national seashore but also will actually benefit the owners of improved properties by protecting them against any undesirable use or development. Section 4 will permit in appropriate cases the owner of the property that may be acquired for purposes of the national seashore to retain the right of use and occupancy for a period up to 25 years with appropriate adjustment in the selling price. Section 5 will permit hunting and fishing within the national seashore in accordance with the laws of the State of New York. Section 6 will permit the acceptance of donated real or personal property. Section 7 will permit the Secretary to use his general statutory authority governing the national park system and any other statutory authority available to him for the conservation and development of natural resources in carrying out the purposes of this act. Section 8 provides that the
The proposed Fire Island National Seashore is eminently suited to become an integral unit of the system of existing and proposed national recreation areas. It meets all of the primary and the applicable secondary criteria as set forth in Policy Circular No. 1 pertaining to national recreation areas, approved by the Recreation Advisory Council on March 26, 1963.

Based upon studies thus far made, the aggregate area of the national seashore will be approximately 8,000 acres, and we believe that land acquisition costs probably will not exceed $20 million. The data required by the act of July 25, 1956 (5 U.S.C. 642a), are enclosed.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

A BILL To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of preserving for public outdoor recreation purposes certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high recreation values to the Nation, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from Fire Island Inlet to the junction of Meadow Lane and Halsey Neck Lane in the village of Southampton. The boundaries are delineated on a map identified as "Fire Island National Seashore No. FINS-1000". The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by a political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him
in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) The Secretary shall not acquire any privately owned "improved property" or interests therein without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning bylaw that is satisfactory to the Secretary.

(f) The term "improved property" as used in this Act shall mean any building the construction of which was begun before January 1, 1963, and such amount of land, not in excess of three acres, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning bylaws which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning bylaw or any amendment to any
approved zoning bylaw submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the bylaw or amendment. Such approval shall remain effective for so long as such bylaw or amendment remains in effect as approved.

(d) No zoning bylaw or amendment thereof shall be approved by the Secretary which (1) contains any provision that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore, or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(e) If any improved property, with respect to which the Secretary’s authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning bylaw, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage by such bylaw, the suspension of the Secretary’s authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any part in interest upon request a certificate indicating the property with respect to which the Secretary’s authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning bylaw approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Sec. 5. The Secretary shall permit hunting and fishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York, except that the Secretary may designate
zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property that may be donated for such purposes.

Sec. 7. The Secretary shall administer, protect, and develop the Fire Island National Seashore in accordance with the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.
### Estimated additional man-years of civilian employment and expenditures for the 1st 5 years of proposed new or expanded programs

<table>
<thead>
<tr>
<th></th>
<th>190Y</th>
<th>190Y-1</th>
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### Estimated additional expenditures:

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### Estimated additional objectives:

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<td>Operations</td>
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<td>5,879,000</td>
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**Committee Recommendation**

The Committee on Interior and Insular Affairs recommends enactment of H. R. 7107, as amended.
APPENDIX

RECREATION ADVISORY COUNCIL POLICY CIRCULAR NO. 1

FEDERAL EXECUTIVE BRANCH POLICY GOVERNING THE SELECTION, ESTABLISHMENT, AND ADMINISTRATION OF NATIONAL RECREATION AREAS

Washington, D.C., March 26, 1963

PREAMBLE

The Recreation Advisory Council believes that—

1. Greater efforts must be made by Federal, State, local governmental, and private interests to fulfill adequately the steeply mounting outdoor recreation demands of the American people;

2. The Federal Government should provide leadership and stimulus to this effort, but does not have sole or primary responsibility for providing recreation opportunities;

3. Present Federal programs should be augmented by a system of national recreation areas made up of a limited number of areas where the recreation demand is not being met through other programs.

The system of national recreation areas should—

1. Provide for Federal investment in outdoor recreation that is more clearly responsive to recreation demand than other investments that are based primarily upon considerations of preserving unique natural or historical resources, the need to develop and conserve public lands and forests, or the requirements of major water resource development undertakings;

2. Be areas which have natural endowments that are well above the ordinary in quality and recreation appeal, being of lesser significance than the unique scenic and historic elements of the national park system, but affording a quality of recreation experience which transcends that normally associated with areas provided by State and local governments;

3. Be consistent with Federal programs relating to national parks, national forests, public lands, fish and wildlife, water resource development, grants for urban open space, recreation programs on private agricultural lands, and programs for financial assistance to States in providing recreation opportunity.

In order to provide a rational basis for planning and evaluating proposed projects where outdoor recreation use is the dominant or primary purpose, the Recreation Advisory Council hereby sets forth the guidelines it believes should govern the selection, establishment, and administration of national recreation areas.
Under authority bestowed upon the Council by Executive Order 11017, of April 27, 1962, the Council commends this policy to all concerned Federal agencies, and by mutual agreement makes it binding upon the member agencies of the Recreation Advisory Council. It shall be applied to the existing backlog of national recreation area proposals, as well as to all future proposals.

TERMENLOGY AND DEFINITION OF SCOPE

Many names have been used in the past in describing areas to be acquired and developed, or to be administratively designated, predominantly for recreation use. Some of these are national seashore, national lakeshore, national waterway, national riverway, national recreation demonstration areas, and similar names which embody either the physical resource base or the functional purpose to be served. This policy statement includes such areas.

The following criteria are not intended to apply to (a) the classical elements of the national park system; (b) the standard recreation use areas designated under national forest practices; (c) the normal scale of recreation development associated with Federal multiple-purpose impoundments; (d) the national wildlife refuges, game ranges, and national fish hatcheries; (e) military and national defense installations; and (f) sites within the zone of metropolitan responsibility, such as provided through the open-space program of the Housing and Home Finance Agency, or which primarily serve massive day use requirements that properly should be met by local and State agencies of government. On the other hand, it is conceivable that national recreation areas may include within their boundaries portions of any existing Federal real property.

PRIMARY CRITERIA FOR SELECTION OF NATIONAL RECREATION AREAS

These criteria represent an essential test. National recreation areas are conceived of as consisting of a limited number of areas. Therefore, the Council recognizes that a high degree of judgment will have to be exercised in the choice of priorities among qualifying areas.

Application of the following seven primary criteria shall be mandatory for all proposals:
1. National recreation areas should be spacious areas, including within their perimeter an aggregate gross area of not less than 20,000 acres of land and water surface, except for riverways, narrow coastal strips, or areas where total population within a 250-mile radius is in excess of 30 million people.
2. National recreation areas should be located and designed to achieve a comparatively high recreation-carrying capacity, in relation to type of recreation primarily to be served.
3. National recreation areas should provide recreation opportunities significant enough to assure interstate patronage within its region of service, and to a limited extent should attract patronage from outside of its normal service region.
4. The scale of investment, development, and operational responsibility should be sufficiently high to require either direct Federal involvement, or substantial Federal participation to assure optimum public benefit.
5. Although nonurban in character, national recreation areas should nevertheless be strategically located within easy driving distance, i.e., not more than 250 miles from urban population centers which are to be served. Such areas should be readily accessible at all times, for all-purpose recreational use.

6. Within national recreation areas, outdoor recreation shall be recognized as the dominant or primary resource management purpose. If additional natural resource utilization is carried on, such additional use shall be compatible with fulfilling the recreation mission, and none will be carried on that is significantly detrimental to it.

7. National recreation areas should be established in only those areas where other programs (Federal and non-Federal) will not fulfill high priority recreation needs in the foreseeable future.

SECONDARY CRITERIA FOR SELECTION OF NATIONAL RECREATION AREAS

Application of the following six secondary criteria will be given weight in situations where they bear a meaningful relationship to a specific proposal:

1. Preference should be given to proposed national recreation areas that—
   (a) Are within or closely proximate to those official U.S. census divisions having the highest population densities;
   (b) Are in areas which have a serious deficiency in supply of both private and public outdoor recreation areas and facilities as determined by the national recreation plan;
   (c) Are in areas which have a comparatively low amount of federally provided recreation-carrying capacity;
   (d) Show an optimum ratio of carrying capacity to estimated cost.

2. National recreation areas may be based upon existing or proposed Federal water impoundments where it can be shown that significant increases in the scale of recreation development are required, beyond the level normally justified under standard multiple-purpose project development, in order to assure that full recreation potential is provided for projected needs.

3. National recreation areas may include within their boundaries scenic, historic, scientific, scarce, or disappearing resources, provided the objectives of their preservation and enjoyment can be achieved on a basis compatible with the recreation mission.

4. National recreation areas should be in conformity with the national recreation plan prepared by the Bureau of Outdoor Recreation, and shall take into consideration State, regional, and local comprehensive plans.

5. Whenever possible, national recreation areas should be selected, developed, and managed to provide maximum compatibility with the recreation potential of adjacent rural areas in private ownership.

6. Preference should be given to areas within or proximate to a redevelopment area as officially designated by the Department of Commerce and deemed significant in the economic improvement of such a redevelopment area.
ESTABLISHMENT OF NATIONAL RECREATION AREAS

National recreation areas shall be established by an act of Congress. Legislation to establish national recreation areas will be processed in accordance with established procedures for handling legislation. Upon request of the Executive Office of the President, the Recreation Advisory Council will review specific national recreation area proposals, based upon studies made or prescribed by the Bureau of Outdoor Recreation. For those proposals referred to it, the Council will recommend appropriate action regarding authorization, modification, priority of establishment, and the responsible management agency or agencies.

ADMINISTRATION OF NATIONAL RECREATION AREAS

National recreation area proposals should include recommendations as to the agency or agencies responsible for their management. In making this recommendation, sponsoring organizations should take into account the proximity of the proposed area to other publicly administered areas, along with such other factors as will assure effective and economical administration of the new area. Where deemed feasible and desirable, a joint Federal-State management arrangement may be recommended.

ACTIVATION OF POLICY CIRCULAR NO. 1

Upon approval by signature of this policy circular by members of the Recreation Advisory Council, the member agencies will become responsible for observing the foregoing policies and procedures, and will undertake immediately to give this circular force and effect by issuing an appropriate internal administrative directive, over the signature of the agency head or other responsible officer. The Council recommends the adoption of the foregoing policies and procedures by other Federal agencies.

Approved by:

Stewart L. Udall,
Secretary of the Interior, Chairman.
Orville L. Freeman,
Secretary of Agriculture.
Norman S. Paul,
Assistant Secretary of Defense (Manpower).
Luther H. Hodges,
Secretary of Commerce.
Anthony J. Celebrezze,
Secretary of Health, Education, and Welfare.
Robert C. Weaver,
Administrator, Housing and Home Finance Agency.
A BILL

To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

1. Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

2. That (a) for the purpose of conserving and preserving for

the use of future generations certain relatively unspoiled and

undeveloped beaches, dunes, and other natural features within

Suffolk County, New York, which possess high values to

the Nation as examples of unspoiled areas of great natural

beauty in close proximity to large concentrations of urban

population, the Secretary of the Interior is authorized to

J. 94-921
establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from the easterly boundary of Fire Island State Park \(^1\) eastward to the westerly boundary of the Moriches Inlet County Park, and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore. The boundaries are delineated on a map identified as "Fire Island National Seashore No. OGP-0001." The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands,

\(^1\) This park is now officially known as the Robert Moses State Park.

\(^n\) Mr. Carey proposes to strike out "the westerly boundary of the Moriches Inlet County Park" and to insert "Moriches Inlet".
waters, and other property, and improvements thereon and
any interest therein, within the boundaries of the seashore
as established under section 1 of this Act. Any property or
interest therein owned by the State of New York, by Suffolk
County, or by any political subdivision thereof, any other
political subdivision of said State may be acquired only with
the concurrence of such owner. Notwithstanding any other
provision of law, any Federal property located within
such area may, with the concurrence of the agency
having custody thereof, be transferred without consider-
ation to the administrative jurisdiction of the Secretary
for use by him in carrying out the provisions
of this Act. In exercising his authority to acquire property
in accordance with the provisions of this subsection, the Secre-
tary may enter into contracts requiring the expenditure,
when appropriated, of funds authorized by this Act, but the
liability of the United States under any such contract shall
be contingent on the appropriation of funds sufficient to fulfill
the obligations thereby incurred.

(b) When the Secretary determines that lands and
waters or interests therein have been acquired by the United
States in sufficient quantity to provide an administrable unit;
he shall declare the establishment of the Fire Island National
Seashore by publication of notice in the Federal Register.
(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein [2] within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning [3] bylaw ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning [4] laws ordinances exist shall be in the approximately eight-mile area
from Ocean Ridge, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of this Act or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements therein by condemnation. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same [5] or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

(2) that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any [6] single one person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the [7] actuarial fair market value of the life estate re-
tained \([8]\), determined on the basis of standard
actuarial methods;

(3) that the owner or owners shall retain an estate
for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

(f) The term “improved property” as used in this Act
shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

SEC. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning \([9]\)by-

laws ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of
this Act, of all property within the national seashore, and
(2) promoting the protection and development for pur-
poses of this Act of the land within the national seashore by
means of acreage, frontage, and setback requirements.
(e) Following issuance of such regulations the Secre-
tary shall approve any zoning ordinance or any
amendment to any approved zoning ordinance submitted to him that conforms to the standards contained in
the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain
effective for so long as such ordinance or amend-
ment remains in effect as approved.
(d) No zoning ordinance or amendment thereof shall be approved by the Secretary which (1) con-
tains any provisions that he considers adverse to the protec-
tion and development, in accordance with the purposes of this
Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall
receive notice of any variance granted under, or any excep-
tion made to, the application of such ordinance or amend-
ment.
(e) If any improved property, with respect to which
the Secretary's authority to acquire by condemnation has
been suspended according to the provisions of this Act, is
made the subject of a variance under, or becomes for any
reason an exception to, such zoning [16] by-law, ordinance, or is subject to any variance, exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such [17] by-law, ordinance, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Sec. 4. (a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning [18] by-law ordinance approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the
right an amount equal to the fair market value of that portion
of the right which remains unexpired on the date of ter-
mination.

SEC. 5. The Secretary shall permit hunting, fishing, and
shellfishing on lands and waters under his administrative
jurisdiction within the Fire Island National Seashore in ac-
cordance with the laws of New York and the United States
of America, except that the Secretary may designate zones
where, and establish periods when, no hunting shall be per-
mitted for reasons of public safety, administration, or public
use and enjoyment. Any regulations of the Secretary under
this section shall be issued after consultation with the Con-
servation Department of the State of New York.

SEC. 6. The Secretary may accept and use for purposes
of this Act any real or personal property [19]or moneys
that may be donated for such purposes.

SEC. 7. (a) The Secretary shall administer and protect
the Fire Island National Seashore with the primary aim of
conserving the [20]superb and fragile natural resources
located there. [21]To this end, the The area known as
the Sunken Forest shall be preserved in as nearly its pres-
ent state as possible, without developing roads therein, but
continuing the present access by those trails already existing
and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate the beauty and tranquility of this section of the seashore.

(b) Access to that section of the seashore lying between Ocean Ridge and the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may
Sec. 8. (a) The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall have been developed by the Corps of Engineers, Department of the Army, and approved by Congress, provided such measures are consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of any one new inlet across Fire Island in the Patchogue West Sayville area, provided plans for such an inlet have been developed by the Corps of Engineers, Department of the Army, and approved by Congress such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary
of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act.

SEC. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission) consisting. The Commission shall terminate on the tenth anniversary of the date of this Act or on the declaration, pursuant to section 2(b) of this Act, of the establishment of the Fire Island National Seashore, whichever occurs first. The Commission shall consist of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations made by each of the town boards of Suffolk County, New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the recommendation of the county executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.
(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation [28]. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(c) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

[29] (f) No permit for the commercial or industrial use of property located within the national seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the national seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought.

[30] (g) (1) Any member of the Advisory Commission
appointed under this Act shall be exempted, with respect to
such appointment, from the operation of sections 281, 283,
284, and 1914 of title 18 of the United States Code and
section 190 of the Revised Statutes (5 U.S.C. 99) except as
otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this
subsection shall not extend—

(i) to the receipt of payment of salary in connec-
tion with the appointee's Government service from any
sources other than the private employer of the appointee
at the time of his appointment; or

(ii) during the period of such appointment, and
the further period of two years after the termination
thereof, to the prosecution or participation in the prose-
cution, by any person so appointed, of any claim against
the Government involving any matter concerning which
the appointee had any responsibility arising out of his
appointment during the period of such appointment.

SEC. 10. [31] There are authorized to be appropriated
such sums of money as may be necessary for carrying out the
purposes of this Act. There is hereby authorized to be appro-
 priated not more than $16,000,000 for the acquisition of
lands and interests in land pursuant to this Act.
A BILL

To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

By Mr. P ik e

JUNE 16, 1963

Referred to the Committee on Interior and Insular Affairs
EXECUTIVE SESSION

H.R.7107

TUESDAY, MAY 12, 1964

House of Representatives,
Subcommittee on National Parks of the Committee on Interior and Insular Affairs,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10:05 a.m., in the committee room, 1324 Longworth House Office Building, the Honorable Thomas G. Morris (chairman of the subcommittee) presiding.

Mr. Morris. The Subcommittee on National Parks will be in order for consideration of anything that the committee desires to consider. At the present time we will consider H.R. 7107 by the gentleman from New York, Mr. Pike.

The clerk will read the first section of the bill.

Mr. Witmer (reading). A bill to provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural
features within Suffolk County, New York, which possess high
values to the Nation as examples of unspoiled areas of great
natural beauty in close proximity to large concentrations of
urban population, the Secretary of the Interior is authorized to
establish an area to be known as the "Fire Island National
Seashore".

(b) The boundaries of the national seashore shall extend
from the easterly boundary of Fire Island State Park eastward
to the westerly boundary of the Moriches Inlet County Park, and
shall include not only Fire Island proper, but also such islands
and marshlands in the Great South Bay, Bellport Bay, and
Moriches Bay adjacent to Fire Island as Sexton Island, West
Island, Hollins Island, Ridge Island, Pelican Island,
Patteraquash Island, and Reeves Island and such other small
and adjacent islands, marshlands, and wet lands as would lend
themselves to contiguity and reasonable administration within
the national seashore. The boundaries are delineated on a map
identified as "Fire Island National Seashore No. OOP-0001."
The Secretary shall file the map with the Federal Register, and it
may also be examined in the offices of the Department of the
Interior.

Mr. Morris. Are there any amendments to section 1?

Are there any Department-suggested amendments?

Mr. Witmer. There is an amendment proposed by the Depart-
ment.
Mr. Morris. Would you read the amendment, Counsellor?

Mr. Witmer. This will substitute for the first two sentences of subsection 1(b) at the top of page 2, and will read as follows:

"The boundaries of the national seashore shall extend from the Fire Island Inlet to the Brookhaven, South Hampton Town line. The boundaries are delineated on a map identified as 'Boundary Map, NC-PI-7100, Proposed Fire Island National Seashore, March 1964'."

Mr. Rivers. Mr. Chairman, I will offer the amendment.

Mr. Morris. The amendment is offered by the gentleman from Alaska.

Off the record.

(Discussion off the record.)

Mr. Morris. Without objection, the amendment offered by the gentleman from Alaska is withdrawn.

Mr. Witmer. Mr. Pike points out that those boundaries which are here shown by the black line around it do not include Sexton Island down here (indicating) and West Island, which is right here. They were included in the Department's original proposal, but his proposal is that the line, in effect, be extended to come over this way and down. He said he thinks the West Island, Sexton Island, and a few very small islands in the vicinity ought also to be in. I talked with him about this the other day, and, while I have not cleared precise language
with him, you will notice his bill does include those, and the others, Pelican, Pattersquash, and Reeves are within the boundaries, so there is no problem with them.

But I think the Department's amendment, if it were, in turn, modified in the second sentence to say, "The boundaries are generally delineated on a map identified as 'Boundary Map, NS-FI-7100, Proposed Fire Island National Seashore, March 1964', but the boundaries so delineated shall be extended to include Sexton Island, West Island, and such other", picking up the remainder of that sentence of lines 9 through 11, that would do the trick.

Mr. Burton of Utah. Mr. Chairman?

Mr. Morris. The gentleman from Utah.

Mr. Burton of Utah. Did I understand the counsellor to say that Mr. Pike's proposal was to eliminate West Island?

Mr. Witmer. No, to include it.

Mr. Burton of Utah. I see.

Mr. Witmer. West Island and Secton Island are not within the boundaries here. He believes they should be within the boundaries. That is the reason I said, if you want to go along with Mr. Pike, you would modify this language.

Mr. Burton of Utah. Does counsellor know if there are private homes on those islands, and how much is private land?

Mr. Witmer. My understanding is that those are not private, they are not inhabited at all.
Mr. Burton of Utah. There are no summer homes there?

Mr. Witmer. Not that I am aware of.

Mr. Rivers. Mr. Chairman, may I be recognized to pursue the same line of questioning the gentleman from Utah has been pursuing?

Mr. Morris. You sure may.

Mr. Rivers. If this is in the original request from the Department, or the original proposal of the Department, what forces were brought to bear to have it knocked out again?

Mr. Morris. This was not in the Department's original proposal; it was in Mr. Pike's proposal, as I understand it.

Mr. Witmer. It was in his, and I thought -- I cannot tell from this whether it was in the Department's or not. I rather thought it was, but I could very well be mistaken.

Mr. Rivers. I got the impression you said it was in the Department's original proposal, too.

Mr. Witmer. I did say so, and now I am not sure of myself.

Mr. Rivers. If I thought there was a valid reason for leaving it out in the first place because of objections that people who own the property there made, for instance, then I might like to know what changed the situation to justify putting them back in. We are shooting in the blind. We do not know if it was in the Department's first proposal or not, we do not know why it was left out, if it was left out, and we do not know why it was put back in.
Mr. Burton of Utah. Will the gentleman yield?

Mr. Rivers. I yield.

Mr. Burton of Utah. I think you put it very well, and we ought to find out about this, because national parks are always including somebody's property. If it was left out to begin with, we ought to find out why.

If you look at the map, you can see there is a line that goes out there to include those, and I would like to find out more about it before we adopt Mr. Pike's amendment, if we do adopt it.

Mr. Witmer. I will get a copy of Mr. O'Brien's bill and we will be able to find it.

Mr. Morris. What do you say we proceed in this manner? Let us ask Mr. Rivers to present the Department's amendment and then adopt it with the agreement that, if we want to, we will come back to this section.

Mr. Burton of Utah. That will be fine.

Mr. Morris. If that is the consensus of the committee, we will proceed in that manner.

Mr. Rivers. Reserving the right to object, Mr. Chairman, I am not in the mood to offer it until I hear more about it.

Mr. Morris. All right.

Mr. Rivers. Maybe we can clear it up right now.

Mr. Witmer. No, this is not cleared up.

Mr. Rivers. I ask unanimous consent that we proceed with
the reading of the bill, and in the meantime we let this par-
ticular paragraph lie in abeyance while we attempt to obtain
information from the Department and proceed with the job we
are doing.

I ask unanimous consent along that line.

Mr. Morris. Hearing no objection, the unanimous consent
request is agreed to. Let us proceed.

Mr. Marsh. Mr. Chairman?

Mr. Morris. For what purpose is the gentleman from
Virginia seeking recognition?

Mr. Marsh. It is my recollection that Mr. Pike covered
that in his statement before the committee.

Mr. Morris. Do we have a transcript of the hearing?

Mr. Witmer. We do. Here was his original statement on
that point.

Mr. Rivers. Mr. Chairman, do you want to read that to us?

Mr. Morris. Quoting from Mr. Pike's statement, "I believe
that the second specific recommendation which proposes the
inclusion within the boundaries of the seashore of certain
islands in the Great South Bay, Bellport Bay, and Moriches Bay,
is also excellent, and that it is likewise reasonable to ex-
tend the jurisdiction of the Department of the Interior for
a distance up to 4000 feet into Great South Bay, Bellport Bay,
and Moriches Bay, again with the stipulation that fishing and
shellfishing shall continue to be permitted within these
underwater areas as the Department has provided in a later recommendation. As to the Department's third recommendation, the local government and this Congressman would be delighted to see the National Park Service designated as the agency to administer the national seashore with the qualification that such administration shall not interfere with the existing -- and so forth.

Mr. Rivers. Will the gentleman yield?

Mr. Morris. I would ask counsel then did the Department of the Interior have a subsequent amendment prepared?

Mr. Witmer. No. Mr. Pike was addressing himself to the Department's final recommendation; specific recommendation number 2 to which he refers is this, and I had better read one and two together:

"1. A Fire Island National Seashore be established to preserve the 33 miles of seashore extending from Fire Island Inlet on the west to the Brookhaven-Southampton town line on the east.

"2. The boundaries of the National Seashore encompass all of Fire Island, plus 1.4 miles of county lands to the east of Moriches Inlet, and the nearby bay side islands, and extend a distance of 1,000 feet into the Atlantic Ocean and up to 4,000 feet into Great South Bay and Moriches Bay, as shown on the boundary and development map."

Mr. Marsh. Thank you.
Mr. Rivers. Mr. Pike said he thought that should be done subject to reserving the local jurisdiction over the fishing?

Mr. Witmer. That comes later in the bill.

Mr. Rivers. It is provided for later?

Mr. Morris. It is provided in the bill.

Mr. Rivers. Mr. Chairman, I do not want to be obstructive here. Will you yield to me for --

Mr. Morris. The gentleman from Alaska has the floor.

Mr. Rivers. I would ask the gentleman from Utah if this general conception, and subject to modification of the jurisdiction over the marine life, if it is agreeable to him to go ahead with this?

Mr. Burton of Utah. Will the gentleman yield?

Mr. Rivers. Yes.

Mr. Burton of Utah. I would like to suggest we adopt the procedure the chairman recommended; that is, let us adopt this amendment with the understanding that, subject to later information we can all look into, we can come back to it, and then we can go on with this bill and will not be obstructed.

Mr. Rivers. Having heard Mr. Pike's testimony, I am agreeable to that. Maybe someone else would like to offer the amendment.

Mr. Udall. Mr. Chairman?

Mr. Morris. For what purpose is the gentleman from
Arizona seeking recognition?

Mr. Udall. To offer this amendment.

Mr. Morris. First, the chairman would like to get the parliamentary procedure back on the track. Do you want to offer the amendment to the first section?

Mr. Udall. I do not know. I just walked in here and it seemed someone was reluctant to offer the amendment.

Mr. Morris. I ask unanimous consent the committee go back to the first section of the bill, and without objection, the unanimous consent request will be agreed to.

I recognize the gentleman from Arizona to present the Department-proposed amendment to that section. Will counsel read the amendment?

Mr. Witmer. As the Department proposed it?

Mr. Morris. As the Department proposed it.

Mr. Witmer. The amendment proposed would revise the first two sentences of subsection 1(b) to read:

"The boundaries of the national seashore shall extend from the Fire Island Inlet to the Brookhaven-Southampton town line. The boundaries are delineated on a map identified as 'Boundary Map, NS-PI-7100, Proposed Fire Island National Seashore, March 1964'."

Mr. Morris. Does the gentleman from Arizona offer that amendment?

Mr. Udall. I do indeed.
Mr. Morris. The gentleman is recognized for five minutes in support of his amendment. Will the gentleman yield for a question?

Mr. Udall. I do.

Mr. Morris. I would like to ask counsel a question; that, in effect, rewrites section 1(b), is that correct?

Mr. Witmer. It rewrites everything except the last sentence starting on line 13, which says, "The Secretary shall" -

Mr. Morris. Yes. And this number you have named in this amendment is the map which is now before the committee, is that correct?

Mr. Witmer. It is that map. This is the basic map, and the boundaries, as I pointed out before, are those delineated by the heavy black lines.

Mr. Morris. This considerably cuts down the size of the proposed national seashore from the Department's original proposal. Is that not correct?

Mr. Witmer. The original Department's proposal ran from this orange line here (indicating) up to this orange line here.

Mr. Morris. And the Department's original proposal took in a lot of summer homes and private property on what I think is the north end of the seashore, or to the right of the map. Is that not correct?

Mr. Witmer. I believe that the summer homes, or the homes that you are speaking of, are those which come down toward the
westerly part of the island. I do not believe there was very much out here (indicating). There may have been. The big concentration of settlement is from here on down.

Mr. Morris. The part that was removed from the boundaries. This is the portion on the right-hand side of the map?

Mr. Witmer. That is correct. That is out. What this does is bring it up here to a line between the two political subdivisions, Brookhaven and Southampton. In the Southampton area there was considerable opposition to it. The Brookhaven area is strongly in favor of it.

Mr. Morris. In the Southampton area is where all of the summer homes were?

Mr. Rivers. Will the gentleman yield?

Mr. Udall. I yield.

Mr. Rivers. Does the black line on the overlay then denote the present boundaries that are under contemplation?

Mr. Witmer. The black line is on the basic map, and those are the boundaries which, if you adopt this amendment Mr. Udall just proposed, will become the official boundaries.

Mr. Rivers. Will the gentleman yield further?

Mr. Udall. Yes.

Mr. Rivers. Mr. Pike himself has a suggestion for adding a couple of islands over what the Department did. I intend to offer an amendment to your amendment.

Mr. Udall. I yield back the balance of my time.
Mr. Rivers. Mr. Chairman?

Mr. Morris. For what purpose is the gentleman from Alaska seeking recognition?

Mr. Rivers. I wish to offer an amendment to the amendment of the gentleman from Arizona and to have counsel read Mr. Pike's language, the language to supplement the language offered by the Department.

Mr. Witmer. The amendment which Mr. Rivers wishes to offer is this: In lieu of the second sentence of the amendment by Mr. Udall, insert: "The boundaries are generally delineated on a map identified as 'Boundary Map, NS-PI-7100, Proposed Fire Island National Seashore, March 1964', but the boundaries so delineated shall be extended to include Sexton Island, West Island, and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore."

Mr. Morris. The gentleman is recognized for five minutes in support of his amendment to the amendment of the gentleman from Arizona.

Mr. Rivers. I think our colleague, Mr. Pike, has got this situation pretty well in hand. I know there is a premium upon saving this particular shoreline here for outdoor recreation and future generations. Because of the high density of population surrounding that area, I think we have to act on this right away, for, if time passes too rapidly, there will not be
anything left to preserve if we do not act right away. If these little islands that Mr. Pike mentioned are more or less in limbo out there and no occupation, I would say let's take Mr. Pike's suggestion and add them onto the present boundaries and in that manner improve the amendment offered by the Department.

Mr. Udall. Will the gentleman yield?

Mr. Rivers. I yield.

Mr. Udall. I am inclined to accept the amendment to my amendment. I would hope that before we get to final action in the full committee counsel will have checked the legal sufficiency of Mr. Rivers' amendment. It seems this is rather vague and general to set up boundaries saying to bring in islands that are feasible, and what not.

Mr. Rivers. Our colleague, Mr. Pike, named three islands, and we are re-adopting the language in the bill which refers to "adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore."

I am not too happy about that language myself, because you are including something that lends itself to contiguity and reasonable administration, which does not do much in my mind as far as establishing the boundary is concerned. That is already in the bill.

Mr. Udall. That is the point that concerned me. I will
be happy to move along this morning, and I think we should move along, and I will accept the amendment. I hope counsel will take a look and see if this is legally sufficient. I believe any lawyer on the committee would agree it is a little bit of a loose description.

Mrs. Reid. Will the gentleman yield?

Mr. Rivers. Yes.

Mrs. Reid. I was out of the room. I am sorry. Did you find out why those two islands were removed?

Mr. Witmer. Mrs. Murray has put in a call to the Department and it is being checked, and they will call us back.

Mr. Rivers. In your absence, Mrs. Reid, we read Mr. Pike's testimony on the subject and established the fact that nobody lived on the islands, and we agreed, by unanimous consent, to proceed subject to subsequent check. So I offered the amendment to the amendment.

Mr. Morris. Does anyone else wish to be heard on the amendment to the amendment as offered by the gentleman from Alaska to the amendment of the gentleman from Arizona?

Hearing none, the Chair will put the question. All in favor of the amendment to the amendment say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment to the amendment is agreed to.

All of those in favor of the amendment of the gentleman
from Arizona as amended by the amendment of the gentleman from Alaska say aye.

Those opposed say no.

In the opinion of the Chair, the ayes have it. The ayes have it and the amendment as amended is adopted.

Are there any other amendments to section 1?

The clerk will read section 2.
Mr. Witmer (Reading). SEC. 2(a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore as established under section 1 of this Act. Any property or interest therein owned by the State of New York, by Suffolk County, or by a political subdivision thereof may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States
In sufficient quantity to provide an administrable unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid zoning bylaw that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning laws exist shall be in the approximately eight-mile area from Ocean Ridge, in the town of Brookhaven, to the westerly boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable
for carrying out the purposes of this Act or to improve the
contiguity of the park land and ease its administration, the
Secretary may acquire any land or improvements therein by con-
demnation. In every case in which the Secretary exercises this
right of condemnation of improved property the beneficial owner
or owners (not being a corporation) of any improved property so
condemned, provided he, she, or they held the same estate
in the property on July 1, 1963, may elect as a condition of
such acquisition by the Secretary any one of the following
three alternatives:

(1) that the Secretary shall take the said property in
fee simple absolute and pay the fair market value thereof as
of the date of such taking;

(2) that the owner or owners shall retain a life estate
in said property, measured on the life of the sole owner or on
the life of any single person among multiple owners (notice
of the person so designated to be filed in writing with the
Secretary within six months after the taking) or on the life
of the survivor in title of any estate held on July 1, 1963, as a
tenancy by the entirety. The price in such case shall be
diminished by the actuarial value of the life estate retained;

(3) that the owners or owners shall retain an estate
for twenty-five years. The price in this case shall likewise
be diminished by the value of the estate retained.

(f) The term "improved property" as used in this Act
shall mean any building, the construction of which was begun
before July 1, 1963, and such amount of land, not in excess
of two acres in the case of a residence or ten acres in the
case of a commercial or industrial use, on which the building
is situated as the Secretary considers reasonably necessary
to the use of the building: Provided, That the Secretary may
exclude from improved properties any beach or waters, together
with so much of the land adjoining such beach or waters as
he deems necessary for public access thereto.

Mr. Morris. Are there any suggested amendments to section
2?

Mr. Kyl. Mr. Chairman, I move to strike the requisite
number of words.

Mr. Morris. The gentleman from Iowa is recognized for
five minutes.

Mr. Kyl. Why is it logical in this instance to place
under the shadow of condemnation only an eight-mile area of
this 33-mile area?

Mr. Morris. I am not certain that I understand the gent-
tleman's question.

Mr. Kyl. Why should we limit condemnation to eight miles
of the entire park? Why not have all of the lands subject to
condemnation under the same terms, or else remove condemnation
as a factor? Why do we say here we condemn and next door we
do not?
Mr. Morris. Can counsel enlighten the committee as to the reasons for that particular provision?

Mr. Witmer. The eight miles in question are those which are of the greatest and most importance, as I understand, from the conservation point of view.

Mr. Morris. Does this include the Sunken Forest?

Mr. Witmer. That is right. There are, however, Mr. Pike tells me, a few houses in the area. But this is the prime point of the whole area which needs to be included. That does not mean that all of the lands or that everything else outside of that is removed from condemnation. It is only the improved properties outside of that area which are removed from the possibility of condemnation. But an amendment was proposed -- I have it here. I am not sure I am right.

Let me see if I can read his point on this.

"As to the eleventh recommendation" -- and that is the one the Department was making -- "this has to do with condemnation. My own bill would provide, and I believe you will find it a worthwhile addition, that improved property may be condemned within a limited stretch of approximately eight miles running westward from the Smith Point County Park. In this eight-mile stretch there are about a hundred summer residences, largely of inexpensive construction. The acquisition of these improvements in this area would allow an uninterrupted stretch of some fifteen miles without residences. I can foresee continual problems with isolated private holdings within the public
park area closest to the major points of access, and I would like to ask the committee to give serious consideration to the proposals of my bill in this specific area."

Mr. Kyl: Mr. Chairman, if this is inserted because it is contemplated that there will be homes left in this area which they want as uninhabited beach land, are we not removing that factor when we say that the person can select a life tenancy?

Mr. Witmer. Within this area.

Mr. Morris. The eight-mile stretch, as I understand, within that stretch you cannot have life tenancy.

Mr. Witmer. You can have life tenancy, but not in this area. Wait a minute. I take that back. You are quite right,

Mr. Kyl.

Mr. Kyl. How do we gain anything there if the house is going to remain there in life tenancy? What is the difference whether it is there in life tenancy or if we follow the regular procedure without condemnation?

Mr. Witmer. I suppose there is this difference: That eventually the life tenant will die and the property will then be wholly within Government ownership.

Mr. Kyl. The idea here is speed. We have to take this special consideration for this eight miles because this is critical, get in right now and have an open stretch of beach without any houses.

Mr. Rivera. Will the gentleman yield?
Mr. Kyl. Yes.

Mr. Rivers. My conception is that we would grant, on our general terms here, life tenancy to all of the improved lots within the whole park area, but within this eight mile stretch we say they get the full benefits of the Act until such time as we bring the condemnation proceedings, and then we condemn the life estate.

Mr. Kyl. That is not the way it reads, is it, counsel?

Mr. Witmer. Well --

Mr. Rivers. Maybe the wording does not suffice to meet the purpose, but I think that is the purpose Mr. Pike had in mind.

Mr. Witmer. I do not believe so. I think anywhere residential property is condemned, the owner may retain a life interest, or a 25-year interest, as the case may be, and that is equally so in this eight mile stretch or throughout the 33 miles. Throughout the entire 33 miles, where there are approved zoning ordinances, then condemnation is itself out of existence except in the eight mile stretch.

Mr. Kyl. May I ask counsel this as a review: What was the situation relative to condemnation in each case -- Padre Island, Point Reyes, and Cape Cod?

Mr. Witmer. This provision follows very closely, except for the eight mile stretch and except for the two-acre provision, that in Cape Cod. It also follows quite closely the pattern adopted in Point Reyes. You remember there we had the
kind of "hole in the doughnut" situation where, as long as it
remains in pastoral use, it is not subject to condemnation.

In the case of Padre Island, we did not run into this problem
at all, did not have the necessity for life estate.

Mr. Kyl. Are we condemning land on Cape Cod?

Mr. Witmer. The power is there, and I believe there
may have been a few condemnation actions. I have the Cape Cod
Act right here.

Mr. Morris. Will the gentleman from Iowa yield?

Mr. Kyl. Certainly.

Mr. Morris. Would the counsel say this section was con-
sistent with the Cape Cod and the Point Reyes National Seashore
Acts?

Mr. Witmer. Yes, I would. It is tailored in some respects
on this eight mile stretch to meet the local situation, and as
I pointed out it is --

Mr. Morris. Then this eight mile stretch is possibly more
stringent than in the others, is that not correct, but zoning
does not apply to the eight mile stretch?

Mr. Witmer. That is right.

Mr. Morris. And the rest of it, zoning does apply?

Mr. Witmer. That is correct.

Mr. Rivers. Will the gentleman from Iowa yield to me?

Mr. Kyl. Yes.

Mr. Rivers. I would like to pursue the gentleman's
question. Does this eight mile language not fulfill the life estate rights of the people within the eight mile limit?
That is the question. If you are doing something within the eight miles that nullifies the provisions -- what are you going to condemn if they are still entitled to their life estate?

Mr. Witmer. I am not quite sure I understand your question. You say, does the eight mile stretch provision nullify the life estate provision?

Mr. Rivers. Yes.

Mr. Witmer. My answer to that is no.

Mr. Rivers. Even in the eight mile stretch?

Mr. Witmer. Even within the eight mile limit.

Mr. Rivers. Then what do you condemn in the eight mile limit? You cannot condemn within the zoned areas?

Mr. Witmer. Within the zoned areas, you cannot condemn, period, as long as they conform to the approved zoning ordinances. Within the eight mile stretch you may condemn, but the owner can elect to retain a life estate.

Mr. Morris. Even if it is zoned?

Mr. Witmer. That is right.

Mr. Morris. But the zoning does not apply in the eight mile stretch?

Mr. Witmer. The no-condemnation provision does not apply in the eight mile stretch.

Mr. Rivers. Outside of the eight mile stretch, but still
within the park limits, do the owners just retain their ownership unimpaired within these zoned areas?

Mr. Witmer. If they abide by the approved zoning ordinance.

Mr. Rivers. Then they can live there forever, they and their successors?

Mr. Witmer. That is right.

Mr. Rivers. There is no 25-year limit on that?

Mr. Witmer. No 25 years, no nothing.

Mr. Rivers. Now I see what would be obtained through the condemnation. Does the gentleman from Iowa agree with me on that?

Mr. Kyhl. I am not sure.

Mr. Rivers. You take away the right to live there beyond the 25 years. You do not gain anything in the way of speed except within the 25 years. That is the point the gentleman raised.

I have no further questions.

Mr. Morris. Does the gentleman from Iowa? The time of the gentleman from Iowa is about to expire.

Mr. Kyhl. Let it expire.

Mr. Morris. The time of the gentleman from Iowa has expired. Are there any suggested Department amendments to this section, Counsellor?

Mr. Witmer. There is a proposed Department amendment.
Mr. Morris. Would you read it please?

Mr. Witmer. On page 4, between lines 6 and 7, insert, "within the boundaries of the seashore or any property or interest therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters on adjoining lands within such communities which the Secretary determines are needed for public access to the beach."

Mr. Morris. Would the counsel explain what that means?

Mr. Witmer. In substance, that says that within the settled communities, which are identified on the map, beginning down here with Kismet Saltair, Lonleyville, Atlantic, Robbins Rest, Ocean Bay Park, Fire Harbor, Ocean Beach, Seaview, Point of Woods, Fire Island Pines, Water Island, and Davis Park.

Mr. Morris. It takes in Davis Park?

Mr. Witmer. Yes.

Mr. Morris. In other words, approximately from Davis Park down to the U.S. Coast Guard Station?

Mr. Witmer. That is correct. From Davis Park on east that is where the zoning regulation provision will apply. If people conform to valid, approved zoning there, then the right to condemn is inoperative.

Mr. Morris. Does anyone wish to offer that amendment?

Mr. Udall. Mr. Chairman?

Mr. Morris. Is the gentleman from Arizona seeking
Mr. Udall. Yes, to offer the amendment just described by counsel.

Mr. Morris. You have heard the amendment as offered by the gentleman from Arizona. Does anyone wish to be heard on the amendment?

If not, the Chair will put the question. All of those in favor of the amendment offered by the gentleman from Arizona say aye.

Those opposed say no.

In the opinion of the Chair, the ayes have it. The ayes have it and the amendment is agreed to.

Mr. Aspinall. Mr. Chairman, I move to strike the necessary number of words.

Mr. Morris. The gentleman from Colorado is recognized for five minutes.

Mr. Aspinall. I do it for the purpose of once again highlighting before this committee this matter of appropriations.

This section, of course, is the authority to the Secretary to purchase lands or to accept them by donation. In the first sentence, it states, "The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation", and so forth.

I forget what the total expense of this program is, but I
I am satisfied in my own mind that this park is not going to be developed unless there is some means to get funds other than those means that are now available. It is because of this situation that I have so strongly supported the Land and Water Conservation Fund bill.

I do not know whether we wish to put in the legislation a proviso that funds shall be available when the Land and Water Conservation Fund bill becomes a reality, or whether we wish to put it in the report.

I am a little bit disturbed because the members from the New York Delegation are not here this morning to look after their own legislation. I think they ought to distinctly understand this the same as the rest of us. But this is love's labor lost as far as I am concerned if we do not have some means or other by which to get funds to effectuate this bill.

Mr. Kyl. Will the gentleman yield?

Mr. Aspinall. Yes.

Mr. Kyl. This is not an historic area; it is a pure recreation area. As a matter of fact, the report from the Department comes from the Bureau of Outdoor Recreation, and the Interior Department report says recreation.

Mr. Aspinall. The gentleman is right.

Mr. Kyl. Every statement I can find in the hearings indicates this will be 95 per cent or more used by the people of New York State. Under the estimated funds from the Land and
30

Water Conservation Fund to the State of New York, which were
prepared for this committee, the State of New York would get
$3,805,000 annually, which means in two years $7,610,000.
With the Federal contribution and the State contribution to-
gether, you would have the amount necessary for the purchase of
this park in a two-year period. If the people of New York say
they could not use this fund for two years to buy this thing
because there are other projects more important, it is not
worthy of our consideration.
As this bill is written now, Mr. Chairman, I can support
the Land and Water Conservation Fund or this bill, but I cannot
support both of them.
Mr. Aspinall. Let me ask you this: Could you support this
bill providing it would have a proviso in it that, as far as
the purchases of the properties now owned by individuals
within the area, they take place in accordance with funds that
are available under the Land and Water Conservation Fund legis-
lation? In other words, go ahead and authorize it and let the
declaration be made, and then let it set there for two years or
three years until those funds are available.
Mr. Kyl. I cannot answer that question directly until I
would know that the State would match the funds under that
procedure. If they did not, we would have a new concept under
the Land and Water Conservation.
Mr. Aspinall. Would not the State have to match it?
Mr. Kyl. They would if they use the provisions of the Fund bill certainly.

Mr. Aspinall. This has bothered me, and I have known of this situation for some time. This particular project has high priority insofar as the Administration is concerned, but I guess we just cannot have our cake and eat it.

Mr. Kyl. Will the gentleman yield?

Mr. Aspinall. Yes.

Mr. Kyl. I have been preparing a last shot for the Rules Committee to be delivered Wednesday on this Land and Water Conservation Fund bill, and the big point I make there is the fundamental concept that we are giving these people an alternative: Either they are going to take the funds from the General Treasury and have Federal domination of the program, or they are going to adopt the procedure we planned in the Outdoor Recreation bill. If I were to support this thing today, I take all of the steam out of the whole argument. I remove the argument.

Mr. Aspinall. My friend knows why the chairman of the committee has not put any more steam behind some ten or eleven authorizations that we have now on the Union Calendar. I doubt very much if we can get House ratification or approval of most of those, perhaps none of them at this time, until we do get some legislation like the Land and Water Conservation Fund bill through.
Mr. Kyl. Mr. Chairman, that being the case, I make a point of order a quorum is not present.

Mr. Morris. The gentleman makes the point of order a quorum is not present. The clerk will call the roll.

Mrs. Murray. Mr. Aspinall?
Mr. Aspinall. I am here.

Mrs. Murray. Mr. Burton of Utah?
Mr. Burton. Here.

Mrs. Murray. Mr. Burton of California?
(No response)

Mrs. Murray. Mr. Carey?
(No response)

Mrs. Murray. Mr. Chenoweth?
(No response)

Mrs. Murray. Mrs. Kee?
(No response)

Mrs. Murray. Mr. Kyl?
Mr. Kyl. Present.

Mrs. Murray. Mr. Marsh?
Mr. Marsh. Here.

Mrs. Murray. Mr. O'Brien?
(No response)

Mrs. Murray. Mrs. Reid?
Mrs. Reid. Here.

Mrs. Murray. Mr. Rivers?
Mr. Rivers. Here.

Mrs. Murray. Mr. Saylor?

(No response)

Mrs. Murray. Mr. Skubitz?

Mr. Skubitz. Here.

Mrs. Murray. Mr. Taylor?

(No response)

Mrs. Murray. Mr. Udall?

Mr. Udall. Here.

Mrs. Murray. Mr. Morris?

Mr. Morris. Here.

Nine members are present. A quorum is present and the committee will proceed.

The time of the gentleman from Colorado is about to expire.

Mr. Aspinall. If I have any time left I will yield it now to the gentleman from Alaska, if he wishes.

Mr. Morris. Does the gentleman from Alaska seek recognition?

Mr. Rivers. No.

Mr. Morris. Mr. Counsellor, we had before us an amendment as offered by the gentleman from Arizona. Is that correct? (Discussion off the record)

Mr. Morris. The amendment had been approved.

Are there other amendments to be offered to section 2?
Does counsel still have another amendment?

Mr. Witmer. Yes.

Mr. Morris. Is this a Department amendment?

Mr. Witmer. On line 2, page 5, this amendment is offered by some of the proponents, or suggested by some of the proponents. I have gone over it with Mr. Pike and he believes it is an improvement on the text of his bill.

Mr. Morris. What does the Department say about it?

Mr. Witmer. The Department has said nothing.

Mr. Morris. Does counsel want to read the amendment?

Then if somebody wants to offer it I will entertain it.

Mr. Witmer. The amendment is on page 5. Strike lines 13 and 14 and insert in lieu thereof:

"The price in such case shall be diminished by the fair market value of the life estate retained, determined on the basis of standard actuarial methods;".

Mr. Morris. Would the counsel explain that amendment?

Mr. Witmer. I think this falls in the class of a clarifying amendment. Actuarial value is hardly a term that is well known or that has a great deal of meaning. Fair market value is, as I think we learned a few days ago. But the point is that where the life estate is being retained that value is to be determined on the basis of life expectancy; so to speak, of whoever elects to retain the life estate.

Mr. Rivers. Mr. Chairman, that satisfies me. I will offer
the amendment.

Mr. Morris. You have heard the amendment as offered by
the gentleman from Alaska. Does anyone wish to be heard on
the amendment?

If not, the Chair will put the question. All those in
favor of the amendment as offered by the gentleman from Alaska
say aye.

Those opposed say no.

In the opinion of the Chair, the ayes have it. The ayes
have it and the amendment is agreed to.

Are there any amendments -- any other amendments to
section 2?

The clerk will read section 3.

Mr. Witmer (reading).
Mr. Witmer (reading). SEC. 3 (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning bylaws which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of this Act, of all property within the national seashore, and (2) promoting the protection and development for purposes of this Act of the land within the national seashore by means of acreage, frontage, and setback requirements.

(c) Following issuance of such regulations the Secretary shall approve any zoning bylaws or any amendments to any approved zoning bylaw submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the bylaw or amendment. Such approval shall remain effective for so long as such bylaws or amendment remains in effect as approved.

(d) No zoning bylaw or amendment thereof shall be approved by the Secretary which (1) contains any provision that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of
providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw or amendment.

(e) If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended according to the provisions of this Act, is made the subject of a variance under, or becomes for any reason an exception to, such zoning bylaw, or is subject to any variance exception, or use that fails to conform to any applicable standard contained in regulations of the Secretary issued pursuant to this section and in effect at the time of passage of such bylaw, the suspension of the Secretary's authority to acquire such improved property by condemnation shall automatically cease.

(f) The Secretary shall furnish to any party in interest upon request a certificate indicating the property with respect to which the Secretary's authority to acquire by condemnation is suspended.

Mr. Morris. Are there any proposed amendments to section 3?

Mr. Kyl. Mr. Chairman, I move to strike the requisite number of words.

Mr. Morris. The gentleman from Iowa is recognized for five minutes.

Mr. Kyl. We have had problems at Cape Cod. I will give
you a specific instance of a young man who wrote me a letter.
He had purchased some property on Cape Cod many years ago
for the purpose of building a home there, his permanent resi-
dence. He owns this land. He is ready to sell the land be-
cause his wife and two or three children, whichever it is,
and he want to build a home somewhere else, knowing he can
never build a home in this area because of the provisions of
the Cape Cod Act. He cannot get the money for his land on
Cape Cod because the Government is not yet ready to buy it.
Yet he has to continue paying taxes on that land.

I was wondering whether this kind of situation will result
in this particular area. He cannot sell when he wants to,
but the Government can buy when it wants to.

Mr. Rivers. Will the gentleman yield?

Mr. Kyl. Yes.

Mr. Rivers. I think within the eight mile strip that same
thing could occur.

Mr. Kyl. We do have this provision in this bill, and I
would ask counsel if he thinks this would adequately take care
of it, with what he knows about Point Reyes. In that case we
put in this provision that the Government can contract the
purchase of the land in the hopes that the property owner could
then take this contract to the bank and say, "Look, the
Government is going to buy this when the funds are appropriated.
Will you take this as security for a loan to purchase land in
another area so that I can build the house that I want, so I
can proceed in a normal fashion?"

Does counsel think this provision here takes care of
that problem?

Mr. Witmer. You are asking me to put myself in the shoes
of a banker.

In an area which has some familiarity with this way of
doing business, I think it would. Whether it would in this
case I do not know. But the Kyl amendment to the Point Reyes
bill, which is incorporated here, goes, I believe, as far as
Congress or this committee can go in view of the appropriation
situation, with the provision that you have outlined for
contracts requiring the expenditure when appropriated. But I
can perfectly well imagine a banker who would look at the
"when appropriated" and say, "How do we know?"

In the case of reclamation contracts, construction con-
tracts, where this is standing, I do not have the slightest
doubt that, knowing that Congress does appropriate money to
keep the work going, bankers will be willing to accept it.
But I would keep my fingers crossed on a real estate loan on
the basis of this in an area which is not familiar with it.

Mr. Rivers. Will the gentleman yield?

Mr. Kyl. I yield.

Mr. Rivers. Pursuing your point, this would tend to
take care of those instances where the property owner and the
Government were able to agree upon the terms of the sale, the
price. But in an instance where the property owner was not able to agree with the Government and wanted a higher price, and where condemnation was going to be the only procedure for resolving the difference of opinion, this contract has no usefulness at all.

Mr. Witmer. As I understand, that would not be involved here. This would be a contract and it would state the price. So I think that that would be out of the picture.

I believe Mr. Kyl's question goes to what happens in the absence of something like this, which is a very real possibility, the Government will eventually acquire, and being unimproved, because in your case it would be unimproved property -- being unimproved property, you do not want to make an investment in it. On the other hand, you have got capital tied up in this and you cannot go elsewhere.

Mr. Rivers. Thank you.

Mr. Kyl. As a matter of fact, you cannot develop it.

Mr. Witmer. You certainly can develop it if you want to take the risks involved. It is still private property and you can do anything with that property -- I am now speaking lawwise. I may not be speaking practical-wise, but speaking lawwise, you can do anything with it you want to until the Government acquires it.

Mr. Kyl. Does the counsel think the provision on page 6, section 3, still leaves the door open to residential development? This becomes another problem because on Point Reyes
lease hold, have any relationship to the value of the property, the appraised value of the property?

Mr. Pike. None. The amount of rent contemplated I believe is $1 per year.

Mr. Morton. This really is based perhaps on their tax write-off of property. This really then is not an overly generous thing that is being done?

Mr. Pike. Mr. Morton, I have never made any effort to appraise the property at all, or have it appraised. I believe without any question the value of real estate in this area is such, and the historic value of the house is such, that the property being donated is worth in excess of $1 million.

Mr. Morton. What do you feel has motivated these people to do this?

Mr. Pike. It is a very historic site which the family has preserved with a great deal of pride for generations. They are surrounded by a rapidly developing area as far as housing is concerned. There is tremendous population pressure. I think there is no question because of this fact the taxes have become very high in this area. I think there is no question about it. I would not attempt to make you believe that there is no tax benefit to the donors in making the gift. I simply say it is basically motivated by a desire to preserve for future generations something which they have preserved within the family for a couple of hundred years and which they feel is
length in connection with Point Reyes, and in the case of
Cape Cod where the bill, as introduced, had a clause in it
authorizing the Secretary to enter into firm contracts obli-
gating the Treasury, and without the contingent-on-appropria-
tion clause, and that was beaten down twice, and perhaps even
three times. I do not recall it came up in connection with
Padre Island. But I think everybody was fully aware that,
when you create a national seashore or a national park and
there are lands that are going to be taken, and they are
going to be taken under certain conditions, then unless the
Government is in a position right then and there to put down
cash, people are taking risks, and that is just inescapable
without such a provision as the committee turned down twice.

Mr. Ky1. You get to the same problem again we had in
the concession bill recently: A person builds a home after
July 1st, and there is no real market because it is subject
to condemnation. What is fair market value?

Mr. Witmer. I do not believe there is no market value
just because it is subject to condemnation. In that case,
there is hardly a property in the United States which would
have any fair market value. It means, to me, that it de-
presses the market certainly. I think we would all agree on
that.

Mr. Ky1. We are trying to buy this eight mile stretch
in a hurry, which makes it further restricting.
Mr. Witmer. In the case of the eight miles you do not have the zoning or anything else coming into that picture. That becomes automatically subject to acquisition by the Government from the day this bill passes, as soon as money is available.

Mr. Kyl. Thank you.

Mr. Aspinall (presiding). Is there any further discussion?

The clerk will read.

Mr. Witmer. May we go off the record, please?

Mr. Aspinall. Off the record.

(Discussion off the record)

Mr. Aspinall. What is the pleasure of the committee with regard to the provision for notice?

Mr. Rivers. Mr. Chairman, I would like to hear what the counsel has found out about it.

Mr. Witmer. Mr. Chairman, in the case of Cape Cod there was a provision inserted in the bill, by amendment in the committee, to the effect that the Secretary should, before such and such a date, and as soon after such and such a date, as he could, issue regulations specifying the standards which he would use for approving zoning regulations or not, and that those should like before the Congress for 90 days, that notice should be given to the towns during the same period, comments could be received and so on. And that he should approve any
zoning by-law which conforms to those. I am just summarizing.

In the case of Point Reyes, there was not such a provision, and in the case of Padre Island, of course, we did not have the problem.

So the question which has been suggested by some of the proponents of the bill, asking for something like that, whether the committee wants to follow the Cape Cod formula or not -- they have come up with some language. I went over it with Mr. Pike and he said if we use anything at all he would like to use the Cape Cod formula. He was not insisting on it, but he said if you adopt such an amendment, then he would like to use the Cape Cod language.

Mr. Rivers. I yield back the balance of my time.

Mr. Aspinall. I would like to ask counsel a question. Does this area conform more with the Cape Cod area than it does to the Point Reyes area?

Mr. Witmer. I would certainly say that the western part of this island conforms a lot more closely to Cape Cod than it does to any of the others, and that is the part where zoning would be important.

Mr. Aspinall. Has there been too much objection by anybody you know anything about as far as this question of notice in the Cape Cod authorization?

Mr. Witmer. I recall that we received the notice, and I think I am right in saying we did not hear one peep out of
of anybody from then on. There were no comments to us, at
any rate, and there was no committee reaction to the standards
that were specified.

Mr. Aspinall. What are the dangers inherent within
leaving out such a provision in this legislation?

Mr. Witmer. I do not believe there are any serious dan-
ger. The regulation on the basis/which the Secretary would
approve or disapprove will necessarily be quite general. You
have, moreover, a provision in here, which of course you did
in the case of Cape Cod, for setting up an advisory committee.
I am sure the Secretary and the local park administrators
will be in close touch with the town on what their zoning
ordinance is going to be. It is additional protection. It would
be additional protection if you were in an area where there
was pretty high feelings about the whole procedure.

Mr. Aspinall. Counsel would not deny the fact there are
some high feelings about this particular matter, would he?

Mr. Witmer. As far as I can judge, I would say that the
high feelings are very limited to one area, and that so far
as you can judge they would not be alleviated by this. Those
people wanted to be left out of the boundaries of the park
altogether, but we have already adopted an amendment to the
bill specifying the boundaries, so they are in, and I do not
think that the zoning provision really concerns them one way
or the other. They wanted to be out.
Mr. Aspinall. One other question. Would it be easier for the committee, acting for Congress, to discharge its obligation of legislative oversight in this matter to be advised under a written stipulation in the bill of the Secretary's operation in issuing notice?

Mr. Witmer. If there were such provision in the bill?

Mr. Aspinall. Yes.

Mr. Witmer. Yes, it certainly would.

Mr. Aspinall. I would like to have the counsel read the amendment.

Mr. Witmer. If we adopted the Cape Cod language, then, with suitable changes in dates and the names of the towns, it would be this:

"As soon after August 7, 1961" -- which is the date in Cape Cod --

Mr. Aspinall. Wait just a minute. I do not care for the Cape Cod language to be heard. Do you have it so you can bring it up to date as far as this legislation is concerned?

Mr. Witmer. No, I do not. I know the towns that would have to be named. You could put in whatever date you want.

Mr. Aspinall. I would ask unanimous consent that we proceed to the next section, with the understanding we can come back to section 3. Is there any objection?

Hearing no objection, it is so ordered, and the clerk will read.
SEC. 4(a) Owners of improved property acquired by the Secretary may reserve for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a term that is not more than twenty-five years. The value of the reserved right shall be deducted from the fair market value paid for the property.

(b) A right of use and occupancy reserved pursuant to this section shall be subject to termination by the Secretary upon his determination that the use and occupancy is not consistent with an applicable zoning bylaw approved by the Secretary in accordance with the provisions of section 3 of this Act, and upon tender to the owner of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of determination.

Mr. Aspinall. Are there any amendments to this section? Does anyone wish to be heard?

Mr. Rivers. Mr. Chairman, does the counsel have anything from the Department?

Mr. Witmer. We had no recommendations from the Department on this.

Mr. Aspinall. The clerk will read.

Mr. Witmer (reading). SEC. 5. The Secretary shall permit hunting, fishing, and shellfishing on lands and waters under his administrative jurisdiction within the Fire Island National
Seashore in accordance with the laws of New York and the
United States of America, except that the Secretary may design-
nate zones where, and establish periods when, no hunting shall
be permitted for reasons of public safety, administration, or
public use and enjoyment. Any regulations of the Secretary
under this section shall be issued after consultation with
the Conservation Department of the State of New York.

Mr. Morris (presiding). Are there any proposed amend-
ments to that section, Counsellor, by the Department?

Mr. Witmer. None has been proposed for this section.

Mr. Morris. Does any member have any proposed amendment
to this section?

Section 6.

Mr. Witmer (reading). SEC. 6. The Secretary may accept
and use for purposes of this Act any real or personal property
that may be donated for such purposes.

Mr. Morris. Are there any amendments to section 6?

Mr. Witmer. The only amendment that has been suggested
is the addition, after "real or personal property", of the
words "or monies".

Mr. Rivers. I move that we --

Mr. Morris. Excuse me. What was that?

Mr. Witmer. The only one that I have heard suggested is
to add, after the words "any real or personal property", the
words "or monies", on line 23, page 8.
Mr. Rivers. Mr. Chairman, what is the counsel's opinion of the advisability of that "or monies"?

Mr. Udall. Is not money personal property?

Mr. Witmer. That is the question which has been in my mind.

Mr. Rivers. It is and it is not, to me.

Mr. Witmer. If there is any doubt about it, I would think it would be an advisable amendment. If in any circumstance somebody wants to give money rather than a piece of land, I think it would be helpful.

Mr. Udall. Mr. Chairman?

Mr. Morris. For what purpose does the gentleman from Arizona seek recognition?

Mr. Udall. To offer a "money" amendment.

Mr. Morris. The gentleman is recognized.

Mr. Udall. On page 8, line 23, after the word "property" add the words "or monies".

Mr. Morris. Does anyone else wish to be heard on the amendment of the gentleman from Arizona?

All of those in favor of the amendment say aye.

All those opposed say no.

In the opinion of the Chair the ayes have it, the ayes have it and the amendment is agreed to.

Section 7.
Mr. Witmer (reading). SEC. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the superb and fragile natural resources located there. To this end, the area known as the Sunken Forest shall be preserved in as nearly its present state as possible, without developing roads therein, but continuing the present access by those trails already existing and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate the beauty and tranquility of this section of the seashore.

(b) Access to that section of the seashore lying between Ocean Ridge and the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable
provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may be collected notwithstanding any limitation on such authority by any provision of law.

Mr. Morris. Are there any amendments proposed by the Department?

Mr. Kyl. Mr. Chairman?

Mr. Morris. For what purpose does the gentleman seek recognition?

Mr. Kyl. For the purpose of offering several amendments which I would like considered en bloc.

Mr. Morris. The gentleman is recognized for that purpose.

Mr. Kyl. The least we can do is to take out editorial license, and on page 9, line 2, strike the words "superb and fragile", so that it would read, "... with the primary aim of conserving natural resources..."

And on line 3, strike "to this end" and start the sentence with a capital "T" on "The area known as the Sunken Forest".

And on line 8 and line 9, strike "the beauty and tranquility of", so that it would read, "to allow visitors to explore and appreciate this section of the seashore."
And on line 17 strike the word "unique" because we are
going to preserve all of the flora and fauna we can regardless
of whether it is unique or not.

I offer those amendments en bloc.

Mr. Morris. The gentleman is recognized for five minutes
in support of his amendments.

Mr. Kyl. I think they are self-explanatory.

Mr. Morris. Does anyone else wish to be heard on the
amendments proposed by the gentleman from Iowa.

If not, all of those in favor of the amendments as offered
by the gentleman from Iowa say aye.

All of those opposed say no.

In the opinion of the Chair the ayes have it. The ayes
have it and the amendments en bloc offered by the gentleman
from Iowa are adopted.

Section 8.

Mr. Witmer (reading). SEC. 8. (a) The Secretary shall
undertake and contribute to such shore erosion control and/or
beach protection measure on lands within the Fire Island
National Seashore as shall have been developed by the Corps
of Engineers, Department of the Army, and approved by Congress,
provided such measures are consistent with the purposes of
this Act.

(b) The Secretary shall also contribute the necessary
land which may be required at any future date for the
construction of any new inlet across Fire Island in the
Patchogue-West Sayville area, provided plans for such an
inlet have been developed by the Corps of Engineers, Depart-
ment of the Army, and approved by Congress.

Mr. Kyl. Mr. Chairman?

Mr. Morris. For what purpose does the gentleman seek
recognition?

Mr. Kyl. I move to strike the requisite number of words.

Mr. Morris. The gentleman is recognized for five minutes.

Mr. Kyl. First, may I inquire as to how much the Corps
of Engineers is spending in this area to restore the beaches,
and how much they would have left to do. As I recall it,
there was a very considerable expenditure because of the results
of a hurricane or something. I am wondering, following that
up, if we are getting ourselves into some problem here by
just stating, in rather nebulous fashion, that the Secretary
shall undertake and contribute to such shore erosion control.

Mr. Witmer. I do not have a dollar figure. I do have
a suggested amendment that has come from outside, which Mr.
Pike believes, I believe, would be better than what is in his
bill. May I read that?

Mr. Kyl. Yes.

Mr. Witmer. "Section 8(a) The authority of the Chief of
Engineers, Department of the Army, to undertake or contribute
to shore erosion control or beach protection measures on
lands within the Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act."

Mr. Kyl. That would be a substitution?

Mr. Witmer. That would be a substitution for subsection (a) and would leave this right in the hands of the Department of the Army rather than have the Interior Department undertake or contribute to. But it would have to be still in accordance with a plan mutually agreeable to the two Departments.

Mr. Kyl. I think the language is better. Before offering that language, I would also ask, relative to section (b) -- "The Secretary shall also contribute the necessary land which may be required at any future date for the construction of any new inlet across Fire Island" -- is it contemplated that there is a specific proposal or are they going to make several inlets?

Mr. Witmer. My understanding is that an inlet is necessary for the bay area, that shellfishing, because of pollution, has been going down, and this would create tides in there and a flushing action which is not now present, and that it will become necessary. My understanding is that it is only one, however.

Mr. Kyl. That is a similar proposition we had in Laguna Madre off Padre Island -- too much salinity because the inlet
is not deep enough?

Mr. Witmer. I believe it is a similar problem, and I believe we had something like that at Cape Cod, too, where they wanted to be sure of the right to create a new channel for, I guess, boats, in that case -- they wanted that preserved.

Mr. Kyl. I would offer as a substitute for subsection (a) the language read by counsel.

Mr. Rivera. Mr. Chairman, I rise in support of the amendment. I approve.

Mr. Morris. The gentleman is recognized for five minutes.

Mr. Rivers. I yield back the balance of my time.

Mr. Morris. Does anyone else wish to be heard on the amendment offered by the gentleman from Iowa?

Mr. Udall. Question?

Mr. Morris. If not, the question will be put. All of those in favor of the amendment offered by the gentleman from Iowa say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment is agreed to.

Mr. Kyl. Mr. Chairman, I offer another amendment.

Mr. Morris. The gentleman is recognized.

Mr. Kyl. In subsection (b), line 16, page 10, strike the word "any" and insert the word "one".
Mr. Morris. Without objection, the amendment offered by the gentleman from Iowa on page 10, line 16, striking out the word "any" and inserting the word "one" is agreed to.

Hearing no objection, it is so ordered.

Mr. Witmer. In connection with that, from this same source -- and again Mr. Pike says all right -- is the question of whether the specific area should be named. The alternative is to say "in such location as may be feasible in accordance with plans for such a amendment that are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that are consistent with the purposes of this Act."

I think that is offered with the notion that the Corps may not have perfected the precise location, though Patchogue-West Sayville is fairly precise, and further engineering studies may bring something better.

Mr. Rivers. Mr. Chairman, I move to strike the last word.

Mr. Morris. The gentleman is recognized for five minutes.

Mr. Rivers. The amendment we adopted in subsection (a) of section 8 has prescribed that this thing shall be done in accordance with the plan prescribed by the Engineers, but subject to the approval of the Secretary of the Interior. Now if we meant what we said in subsection (a), if we are going to use the substitute for subsection (a) instead of what we have on the printed page here, I think we should say that we should be consistent in subsection (b). We cannot go
prescribing something here which only means they are supposed
to meet the approval of the Secretary, and just above we
said the Engineers shall prescribe the plan and it shall not
be effective until it meets with the approval of the Secre-
tary. Do you not think we have got to quite specifying a
particular area or channel in subsection (b) if we meant what
we said in subsection (a)?

Mr. Kyl. Will the gentleman yield?

Mr. Rivers. Yes.

Mr. Kyl. Would the gentleman's question be answered and
would the objection be answered if we put a period on line
16 after "Fire Island" and struck the rest of the language in
that paragraph? Then it would be "of one new inlet across
Fire Island."

Mr. Rivers. Or "as above prescribed", or "as provided
in subsection (a).

Mr. Witmer. You are dealing with two different subjects
in (a) and (b). (a) is shore erosion control. This is an
inlet across the island.

Mr. Rivers. In that case someone else pick up and answer
me, because I think perhaps you say we are dealing with two
different subject. I note we were dealing with contributing
land that might be necessary as a route for this.

Mr. Witmer. That is what you are dealing with in (b). In
(a) you are dealing with shore protection work which may run
the length of the island.

Mr. Rivers. I see.

Mr. Udall. Section (b) is to dig a new channel all the way through the island and (a) has nothing to do with it.

Mr. Rivers. Only beach erosion control, providing for a plan by the Corps of Engineers subject to the approval of the Secretary applies, and does not apply to subsection (b). Is that correct?

Mr. Udall. That is correct.

Mr. Witmer. You still have an approval here, and I believe what the substitute for the latter part of (b) does is to get the approval of the Secretary of the Interior in consistency with the general Act, which is not in the text of the bill as introduced.

Mr. Rivers. Does counsel say (b) is all right the way it is now?

Mr. Witmer. I think it depends primarily on the question of whether you are in a position to specify the area in which it is to be built, namely, Patchogue-West Sayville, or whether as the substitute would do, you want to give leeway to it; and, second, whether you want the plans for it also to be mutually acceptable to the two Departments which are interested, or whether you want simply to say that those plans, whatever the plans are, which have been developed by the Corps of Engineers, are acceptable.
Mr. Rivers. Without hearing from Mr. Pike, I would not want to assay to make any change.

Mr. Witmer. I can assure you I went over this language with Mr. Pike and the substitute is agreeable to him. I can assure you of that.

Mr. Rivers. I yield back the balance of my time.

Mr. Kyl. Mr. Chairman, I offer the substitute and ask to have it read by counsel.

Mr. Morris. Counsel will read the substitute for section 8(b) at the end.

Mr. Witmer. Strike out, beginning at the end of line 16, "in the Patchogue-West Sayville area" on to the end of sub-section (b), and insert in lieu thereof, "in such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and the Secretary of the Army and are consistent with the purposes of this Act."

Mr. Morris. The gentleman from Iowa is recognized for five minutes.

Mr. Kyl. I yield back my time.

Mr. Morris. Will the gentleman yield to me for a question?

Mr. Kyl. Yes.

Mr. Morris. I see by your new language you are striking out "and approved by Congress."

Mr. Witmer. I noticed that too.
Mr. Morris. You do not want Congress to have any authority in this matter?

Mr. Witmer. I think whoever drafted this was under the correct impression that the Army Engineers have to get authorization for all of their projects, but it would certainly do no harm to reinsert that in the amendment.

Mr. Rivers. Will the gentleman yield to me?

Mr. Kyl. Yes.

Mr. Rivers. When we said that there shall be plans acceptable to the Secretary of the Interior and to the Secretary of the Army, you sort of referred to the Corps of Engineers when you refer to the Secretary of the Army, do you not?

Mr. Witmer. Yes, sir.

Mr. Rivers. I was a little bit puzzled at the "approved by Congress." I thought if we gave authority to the Corps of Engineers to go ahead and prepare some plans, they do not bring those plans back to Congress. I do not think Congress should be in there in the first place. That is the way it struck me.

Mr. Kyl. If the gentleman will yield, even the planning money the Engineers get has to be approved by the Appropriations Committee.

Mr. Morris. All of those in favor of the amendment as offered by the gentleman from Iowa say aye.
Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment offered by the gentleman from Iowa is agreed to.

Are there any other amendments to section 8?

Section 9.

Mr. Kyl. Mr. Chairman, I ask unanimous consent that section 9 be considered as read and open for amendment at any place.

Mr. Morris. The whole section?

Mr. Kyl. Yes.

Mr. Morris. I would hope the gentleman would withdraw his request.

Mr. Kyl. I withdraw my request.

Mr. Morris. The clerk will read.
Mr. Witmer (reading). SEC. 9. (a) There is hereby established a Fire Island National Seashore Advisory Commission (hereinafter referred to as the Commission), consisting of fifteen members, each appointed for a term of two years by the Secretary, as follows:

(1) Ten members to be appointed from recommendations made by each of the town boards of Suffolk County New York, one member from the recommendations made by each such board;

(2) Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recommendation of the Governor of the State of New York;

(4) One member to be appointed from the recommendation of the county executive of Suffolk County, New York;

(5) One member to be designated by the Secretary.

(b) The Secretary shall designate one member to be the Chairman.

(c) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members
thereof.

(e) The Secretary or his designee shall, from time to
time, consult with the members of the Commission with respect
to matters relating to the development of Fire Island National
Seashore and shall consult with the members with respect to
carrying out the provisions of sections 2, 3, and 4 of this
Act.

(f) No permit for the commercial or industrial use of
property located within the national seashore shall be issued by
the Secretary, nor shall any public use area for recreational
activity be established by the Secretary within the national
seashore, without the advice of the Commission, if such advice
is submitted within a reasonable time after it is sought.

(g)(1) Any member of the Advisory Commission appointed
under this Act shall be exempted, with respect to such
appointment, from the operation of sections 281, 283, 284, and
1914 of title 18 of the United States Code and section 190
of the Revised Statutes (5 U.S.C. 99) except as otherwise
specified in paragraph (2) of this subsection.

(2) The exemptions granted by paragraph (1) of this
subsection shall not extend --

(i) to the receipt of payment of salary in connection
with the appointee's Government service from any sources other
than the private employer of the appointee at the time of his
appointment; or

(ii) during the period of such appointment, and the
further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

Mr. Rivers. Mr. Chairman, I move to strike the last word.

Mr. Morris. The gentleman is recognized to strike the requisite number of words.

Mr. Rivers. For the purpose of asking counsel what the exemptions are in (g)(1).

Mr. Witmer. Those are what are generally known as the conflict of interest statutes which, because this Commission is set up on an almost ad hoc basis and really has nothing except an advisory function, are believed not to be proper.

Mr. Rivers. I think that makes sense to me, and now I understand it, I am satisfied.

Mr. Witmer. May I add this also follows the Cape Cod language.

Mr. Kyl. Mr. Chairman?

Mr. Rivers. I yield back.

Mr. Morris. For what purpose does the gentleman from Iowa seek recognition?

Mr. Kyl. To offer an amendment.
Mr. Morris. The gentleman is recognized for that purpose.

Mr. Kyl. Mr. Chairman, the amendment is to strike section 9 from the bill in its entirety.

Mr. Morris. The gentleman is recognized for five minutes in support of his amendment.

Mr. Kyl. There are many reasons, the chief one being is that I can see no necessity, or very little value, in having a commission of this type for advisory purposes, because, if there were a purpose, we should have such an advisory committee for every establishment in the whole national park system, historic sites and everything else. We have one general one, I realize, and that is sufficient. We have provisions in the bill that the Secretary shall make regulations, shall issue regulations, which may be amended, shall specify standards, and so on. There are some sections of this thing which are actually atrocious.

On page 12, "No permit for the commercial or industrial use of property . . . shall be granted without advice of the Commission, if such advice is submitted within a reasonable time after it is sought."

Nobody knows what a reasonable time is, and the Secretary certainly is not going to take any action anyhow that would be ill-advised.

Mr. Udall. Will the gentleman yield?
Mr. Kyl. Yes.

Mr. Udall. The gentleman has raised a point that interests me. You go through the Congressional Directory and there are 20 or 30 of these things that have been established at different times for different areas. Some of them are important and necessary, I suppose, but I get looking through and am struck by the absurdity of continuing the advisory commissions in certain situations forever and forever. I am inclined to support the gentleman's amendment. I do not want to undercut my friend from New York who worked so hard on this. Maybe this is important to them.

Would the gentleman be interested in an amendment to his amendment which would set up this advisory committee but would provide for automatic termination at the end of five years or ten years, at which time the pattern will have been set and all the problems out of the road?

Mr. Kyl. This does not remove the primary concern. The gentleman has brought up specifically the point at issue. We have, in relation to the Nation's Capital, which has no local government -- and this is a subject which is of great interest to the gentleman -- for instance, a Fine Arts Commission for the District of Columbia, a Redevelopment Land Agency and so on. The interesting thing involved is this: The members of that Commission come from Shaker Heights, Ohio, from Princeton, New Jersey, from Maryland --
Mr. Morris. From Pima County, Arizona.

Mr. Udall. No.

Mr. Kyl. All over the country to advise on the District of Columbia which has no government of its own to begin with.

Mr. Rivers. Will the gentleman yield?

Mr. Kyl. I yield.

Mr. Rivers. I would like to say that I am in accord with the gentleman from Iowa. I would not be in favor of the amendment suggested by the gentleman from Arizona unless we did find out that it meant something to Mr. Pike to have this type of thing. If Mr. Pike would say, "This means nothing to me", then I do not think this is of any value to an area eight miles long and where other than that it is all zoned, and within the eight miles you have the core of this little seashore. You have some consultation with the town council, I think, prescribed earlier as far as the regulations being looked at by the town council. Therefore, I do not think you need this commission under this situation.

Mr. Morris. We practically have counselled with everybody that has ever been in the area.

Mr. Kyl. This is obviously an attempt, and I think a useless attempt, to try to make the people there think they are retaining local control of this area, and they are not.

Mr. Marsh. Will the gentleman yield?

Mr. Kyl. Yes.
Mr. Marsh. I favor the amendment that has been offered because this is going to be a tough area to administer anyway because of where it is and the numbers of persons going to be involved. And to have the park authorities subjected to calls and suggestions by fifteen or twenty advisory commission members that he has got to worry about pleasing will just make the task more difficult, and I think they are capable of running this without the help of the commission.

Mr. Udall. Will the gentleman yield?

Mr. Kyler. Yes.

Mr. Udall. I have another inquiry that may answer my problem here. I can see in the initial stages where it might be advisable, for public relations purposes, going through this transition and establishment period, to have some local advice. But I would ask counsel, under general law now, could not the Secretary of the Interior appoint an advisory commission to him for any particular national monument on a temporary basis if he choose to do so, without specific legislation?

Mr. Witmer. I think there would be room for him under his authority to hire expert consultants or even accept gratuitous services.

Mr. Udall. All the time Cabinet members will call together the mayors of certain communities or the Governors of the seven western States to get their advice and consultation.
He would not be prevented from setting up informally, if we struck this section, a group of this sort of advisors.

Mr. Kyl. One further comment, Mr. Chairman. If they want to retain a complete local New York control over this area, they can do it under the Land and Water Conservation Fund and have control.

Mr. Morris. The time of the gentleman from Iowa is about to expire. The time has expired.

Does anyone else wish to be heard on the amendment offered by the gentleman from Iowa?

All of those in favor of the amendment say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment is agreed to, and the time of the committee has just expired. The committee is adjourned.

(Whereupon, at 11:55 o'clock a.m., the subcommittee adjourned, subject to the call of the Chair.)
EXECUTIVE SESSION

H.R. 7107

FIRE ISLAND NATIONAL SEASHORE

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TUESDAY, JUNE 30, 1964

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House of Representatives,

Subcommittee on National Parks
of the Committee on
Interior and Insular
Affairs,

Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10:05 a.m., in the committee room, 1324 Longworth House Office Bldg., the Honorable Thomas G. Morris (chairman of the subcommittee) presiding.

Mr. Morris. The Subcommittee on National Parks will be in order for the consideration, first, of H.R. 7107. This subcommittee had begun mark-up of this legislation at its last meeting. The bill has been read in full, printed in the record, and is open for amendment, and we are now down to section 10, which is the last section of the bill.

We had a unanimous agreement during the consideration of the executive mark-up that we would return to any section that the committee members desired to return to. I hope, of course, we will not be asking unanimous consent to go back to every paragraph and sentence we have considered, but
The next section is section 10. Are there amendment to section 10?

Mr. Aspinall. Mr. Chairman, there should be an amendment to section 10, because there should be placed in there whatever the amount is the committee determines.

Mr. Morris. Do you offer that amendment?

Mr. Aspinall. I would ask counsel to read the amendment.

Mr. Morris. Will counsel read the amendment?

Mr. Witmer. In accordance with the usual practice of the committee, I believe this would be the appropriate language: Strike out the present text of section 10, page 13, lines 5 through 7, and insert in lieu thereof:

"There is hereby authorized to be appropriated not more than $16 million for the acquisition of lands and interests in lands pursuant to this Act."

Mr. Aspinall. Mr. Chairman, I would offer the amendment.

Mr. Morris. You have heard the amendment offered by the gentleman from Colorado.

Does the gentleman wish recognition?

Mr. Aspinall. No.

Mr. Morris. I think the amendment is self-explanatory.

Does anyone have any request to be heard on the amendment?

Is the gentleman from California seeking recognition?

Mr. Burton of California. Yes.
Mr. Morris. The gentleman is recognized to strike the requisite number of words.

Mr. Burton of California. Mr. Chairman, am I correct in assuming this $16 million figure is an amount which is agreed upon it is necessary to carry out this legislation?

Mr. Morris. That is correct.

Mr. Burton of California. It is not a figure that would prompt controversy by the proponents of the legislation?

Mr. Morris. I do not know how it would, because it is what the Department says it will take, and what everybody agrees it will take. I do not know of anyone who questions the accuracy of that figure.

Are there any other questions on the amendment offered by the gentleman from California?

Hearing none, the Chair will put the question. All those in favor of the amendment offered by the gentleman from Colorado say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment is agreed to.

Mr. O'Brien. Mr. Chairman, a parliamentary inquiry.

Mr. Morris. The gentleman from New York.

Mr. O'Brien. It is not necessary to seek unanimous consent to return to another section, is it?

Mr. Morris. No. We have that unanimous consent agreement.
Does the gentleman wish to be recognized to go back to another section?

Mr. O'Brien. Yes.

Mr. Morris. All right, he may do so.

Mr. O'Brien. I would like to go back to section 9.

It is rather simple.

Section 9, in its entirety, was stricken by the subcommittee at the earlier meeting, and I move, Mr. Chairman, to vacate the action of the subcommittee so we may have a discussion of the matter.

Mr. Morris. The gentleman is recognized for five minutes in support of his motion.

Mr. Rivera. A point of order. We have not acted on the gentleman's motion, have we?

Mr. Morris. I thought I was giving the gentleman five minutes to support the motion to vacate.

Mr. Rivera. All right.

Mr. O'Brien. As the committee knows, we do have, and did create, an advisory commission in connection with the Cape Cod National Seashore Park. The language of section 9, the section that was deleted, does not give the commission any more than advisory power. It does provide, however, for an advisory voice in a part of the various town boards, the State of New York, and the County of Suffolk.

While I do not believe that a commission is vital to the
carrying out of the provisions of the bill, I do think that it will be helpful to the Federal Government, as it moves along, to have advice that will be, in a sense, controlled within a commission with some knowledge of the problem.

I think it will lead to a better feeling on the part of the people locally because these are their home areas. And I do not see where retention of the advisory commission would do any violence to the operation of the legislation.

It is the very strong desire, at least as it comes to me, of most of the people in that area, as well as the legislators in or near that area, of both parties, that there be an advisory commission.

I believe that sums up my feeling in the matter, Mr. Chairman.

Mr. Morris. Is the gentleman through?

Mr. O'Brien. Yes.

Mr. Aspinall. May I ask the gentleman from New York if he feels that the language appearing on page 11, lines 16 to 19, is necessary under the circumstances?

Mr. O'Brien. No, I do not, Mr. Chairman. I do not see any reason why these people, who would be volunteers to a great extent, who have no great distance to travel -- I do not see why there should be any expenses at all. I think it would be very easy to find 15 capable people who would pay their own expenses, such as they are, to serve on this commission. On the other hand, there might be an occasion where
they might be called to Washington. But I do not think it is necessary, no. I think you will find 15 people very happy to serve for the honor of being on it.

Mr. Kyl. Will the gentleman yield to me?

Mr. O'Brien. I yield to the gentleman from Iowa.

Mr. Kyl. If this commission agrees with the Park Service, it is superfluous. If it does not, it is simply a stumbling block to efficient administration. If these people want to have a National Recreation Area, it is my opinion that, in the interests of good administration, they will have to have the complete control of this proposition vested in the Park Service of the Interior Department. Even when you have a commission which has little, if any, authority involved, the tendency is to make this a governing body ex officio, if not in reality.

I don't like a commission in regard to any such area.

I thank the gentleman for yielding.

Mr. O'Brien. I am inclined to agree in a limited way with the gentleman from Iowa, but we did do it at Cape Cod. I do not know of any great difficulties that arose.

In any event, the Secretary, in carrying out the purposes of this Act, I assume, would consult from time to time, or be almost compelled to consult from time to time with the various town boards, with the State. There would be problems that would ensue, local problems that would merit consideration, and
perhaps it might be more desirable to have him deal with a central group, strictly an advisory group, than to run all over the lot and talk with various supervisors and councilmen and various town boards.

Mr. Kyl. Will the gentleman yield once more?

Mr. O'Brien. Yes.

Mr. Kyl. Can the gentleman tell me what use or purpose or effect the advisory commission has been at Cape Cod?

Mr. O'Brien. I cannot, no. I have not followed the operation of the commission there. I mention it only because there might be a question raised on Fire Island -- well, why was the voice of Cape Cod heard and the voice of Suffolk County muted?

I haven't heard that phrase, I just suggest it could be used.

Mr. Morris. Will the gentleman from New York yield?

Mr. O'Brien. Yes.

Mr. Morris. Would the gentleman object to a year term limitation on this advisory commission, a statutory limitation like we have on Cape Cod National Seashore Advisory Committee?

Mr. O'Brien. No.

Mr. Morris. I notice on Cape Cod, according to the statute the counsel just handed me, this advisory committee is for ten years. Would the gentleman from New York think
it might be appropriate we put something like that, a ten-
year period, on the life of this commission in the Fire
Island bill?

Mr. O'Brien. I think it would be very appropriate.

Mr. Morris. Are there any other questions?

Mr. Aspinall. Will my colleague yield?

Mr. O'Brien. Yes.

Mr. Aspinall. Would he be willing to take an alternative

...ten years or until the National Seashore was declared to be
fully established, or the lesser of the two periods?

I am inclined to be in agreement with our friend from

Iowa that as soon as this facility comes into real operation
a commission is just a weight around the neck of the adminis-
trator.

On the other hand, I think the commission could render a
real service during the organization period, and I wouldn't
want it to go any longer than that ten years or the period when
the park was finally determined by the Secretary to be fully
established. That, then, would leave this area under the
control of the Secretary of the Interior, and I think that is
the way all of them should be.

Mr. O'Brien. I agree with you.

Mr. Morris. Are there any other questions of the
gentleman from New York?

Mr. Saylor. Mr. Chairman?
Mr. Morris. The time of the gentleman from New York is about to expire. Is the gentleman from Pennsylvania seeking recognition?

Mr. Saylor. I would like to be recognized to strike the requisite number of words.

Mr. Morris. The gentleman is recognized for five minutes to strike the requisite number of words.

Mr. Saylor. I just want to advise my colleague from New York I will not make the point of order that should be made at this time because of my great love and affection for him, and I hope that he will bear this in mind when I call upon him to reciprocate.

(Discussion off the record.)

Mrs. Reid. Will the gentleman yield?

Mr. Morris. The time of the gentleman from Pennsylvania is about to expire, but he can yield to the gentlelady from Illinois.

Mrs. Reid. I would like to ask just one question. How long does it usually take for an area of this kind to become in working operation, so to speak? Will it take ten years?

Mr. Saylor. I might say to my colleague from Illinois it takes just about as long as the time the Appropriations Committee will give the money, plus 12 months -- that we can expect the Park Service to operate within about 12 months from the time the money is appropriated.
(Discussion off the record)

Mr. Morris. The time of the gentleman from Pennsylvania has expired.

The Chair will put the question.

All those in favor of the motion to vacate the action taken in the last meeting of the subcommittee concerning the text of the bill, from the bottom of page 10, beginning with line 20, through line 4 on page 13, say aye.

Those opposed, say no.

In the opinion of the Chair the ayes have it. The ayes have it and the motion of the gentleman from New York is agreed to, and the action taken by the subcommittee in striking what is in reality section 9 is now vacated.

Mr. Aspinall. Mr. Chairman, I offer the following amendment: Page 11, line 16, after the word "compensation" insert a period and strike the balance of the paragraph.

Mr. Morris. You have heard the motion of the gentleman from Colorado. Does the gentleman wish to be recognized?

Mr. Aspinall. Mr. Chairman, I have only this to say: I think this commission serves out of its public desire to help in the formation of this seashore facility. I do not believe it should be placed in any position where it can handicap the Secretary of the Interior. If it is more or less voluntary, as this will now make it, I believe it would be willing to give of its advice for the benefit of the Secretary, and by striking
this language, the temporary tenure of the commission would be well established. In other words, it is just a commission to help things get underway. That is all it is.

Mr. Morris. The Chair hears no other request for time.

The Chair will put the question.

All of those in favor of the amendment offered by the gentleman from Colorado say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it, the ayes have it and the amendment is agreed to.

Mr. Aspinall. Mr. Chairman, I have another amendment.

Mr. Morris. The gentleman is recognized.

Mr. Aspinall. I am going to offer this at least for the sake of argument, and I think it will meet with the favor of the committee.

On page 12, strike all of subsection (f) and renumber the following sections accordingly.

Mr. Morris. The gentleman from Colorado is recognized for five minutes in support of his amendment.

Mr. Aspinall. Mr. Chairman and members of the subcommittee, this is the part that would give to the commission almost the veto right as far as determining the activities within the seashore. I think it is superfluous. I don't believe this commission should have any veto right. If it wishes to advise, it certainly can have the right to advise as it
meets with the Secretary. But outside of that I just don't see any need for that language.

Mr. O'Brien. Will the gentleman yield?

Mr. Aspinall. Yes, I will be happy to yield.

Mr. O'Brien. I think the gentleman has a very good point, and the way this language now reads it would constitute a veto, or the equivalent of a veto. I just don't believe that any Secretary, in the development of this national seashore, is going to run hog wild and put a lot of commercial or industrial things in a national seashore park. But there may be certain things required that are essential to the orderly development of the seashore, and I would rather leave it to the Secretary than to 15 people who are given no power such as this in any other part of the section.

I think the gentleman is absolutely right, and I will support the amendment.

Mr. Morris. All of those in favor of the amendment offered by the gentleman from Colorado say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment is agreed to.

Mr. Aspinall. Mr. Chairman, I would offer the following amendment to section 9 in the language of (a) page 10, and ask that the staff be directed to prepare an amendment to this section which would set the term of years of this
commission at 10 years, or until the Secretary declares the seashore developed to such an extent that he does not need the services of the commission; whichever period would be the lesser of the two periods would mark the demise of the commission.

Mr. Saylor. Will the gentleman yield?

Mr. Aspinall. Yes.

Mr. Saylor. On page 3, lines 14 to 18, we provide when the Fire Island National Seashore is to be established. It is not established automatically by this bill. Therefore, it raises a very serious question, because it is not until the Secretary of the Interior determines that the lands that have been acquired by the United States are in sufficient quantity to provide an administrable unit that he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.

Mr. Aspinall. That is right.

Mr. Saylor. When does the ten years begin to run?

Mr. Aspinall. The ten years begins to run from the time, as I understand it, that this legislation goes into effect.

Mr. Saylor. Let's assume within ten years the Secretary hasn't acquired enough land to provide an administrable unit and he hasn't declared the establishment of Fire Island National Seashore.

Mr. Aspinall. The commission goes out of existence just
the same. If they can't do it within ten years, something is wrong with this area, or the Secretary.

Mr. Rivers. Will the gentleman yield to me?

Mr. Aspinall. I yield to the gentleman from Alaska.

Mr. Rivers. The motion contains two alternatives, the ten years or the full establishment of the park, whichever comes sooner. That works out all right.

Mr. Morris. Off the record.

(Discussion off the record)

Mr. Morris. Back on the record.

All of those in favor of the amendment by the gentleman from Colorado, the drafting of which will be left to the staff, say aye.

All opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment is agreed to.

Does anyone else have an amendment to go back to?

Is the gentleman from New York seeking recognition?

Mr. Carey. Before I came in, did anyone address themselves to reconsideration of the amendment which had been adopted on page 2, lines 1 through 13?

Mr. Morris. No, sir.

Mr. Carey. If the chairman will recognize me, I would move for reconsideration of that amendment.

Mr. Morris. The motion of the gentleman from New York
is that the subcommittee vacate the action through which the subcommittee adopted the amendment on page 2, lines 1 through 13. The gentleman is recognized for five minutes in support of his motion.

Mr. Carey. As I understand the subcommittee action, what the limitation of this substitution of this language did was to move the boundary eastward to the Brookhaven-Southampton Township line. I have all along felt, since visiting the area, since the hearings were held at Oakdale, that the eastern boundary of the national seashore should terminate at the natural boundary which is established by the inlet. I feel that it is more easily administered, that the further extension of the park beyond this natural boundary of the inlet will involve some dissension with the people who will be residents on the strand to the east.

I feel that there is no need to extend this area. It does not naturally flow within the boundary of the seashore, and I think it will make it all around a much better package for the people in the area and for better administration by the National Park Service if we terminate the boundary at the natural boundary, which is the inlet.

Mr. Kyl. Will the gentleman yield?

Mr. Carey. Yes.

Mr. Kyl. Will he demonstrate on the map the exact portent of his amendment?
Mr. Morris. Counsel, could you point out to the committee where the boundaries, as the subcommittee has it at the present time, are, and where --

Mr. Witmer. Yes, Mr. Chairman. The boundaries are those shown by this heavy black line, and the eastern boundary is here at the Brookhaven-Southampton line. The point that Mr. Carey is speaking about is right here between these two orange dots labelled "Moriches Inlet".

Mrs. Reid. Will the gentleman from New York yield?

Mr. Carey. I yield to the gentlelady from Illinois.

Mrs. Reid. How much land is it you are eliminating?

Mr. Witmer. In mileage it is about a mile and a quarter or a mile and a half. In acreage -- I had better not guess.

Mrs. Reid. And there are private homes?

Mr. Carey. To the east of this there are developed communities, beach clubs, some holdings in private ownership, and it naturally is part of the next barrier to the east.

Mr. Rivers. Will the gentleman yield to me?

Mr. Carey. I yield.

Mr. Rivers. Does the inlet between those orange dots constitute a natural dividing line between the two segments?

Mr. Carey. Yes, it would normally.

Mr. Rivers. The east and the west?

Mr. Carey. Yes.

Mr. O'Brien. Will the gentleman yield to me?
Mr. Carey. Yes, I yield to my colleague from New York.

Mr. O'Brien. Are we talking here now, not of mainland, in a sense, but of islands?

Mr. Carey. The amendment, as has been adopted, includes both the islands and the additional strand to the east of the inlet. I am addressing myself to reconsideration of such part of the amendment as pertains to the barrier reef which is to the east of the inlet. In other words, from the inlet to the Brookhaven-Southampton line.

Mr. O'Brien. Will the gentleman yield further?

Mr. Carey. I will be glad to yield.

Mr. O'Brien. Does the gentleman object to the inclusion, if it can be worked out, of the islands themselves -- Sexton, West Island, and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore?

Mr. Carey. I would hope that would be acceptable to the committee. I think West Island and Sexton Island are at the western section of the proposed seashore and not in the area to which I am referring. The Pike bill all along has always made provision for the inclusion of such wetlands and insular points as are adjacent and proximate to the national seashore, and I think all of those should be included.

I am not addressing myself to this particular point. I
am suggesting, in the main, that we have a natural termination boundary at the east, which would be the inlet at Moriches.

Mr. Kyl. Will the gentleman yield?

Mr. Carey. I yield.

Mr. Kyl. Is there a means of transportation across this inlet?

Mr. Carey. Not any sort of commercial transportation.

Mr. Kyl. Is it all by water? If you want to proceed from the part you would like to exclude from the park to the part that would be included, would you have to use water transportation?

Mr. Carey. You would have to travel by boat, yes.

Mr. Kyl. Thank you.

Mr. Carey. There is an alternate way to get there. You would have to go back to the mainland and east and down across a bridge in the Westhampton area, and then back to this part of the park. You would have to do a complete circle to get back in there.

Mr. Berry. Will the gentleman yield?

Mr. Carey. I yield.

Mr. Berry. Where is the bridge with relation to the inlet? I mean west of the inlet. How far back?

Mr. Carey. The bridge west of the inlet?

Mr. Berry. Yes.

Mr. Carey. West of the inlet, the only bridge which
connects with Fire Island would be the one at Smith County Park. I believe it is quite a way west of the inlet.

Mr. Berry. How many miles?

Mr. Carey. I don't know off-hand. Would counsel look at the map? I am not certain of the mileage from the inlet to the bridge.

Mr. Berry. It is quite a ways?

Mr. Carey. It is a considerable distance, yes.

Mr. Morris. Are there any other questions or discussion on the gentleman's motion?

Mr. Rivers. Will the gentleman yield?

Mr. Carey. I yield.

Mr. Rivers. Did Congressman Pike prompt us to establish this thing at this particular point? And haven't you and he had a meeting of mind on this?

Mr. Carey. Let me say there has been quite a bit of discussion on the point. My thought in moving the amendment at this time is that I believe the other body made a trip down over this week-end, and the consensus of the people who talked to the members of the committee in the other body is that they were in favor of terminating the seashore at the inlet.

Mr. O'Brien. Will the gentleman yield?

Mr. Carey. I yield.

Mr. O'Brien. Where would that leave Sexton Island, West Island, and the other small adjacent islands?
Mr. Carey. As I said before, I would hope we so conform the amendment to include the islands and exclude the barrier reef.

Mr. O'Brien. If the gentleman will yield further, we seem to be caught in a difficulty here. The gentleman has made a pretty good point on the boundary, but there is also a rather strong feeling these islands might be included. While they are small islands, when you take in the entire shore line it is quite an expanse of additional facilities for people who want to use this national seashore park.

If I may make this suggestion, if the gentleman would be agreeable to it, that we allow this to go to the full committee as it now stands and then see if we cannot work out something when it is before the committee that would take in these islands without extending the boundary.

Mr. Carey. I think the gentleman has a most constructive suggestion.

Mr. Morris. Will the gentleman yield to me?

Mr. Carey. Yes.

Mr. Morris. Unless I am mistaken, it can be taken care of very simply right here. If the committee vacates the action we took last time in striking the first two sentences and inserting this new language and goes back to the original language, then all you would have to do is change the boundary and leave the islands in that are in the present text of the
Counsel, am I mistaken?

Mr. Witmer. Excuse me. I did not get that.

Mr. Carey. The chairman is correct, I think.

Mr. Morris. It seems to me a rather simple matter in straightening this out. Mr. Carey wants to change the eastern boundary to the natural inlet, yet he wants to keep in the islands Mr. Pike has in his original bill. It seems the simple way to proceed is to vacate the action the subcommittee took with this first amendment and then go back to the original language in the printed bill and just change the eastern boundary to the natural inlet and leave the islands like they are in the printed bill.

Mr. O'Brien. I think the gentleman is absolutely correct. I should have read the bill a little more carefully before I discussed it.

Mr. Kyl. Will the gentleman yield to me?

Mr. Morris. The time of the gentleman from New York has expired. The Chair recognizes the gentleman from Iowa.

Mr. Kyl. Perhaps somebody else shares the confusion I have. The gentleman from New York, Mr. O'Brien, mentioned Sexton Island and West Island. Is that right?

Mr. O'Brien. That is right.

Mr. Kyl. Those are located here at the other end (indicating map)?
Mr. O'Brien. Yes.

Mr. Kyl. In other words, is it correct that the bridge which connects Fire Island with this area, the Smith Point Bridge, comes to the island here?

Mr. Carey. Right.

Mr. Kyl. From that point you would have to go this way or this way. At this point there is an inlet, and the gentleman from New York, Mr. Carey, would like to cut off the park at that point.

Mr. Carey. That is right.

Mr. Aspinall (presiding). Will the gentleman just keep on going here with the help of counsel and let us read the boundaries that were originally set forth in the bill that is before us.

"The boundaries of the national seashore shall extend from the easterly boundary of Fire Island State Park" -- where is that?

Mr. Kyl. The Pike bill, Mr. Chairman, runs from where counsel's finger is located to this point, which is a little short.

Mr. Aspinall. It starts from the easterly boundary of Fire Island State Park. Where is the easterly boundary?

Mr. Witmer. At this point, Mr. Chairman.

Mr. Aspinall. All right. "... eastward to the westerly boundary of the Moriches Inlet County Park."
Mr. Kyl. That is this point (indicating).

Mr. Chairman, there may be confusion in names. Robert Moses State Park is this area here. If that is the one you are referring to as Fire Island Park --

Mr. Aspinall. I am just referring to the Fire Island State Park, whatever it may be.

Mr. Carey. I think the name was changed subsequent to this bill from Fire Island to Robert Moses State Park.

Mr. Kyl. In other words, the State Park, Mr. Chairman, from this point over to here is called Robert Moses State Park, in orange on the map.

Mr. Aspinall. What interests me is the westerly boundary of the Moriches Inlet.

Mr. Kyl. That is right here. That is the one Mr. Carey is speaking of.

Mr. Carey. Will the gentleman yield?

Mr. Aspinall. I want to be sure we are arriving at the same place to the east.

Mr. Kyl. We are not sure at the moment.

Mr. Aspinall. We are not sure at the moment?

Mr. Kyl. Because this is Reeves Island, and Moriches Inlet is righthere. The green line going up here is the Pike boundary.

Mr. Witmer. This map, Mr. Chairman, was prepared to show the boundaries as they would have been in all the variety of
bills that are before the committee, and the westerly boundary
of Moriches Inlet County Park, that is to the west of
Moriches Inlet proper, as Mr. Kyl said, where this green line
is.

Mr. Aspinall. "But also such islands and marshlands
in the Great South Bay."

Mr. Kyl. That is on this end here. This is Great
South Bay.

Mr. Aspinall. Where is Bellport Bay?

Mr. Kyl. I think the islands are listed. Quanch Island,
West Island, and Sexton Island.

Mr. Aspinall. That is Bellport Bay?

Mr. Witmer. Here is Great South Bay.

Mr. Kyl. Mr. Chairman, there are some other small
islands located up here. These red dots are small islands
that were included in the park proposal, apparently.

Starting up here, there is one, Reeves Island; one
unnamed; Pattersquash Island, Pelican Island, Ridge Island,
another unnamed pair, and then those three major ones.

Mr. Aspinall. I would like to have you find Bellport
Bay for me.

Mr. Kyl. Maybe the gentleman from New York can help.

Mr. Witmer. Mr Chairman, I can tell you it is opposite,
thought it is not so labelled on the map, to Brookhaven,
which is on the mainland.
Mr. Morris. Where is Moriches Bay?

Mr. Kyl. Right here.

Mr. Morris. Adjacent to Fire Island. Where is Sexton Island?

Mr. Witmer. Sexton Island is here where my pencil is pointing.

Mr. Morris. Where is West Island?

Mr. Witmer. Next to it, to the east.

Mr. Morris. Where is Hollins Island?

Mr. Witmer. To the east.

Mr. Morris. Ridge Island?

Mr. Witmer. Ridge Island is here?

Mr. Morris. Pelican Island.

Mr. Witmer. Right here.

Mr. Morris. Pattersquash Island?

Mr. Witmer. Pattersquash Island is here.

Mr. Morris. And Reeves Island.

Mr. Witmer. Reeves Island is at this point.

Mr. Morris. "and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration with the national seashore."

Mr. Kyl. The thing to note, I think, is all of those islands are this side of either the Pike green line or the line which the gentleman from New York mentioned.
Mr. Morris. In other words, they would be included?

Mr. Kyl. Regardless of the gentleman's amendment from New York.

Mr. Morris. If the amendment of the gentleman from New York were adopted, these islands would all be in it?

Mr. Kyl. Yes.

Mrs. Reid. Will the gentleman yield?

Mr. Morris. The gentlelady from Illinois.

Mrs. Reid. What I still do not understand is that section called "Robert Moses State Park". Is that the same as in the bill which says "Fire Island State Park"?

Mr. O'Brien. If the gentlelady will yield, my understanding is it has been renamed since the bill was written.

Mr. Morris. Since the World Fair was such a big success they decided to name the park after him.

Mr. Carey. If the gentleman will yield, nine geographical district areas and public works projects were named after Robert Moses in this last session of the Legislature. So anything in New York may be named Robert Moses at any time.

Mrs. Reid. So this bill we are considering includes the orange part also?

Mr. Morris. No.

Mrs. Reid. The easterly boundary --

Mr. Udall. Is on the right.

Mrs. Reid. You are right.
Mr. Kyl. Is there reason why that was not included?
Mrs. Reid. That is what I don't understand.
Mr. Berry. It is a State Park.
Mr. Kyl. So?
Mr. Morris. Will the gentlelady yield?
Mrs. Reid. Yes.
Mr. Morris. Pursuing the question you asked, as I read
the bill, on page 2, the boundaries extend from Fire Island
State Park to the left of this map to the north or east to
another county park, the Moriches Inlet County Park. From
State park to county park.
This according to the bill we have before us.
As I understand the amendment, we would retreat back to
the west perhaps a mile and would create a buffer zone in
between the national park and the county park that would be
perhaps in private ownership.
Mr. Carey. Will the gentlelady yield?
Mrs. Reid. I yield.
Mr. Carey. My intention in offering the amendment was
to include the Moriches Inlet County Park, and we could do
this very simply by striking on page 2, line 3, the word
"the" before the word "Moriches", and insert a period after
the word "inlet", and strike the words "county park".
I want to include the Moriches County Park, but terminate
the eastern boundary at the natural point, which is the Moriches
Inlet, not the Moriches County Park.

Mr. Morris. The time of the gentlelady from Illinois has expired.

The Chair has no intention of being arbitrary, but I think the only way we are going to get this thing settled one way or the other is to vote on the pending motion of the gentleman from New York and then we can clean up and finalize this boundary.

Mr. Burton of California. Mr. Chairman?

Mr. Morris. For what purpose is the gentleman from California seeking recognition?

Mr. Burton. I move to strike the requisite number of words.

Mr. Morris. The gentleman is recognized for five minutes.

Mr. Burton of California. I concur in the Chair's desire to expeditiously deal with this question. I still am having a little difficulty understanding what action the gentleman from New York requests us to take.

In fact, will there be a solid area of national seashore and publicly-owned lands when this bill is introduced from the Moses or Fire Island State Park, whatever you choose to call it, all the way up through and including the Moriches Inlet County Park, or will there be an intervening area of private land if the committee adopts your amendment?
Mr. Carey. Will the gentleman yield?

Mr. Burton of California. Yes.

Mr. Carey. My amendment would bring the boundary to the western end of Moriches Inlet, which would mean there would be a solid, uninterrupted public holding to include the Moriches Inlet County Park.

Mr. Udall. Will the gentleman yield to me?

Mr. Morris. If the gentleman will yield to the chairman of the subcommittee, the motion of the gentleman from New York is to go back to the original language that is in the printed bill on page 2. There is no motion pending before this subcommittee which would further change the boundaries.

At that time I assume, if the committee votes for the motion of the gentleman from New York, then he will offer an amendment to the printed language on page 2, subsection (b) of section 1. That is when the boundaries will be finalized.

Mr. Udall. Will the gentleman yield?

Mr. Burton of California. I yield to the gentleman from Arizona.

Mr. Udall. I do not request time in view of the statement of the chairman of the subcommittee. I think we ought to vote on whether to reopen, and then I want to get this resolved in my own mind which is still surrounded by a fog of ignorance.

I don't know where we are at, if you will pardon the expression.
Mr. Morris. The Chair could say something, but he is not going to say it.

The time of the gentleman from California has expired, or is about to expire.

Mr. Burton of California. I yield back the balance of my time.

Mr. Morris. Does anyone else wish to be heard on the motion of the gentleman from New York?

Mr. O'Brien. Mr. Chairman, may I renew my suggestion --

Mr. Morris. The gentleman is recognized for five minutes.

Mr. O'Brien. I think we should approve the motion of the gentleman from New York to vacate the action on the amendment adopted by the subcommittee, with the understanding it will be open to reconsideration, and then, before any further action is taken, we leave this matter to the full committee.

Now it is true that you have two New York members here, one from New York City and one from Albany. This is a very involved geographical problem, and I think if we just vacate the amendment and leave the ultimate decision on the language to be offered by the gentleman from New York to the full committee, we will all be better off, because we will have an opportunity to discuss with people who are familiar with every foot of this area. I think if we do not, we are going to be flying blind to a certain extent and have another scrubbing job to do in full committee.
Mr. Udall. Will the gentleman yield?

Mr. O'Brien. Yes.

Mr. Udall. He is proposing going back to the original Pike bill and sending the original Pike bill to the full committee, and there, in the light of advice from Pike and others, we decide where the boundaries should be?

Mr. Morris. The motion of the gentleman from New York -- the Chair is going to state it categorically -- is that we vacate the action which was taken by the subcommittee. That was on page 2, lines 1 through 13, striking the first two sentences. That would be down to the third sentence on page 2 beginning with "the Secretary". All of that is stricken, and we have substituted this language on the printed sheet.

The motion by the gentleman from New York is that we would vacate that action and go back and reinsert the original action printed on page 2 of H.R. 7107. That is the simple motion. That is all it is.

Mr. Udall. Very true.

Mr. Morris. The gentlemen can offer any other motions or not offer any other motions as they so desire.

Mr. O'Brien. May I be permitted to say I think that is exactly what we should do at this time and defer any further motion on the original language. We will be returning to it in full committee.

Mr. Morris. May I say to the gentleman from New York,
the Chair cannot keep anyone from offering any amendment after we take action.

Mr. O'Brien. I understand.

Mr. Udall. Question?

Mr. Morris. Is it all clear to every member of the subcommittee?

All those in favor of the motion by the gentleman from New York, Mr. Carey, say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it, the ayes have it and the amendment is agreed to.

Are there any other sections which anyone would like to go back to.

If not, the Chair has some technical amendments which he would like for the gentleman from New York Mr. O'Brien, to offer. I ask unanimous consent for permission that the bill may be open for amendment at any point by the gentleman from New York, Mr. O'Brien, for the purposes of offering technical amendments.

Hearing no objection, the unanimous consent request is agreed to, and the gentleman from New York Mr. O'Brien, is recognized to offer some technical amendments.

The first amendment will be on page 2, and counsel for the committee will read the first amendment to be offered by the gentleman from New York.
Mr. Witmer. Mr. Chairman, this is merely a clarifying amendment which was called to our attention by material in the record. Page 2, line 25, strike out "or by a political subdivision thereof" and insert in lieu thereof "or by any other political subdivision of said State".

By way of explanation, some of the people thought that "political subdivision thereof" meant a political subdivision of Suffolk County. This merely makes it clear it is the towns and whatever else may be in the area that are created by the State.

Mr. Morris. Are there any questions on the technical amendment offered by the gentleman from New York?

If not, the Chair will put the question.

All of those in favor of the amendment by the gentleman from New York say aye.

Those opposed say no.

In the opinion of the Chair, the ayes have it. The ayes have it and the amendment is agreed to.

The next amendment to be offered by the gentleman from New York will be on page 4, line 23, between the words "same" and "estate" insert the words "or a greater".

The gentleman from New York is recognized for five minutes in support of his amendment.

Mr. O'Brien. I will yield to counsel.

Mr. Morris. I hoped he would ask counsel to explain the
Mr. O'Brien. I share that hope.

Mr. Morris. Mr. Witmer, you are recognized to explain the technical amendment.

Mr. Witmer. Mr. Chairman, once again this is a technical amendment. The general provision of the subsection that you are dealing with is for the retention by present owners of land of a life estate or of an estate for a term of years. This speaks of their having held the same estate in the property on July 1, 1963, which, taken literally, would mean that nobody who did not have a life estate could retain a life estate, nobody who did not have a term of years could retain a term of years, and those who had fee simple could retain nothing. So the suggestion embodied in the O'Brien amendment is that this be the same, or a greater estate, in order that everybody can get advantage of it provided they have got at least that much now.

Mr. Morris. Are there any questions on the technical amendment?

If not, the Chair will put the question. All of those in favor of the amendment offered by the gentleman from New York say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the amendment is agreed to.
The next technical amendment appears on pages 4, 6 and 7, and I ask unanimous consent they be considered en bloc.

Hearing no objection, the unanimous consent request is agreed to, and the gentleman from New York is recognized to present his amendment.

I would appreciate if the counsel would read the amendment to be offered.

Mr. Witmer. The language which is in Mr. Pike's bill is in this respect copied from the Cape Cod Act. In the New England area "zoning bylaws" is a proper term. I have checked with Mr. Pike. However, in the meantime, and he tells me the proper terminology is "a zoning ordinance" in New York.

That phrase occurs at perhaps a dozen places on pages 4, 6 and 7 and 8, and Mr. O'Brien's amendment would strike out "bylaws" where it occurs and insert "ordinance" or "ordinances" in lieu thereof.

Mr. Morris. The gentleman from New York is recognized for five minutes in support of the amendment.

Mr. O'Brien. I think the counsel has stated the explanation very lucidly.

Mr. Morris. Are there any questions?

If not, all of those in favor of the amendment of the gentleman from New York say aye.

Those opposed, say no.
In the opinion of the Chair the ayes have it. The ayes have it and the amendment is agreed to.

Mr. O'Brien. Mr. Chairman?

Mr. Morris. For what purpose does the gentleman seek recognition?

Mr. O'Brien. Mr. Chairman, I move H.R. 7107 as amended be reported favorably to the full committee.

Mr. Marsh. A parliamentary inquiry, Mr. Chairman.

Mr. Morris. The gentleman will state it.

Mr. Marsh. Before we consider the bill in full committee, will we be advised of each of these prospective boundary lines, where the eastern and western boundaries are, and the nomenclature of the various parks, and the different proposals, in order when we come into full committee we will have some idea of the amendments?

Mr. Morris. I will say to the gentleman from Virginia that he and all other members of this committee will be advised in writing prior to the time this is considered by the full committee.

Mr. Udall. Will the gentleman yield?

Mr. Marsh. Yes.

Mr. Udall. I think it would be very helpful if we had a small very crudely drawn map showing Moriches Inlet, the Pike line, the proposed Carey line, and any other lines that may have any consequence here so that we can compare them. I
am totally confused about who is going where.

Mr. Morris. We have this, I might say to the gentleman from Arizona.

Mr. Udall. I hope the Chair will forgive me for even suggesting this committee would not have that material available.

Mr. Morris. We will have it -- I will say in answer to the gentleman from Virginia's parliamentary inquiry, we will have it clearly marked on these maps, and I will in a letter to each one of you explain the proposed boundaries.

Mr. Rivers. The name change of Moses from Fire Island?

Mr. Morris. The name of Fire Island Park being changed to Robert Moses or vice versa. I will do everything I can to see that every member of this subcommittee is informed as fully as can be. But I cannot read the letter for you after you get it.

Mr. Udall. Would it be in order, Mr. Chairman, to move in full committee to change the name of Moriches Inlet to L. O. W. O'Brien Inlet?

Mr. Morris. Is that a parliamentary inquiry?

Mr. Udall. I withdraw my inquiry.

Mr. Morris. There is a motion pending before the subcommittee. The motion is that H.R. 7107 be reported as amended favorably to the full committee. The Chair will put the question.
All those in favor of the motion of the gentleman from New York, Mr. O'Brien, say aye.

Those opposed say no.

In the opinion of the Chair the ayes have it. The ayes have it and the bill is so reported.

(Discussion off the record)

Mr. Morris. Without objection, the various companion bills that are cosponsored by other colleagues concerning Fire Island National Seashore will be presented to the full committee for appropriate disposition.

(Whereupon, the subcommittee moved to other business.)
H. R. 7107

FIRE ISLAND NATIONAL SEASHORE

WEDNESDAY, JULY 22, 1964

House of Representatives,
Committee on Interior and Insular Affairs,
Washington, D.C.

The committee met, pursuant to other business, in the committee room, 1324 Longworth House Office Building, the Honorable Wayne N. Aspinall (chairman of the committee) presiding.

The Chairman. The next order of business is consideration of H.R. 7107 by Mr. Pike and similar bills by numerous other sponsors, bills to provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

The bill was favorably reported with amendments by the Subcommittee on National Parks. Interior Department is favorable.

The subcommittee amendments are set forth in the committee print before each member.

Unless there is an objection, H.R. 7107 will be regarded as having been read in full, printed in the record, and open for amendment at any place. Hearing no objection, it is so ordered.

(Committee Print No. 27 follows:)
[COMMITTEE PRINT NO. 27]
JULY 2, 1904

Subcommittee amendments to H.R. 7107

8TH CONGRESS
2D SESSION
H. R. 7107

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1903

Mr. Pinks introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

[Omit the part struck through and insert the part printed in italics]

A BILL
To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

1. Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
2. That (a) for the purpose of conserving and preserving for
3. the use of future generations certain relatively unspoiled and
4. undeveloped beaches, dunes, and other natural features within
5. Suffolk County, New York, which possess high values to
6. the Nation as examples of unspoiled areas of great natural
7. beauty in close proximity to large concentrations of urban
8. population, the Secretary of the Interior is authorized to
9. J. 34-021
establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from the easterly boundary of Fire Island State Park eastward to the westerly boundary of the Moriches Inlet County Park, and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore. The boundaries are delineated on a map identified as "Fire Island National Seashore No. OGP-0001." The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands, funds.

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1 This park is now officially known as the Robert Moses State Park.
2 Mr. Carey proposes to strike out "the westerly boundary of the Moriches Inlet County Park" and to insert "Moriches Inlet".
waters, and other property, and improvements thereon and
any interest therein, within the boundaries of the seashore
as established under section 1 of this Act. Any property or
interest therein owned by the State of New York, by Suffolk
County, or by any other political subdivision of said State
may be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act. In exercising his authority to acquire property in accordance with the provisions of this subsection, the Secretary may enter into contracts requiring the expenditure, when appropriated, of funds authorized by this Act, but the liability of the United States under any such contract shall be contingent on the appropriation of funds sufficient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or interests therein have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall declare the establishment of the Fire Island National Seashore by publication of notice in the Federal Register.
(e) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning laws ordinances exist shall be in the approximately eight-mile area...
from Ocean Ridge, in the town of Brookhaven, to the western boundary of the Smith Point County Park. In this area only, when the Secretary deems it advisable for carrying out the purposes of this Act or to improve the contiguity of the park land and ease its administration, the Secretary may acquire any land or improvements therein by condemnation. In every case in which the Secretary exercises this right of condemnation of improved property the beneficial owner or owners (not being a corporation) of any improved property so condemned, provided he, she, or they held the same [5] or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property in fee simple absolute and pay the fair market value thereof as of the date of such taking;

(2) that the owner or owners shall retain a life estate in said property, measured on the life of the sole owner or on the life of any [6] single person among multiple owners (notice of the person so designated to be filed in writing with the Secretary within six months after the taking) or on the life of the survivor in title of any estate held on July 1, 1963, as a tenancy by the entirety. The price in such case shall be diminished by the actuarial fair market value of the life estate re-
(3) that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained.

(f) The term "improved property" as used in this Act shall mean any building, the construction of which was begun before July 1, 1963, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning by-laws ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of
this Act, of all property within the national seashore, and
(2) promoting the protection and development for pur-
poses of this Act of the land within the national seashore by
means of acreage, frontage, and setback requirements.

(e) Following issuance of such regulations the Secre-
tary shall approve any zoning [10] or amendment to any approved zoning [11] submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the [12] bylaw ordinance or amendment. Such approval shall remain effective for so long as such bylaw ordinance or amendment remains in effect as approved.

(d) No zoning or amendment thereof shall be approved by the Secretary which (1) contains any provisions that he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore; or (2) fails to have the effect of providing that the Secretary shall receive notice of any variance granted under, or any exception made to, the application of such bylaw ordinance or amendment.

(e) If any improved property, with respect to which
the Secretary's authority to acquire by condemnation has
been suspended according to the provisions of this Act, is
made the subject of a variance under, or becomes for any
reason an exception to, such zoning [16]law, ordinance,
or is subject to any variance, exception, or use that fails to
conform to any applicable standard contained in regulations
of the Secretary issued pursuant to this section and in effect
at the time of passage of such [17]law, ordinance, the
suspension of the Secretary’s authority to acquire such im-
proved property by condemnation shall automatically cease.
(f) The Secretary shall furnish to any party in interest
upon request a certificate indicating the property with respect
to which the Secretary’s authority to acquire by condem-
nation is suspended.

SEC. 4. (a) Owners of improved property acquired by
the Secretary may reserve for themselves and their successors
or assigns a right of use and occupancy of the improved
property for noncommercial residential purposes for a term
that is not more than twenty-five years. The value of the
reserved right shall be deducted from the fair market value
paid for the property.

(b) A right of use and occupancy reserved pursuant to
this section shall be subject to termination by the Secretary
upon his determination that the use and occupancy is not
consistent with an applicable zoning [18]law ordinance
approved by the Secretary in accordance with the provisions
of section 3 of this Act, and upon tender to the owner of the
right an amount equal to the fair market value of that portion
of the right which remains unexpired on the date of termi-

Section 5. The Secretary shall permit hunting, fishing, and
shellfishing on lands and waters under his administrative
jurisdiction within the Fire Island National Seashore in ac-
cordance with the laws of New York and the United States
of America, except that the Secretary may designate zones
where, and establish periods when, no hunting shall be per-
mitted for reasons of public safety, administration, or public
use and enjoyment. Any regulations of the Secretary under
this section shall be issued after consultation with the Con-
servation Department of the State of New York.

Section 6. The Secretary may accept and use for purposes
of this Act any real or personal property or moneys that may be donated for such purposes.

Section 7. (a) The Secretary shall administer and protect
the Fire Island National Seashore with the primary aim of
conserving the superb and fragile natural resources located there. To this end, the area known as
the Sunken Forest shall be preserved in as nearly its pres-
ent state as possible, without developing roads therein, but
continuing the present access by those trails already existing

...
and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate the beauty and tranquility of this section of the seashore.

(b) Access to that section of the seashore lying between Ocean Ridge and the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may
be collected notwithstanding any limitation on such authority by any provision of law.

Sec. 8. (a) The Secretary shall undertake and contribute to such shore erosion control and/or beach protection measures on lands within the Fire Island National Seashore as shall have been developed by the Corps of Engineers, Department of the Army, and approved by Congress, provided such measures are consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary land which may be required at any future date for the construction of any one new inlet across Fire Island in the Pogue West Sayville area, provided plans for such an inlet have been developed by the Corps of Engineers, Department of the Army, and approved by Congress such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary
of the Interior and the Secretary of the Army and that is
consistent with the purposes of this Act.

Sec. 9. (a) There is hereby established a Fire Island
National Seashore Advisory Commission (hereinafter re-
ferred to as the Commission). The Com-
mission shall terminate on the tenth anniversary of the date
of this Act or on the declaration, pursuant to section 2(b)
of this Act, of the establishment of the Fire Island National
Seashore, whichever occurs first. The Commission shall
consist of fifteen members, each appointed for a term of two
years by the Secretary, as follows:

(1) Ten members to be appointed from recommenda-
tions made by each of the town boards of Suffolk County,
New York, one member from the recommendations made by
each such board;

(2) Two additional members to be appointed from rec-
ommendations of the town boards of the towns of Islip and
Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recom-
mendation of the Governor of the State of New York;

(4) One member to be appointed from the recom-
mendation of the county executive of Suffolk County, New
York;

(5) One member to be designated by the Secretary.
(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

[29] (f) No permit for the commercial or industrial use of property located within the national seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the national seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought.

[30] (g) (1) Any member of the Advisory Commission
appointed under this Act shall be exempted, with respect to
such appointment, from the operation of sections 281, 283,
284, and 1914 of title 18 of the United States Code and
section 190 of the Revised Statutes (5 U.S.C. 99) except as
otherwise specified in paragraph (2) of this subsection.

(2) The exemption granted by paragraph (1) of this
subsection shall not extend—

(i) to the receipt of payment of salary in connection
with the appointee's Government service from any
sources other than the private employer of the appointee
at the time of his appointment; or

(ii) during the period of such appointment, and
the further period of two years after the termination
thereof, to the prosecution or participation in the prose-
cution, by any person so appointed, of any claim against
the Government involving any matter concerning which
the appointee had any responsibility arising out of his
appointment during the period of such appointment.

Sec. 10. [31] There are authorized to be appropriated
such sums of money as may be necessary for carrying out the
purposes of this Act. There is hereby authorized to be appro-
priated not more than $16,000,000 for the acquisition of
lands and interests in land pursuant to this Act.
A BILL

To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

By Mr. PIKE

JUNE 18, 1903
Referred to the Committee on Interior and Insular Affairs
The Chairman. The Chair recognizes the gentleman from New Mexico, the chairman of the subcommittee handling the legislation, to explain the purposes of the legislation.

Mr. Morris. Mr. Chairman and members of the committee, the bill which we have before us would establish the Fire Island National Seashore in the State of New York. It would be approximately 22 to 25 miles long and would comprise approximately 4,400 acres. It is an area just next to metropolitan New York City and the estimated cost of the land acquisition is $16 million.

I doubt if there is any State in the Union that has a greater demand for recreation than New York City. This is an area that has been recommended by the Department. The Subcommittee on National Parks made a personal trip to the area and conducted field hearings. I think it is something that is needed, not only for the people in the metropolitan area of New York, but for all of the people in the United States.

The time has come when, if we are going to supply recreational facilities and recreation lands for future generations of Americans that those of us have enjoyed in our lifetime, we are going to have to take positive steps to start acquiring some of the necessary lands. This is a step in that direction.

I will be pleased to try to answer any questions.

The Chairman. Will the gentleman yield to the gentleman from New York?
Mr. Morris. I certainly yield to my colleague from New
York, Mr. O’Brien, a man who has been most helpful in this
legislation, a man who has spent his time, not only in field
hearings in New York, but on this subcommittee, in behalf of
this legislation.

Mr. O’Brien. I thank the gentleman from New Mexico.

I might say there has been an extraordinary degree of
unanimity among the people in the area affected, which is most
unusual, as all of us know, when we get involved in matters
of this sort.

As nearly as I can see, at this point in our deliberation
the only serious area of disagreement is with regard to the
boundaries.

Mr. Morris. If the gentleman will yield, I do not think
there is disagreement on it. I think it is just a matter of
deciding which is best. I don’t believe there is really
disagreement.

Mr. O’Brien. I meant in the area affected there are some
who would like the boundary recommended by the Department of
the Interior, which would comprise overall about 33-1/2 miles
total area of seashore, about 5700 acres.

Then there is the so-called Pike boundary which the
subcommittee tentatively adopted. That would give you a
length of about 25 miles.

Then there is the so-called Carey boundary, which would extend
the park about one mile of shore line and about 170 acres.

I have a feeling this morning that I am sort of caught
in the middle on this thing between the departmental proposal,
the original Pike boundary, and the Carey amendment.

Now Mr. Carey had to go to the White House for a ceremony
I am one of those who is both clock and calendar conscious,
and I think that, if we do not act upon this legislation this
morning, the chances of it being a law this year will be
very doubtful.

Mr. Morris. I agree with the gentleman.

Mr. O'Brien. With that in mind, and with the realization
that there can be another decision on boundaries in the other
body, that some other boundary might emerge from conference,
I am inclined to take the middle course and support the
Carey boundary.

I am informed that, while Mr. Pike did have a proposal
of his own, he has no objection to the Carey amendment, and I
don't think he would have any objection, in fact he so stated,
to the Interior Department amendment.

He wants a park.

As a practical man, I think the best way to expedite the
matter would be to go along with the so-called Carey boundary.

I would like to say that I think the counsel of the
committee has done an excellent job in preparing the map showing
the various boundaries. I think it has made it clear to all of
us the areas involved, and those affected.

Mr. Saylor. Will the gentleman yield?

Mr. Morris. I yield to the gentleman from Pennsylvania.

Mr. Saylor. The principal difference, as I understand it, between the three proposals is that on the northern end of the park the Department would go to the Brookhaven-Southampton line, and Mr. Carey’s amendment would go to the Moriches Inlet and Mr. Pike’s boundary would only go to the Suffolk County line.

Is this correct?

Mr. Morris. That is correct.

Mr. Saylor. And on the western end of the proposed park the Department would include all the land in the Robert Moses State Park as well as the land in the U.S. Coast Guard Reservation; and the Pike boundary and the Carey amendment would end the national seashore at the eastern end of the Robert Moses State Park. Mr. Carey would include Sexton Island and West Island. Is that correct?

Mr. Morris. That is correct.

Mr. Saylor. Very frankly, the park that I would like to see established is one that is included in none of the amendments and that would go from the Moriches Inlet and include the Robert Moses State Park. But I am like my colleague from New York, I am anxious to see this established, and I hope that the matters can be worked out in conference. For that reason
I will support the Carey amendment.

Mr. O'Brien. Will the gentleman yield?

Mr. Morris. I thank the gentleman from Pennsylvania and yield to my friend from New York.

Mr. O'Brien. I might say to the gentleman from Pennsylvania his views coincide with mine. I would also like to point out the possibility of including the Robert Moses State Park is not one that has to be dealt with here now. I would think, after this project was underway, that consideration at some later date could be had in conference with the State and with the people in the area, and that this committee, who never regards its work as completely finished, would give sympathetic consideration to extension of the park at some future date to include the Robert Moses State Park. But that time is not now, with about 30 minutes standing between us and either getting a park or not.

Mr. Morris. I thank the gentleman.

Mr. Chairman, if there are no further questions, I yield back the balance of my time.

Mr. Kyl. Mr. Chairman?

The Chairman. The gentleman from Iowa.

Mr. Kyl. I move to strike the requisite number of words.

The Chairman. The gentleman is recognized for five minutes.

Mr. Kyl. I would like to dispose of this matter, too, but
I am very much disturbed by the attitude of some members of the committee this morning who, instead of trying to present a firm conclusion of this committee to the Floor, now say we can work out something in conference. This is not the way this committee has operated in the past, and I think it should be understood that the action we take here is the best judgment we can provide, and that is the attitude of the committee which will go to the Floor and which will guide us if we go to conference.

Mr. O'Brien. Will the gentleman yield?

Mr. Kyl. Certainly.

Mr. O'Brien. I think the gentleman is absolutely correct in his statement, and perhaps I misspoke myself.

As far as I am concerned, in view of all the circumstances, my best judgment would be at this time to take the Carey boundary. I referred to some possible change because the other body has its own ideas and views, but I would be very happy to support here or any other place the Carey boundary, because it is acceptable to Mr. Pike, the author of the bill, and he is aware of conditions in the area, and Mr. Carey resides not too far from the area, and I am 150 miles up the river and trying to keep peace.

Mr. Kyl. Of course the gentleman is absolutely correct when he says we cannot determine what the other body will do.

The second thing that concerns me is this: There is
still language in the bill relative to purchasing lands from state and local subdivisions. I don't know exactly what is contemplated or what can be contemplated. We have talked about the inclusion of the Robert Moses State Park. There is another little State park there, too. Does anyone on the committee have any information which would lead us to believe that the State or local subdivision would actually charge the Federal Government for land which would be included in the seashore area now or in the future?

Mr. Morris. Will the gentleman yield?

Mr. Kyl. Yes.

Mr. Morris. We have no testimony to the effect that they would, nor do we have any that they would not. We don't know. We have no commitment from them.

Mr. Kyl. But we commit ourselves in this bill.

Mr. Morris. We commit ourselves to the establishment of the Fire Island National Seashore.

Mr. Kyl. In the language we also commit ourselves to a possibility that we will purchase this land. I think that exception which is included in here should be clarified, for the simple reason that, if the State and political subdivisions involved are interested in having this seashore area, they should be willing, certainly, to make their contribution, as the Federal Government is doing and all of the taxpayers in the United States are doing.
Mr. O'Brien. Will the gentleman yield?

Mr. Kyl. Yes.

Mr. O'Brien. Of course I have no information as to what any State administration might do at any given time, but I would think that, if the State of New York felt the State park should be included, there would be a most reasonable approach by the State.

I think the State in this area is interested only in providing park facilities and not in enriching the State coffers at the expense of the Federal Government, because we will be dealing here solely with park facilities. And when the time comes, if it does come, for the inclusion of the State parks in the national park, I am fully confident, no matter what administration might be in control in Albany, there will be a most reasonable approach.

Mr. Kyl. Of course, the gentleman realizes, too, he eliminates his trouble if we adhere to the position he has taken, because, if we accept the Carey boundary, there will be no State park within the area of the park.

Mr. O'Brien. If the gentleman will yield, I am aware of that, and that is one of the reasons I think it might be desirable to go along with the Carey boundary.

Mr. Kyl. I thank the gentleman and yield back the balance of my time.

The Chairman. The Chair recognizes the gentleman from New
Mr. O'Brien, Mr. Chairman, page 2, line 3, strike out all of subsection (b) and insert in lieu thereof:

"(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of 1000 feet in the Atlantic Ocean and up to 4000 feet in Great South Bay and Moriches Bay, all as delineated on a map identified as "Fire Island National Seashore No. OGP-0002", dated June, 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior."

The Chairman. Does the gentleman desire any further time to explain the amendment?

Mr. O'Brien. I think I will stand on my previous explanation, Mr. Chairman.

The Chairman. The Chair recognizes the gentleman from
Mr. Udall. Mr. Chairman, I don't believe that I have a substitute to offer.

May I say, in explanation, I have been contacted by some representatives from New York, some citizens here this morning, and they had presented an amendment for my consideration.

I am a little loath and reluctant, in view of the intense interest of my colleagues, Mr. Carey and Mr. O'Brien, to intrude myself into this discussion. I think the suggestion that has been made, and the discussion that has been had this morning have resolved my own feelings on this matter, and I am anxious to get a bill out, and I think in light of all of this I will not offer any substitute.

Mr. Morris. Will the gentleman yield?

Mr. Udall. Yes.

Mr. Morris. The gentleman is showing his usual wisdom.

The Chairman. Unless there is an objection, the Carey amendment will be approved.

Hearing no objection, it is so ordered.

The Chair recognizes the gentleman from New Mexico to present subcommittee amendment number 1 on page 3.

Mr. Morris. On page 3, line 5 of Committee Print No. 27, amendment number 1 is to strike out the words "a political subdivision thereof" and insert in lieu thereof the following: "... any other political subdivision of said
Mr. Chairman, I think it is self-explanatory. It is a technical amendment.

The Chairman. Unless there is an objection, subcommittee amendment number 1, a clarifying amendment, will be approved. Hearing no objection, it is so ordered.

Let the record show we are proceeding to the mark-up of H.R. 7107 from Committee Print No. 27.

The Chair recognizes the gentleman from New Mexico, Mr. Morris, to present subcommittee amendment number 2 appearing on page 4.

Mr. Morris. Subcommittee amendment 2, line 14, page 4, insert between "therein" and "without the following language:"

"...within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach."

The Chairman. The gentleman is recognized for five minutes in support of the subcommittee amendment.

Mr. Morris. Mr. Chairman, I would like counsel to explain subcommittee amendment 2.

Mr. Witmer: On the map which is before you, OGP-0002, there are set out and identified a number of, perhaps a dozen...
small communities, mostly, I believe, unincorporated, which, however, are fairly intensely settled areas. The purpose of this is to provide that those lands shall not be subject to condemnation so long as they conform to approved zoning ordinances. In that respect, except for the fact they are unincorporated areas, it is quite similar to the provision written into Cape Cod.

The Chairman. Unless there is an objection, subcommittee amendment number 2 will be approved.

Hearing no objection, it is so ordered.

Unless there is an objection, subcommittee amendment number 3, page 4, line 21, to strike the word "bylaw" and insert the word "ordinance", and subcommittee amendment number 4, which appears on line 24, to strike the word "laws" and insert the word "ordinances", purely clarifying amendments, will be approved.

Hearing no objection, it is so ordered.

The Chair recognizes the gentleman from New Mexico to present subcommittee amendment number 5 on page 5.

Mr. Morris. Mr. Chairman, page 5, line 11, subcommittee amendment number 5, to insert the words "or a greater" between "same" and "estate".

The Chairman. The gentleman is recognized for five minutes in support of the subcommittee amendment.

Mr. Morris. Mr. Chairman, I would like counsel to
clarify this, because it is a technical amendment involving inheritance and how much interest a certain person has in estate.

Mr. Witmer. Mr. Chairman, estate may be held, of course, in New York, as in most of the other States, fee simple, life estate, an estate for years. The purpose of this is to allow those who have a greater estate than a life estate to elect to retain a life estate. Without this language it would be unclear, and it might be taken very literally, however, to mean that it was only a life estate holder who could elect a life estate.

The Chairman. Unless there is an objection, the amendment will be approved.

Hearing no objection, it is so ordered.

Unless there is an objection, subcommittee amendment number 6, page 5, line 19, to strike the word "single" and insert in lieu thereof the word "one", purely a technical amendment, will be approved.

Hearing no objection, it is so ordered.

The Chair recognizes the gentleman from New Mexico to present subcommittee amendment 7 at the bottom of page 5.

Mr. Morris. Page 5, line 25, between the words "actuarial" and "value" insert "fair market".

The Chairman. The gentleman is recognized for five minutes in support of the subcommittee amendment.
Mr. Morris. Mr. Chairman, this is an amendment just to make sure that this is only actuarial fair market value of the life estate of the person involved.

The Chairman. Unless there is an objection, the amendment will be approved.

Hearing no objection, it is so ordered.

The Chair recognizes the gentleman from New Mexico to present subcommittee amendment number 8 at the top of page 6.

Mr. Morris. Subcommittee amendment number 8, page 6, line 1, strike the semicolon and add a comma and insert the following: "determined on the basis of standard actuarial records."

Mr. Chairman, this is to make sure actuarial value is determined by the standard methods that have been followed in other evaluations.

The Chairman. Unless there is an objection, subcommittee amendment number 8 will be approved.

Hearing no objection, it is so ordered.

Unless there is an objection, subcommittee amendments numbered 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 will be considered en bloc, all of which strike the word "bylaw" and insert the word "ordinance".

Hearing no objection, it is so ordered.

Unless there is an objection, the amendments will be approved.

Hearing no objection, it is so ordered.
The next subcommittee amendment is on page 9, line 15, and the Chair recognizes the gentleman from New Mexico to present subcommittee amendment number 19.

Mr. Morris. Page 9, line 15, after the word "property" insert "or moneys".

Mr. Chairman, this just enables the Secretary to accept donations for the purpose of carrying out this act in both money and property, personal property and real property.

The Chairman. Unless there is an objection, the amendment will be approved.

Hearing no objection, it is so ordered.

The Chair recognizes the gentleman from New Mexico to present amendments 20 and 21.

Mr. Morris. Mr. Chairman, on page 9, line 19, strike out "superb and fragile" and on line 20, strike out "to this end, the", and insert the word "The" as the beginning of a new sentence.

The Chairman. Unless there is an objection, the amendment will be considered en bloc.

Hearing no objection, it is so ordered, and the Chair recognizes the gentleman from New Mexico for an explanation of the amendments.

Mr. Morris. The subcommittee felt this was extraneous language in the bill and not necessary at all.

The Chairman. Unless there is an objection, these amendments will be approved.
Hearing no objection, it is so ordered.

The Chair now recognizes his friend from Arizona, if he wishes to be recognized.

Mr. Udall. Mr. Chairman, I would ask recognition only to ask the gentleman from New York and the gentleman from New Mexico about a question that has bothered me and was raised by the residents of this area who were here today.

The question is whether the language in this section 7 really goes far enough to preserve this area of the Sunken Forest, which apparently is a very delightful and special area. Apparently this area, the Sunken Forest itself, is inland and does not front on the water on either side, and the suggestion was made that on page 9, line 21, after the word "preserved" the words "from bay to ocean" should be added so that this entire area from one water to the other water, including the Sunken Forest, would be clearly contemplated as being preserved so that the entire area would be kept in its natural state.

I would defer to the gentleman from New York as to whether that amendment would strengthen the bill or is needed.

Mr. O'Brien. I don't think it would do any harm. It is a very unique and beautiful area, and I think it would be ridiculous to preserve a part of the area only when we could preserve it all with the language suggested by the gentleman from Arizona. I would think it would be perfectly all right.
Mr. Morris. Will the gentleman yield?

Mr. Udall. I yield to the gentleman from New Mexico.

Mr. Morris. I would have no objection to the language the gentleman has. It is certainly the intention of the sub-committee, I think, and as a matter of fact I know, because we specifically mentioned it in the hearings, to preserve the Sunken Forest area. If the gentleman thinks this language is necessary to do it, let's put it in there, if the gentleman will offer it.

Mr. Udall. In the light of this discussion, Mr. Chairman, I do offer the amendment on page 9, line 21, after the word "preserved" to add the words "from bay to ocean".

The Chairman. And if I understand correctly, you would add the word "preserve" after the word "forest" on the same line?

Mr. Udall. That is correct.

The Chairman. Unless there is an objection, the amendments will be considered en bloc.

Hearing no objection, it is so ordered.

Unless there is an objection, the amendments will be approved.

Hearing no objection, it is so ordered.

The Chair recognizes the gentleman from New Mexico to present amendment number 22.

Mr. Morris. Mr. Chairman, on page 10, line 3, strike the
words "the beauty and tranquility of".

The Chairman. The gentleman is recognized for five minutes
to explain the amendment.

Mr. Morris. The subcommittee felt this was extraneous
language and not necessary for the purposes of the Act.

The Chairman. Unless there is an objection, the sub-
committee amendment will be approved.

Hearing no objection, it is so ordered.

The Chair recognizes the gentleman from New Mexico to
present the next subcommittee amendment, amendment number 23.

Mr. Morris. On page 10, line 12, strike out the word
"unique".

Mr. Chairman, all flora and fauna is unique and the
subcommittee did not feel this word "unique" was necessary
for carrying out the purposes of this Act.

The Chairman. The Chair recognizes the gentleman from
Arizona, if he wishes recognition.

Mr. Udall. I strike the last word only to comment that
another amendment suggested here would re-write subsection
(b). I have studied it rather carefully, and in light of the
amendment stated by counsel in the new description of the
boundaries, the so-called Carey amendment as revised by Mr.
Witmer, I think that this is covered. However, if the
gentleman from New York thinks that the amendment has any merit,
I might propose it.
Mr. Saylor. Will the gentleman yield?

Mr. Udall. I yield.

Mr. Saylor. I would say to my colleague from Arizona that amendment number 5, the recommended amendment, is not included in the Carey amendment. This would re-write subsection (b) of section 7 of the bill.

Mr. Udall. The main thrust of the re-write, if my friend will pardon me for saying so, I thought was the last sentence which says: "In addition, the waters, submerged lands, islands, marshes and wet lands included in the seashore shall be protected as essential habitat areas for the marine and wild fowl populations dependent upon them."

That follows some other things in the proposed amendment. I thought it was the major change and that the intent of the new boundary description rather clearly takes in those matters. Apparently I am in error, as is usual this morning.

Mr. Saylor. Mr. Chairman, for the purpose of the record, I will offer the substitute amendment: on page 10, strike subsection (b) and substitute in place thereof the following: "(b) Access to the National Seashore shall be provided by existing bridges, and by ferries and foot paths only, and no roads shall be constructed except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora
and fauna or the physiographic conditions now prevailing, and
every effort shall be exerted to maintain and preserve the
seashore in as nearly its present state and condition as pos-
sible. In addition, the waters, submerged lands, islands,
marshes and wet lands included in the seashore shall be
protected as essential habitat areas for the marine and wild
fowl populations dependent upon them."

The Chairman. The gentleman is recognized for five
minutes to explain the amendment.

Mr. Saylor. This has substantially the same intent as
included in section (b) as the committee drafted it, except
that it will make sure that the submerged lands and the waters
adjacent to the seashore shall be protected as essential
habitat for marine and wild fowl populations.

Mr. Udall. Will the gentleman yield?

Mr. Saylor. Yes.

Mr. Udall. I will support the amendment.

Mr. Duncan. Will the gentleman yield?

Mr. Saylor. Yes.

Mr. Duncan. I think the proposal limits an additional
access to any point on the seashore, whereas the language in
the bill, on page 10, limits it to only that between Ocean
Ridge and the Smith Point County Park. It seems to me con-
ceivably you would want additional access at some points other
than these particularly valuable sectors between Ocean Ridge
and Smith Point County Park.

The first line of the amendment you read says the whole seashore. I would think, without really knowing, that that might be undesirable, to so limit ourselves as you might want access at other parts of the island.

Mr. Marsh. Will the gentleman yield?

Mr. Saylor. Yes.

Mr. Marsh. I think Mr. Duncan's point is well taken, because this would preclude by law access to this portion of the national seashore by roads from the other portions adjoining the State park.

Mr. O'Brien. Will the gentleman yield?

Mr. Saylor. Yes.

Mr. O'Brien. I had intended, after the committee amendment was completed, to offer an amendment to strike "Ocean Ridge and the " and insert in lieu thereof: "The easterly boundary of the Brookhaven Town Park and Davis Park and the westerly boundary of the".

I think that might solve the problem. It is page 10, line 6. And also page 5, line 1.

The Chairman. Off the record.

(Discussion off the record)

Mr. Morris. Will the gentleman yield?

Mr. Saylor. Yes.

Mr. Morris. I would say to the gentleman from Pennsylvania
it is getting close to the time --

Mr. Saylor. Of decision.

The Chairman. We have plenty of time. The Chair is going to call the full committee into session for next Tuesday, and work can be started on the report immediately, as far as that is concerned, because there is no desire, as I understand it, to oppose this legislation in this committee.

Mr. Morris. And no desire to have any controversy about it.

The Chairman. I think what we should do is be pretty sure of such a section as this.

Mr. Morris. Could I ask the gentleman from Pennsylvania where he got this amendment he is talking about? As the chairman of the subcommittee, I have never seen these things until right now. They were not mentioned in the subcommittee. I would just like to know where it came from, that is all.

Mr. Saylor. I would say to my colleague the suggested amendment was handed to me by the citizens committee who are interested in the establishment of this park. I never saw them until they came here today.

Mr. Morris. The citizens committee was heard, as I recall, in the hearing before the subcommittee.

The Chairman. And they did not offer any suggestion such as this?

Mr. Morris. I don't recall. I can't say they did not,
but I don't recall specific amendments that they offered such as this.

Mr. Kyl. Mr. Chairman, I move to strike the requisite number of words.

Mr. Morris. Counsel informs me they did offer essentially this language in their testimony.

The Chairman. The gentleman from Iowa.

Mr. Kyl. I simply want to oppose this amendment for several reasons: one, because of the fact that I think the language in the bill is sufficiently clear to give the protection desired. And I point out further, that we are naming this area a seashore to differentiate from the national park because some of the use contemplated is different from that of a national park, plus the fact that we get a little unreasonable with ourselves when we say that, "no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing."

The Park Service, who administers this area, are going to do as good a job as possible. But, as a matter of cold hard fact, anything in the way of a visitor convenience that is erected -- and they are going to have to have some -- is going to be a detraction from the physiographic features, and they are going to have to destroy a few plants and perhaps even chase a
rabit or something down the island a ways to build a building to take care of the visitors.

We can get a little bit foolish about some of these problems. I think we should trust the administrator of this area to do the job properly without all this language.

The Chairman. The time has expired. I think this is a good place for us to stop our consideration this morning, and that we should consider what is presently before us.

The full committee will be in session Tuesday next at nine-forty-five. The committee stands adjourned.

(Whereupon, at 11:45 o'clock a.m. the committee adjourned, to reconvene at 9:45 o'clock a.m. the following Tuesday, July 28, 1964.)
H. R. 7107,

To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

Tuesday, July 28, 1964

House of Representatives,
Committee on Interior and Insular Affairs,
Washington, D. C.

The Committee met, pursuant to notice, in the Committee Room, Longworth House Office Building, at 10:00 a.m., the Honorable Wayne M. Aspinall (Chairman) presiding.

The Chairman. The Committee on Interior and Insular Affairs will now be in session for the business that is regularly scheduled to come before it. At the last meeting of the Committee we were considering the markup of H.R. 7107, Fire Island legislation.

(H.R. 7107, with attachments, follows:)

...
A BILL

To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to...
establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from the easterly boundary of Fire Island State Park eastward to the westerly boundary of the Moriches Inlet County Park, and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore. The boundaries are delineated on a map identified as "Fire Island National Seashore No. OGP-0001." The Secretary shall file the map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands,

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1 This park is now officially known as the Robert Moses State Park.
2 Mr. Carey proposes to strike out "the westerly boundary of the Moriches Inlet County Park" and to insert "Moriches Inlet."
waters, and other property, and improvements thereon and
any interest therein, within the boundaries of the seashore
as established under section 1 of this Act. Any property or
interest therein owned by the State of New York, by Suffolk
County, or by any other political subdivision thereof may be acquired only with
the concurrence of such owner. Notwithstanding any other
provision of law, any Federal property located within
such area may, with the concurrence of the agency
having custody thereof, be transferred without consider-
ation to the administrative jurisdiction of the Secre-
ty for use by him in carrying out the provisions
of this Act. In exercising his authority to acquire property
in accordance with the provisions of this subsection, the Sec-
retary may enter into contracts requiring the expenditure,
when appropriated, of funds authorized by this Act, but the
liability of the United States under any such contract shall
be contingent on the appropriation of funds sufficient to fulfill
the obligations thereby incurred.

(b) When the Secretary determines that lands and
waters or interests therein have been acquired by the United
States in sufficient quantity to provide an administrable unit,
he shall declare the establishment of the Fire Island National
Seashore by publication of notice in the Federal Register.
(c) The Secretary shall pay not more than the fair market value, as determined by him, for any land or interest therein acquired by purchase.

(d) When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and convey to the grantor any federally owned land under the jurisdiction of the Secretary. The lands so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to the grantor in order to equalize the values of the lands exchanged.

(e) With one exception the Secretary shall not acquire any privately owned improved property or interests therein within the boundaries of the seashore or any property or interests therein within the communities delineated on the boundary map mentioned in section 1, except beach or waters and adjoining land within such communities which the Secretary determines are needed for public access to the beach, without the consent of the owners so long as the appropriate local zoning agency shall have in force and applicable to such property a duly adopted, valid, zoning [3] bylaw ordinance that is satisfactory to the Secretary. The sole exception to this limitation on the power of the Secretary to condemn improved property where appropriate zoning [4] laws ordinances exist shall be in the approximately eight-mile area
from Ocean Ridge, in the town of Brookhaven, to the west-
erly boundary of the Smith Point County Park. In this
area only, when the Secretary deems it advisable for carry-
ing out the purposes of this Act or to improve the contiguity
of the park land and ease its administration, the Secretary
may acquire any land or improvements therein by condem-
nation. In every case in which the Secretary exercises this
right of condemnation of improved property the beneficial
owner or owners (not being a corporation) of any improved
property so condemned, provided he, she, or they held the
same [5] or a greater estate in the property on July 1, 1963, may elect as a condition of such acquisition by the
Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property
in fee simple absolute and pay the fair market value
thereof as of the date of such taking;

(2) that the owner or owners shall retain a life
estate in said property, measured on the life of the sole
owner or on the life of any [6] single one person among
multiple owners (notice of the person so designated to
be filed in writing with the Secretary within six months
after the taking) or on the life of the survivor in title of
any estate held on July 1, 1963, as a tenancy by the en-
tirety. The price in such case shall be diminished by the
[7] actuarial fair market value of the life estate re-
tained \[8\]; determined on the basis of standard actuarial methods;

(3) that the owner or owners shall retain an estate for twenty-five years. The price in this case shall likewise be diminished by the value of the estate retained;

(f) The term “improved property” as used in this Act shall mean any building, the construction of which was begun before July 1, 1903, and such amount of land, not in excess of two acres in the case of a residence or ten acres in the case of a commercial or industrial use, on which the building is situated as the Secretary considers reasonably necessary to the use of the building: Provided, That the Secretary may exclude from improved properties any beach or waters, together with so much of the land adjoining such beach or waters as he deems necessary for public access thereto.

Sec. 3. (a) In order to carry out the provisions of section 2, the Secretary shall issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning \[9\] by-laws ordinances which must meet his approval.

(b) The standards specified in such regulations shall have the object of (1) prohibiting new commercial or industrial uses, other than commercial or industrial uses which the Secretary considers are consistent with the purposes of
this Act, of all property within the national seashore, and
(2) promoting the protection and development for pur-
poses of this Act of the land within the national seashore by
means of acreage, frontage, and setback requirements.
(c) Following issuance of such regulations the Secre-
tary shall approve any zoning [10]bylaw ordinance or any
amendment to any approved zoning [11]bylaw ordinance
submitted to him that conforms to the standards contained in
the regulations in effect at the time of adoption of the [12]
bylaw ordinance or amendment. Such approval shall remain
effective for so long as such [13]bylaw ordinance or amend-
ment remains in effect as approved.
(d) No zoning [14]bylaw ordinance or amendment
thereof shall be approved by the Secretary which (1) con-
tains any provisions that he considers adverse to the protec-
tion and development, in accordance with the purposes of this
Act, of the area comprising the national seashore; or (2)
fails to have the effect of providing that the Secretary shall
receive notice of any variance granted under, or any except-
tion made to, the application of such [15]bylaw ordinance
or amendment.
(e) If any improved property, with respect to which
the Secretary's authority to acquire by condemnation has
been suspended according to the provisions of this Act, is
made the subject of a variance under, or becomes for any
reason an exception to, such zoning [16]by-law ordinance,
or is subject to any variance, exception, or use that fails to
conform to any applicable standard contained in regulations
of the Secretary issued pursuant to this section and in effect
at the time of passage of such [17]by-law ordinance, the
suspension of the Secretary's authority to acquire such im-
proved property by condemnation shall automatically cease.
(f) The Secretary shall furnish to any party in interest
upon request a certificate indicating the property with respect
to which the Secretary's authority to acquire by condem-
nation is suspended.
Sec. 4. (a) Owners of improved property acquired by
the Secretary may reserve for themselves and their successors
or assigns a right of use and occupancy of the improved
property for noncommercial residential purposes for a term
that is not more than twenty-five years. The value of the
reserved right shall be deducted from the fair market value
paid for the property.
(b) A right of use and occupancy reserved pursuant to
this section shall be subject to termination by the Secretary
upon his determination that the use and occupancy is not
consistent with an applicable zoning [18]by-law ordinance
approved by the Secretary in accordance with the provisions
of section 3 of this Act, and upon tender to the owner of the
right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

Sec. 5. The Secretary shall permit hunting, fishing, and shellfishing on lands and waters under his administrative jurisdiction within the Fire Island National Seashore in accordance with the laws of New York and the United States of America, except that the Secretary may designate zones where, and establish periods when, no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Any regulations of the Secretary under this section shall be issued after consultation with the Conservation Department of the State of New York.

Sec. 6. The Secretary may accept and use for purposes of this Act any real or personal property or moneys that may be donated for such purposes.

Sec. 7. (a) The Secretary shall administer and protect the Fire Island National Seashore with the primary aim of conserving the superb and fragile natural resources located there. To this end, the area known as the Sunken Forest shall be preserved in as nearly its present state as possible, without developing roads therein, but continuing the present access by those trails already existing.
and limiting new access to similar trails limited in number to those necessary to allow visitors to explore and appreciate the beauty and tranquility of this section of the seashore.

(b) Access to that section of the seashore lying between Ocean Ridge and the Smith Point County Park shall be provided by ferries and footpaths only, and no roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance vehicles. No development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the unique flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the seashore as well as that set forth in the preceding paragraph in as nearly their present state and condition as possible.

(c) In administering, protecting, and developing the entire Fire Island National Seashore, the Secretary shall be guided by the provisions of this Act and the applicable provisions of the laws relating to the national park system, and the Secretary may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of this Act. Appropriate user fees may
be collected notwithstanding any limitation on such authority
by any provision of law.

Sec. 8. (a) The Secretary shall undertake and
contribute to such shore erosion control and/or beach pro-
tection measures on lands within the Fire Island National
Seashore as shall have been developed by the Corps of En-
gineers, Department of the Army, and approved by Con-
gress, provided such measures are consistent with the
purposes of this Act.

Sec. 8. (a) The authority of the Chief of Engineers,
Department of the Army, to undertake or contribute to shore
erosion control or beach protection measures on lands within
the Fire Island National Seashore shall be exercised in ac-
cordance with a plan that is mutually acceptable to the Sec-
cretary of the Interior and the Secretary of the Army and
that is consistent with the purposes of this Act.

(b) The Secretary shall also contribute the necessary
land which may be required at any future date for the con-
struction of any one new inlet across Fire Island in
the Patchogue West Sayville area, provided plans for
such an inlet have been developed by the Corps of Engi-
near, Department of the Army, and approved by Congress
such location as may be feasible in accordance with plans for
such an inlet which are mutually acceptable to the Secretary
of the Interior and the Secretary of the Army and that is
consistent with the purposes of this Act.

Sec. 9. (a) There is hereby established a Fire Island
National Seashore Advisory Commission (herein referred to as the Commission) consisting. The Commission shall terminate on the tenth anniversary of the date
of this Act or on the declaration, pursuant to section 2(b)
of this Act, of the establishment of the Fire Island National
Seashore, whichever occurs first. The Commission shall
consist of fifteen members, each appointed for a term of two
years by the Secretary, as follows:

(1) Ten members to be appointed from recommenda-
tions made by each of the town boards of Suffolk County,
New York, one member from the recommendations made by
each such board;

(2) Two additional members to be appointed from rec-
ommendations of the town boards of the towns of Islip and
Brookhaven, Suffolk County, New York;

(3) One member to be appointed from the recom-
mandation of the Governor of the State of New York;

(4) One member to be appointed from the recom-
mandation of the county executive of Suffolk County, New
York;

(5) One member to be designated by the Secretary.
(b) The Secretary shall designate one member to be Chairman.

(c) A member of the Commission shall serve without compensation ([28] as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman.

(d) The Commission established by this section shall act and advise by affirmative vote of a majority of the members thereof.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of Fire Island National Seashore and shall consult with the members with respect to carrying out the provisions of sections 2, 3, and 4 of this Act.

[29] (f) No permit for the commercial or industrial use of property located within the national seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary within the national seashore, without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought.

[30](g) (1) Any member of the Advisory Commission
appointed under this Act shall be exempted, with respect to
such appointment, from the operation of sections 281, 283,
284, and 1914 of title 18 of the United States Code and
section 190 of the Revised Statutes (5 U.S.C. 99) except as
otherwise specified in paragraph (2) of this subsection.
(2) The exemption granted by paragraph (1) of this
subsection shall not extend—
(i) to the receipt of payment of salary in connection
with the appointee's Government service from any
sources other than the private employer of the appointee
at the time of his appointment; or
(ii) during the period of such appointment, and
the further period of two years after the termination
thereof, to the prosecution or participation in the prose-
cution, by any person so appointed, of any claim against
the Government involving any matter concerning which
the appointee had any responsibility arising out of his
appointment during the period of such appointment.

SEC. 10. [31] There are authorized to be appropriated
such sums of money as may be necessary for carrying out the
purposes of this Act. There is hereby authorized to be appro-
priated not more than $16,000,000 for the acquisition of
lands and interests in land pursuant to this Act.
A BILL

To provide for the establishment of Fire Island National Seashore, in the State of New York, and for other purposes.

By Mr. Pex

Referred to the Committee on Interior and Insular Affairs

H. R. 7107

89th CONGRESS
2d Session

[COMMITTEE PRINT NO. 27]

July 2, 1961
MEMORANDUM TO: Members of the Subcommittee on National Parks  
FROM: T. Richard Witmer, Committee Counsel  

Chairman Morris has asked me to send you the attached map of the proposed Fire Island National Seashore, showing three of the various boundaries for this area which have been proposed in the course of the Subcommittee's discussions.

These are:

(1) The "Pike boundary" which was tentatively adopted by the Subcommittee as it reported the bill to the Full Committee. If this boundary is adopted without further amendment, the Fire Island National Seashore will include about 4300 acres and will have a length on the Atlantic Ocean side of about 25 miles. The "Pike boundary" also includes (though this is not clear on the map) West and Sexton Islands. It does not include any water area.

(2) The "Carey boundary" which is the same as the "Pike boundary" except that the eastern boundary line is moved to Moriches Inlet. This extension would add about one mile of shoreline and about 170 acres to the Pike area.

(3) The boundary recommended by the Interior Department would take the eastern boundary to the Brookhaven-Southampton town line about 1½ miles beyond the "Carey boundary" and would move the western boundary to the tip of Fire Island. The overall length along the Atlantic side of the island would be 33½ miles and the total area of the National Seashore would be 5700 acres. In addition, there would be included the waters surrounding the island to a distance of 1000 feet on the Atlantic side and up to 4000 feet on the bay side. The Department's proposal, however, does not include West and Sexton Islands.
PROPOSED AMENDMENTS TO H.R. 7107

(Page and line references are to Committee Print #27)

Page 2, line 3: Strike all of subsection (b) and insert in lieu thereof:

"(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wet lands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of 1000 feet in the Atlantic Ocean and up to 4000 feet in Great South Bay and Moriches Bay, all as delineated on a map identified as "Fire Island National Seashore No. OGP-0002", dated June, 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior."

Page 5, line 1: Strike "Ocean Ridge," and insert in lieu thereof:

"the easterly boundary of the Brookhaven town park at Davis Park,"

Page 9, line 21: After "Forest" insert: "Preserve"

Page 10, line 6: Strike "Ocean Ridge and the" and insert in lieu thereof:

"the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the"
The Chairman. Pending as of that time was a motion by Mr. Morris to adopt Subcommittee Amendment No. 23, which appears on page 10, together with a substitute offered by the gentleman from Pennsylvania, Mr. Saylor, to strike everything of section (b) and insert the language which is before each of us on the mimeographed sheet.

In order to bring us up to date, the Subcommittee Amendment would strike superfluous words, but the other amendment, the substitute, goes quite a bit further.

I will recognize the gentleman from Pennsylvania for any further explanation he may wish to make on the substitute motion.

Mr. Saylor. Mr. Chairman, the substitute motion is to make sure that only access can be had to this seashore by ferries and footpaths through the entire area and that there will not be a highway built, as has been suggested by certain individuals in the State of New York.

Mr. O'Brien. Will the gentleman yield?

Mr. Saylor. I yield to the gentleman from New York.

Mr. O'Brien. It is my understanding in my discussion with the gentleman from Pennsylvania that he offered the amendment because there had been some support for it by some people in the area. The gentleman stated very accurately that there is an overwhelming fear of the construction of a huge highway, as favored by Mr. Moses at one time.
I might say to the gentleman that I do not think that will come into being. I do not think it will be permitted under any circumstances that I can foresee.

I am afraid that if the gentleman's amendment prevails, it would be so sweeping, access to the National Seashore, the entire seashore, it would be so limited that we would defeat one of the purposes of this bill, which is to provide an opportunity for a substantial number of people from the metropolitan areas to enjoy this National Seashore Park.

There might have to be reasonable additions to the roads required if that purpose is to be served. I think that the amendment offered by the gentleman from Pennsylvania, in response to the views of some people in that area, would go too far and actually defeat the purpose of this legislation.

The Chairman. If my colleague from Pennsylvania will yield to the Chairman --

Mr. Saylor. I will be glad to yield to the Chairman.

The Chairman. Would my colleague from Pennsylvania be satisfied if we placed in the report that we did not expect and, in fact, we opposed the creation of any superhighway as such but only roads which would be in conformity with service to the area as a seashore would be acceptable to the Committee?

Mr. Saylor. This is correct. I would like to see this placed in the report.

Mr. Chairman, I would be delighted to have it in light of
Recommendation No. 10 of the Secretary of the Interior in his proposal for Fire Island National Seashore, which states as follows:

"Foot trails and bicycle paths be provided as a major means of travel on Fire Island. No road be built the length of Fire Island. Automobile access to the island be restricted to the existing bridgeheads and parking areas at the State and County parks and such additional parking areas as may be developed therein by agreement between the Federal, State, and County governments."

Mr. Haley. Will the gentleman yield?

Mr. Saylor. I yield to the gentleman from Florida.

Mr. Haley. I wonder how you are going to control this. It is my understanding that, regardless of who acquires the upland properties, a State has control of the lands between the high tide and the low tide flowage. I do not think the Federal Government or anyone else can bar a person from doing most anything he wants to, as long as he gets the consent of the State, between high tide and low tide flowage. How does the gentleman overcome that?

The Chairman. I think the answer to that would be that anyone who wanted to drive in the area, in line with the State provision, would be more than likely able to do so, but there would be no major construction of any road in such an area because it would be so subject to destruction by water
that there just would not be any. That is all.

Mr. Carey. Would the gentleman yield?

Mr. Saylor. Yes.

Mr. Carey. The Chairman of the Full Committee made the point I was going to make. It would be especially true in this area where wind and weather are such that no road would survive more than one season unless it were located square in the middle of the area.

Mr. Haley. Will the gentleman yield further?

Mr. Saylor. I yield to the gentleman from Florida.

Mr. Haley. If you have a beach, how are you going to keep people from driving on that beach? You do not have to construct a road. In many places between high tide and low tide there is a distance of several hundred feet; You cannot bar anyone from using that beach. There is no way to do it. We have tried it time and time again in Florida.

I am not opposed to the legislation, do not misunderstand me. I am pointing out something that you are trying to tie down people from going and using this other than bicycles and footpaths. You are just not going to be able to do it, I do not believe.

Mr. Carey. If my colleague will yield further --

Mr. Saylor. Yes.

Mr. Carey. I might observe that Fire Island is no Daytona. The sands are not hard packed, they are just not that
type sand. I do not think you would get anything but a huge flotation vehicle over them.

Mr. Saylor. I might say to my colleague from Florida we are not fortunate enough in the New England States and in this area to have the kind of beaches they have in Florida. If anybody tries to put an automobile on this area, he will end up real deep in sand.

Mr. Haley. We frequently do that in Florida, too.

The Chairman. With that in mind, would my colleague from Pennsylvania then ask --

Mr. Saylor. I ask unanimous consent to withdraw the substitute amendment.

The Chairman. Without objection, it is so ordered. The report will be written accordingly.

Without objection, Amendment No. 23 will be approved. Hearing no objection, it is so ordered.

In the absence of the Chairman of the Subcommittee, Amendment No. 24 will be considered as having been offered by the Chairman of the Full Committee to strike everything in section 8, page 11, line 3, and insert in lieu thereof a new section 8 to read as follows:

"Section 8 (a). The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within the Fire Island National Seashore shall be exercised in
accordance with a plan that is mutually acceptable to the Secretary of the Interior and the Secretary of the Army and that is consistent with the purposes of this Act."

Mr. Witmer, will you please explain the purpose of this amendment?

Mr. Witmer. Yes, Mr. Chairman.

Fire Island has been subject to erosion control and certain work has been authorized there. None has yet, as I understand it, been undertaken by the Corps of Engineers. What this provision of the bill would do is simply say such work as is undertaken shall be consistent with the existence of the new National Seashore and shall, therefore, be subject to mutual agreement between the Secretary of the Army and the Secretary of the Interior.

Mr. Kyl. Will the gentleman yield?

Mr. Chairman. The gentleman is recognized for five minutes.

Mr. Kyl. It will not take five minutes, Mr. Chairman.
I simply want to ask counsel to clarify this point. As I remember the authorization for that previous work, it was primarily for the protection of private property and, therefore, the purpose of the protection would be somewhat altered by this bill, would it not?

Mr. Witmer. I think the answer is yes and no. You will notice most of the private property concerned is in the western
half of the island. I would not expect that there would be very much change in that work. But such work as is carried out in the eastern half, which is also covered by the authorization, would have to be consistent with the existence of the seashore and its purposes.

Mr. Kyl. Actually, this language in the bill would simply be a clarification of the instructions to the Corps in view of the fact we have changed the status of the area?

Mr. Witmer. That is the way I read it; yes, sir.

Mr. Kyl. I yield back the balance of my time.

The Chairman. Without objection, the amendment is approved. Hearing no objection, it is so ordered.

Next order of business will be consideration of Amendments No. 23 and 26. Unless there is objection, they will be considered en bloc. Hearing no objection, it is so ordered.

Without objection, they will be considered as having been offered.

Page 11, line 19, strike the word "any" and insert in lieu thereof the word "one". After the word "in" in the same line, strike the following: "the Patchogue West Sayville area, provided plans for such an inlet have been developed by the Corps of Engineers, Department of the Army, and approved by Congress" and insert in lieu thereof "such location as may be feasible in accordance with plans for such an inlet which are mutually acceptable to the Secretary of the Interior and
the Secretary of the Army and that is consistent with the purposes of this Act."

Mr. Witmer, will you please explain this.

Mr. Witmer. Mr. Chairman, this provides that there will be one and only one unit, as proposed by Mr. Kyl, I believe, and, second, to strike out any specific referenced location so that the plans may be developed as necessity arises. Again, as in the preceding paragraph, whatever plans there are will be approved both by the Secretary of the Interior and by the Secretary of the Army.

The Chairman. Are there any questions on this amendment?

Mr. Saylor. Mr. Chairman.

The Chairman. The gentleman is recognized for five minutes.

Mr. Saylor. Do you have an explanation as to why the approval of Congress was taken out of this Act?

Mr. Witmer. Plans have already been approved by Congress in a general way for the Corps of Engineers to proceed with this work.

The Chairman. Without objection, the two amendments will be approved. Hearing no objection, it is so ordered.

The next amendment is on page 12, Amendment No. 27, line 5. After the parenthetical, strike the comma and the word "consisting" and insert after the period "The Commission shall terminate on the tenth anniversary of the date of this Act or on the
declaration, pursuant to section 2(b) of this Act, of the establishment of the Fire Island National Seashore, whichever occurs first. The Commission shall consist...."

Without objection, the amendment will be considered as having been offered.

Mr. Witmer, will you explain the purpose of this amendment.

Mr. Witmer. Yes, Mr. Chairman.

The Subcommittee got into considerable discussion on the value of Commissions as such and, second, whether they should go on forever. As the bill was introduced, this would have been a permanent Commission.

What the amendment does is to say that it shall have a life of not more than ten years from the enactment of this Act or until the Secretary under 2(b) has acquired sufficient lands to declare it an administrable unit as such, and it shall then cease to exist.

The Chairman. Are there any questions? The gentleman from Florida is recognized for five minutes.

Mr. Haley. I am just wondering. Is this a national park or is this a park belonging to the State of New York and some towns in it? It would seem to me you have given the Secretary very little representation on this Board.

Mr. O'Brien. Will the gentleman yield?

Mr. Haley. Yes.
Mr. O'Brien. It is true that the Secretary has very little representation on the Board, but the language is so prepared that the Commission is limited strictly to advice. We did set up a similar Commission on Cape Cod. The idea of this amendment we have before us now is the theory that the Commission may serve as a sort of advisory midwife but not a perpetual guardian of the seashore.

Mr. Haley. Do I understand that this Board will be out of existence in ten years?

Mr. O'Brien. Yes, maybe sooner.

Mr. Kyl. Will the gentleman yield?

Mr. Haley. I yield to the gentleman from New York.

Mr. O'Brien. It will be out of existence not later than ten years or perhaps sooner. I would think it would be sooner. It is strictly advisory. There are some local problems upon which I think the advice of these people would be helpful to the Secretary and others.

Mr. Haley. Now I yield to the gentleman.

Mr. Kyl. Actually, there was considerable sentiment in the Subcommittee to remove the Commission entirely from the bill. What we have here is a compromise. These people will serve without compensation in a purely advisory capacity for a limited time. The language is definitely a compromise between having no Commission and having the Commission the way it was originally suggested.
Mr. Haley. This Board has no authority and its functions are limited. I see no reason to set up a Board, myself.

3:30 a.m.
Mr. Kyl. That is my opinion too. This language is a concession to those people in the area who felt they had to have something to say about the park's development.

Mr. Haley. The people who are paying for the development are the ones who should have something to say about how the park is developed. Who is paying for it?

Mr. Kyl. The gentleman's question is rhetorical. The Federal Government is paying for it.

Mr. Haley. Then I think they should have representation on the board or it should not be set up.

Mr. O'Brien. Will the gentleman yield?

Mr. Haley. Yes.

Mr. O'Brien. I think the sole purpose of the board is to offer such advice as may be helpful to the Federal Government and the Federal Government may, if it wishes, ignore such suggestions. The board is merely a forum for community sentiment and things of that kind with no real authority. I can see instances where it would be valuable to the Federal Government to have advice from such a board because despite the authority given the Federal Government in this bill there is a desire, I think, to consider local feelings on certain minor problems that crop up.

The Chairman. If the gentleman from Florida will yield
to me, as I understand the purpose of the board it is simply to take care of any problems that might arise so that good will might continue between the local interests and the Federal Government. If I were the Secretary I think I would welcome such a board.

Any further discussion?

Mr. Rogers. Mr. Chairman, could I be recognized?

The Chairman. The gentleman from Texas is recognized for five minutes.

Mr. Rogers. Would the creation of such a board, although serving without compensation, open the door to the Secretary to ask for appropriations for expense money to be used by this board?

Mr. O'Brien. Will the gentleman yield?

Mr. Rogers. I will be happy to.

Mr. O'Brien. We struck out the language that the Secretary is authorized to pay expenses reasonably incurred. We not only provided there would be no compensation, but we struck out the language authorizing the Secretary to pay expenses. So, in my opinion, none could be paid by the Secretary under the language of this bill.

Mr. Rogers. Would it be in order, Mr. Chairman, to suggest that the report contain a statement that providing
no compensation is intended to mean there is not authority to incur any expenses to be borne by the Federal Government because of the actions of this Advisory Commission?

The Chairman. Because of the activities?

Mr. Rogers. Yes.

The Chairman. Because upon the advice of the board some actions might be taken. That is not what you have in mind?

Mr. Rogers. No. In other words, the situation could very well develop where the expense account would be worth more than compensation.

The Chairman. Unless there is objection, the report will contain such a provision.

Hearing no objection, it is so ordered.

Mr. Rogers. The next question I have, Mr. Chairman, is with regard to (1) on page 12, "Ten members to be appointed from recommendations made by each of the town boards of Suffolk County, ..."

Then we come down to (2), "Two additional members to be appointed from recommendations of the town boards of the towns of Islip and Brookhaven, Suffolk County, New York;"

Does that mean those two will have two members on the board and the others will have only one?
Mr. O'Brien. That is right. Off the record.

(Discussion off the record.)

The Chairman. Unless there is objection, the amendment will be agreed to.

Mr. Haley. Mr. Chairman, I do not object but I will oppose Section 9 of this bill.

The Chairman. Which section?

Mr. Haley. Section 9.

The Chairman. Unless there is an objection, the amendment will be agreed to.

Hearing none, it is so ordered.

The next amendment is on page 13, line 17, strike subsection (f), lines 17, 18, 19, 20, 21, 22, and 23, and renumber the following subsection accordingly.

The amendment will be considered as having been offered and the Chair will ask counsel to explain that amendment.

Mr. Witmer. Mr. Chairman, in the bill as introduced the language that is now being stricken was taken from the Cape Cod Act and it was the understanding at that time that the Secretary would affirmatively seek the advice of the advisory board before he undertook any specific developments for recreation or with reference to certain other matters in Cape Cod.
I think it was the feeling of the Subcommittee when the motion to strike was made, first, that the language was ambiguous; and second, I think it was the thought the Secretary could not act unless the advisory board affirmatively authorized him to. I do not say that is correct, but that was the feeling, and that therefore this language should come out.

The Chairman. Any further questions?

Unless there an objection, Subcommittee amendments 29 and 30 will be approved.

Hearing no objection, it is so ordered.

The next amendment is on page 14, line 19, strike lines 19, 20, and 21 and insert in lieu thereof the following language:

"There is hereby authorized to be appropriated not more than $16,000,000 for the acquisition of lands and interests in land pursuant to this Act."

The amendment will be considered as having been offered and the Chair calls on Mr. Witmer to explain that amendment.

Mr. Witmer. The $16,000,000 figure was the Secretary's estimate when he appeared before the Committee of the cost
of land acquisition. Since that time the boundaries of the National Seashore have been altered. Certain land has been omitted and certain other land has been included. I can only guess that the two will about even up the cost.

The Chairman. In the event additional money is necessary they will have to come back to the Congress?

Mr. Witmer. That is correct.

Mr. Haley. Mr. Chairman, may I ask the gentleman some questions?

The Chairman. The gentleman from Florida is recognized.

Mr. Haley. Are there private lands involved?

Mr. Witmer. The entire Island, with the exception of some areas owned by the town, is privately owned. May I add to that that the great bulk in terms of dwelling places are scattered in the western half of the Island and the Secretary, by other provisions of the bill, is forbidden to acquire those areas, except the shore line; by condemnation. There are in the area which is open to acquisition, as I understand it, approximately 110 cabins, some of which, according to the reports we have, are occupied by squatters who have no right to be there in the first place.

Mr. Haley. A squatter has rights if he has been there
for a certain number of years, adverse possession.

Mr. White. Mr. Chairman, I would like to ask some questions with regard to that.

The Chairman. The gentleman is recognized for five minutes.

Mr. White. How many squatters are involved?

Mr. Witmer. I have never seen those figures other than that some of the 110 are squatters.

Mr. White. You do not want to give the impression that all 110 cabins are occupied by squatters?

Mr. Witmer. No, I did not intend to give that impression.

The Chairman. Unless there is objection, the amendment is approved.

Hearing none, it is so ordered.

Under agreement of the Committee, additional amendments can be offered. The Chair recognizes the gentleman from New York for the purpose of offering additional amendments.

Mr. O'Brien. Page 5, line 1: Strike "Ocean Ridge," and insert in lieu thereof: "the easterly boundary of the Brookhaven town park at Davis Park, ".

The Chairman. The gentleman is recognized for five minutes to explain the amendment.

Mr. O'Brien. This is designed to bring the bill in
accordance with the maps we had before us.

The Chairman. The amendment appears on page 2, subsection (b).

Unless there is objection, the amendment will be approved.

Hearing none, it is so ordered.

Mr. O'Brien. Page 10, line 6: Strike "Ocean Ridge and the" and insert in lieu thereof: "the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the".

The Chairman. This is a clarifying amendment and unless there is objection it will be approved in line with the new subsection (b) appearing on page 2.

Hearing no objection, it is so ordered.

The gentleman from New York is recognized.

Mr. O'Brien. I am not sure whether this particular amendment was adopted or not. On page 9, line 21: After "Forest" insert: "Preserve".

The Chairman. Unless there is an objection, the clarifying amendment will be approved.

Hearing none, it is so ordered.

Are there additional amendments?

The gentleman from New York is recognized.
Mr. O'Brien. Mr. Chairman, I move that H.R. 7107, as amended, be reported favorably.

The Chairman. Those in favor of the motion will signify by saying Aye.

Opposed, No.

The Ayes have it and the bill is reported favorably.

The gentleman from New Mexico, the Chairman of the Subcommittee that handled this legislation, is designated to file the necessary report.

Unless there is objection, the various bills which are listed on the mimeographed sheet in front of each of you, H.R. 3693, H.R. 4999, H.R. 6111, H.R. 6213, H.R. 6934, H.R. 6936, H.R. 7297, H.R. 7359, and H.R. 7512, will be tabled with appropriate reference made in the report to the sponsorship of this bill.

(Thereupon, the Committee proceeded to the consideration of other business.)
Mr. Rivers. We will now proceed to the markup of H.R. 8035 by Mr. Pike.

Without objection, the bill will be considered as read in full, printed in the record, and open for amendment at any point. Meaning no objection, it is so ordered.

(Later, the subcommittee proceed to mark up H.R. 8035 as follows:)

COMMITTEE INSERT
Public Law 89-244
89th Congress, H. R. 8035
October 9, 1965

An Act

To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of lands, submerged lands, islands, and marshlands or interests therein, known as the William Floyd Estate, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, Including the William Floyd Estate", numbered OGP-0003, dated May 1965, which map or a true copy thereof shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior. Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest.

Sec. 2. The Secretary is also authorized to accept the donation of the main dwelling on said lands, which was the birthplace and residence of General William Floyd (a signer of the Declaration of Independence) and the furnishings therein and any outbuildings, subject to like terms, covenants, and conditions. The Secretary is authorized to lease said lands, dwellings, and outbuildings to the grantors thereof for a term of not more than twenty-five years, at $1 per annum, and during the period of the leasehold the Secretary may provide protective custody for such property.

Sec. 3. Upon expiration or surrender of the aforesaid lease the property shall become a detached unit of the Fire Island National Seashore, and shall be administered, protected, and developed in accordance with the laws applicable thereto subject, with respect to said main dwelling and the furnishings therein, to such terms, covenants, and conditions which the Secretary shall have accepted and approved upon the donation thereof as in the public interest.

Approved October 9, 1965, 6:30 a.m.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 980 (Comm. on Interior & Insular Affairs).
SENATE REPORT No. 763 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD, Vol. 111 (1965):
Sept. 20: Passed House.
Sept. 23: Considered and passed Senate.
against the Government involving any matter concerning which the appointee had any responsibility arising out of his appointment during the period of such appointment.

Sec. 10. There is hereby authorized to be appropriated not more than $16,000,000 for the acquisition of lands and interests in land pursuant to this Act.

Approved September 11, 1964.

Legislative History

House Report No. 1838 accompanying H.R. 7107 (Committee on Interior and Insular Affairs).

Senate Report No. 1300 (Committee on Interior and Insular Affairs).

Congressional Record, Vol. 110 (1964) :

Aug. 8 : Considered and passed Senate.

Aug. 10 : Considered and passed House, amended, in lieu of H.R. 7107.

Aug. 21 : Senate concurred in House amendments.

An Act to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes. (79 Stat. 967)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of lands, submerged lands, islands, and marshlands or interests therein, known as the William Floyd Estate located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, Including the William Floyd Estate", numbered OGP-0003, dated May 1965, which map or a true copy thereof shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior. Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest.

Sec. 2. The Secretary is also authorized to accept the donation of the main dwelling on said lands, which was the birthplace and residence of General William Floyd (a signer of the Declaration of Independence) and the furnishings therein and any outbuildings, subject to like terms, covenants, and conditions. The Secretary is authorized to lease said lands, dwellings, and outbuildings to the grantors thereof for a term of not more than twenty-five years, at $1 per annum, and during the period of the leasehold the Secretary may provide protective custody for such property.

Sec. 3. Upon expiration or surrender of the aforesaid lease the property shall become a detached unit of the Fire Island National Seashore, and shall be administered, protected, and developed in accordance with the laws applicable thereto subject, with respect to said main dwelling and the furnishings therein, to such terms, covenants,
and conditions which the Secretary shall have accepted
and approved upon the donation thereof as in the public
interest.

Approved October 9, 1965, 6:30 a.m.

Legislative History
House Report No. 959 (Committee on Interior and Insular Affairs).
Senate Report No. 763 (Committee on Interior and Insular Affairs).
Congressional Record, Vol. 111 (1965):
Sept. 20 : Passed House.
Sept. 23: Considered and passed Senate.
Mr. Rivers. Are there any amendments?

Mr. Morton. Mr. Chairman, I move the bill M.R. 8033 be reported favorably to the full committee.

Mr. Rivers. You have heard the motion. Is there any discussion?

If not, all in favor say aye.

Opposed, no.

The ayes have it and M.R. 8033 is favorably reported to the full committee.

Mr. Wyatt. Mr. Chairman, I move to strike the last word.

Mr. Rivers. The gentleman is recognized.

Mr. Wyatt. I would make the suggestion that our counsel check both the deed and the lease in connection with M.R. 8033 so when we discuss this before the full committee will be fully informed as to the obligation of the Government and the benefits of the Government on this bill.

Mr. Rivers. The Chair would like to have counsel discuss the 23-year lease period with the Chairman of the full committee and indicate to the Chairman the qualms we have had about this long 23-year lease and some of the provisions therein.

Mr. Wyatt. As far as the fire insurance, maintenance, and other provisions in the deed, and also in the lease.

Mr. Rivers. Then we will be prepared to take appropriate action when the bill M.R. 8033 is scheduled to come before the full committee.
As I said before, the hearing on Mr. St. Germain's bill will be resumed tomorrow morning when the committee meets again. There is another bill which will be scheduled for tomorrow as shown by our schedule. We will want the departmental people here tomorrow morning for the purpose of finishing up these two bills that are left to be acted upon.

The committee stands adjourned.

(Whereupon, at 11:45 a.m., the subcommittee adjourned, to reconvene at 9:45 a.m., Friday, September 3, 1983.)
H. R. 8035

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Wednesday, September 8, 1965

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House of Representatives,
Committee on Interior and Insular Affairs,
Washington, D. C.

The Committee met, pursuant to recess, at 10:20 o'clock
a.m., in Room 1324, Longworth House Office Building, the Honor-
able Wayne Aspinall (Chairman of the Committee) presiding.

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The Chairman. The next order of business is H. R. 8035 by
Mr. Pike of New York, to authorize the Secretary of the Interior
to accept a donation of property in the county of Suffolk, State
of New York, known as the William Floyd Estate, for addition to
the Fire Island National Seashore, and for other purpose.

The bill was favorably reported without amendment by the
Subcommittee on National Parks and Recreation. Interior is
favorable with perfecting amendments; Army has no objection.

The Interior report recommends the following amendments, which
as I understand were not handled by the Subcommittee.

Is that correct?

Mr. Rivers. That is correct, Mr. Chairman.

The Chairman. Without objection, the bill will be considered
as having been read in full, put in the record and open for
amendment at any place.

(No response)

The Chairman. Hearing no objection, it is so ordered.

(H.R. 8035 is as follows:)

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1965

Mr. Pike introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of land or interests therein, known as the William Floyd Estate, together with submerged lands, islands, and marshlands adjacent thereto, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, includ-
ing the William Floyd Estate numbered OGP-0003, dated May 1965, which map or a true copy thereof, shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior; subject to such terms, covenants, and conditions as he finds will be in the public interest.

Sec. 2. The Secretary is also authorized to accept the donation of the main dwelling on said lands, which was the birthplace and residence of General William Floyd (a signer of the Declaration of Independence) and the furnishings therein and with any outbuildings, subject to like terms, covenants, and conditions. The Secretary is authorized to lease said lands, dwellings, and outbuildings to the grantors thereof for a term of not more than twenty-five years, at $1 per annum, and during the period of the leasehold the Secretary may provide protective custody for such property.

Sec. 3. Upon expiration or surrender of the aforesaid lease the property shall become a detached unit of the Fire Island National Seashore, and shall be administered, protected, and developed in accordance with the laws applicable thereto subject, with respect to said main dwelling and the furnishings therein, to such terms, covenants, and conditions which the Secretary shall have accepted and approved upon the donation thereof as in the public interest.
H. R. 8035

A BILL

To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

By Mr. Pike

May 10, 1965
Referred to the Committee on Interior and Insular Affairs
Dear Mr. Aspinall:

Your Committee has requested a report on H.R. 8035, a bill "To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes."

We recommend that the bill be enacted, with the perfecting or clarifying amendments recommended herein.

The bill authorizes the Secretary to accept the donation of approximately 611 acres of lands, known as the William Floyd Estate, located in the town of Brookhaven (Suffolk County), New York. The bill permits the Secretary to lease the land to the donors for a period of not more than 25 years, and to provide protective custody for the property during the leasehold period. Upon the expiration or surrender of the lease, the property will become a detached unit of the Fire Island National Seashore. The property will then be administered in accordance with the laws applicable to the national seashore, except that the main dwelling and its furnishings are to be administered subject to such terms, covenants, and conditions as the Secretary accepted and approved when the property was donated to the United States.

The William Floyd Estate comprises two adjoining tracts of land totaling about 611 acres which are located on Long Island about three-fourths of a mile by water from the Fire Island National Seashore. The residence was the home of General William Floyd, a signer of the Declaration of Independence and a member of the first Congress of the United States. This structure has many pleasing architectural features and provides a unique visual history of the continuous development of a rural 18th Century manor house into a modern dwelling. It contains furnishings that date back to the early periods of its occupancy. Upon the expiration or surrender of the lease authorized by the bill to be granted to the donors of the property, we plan to open the residence to the public for its inspiration and enjoyment.

The lands surrounding the residence are particularly desirable for certain types of recreational use. With the existing heavy demands for recreational opportunities in the New York metropolitan region, the property will be a valuable addition to the Fire Island National Seashore. During the 25-year maximum period
of occupancy by the present owners, these demands will undoubtedly intensify. We strongly recommend, therefore, that the Secretary be authorized to accept the owners' generous offer to donate the property to the United States for addition to the Fire Island National Seashore.

We recommend the following perfecting and clarifying amendments of the bill:

1. On page 1, line 5, in order to perfect the description of the property, delete "land" and substitute therefor "lands, submerged lands, islands, and marshlands," and on lines 6 and 7, delete "together with submerged lands, islands, and marshlands adjacent thereto."

2. On page 2, line 4, as a clarifying amendment, change the semicolon to a period, delete all that follows through line 6, and substitute therefor the following sentence: "Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest."

3. On page 2, line 11, as a clarifying amendment, delete "with."

In order to provide protective custody for the property during the period it is under lease to the donors thereof, we estimate that an annual cost of about $6,000 will be incurred by the United States. The lessees will be responsible for all maintenance and all ordinary repairs of the premises during the term of the lease. We are unable to estimate the cost of possible recreational developments which may be required upon the expiration or surrender of the lease. We anticipate that facilities will be developed for picnicking and other day uses, as well as for camping.

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

Sincerely yours,

[Signature]

Assistant Secretary of the Interior

Hon. Wayne W. Aspinall
Chairman, Committee on Interior and Insular Affairs
House of Representatives
Washington, D. C.
Honorable Wayne N. Aspinall  
Chairman, Committee on Interior  
and Insular Affairs  
House of Representatives

Dear Mr. Chairman:

Reference is made to your request for the views of the Department of the Army with respect to H. R. 8035, 89th Congress, a bill "To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes."

The purpose of this bill is generally as stated in its title. More specifically it authorizes the Secretary of the Interior to accept a donation of 611 acres of land and a dwelling with furnishings, which was the birthplace of General William Floyd (a signer of the Declaration of Independence), located in Brookhaven, Suffolk County, New York. The conveyance of this property may be subject to such terms and conditions as the Secretary deems to be in the public interest; further, the Secretary may lease back said property to the grantors for a term not exceeding 25 years at one dollar per annum; upon the expiration of the lease the property shall become a part of, and be administered with the Fire Island National Seashore.

The Department of the Army interposes no objection to the enactment of this bill, but defers to the views of the Department of the Interior as to the merits and advisability of the legislation.

The Secretary of the Interior, by an Act approved September 11, 1964 (78 Stat. 928) was authorized to establish Fire Island National Seashore. The boundaries of this Seashore were specifically limited by the Robert Moses State Park on the east, Moriches Inlet on the west, 1000 feet southward in the Atlantic Ocean and 4000 feet northward of Fire Island into the Great South Bay; additionally, certain specified islands in the Bay were included. The subject property, known as the William Floyd Estate, is located on the mainland of Long Island and outside the authorized boundaries of the project area. As a consequence, the Secretary of the Interior is without authority to accept a donation of such property. H. R. 8035 would provide such authorization.
Section 8 of the Act of September 11, 1964 provides that the authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection within the Seashore shall be exercised in accordance with a plan mutually acceptable to the Secretaries of the Interior and Army. Additionally, the Secretary of the Interior is directed to contribute the necessary land for the future construction of an inlet across Fire Island on plans mutually acceptable to the Secretaries of both departments. Other than these functions, the Department of the Army has no direct interest in the Seashore or in this bill.

Since the establishment and development of the Fire Island National Seashore is the primary responsibility of the Secretary of the Interior, he may more appropriately evaluate the merits of subject legislation, and accordingly the Department of the Army defers to the views of the Department of the Interior thereon.

The enactment of this legislation will have no apparent effect on the budgetary requirements of the Department of the Army.

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

Sincerely yours,
(Signed)
Stanley R. Resor
Secretary of the Army
The Chairman. The Chair recognizes the gentleman from Alaska, Mr. Rivers, Chairman of the Subcommittee handling the legislation.

Mr. Rivers. Mr. Chairman, in brief, the title as read by the Chairman is a thumbnail sketch of the purposes of the bill, which involves a donation of property in Suffolk County, New York, known as the William Floyd Estate, as an addition to the Fire Island National Seashore, which we adopted last year.

I call on counsel of the Subcommittee for details.

Mr. Witmer. Mr. Chairman, when the Fire Island National Seashore was created last year, its boundaries were defined by reference to a map and those boundaries as they presently exist are within this heavy black line down here running almost the full length of Fire Island, but omitting the eastern and western ends, at one end of which there is a State Park.

The proposal in Mr. Pike's bill is to add to it this red area, which is on the mainland. That area is to be donated to the United States by the present owners. It is in two parcels, one of 33 acres and the other of approximately 580 acres. The 33 acre parcel has on it an early 18th Century dwelling which was occupied by one of the signers of the Declaration of Independence and is regarded as being quite a good example of the architecture of the time.

The other land, as I understand it, is practically wild. I do not mean in wilderness condition, but it is not improved land.
The Park Service's appraisal of the two parcels is $1,300,000, $150,000 for the smaller 33 acres and its buildings and $1,045,000 for the remainder. As I said, these are to be donated to the United States, subject, however, under the terms of the bill, to a right of use and occupancy for $1.00 a year by the present owners for -- I do not know whether I said this or whether I am repeating myself -- for a period of 25 years. The land and the buildings will, however, be made available and open to public groups, university groups and such people, by pre-arrangement between the Park Service and the present owners.

I may say that forms of deed and lease under the bill have already been agreed upon by the departmental lawyers and the attorneys for the present property owners.

The owner of the 33 acre parcel is an elderly lady in her 80's. The owners of the other parcels are three of her children, I believe, or descendants -- two children plus the husband of one of them, who are, of course, somewhat younger than that.

I do not know that there is anything else for me to say. There were some questions raised about the terms of it. It was pointed out, and I think properly so, that though this is a gift to the government, there will be a considerable saving on the estate tax, if and when the present owner or owners die. There will also be a deduction on the present income taxes of those owners. We have run into that problem before in connection with Campobello and likewise in connection with the acquisition...
of the land across from Mount Vernon, where there were gifts
to the government.

Then question was also raised about the 25-year term. I
do not know whether that is still a question with you, Mr.
Morton? Is it?

Mr. Morton. Well, I think it is a long period of time, if
I may speak to counsel, Mr. Chairman.

The question was raised based on the fact that the gift
turns out to be a very good thing for the donors and a 25-year
period is the question. If it were 15 years, it would be a lot
better for the government and still be a good deal for the
donors.

We were told, I think, by the gentleman from New York that
15 years was out of the question and that the property could not
be acquired under any other way, so I guess the question became
only academic.

Mr. Witmer. Well, I talked with the Park Service about
that informally and they pointed out to me that 25 years has be-
come such a standard practice, citing a bill which passed on the
floor yesterday, that they did not think that they could possi-
ably do less than that.

Mr. Morton. Well, I think you are mixing apples and oranges
Mr. Counsel, on that little bit. The point is we are putting
about $150,000 of tax money in this custodianship for this 25-
year period, is that not correct?
Mr. Witmer. Their estimate is one custodian for $6,000 a year.

Mr. Morton. For 25 years, $15,000. That is going to cost the government that and the people are going to be able to live there for $1.00 a year.

Mr. Witmer. That is quite correct.

Mr. Morton. And they are going to have all the other tax advantages. I think we should do it. I was just in hopes that we could make a better deal.

The Chairman. Will my colleague yield?

Mr. Morton. Yes.

The Chairman. There is an amendment here as I understand it. "Such donation may be accepted Subject to such terms, covenants, and conditions as the secretary finds will be in the public interest." I think we have put it in his hands there as much as possible if he finds that 25 years is too long.

Mr. Morton. I think we are talking around the issue, Mr. Chairman. I certainly do not want to raise an objection. I felt that the gift under the circumstances that this family happens to be in, where the grande dame is well up in her late 70's or early 80's, where they have an obvious estate tax problem, this whole thing was worked out by a lawyer who really knew his tax law and 25 years from now, after spending $150,000, the Department of the Interior will own the property.

Mr. Bingham. Mr. Chairman?
The Chairman. The gentleman from New York.

Mr. Bingham. I move to strike the requisite number of words.

Mr. Chairman, it strikes me that this may not be as generous a gift as it appears and that the donors have arranged things pretty well from their point of view. At the same time, it seems to me that the government is getting a good deal out of it, too, particularly in view of the fact that the $6,000 will not be completely wasted during the 25 years. There will be some park use available for visiting groups and so forth; but more importantly, because it is perfectly reasonable to anticipate, it seems to me, that at the end of 25 years, the value of that property, the market value, may well then be double what it is today. It is estimated today at over a million dollars and in 25 years, it may well be worth twice that. I think the Park Service would be getting a lot out of this arrangement. It does not out of pocket cost the government very much money and it seems to me that it is a good arrangement for both sides.

Mr. Wyatt. Mr. Chairman.

Mr. White. Mr. Chairman.

The Chairman. The gentleman from Texas?

Mr. White of Texas. Could not they get just about the same tax advantage by donating to a charitable institution? I do not know that you can complain they are getting some advantage on this.
Mr. Morton. Will the gentleman yield?

Mr. White of Texas. Yes.

Mr. Morton. I think maybe this complaint is directed at my criticism of it. I am for this proposition and I do not believe in looking a gift horse in the mouth. But I do believe that we should examine each one of these things in total to see just what the obligations are. I certainly think we should accept the proposition, but I would like to amend it to allow the Secretary, with the cooperation of the heirs and assigns who will live on this property for 25 years -- I would like to be able to provide the Secretary with authority to plant some trees on this place and to work out some sort of a long-term landscaping block of property so that at the end of 25 years, the landscaping and the new growth that should have been developed in this period of time is developed. If we do not do it, I think -- maybe we can do it under the lease, but it does not say anything about it.

Mr. Wyatt. Mr. Chairman?

The Chairman. The gentleman from Oregon?

Mr. Wyatt. I move to strike the requisite number of words. What concerns me, when we say the donation may be accepted subject to the terms and covenants and conditions as the Secretary finds will be in the public interest, these terms, covenants and conditions, for all practical matters, have already been determined. That is why I asked in the Subcommittee to have the
lease and also the form of deed to the government, with conditions attached to it, made part of the record. Because apparently, both the lease and the deed have been subject to long negotiations between the Department and the attorneys and tax attorneys for this lady and her children.

I glanced at the lease and I glanced at the deed. I have not taken the opportunity to study them. I asked counsel to look them over. But there are a number of questions raised, which I again point out to the Committee.

For example, there is no obligation on the part of the life tenants to maintain insurance or to rebuild the home. The obligations of both the government and the life tenant are pretty clearly set forth and I just wonder, Mr. Witmer or Mr. Leppert, if you have had an opportunity to look these over as to specific terms so we would know.

Actually, if we accept this amendment, why, the details are already worked out. There are no more details to be agreed upon.

The Chairman. However, the responsibility is on the donors if you accept this amendment that is proposed here, whether the lease is already worked out or not. He must under this amendment as I see it, must re-evaluate that in order to come in line with some of the legislative action we are writing here on this bill. Of course, this is to be attached to a seashore. You sometimes wonder just what value there is to having a property
like this as part of the seashore. If it were not there, it
would likely be more adaptable as a seashore area than it is as
a national historic site within the seashore area.

Does either counsel have anything to say?

Mr. Wyatt. Mr. Chairman, may I make one further observa-
tion before we see what counsel has to say? I think this is
something the Committee also should know. There were statements
made that during this 25-year period, the property would be avail-
able for special groups by arrangement and mutual consent. Now,
this is true, it is provided in the lease. I did look at this
provision in detail. Of course, all the life tenant has to do
is say no and there will be no special group of any kind.

But beyond that, there is a specific provision, a proviso,
in the lease that says not even by mutual consent can there be
visitation during the time that the older lady, I forgot her
name, during the time that she is in residence; not even by mutual
consent can there be any visitation during that time. It is
specifically spelled out.

The Chairman. If I were she, I would want that in there.

Mr. Wyatt. I think possibly that is true, but it is not
true as statements have been made that by mutual consent, during
this 25 year period, the property can be shown to various groups.
That just certainly is not what is stated in the lease.

Mr. Rivers. Will the gentleman yield?

Mr. Wyatt. Yes.
Mr. Rivers. During the portion of that 25 years, after the elderly lady dies, then by mutual consent it would be available for groups to come in and see the improvements. This woman is very old now. I think probably the major portion of 25 years would be available for the public.

While the gentleman has yielded to me, I might also remark that as the Chairman of the Full Committee said, the Secretary of the Interior might have to revise this lease and renegotiate certain phases of it if we adopt this amendment and perhaps maybe put an addendum on to it that he may plant trees as the case may be.

I would like to ask the gentleman from Maryland if he thinks this amendment set forth on the bottom of page 1 would cover the flexibility you desire?

Mr. Morton. It certainly does.

I feel that we all have some indication -- I think the amendment does take care of the question.

Mr. Rivers. I thank the gentleman from Oregon for yielding.

The Chairman. Does either one of the counsel wish to answer anything Mr. Wyatt brought up?

Mr. Witmer. Mr. Chairman, Mr. Leppert has gone through the lease and the deed, I have not. If there are any questions on it, he is prepared to respond.

The Chairman. He thought maybe an interpretation of some
of these questions might be in order.

Mr. Wyatt. It looked to me as though these documents were drawn by the tax attorneys for the people dealing here. That is why I thought we should look at it independent of the Solicitor's office of the Department.

The Chairman. I think we ought to take that into consideration, Mr. Wyatt. People just do not give away property as a rule unless there is something to be gained, either a personal pleasure on their part or a financial value that they receive in return. I think it is well to have it in our hearings so the whole committee understands what is involved?

Mr. Leppert, do you have anything here?

Mr. Leppert. Mr. Chairman, I would only state and agree with you in what you have stated that the amendment as proposed would take care of the problem and require the Secretary to re-evaluate the deed and the lease.

The Chairman. Mr. White, you have asked to be recognized again.

Mr. White of Texas. I was merely going to ask, sir, that anything on which the lease is silent, I imagine general law would enable the Secretary of the Interior to have any powers, for planting trees or anything else.

The Chairman. Off the record.

(Discussion off the record.)

Mr. Haley. Mr. Chairman, I move to strike the requisite
number of words. I do so only to say that I am very happy
that the people downtown now might have changed their thinking
a little bit, inasmuch as this residence was the home of a
signer of the Declaration of Independence. I recall a bill
that we had before the Committee just a few years ago in which
we were trying to create a national memorial where there were
two signers of the Declaration of Independence buried there and
some woolly headed, insignificant, two by four bureaucrat down there
said that was not of national significance. So I am glad to see
a little bit of enlightenment finally getting through to those
people down there.

The Chairman. The gentleman has a good memory.

Do you have something, Mr. Witmer?

Mr. Witmer. Mr. Chairman, if I may add one more item to
the credentials of William Floyd, who was the former owner of
this property, he was a member of the first Congress of the
United States. I do not understand that he was a member of this
Committee, however.

The Chairman. Not if he just served one term, he was not.
We did not come into existence until 1804.

Mr. Haley. Mr. Chairman, excuse me, but you are wrong
there. Part of this Committee, by name of Indian Affairs was in
existence.

The Chairman. 1817.

Mr. Haley. How did we deal, then, did the original Congress
set up some committee on deal with Indians?

The Chairman. I understand that the way it was taken care of was just by special select committees as of the moment. I understand that they carried on that way until the Public Lands Committee did come into existence in 1804 as a standing committee of the House.

The Chair recognizes the gentleman from Alaska, Mr. Rivers.

Mr. Rivers. Mr. Chairman, page 1, line 5, strike out "land" and insert "lands, submerged lands, islands and marshlands."

The Chairman. Without objection, the amendment is approved.

Mr. Rivers. Page 1, lines 6 and 7, strike out "together with submerged lands, islands, and marshlands adjacent thereto."

The Chairman. Without objection, the amendment is agreed to.

Mr. Rivers. Page 2, line 4, change the semicolon to a period, and strike out the remainder of the sentence. Substitute the following sentence: "Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest."

I think that has been adequately explained.

The Chairman. The amendment shall be substituted in lieu thereof.

Without objection, the amendment is agreed to.

Mr. Rivers. The next one is on page 2, line 11, strike out the word "with". That is a technical one.
The Chairman. Without objection, the amendment is agreed to.

Are there further amendments?

(No response)

The Chairman. Without objection, H.R. 8035 as amended is favorably reported.

(Whereupon, at 10:40 o'clock a.m., the Committee recessed.)
INDEX

Statement of:

Hon. Otis G. Pike,
A Representative in Congress from the State of New York 2

Allen T. Edmunds,
Assistant Regional Director,
National Park Service,
Department of the Interior,
Accompanied by:
Frank H. Harrison,
Chief, Division of Legislation 9
H. R. 8035

To Authorize the Secretary of the Interior to Accept a Donation of Property in the County of Suffolk, New York, Known as the William Floyd Estate, for Addition to the Fire Island National Seashore, and for Other Purposes

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Thursday, September 2, 1965

House of Representatives,

Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs,

Washington, D. C.

The committee met at 9:45 o'clock a.m., in room 1324, Longworth House Office Building, the Hon. Ralph Rivers (chairman of the subcommittee) presiding.

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Mr. Rivers. The next item of business is H. R. 8035 by Mr. Pike, to authorize the Secretary of the Interior to accept a donation of property in the County of Suffolk, New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

It is a pleasure to welcome our distinguished colleague, Mr. Pike.

(H. R. 8035 follows:)
H. R. 8035

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1965

Mr. Pike introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of land or interests therein, known as the William Floyd Estate, together with submerged lands, islands, and marshlands adjacent thereto, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, includ-
ing the William Floyd Estate" numbered OGP-0003, dated
May 1965, which map or a true copy thereof, shall be filed
with the Federal Register and may be examined in the offices
of the Department of the Interior; subject to such terms,
covenants, and conditions as he finds will be in the public
interest.

Sec. 2. The Secretary is also authorized to accept the
donation of the main dwelling on said lands, which was the
birthplace and residence of General William Floyd (a signer
of the Declaration of Independence) and the furnishings
therein and with any outbuildings, subject to like terms,
covenants, and conditions. The Secretary is authorized to
lease said lands, dwellings, and outbuildings to the grantors
thereof for a term of not more than twenty-five years, at $1
per annum, and during the period of the leasehold the Secre-
tary may provide protective custody for such property.

Sec. 3. Upon expiration or surrender of the aforesaid
lease the property shall become a detached unit of the Fire
Island National Seashore, and shall be administered, pro-
tected, and developed in accordance with the laws applicable
thereto subject, with respect to said main dwelling and the
furnishings therein, to such terms, covenants, and conditions
which the Secretary shall have accepted and approved upon
the donation thereof as in the public interest.
A BILL

To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

By Mr. Pike

MAY 10, 1965
Referred to the Committee on Interior and Insular Affairs
Dear Mr. Aspinall:

Your Committee has requested a report on H.R. 8035, a bill "To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes."

We recommend that the bill be enacted, with the perfecting or clarifying amendments recommended herein.

The bill authorizes the Secretary to accept the donation of approximately 611 acres of lands, known as the William Floyd Estate, located in the town of Brookhaven (Suffolk County), New York. The bill permits the Secretary to lease the land to the donors for a period of not more than 25 years, and to provide protective custody for the property during the leasehold period. Upon the expiration or surrender of the lease, the property will become a detached unit of the Fire Island National Seashore. The property will then be administered in accordance with the laws applicable to the national seashore, except that the main dwelling and its furnishings are to be administered subject to such terms, covenants, and conditions as the Secretary accepted and approved when the property was donated to the United States.

The William Floyd Estate comprises two adjoining tracts of land totaling about 611 acres which are located on Long Island about three-fourths of a mile by water from the Fire Island National Seashore. The residence was the home of General William Floyd, a signer of the Declaration of Independence and a member of the first Congress of the United States. This structure has many pleasing architectural features and provides a unique visual history of the continuous development of a rural 18th Century manor house into a modern dwelling. It contains furnishings that date back to the early periods of its occupancy. Upon the expiration or surrender of the lease authorized by the bill to be granted to the donors of the property, we plan to open the residence to the public for its inspiration and enjoyment.

The lands surrounding the residence are particularly desirable for certain types of recreational use. With the existing heavy demands for recreational opportunities in the New York metropolitan region, the property will be a valuable addition to the Fire Island National Seashore. During the 25-year maximum period
of occupancy by the present owners, these demands will undoubtedly intensify. We strongly recommend, therefore, that the Secretary be authorised to accept the owners' generous offer to donate the property to the United States for addition to the Fire Island National Seashore.

We recommend the following perfecting and clarifying amendments of the bill:

1. On page 1, line 5, in order to perfect the description of the property, delete "land" and substitute therefor "lands, submerged lands, islands, and marshlands," and on lines 6 and 7, delete "together with submerged lands, islands, and marshlands adjacent thereto."

2. On page 2, line 4, as a clarifying amendment, change the semicolon to a period, delete all that follows through line 6, and substitute therefor the following sentence: "Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest."

3. On page 2, line 11, as a clarifying amendment, delete "with".

In order to provide protective custody for the property during the period it is under lease to the donors thereof, we estimate that an annual cost of about $6,000 will be incurred by the United States. The lessees will be responsible for all maintenance and ordinary repairs of the premises during the term of the lease. We are unable to estimate the cost of possible recreational developments which may be required upon the expiration or surrender of the lease. We anticipate that facilities will be developed for picnicking and other day uses, as well as for camping.

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

Sincerely yours,

[Signature]

Secretary of the Interior

Hon. Wayne E. Aspinall
Chairman, Committee on Interior and Insular Affairs
House of Representatives
Washington, D.C.
Honorable Wayne Aspinall  
Chairman, Committee on Interior  
and Insular Affairs  
House of Representatives

Dear Mr. Chairman:

Reference is made to your request for the views of the Department of the Army with respect to H. R. 8035, 89th Congress, a bill "To authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes."

The purpose of this bill is generally as stated in its title. More specifically it authorizes the Secretary of the Interior to accept a donation of 611 acres of land and a dwelling with furnishings, which was the birthplace of General William Floyd (a signer of the Declaration of Independence), located in Brookhaven, Suffolk County, New York. The conveyance of this property may be subject to such terms and conditions as the Secretary deems to be in the public interest; further, the Secretary may lease back said property to the grantors for a term not exceeding 25 years at one dollar per annum; upon the expiration of the lease the property shall become a part of, and be administered with the Fire Island National Seashore.

The Department of the Army interposes no objection to the enactment of this bill, but defers to the views of the Department of the Interior as to the merits and advisability of the legislation.

The Secretary of the Interior, by an Act approved September 11, 1964 (78 Stat. 928) was authorized to establish Fire Island National Seashore. The boundaries of this Seashore were specifically limited by the Robert Moses State Park on the east, Moriches Inlet on the west, 1000 feet southward in the Atlantic Ocean and 4000 feet northward of Fire Island into the Great South Bay; additionally, certain specified islands in the Bay were included. The subject property, known as the William Floyd Estate, is located on the mainland of Long Island and outside the authorized boundaries of the project area. As a consequence, the Secretary of the Interior is without authority to accept a donation of such property. H. R. 8035 would provide such authorization.
Section 8 of the Act of September 11, 1964 provides that the authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection within the Seashore shall be exercised in accordance with a plan mutually acceptable to the Secretaries of the Interior and Army. Additionally, the Secretary of the Interior is directed to contribute the necessary land for the future construction of an inlet across Fire Island on plans mutually acceptable to the Secretaries of both departments. Other than these functions, the Department of the Army has no direct interest in the Seashore or in this bill.

Since the establishment and development of the Fire Island National Seashore is the primary responsibility of the Secretary of the Interior, he may more appropriately evaluate the merits of subject legislation, and accordingly the Department of the Army defers to the views of the Department of the Interior thereon.

The enactment of this legislation will have no apparent effect on the budgetary requirements of the Department of the Army.

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

Sincerely yours,

(Signed)

Stanley R. Resor
Secretary of the Army
Mr. Pike. Thank you very much.

I have a short two-page statement, and I will, with your permission, read it.

Mr. Chairman and members of this committee, it is a great pleasure for me to be able to appear today on behalf of the bill, H. R. 8035. At the outset I would like to say that it is perfectly possible that the fact that I am able to appear on any bill before any committee today may be due in large part to the boost which this committee gave me last year in approving the bill to establish the Fire Island National Seashore. You have been so good to me that I am a little embarrassed to be coming back and asking for more, but honestly, I am not asking for much more.

In the great scheme of things before your committee this is not a major bill. This does not establish a huge park, and I expect it will not be listed in any compilation of the major legislative achievements of the first session of the 89th Congress. It is, however, a substantial bill. I believe it is a good bill, and I will greatly appreciate your favorable consideration of it.

All that the bill does is enable the Secretary of the Interior to accept a gift of a very valuable property, valuable both historically and from the point of view of conservation,
and add it to the existing Fire Island National Seashore, with which it is in close proximity. This property is on the mainland of the south shore of Long Island, separated from the boundary of the Fire Island National Seashore only by a very narrow stretch of water -- less than a half-mile in width. The property involved consists of 611 acres. It represents approximately 20 percent of the space available for recreational development in the entire Fire Island National Seashore. It has beautiful waterfront and marshlands.

The report of the Department of the Interior on this bill is wholly favorable. There are no adverse reports from the Department of the Army nor from the Bureau of the Budget. The only cost to the federal government is estimated at $6,000 a year for the first 25 years.

The donors of the property retain the right to lease the property at a minimal rental for a period not to exceed 25 years, and during that period the United States Department of the Interior will provide protective custody for the property. During the 25 years the agreement tentatively made between the donors and the Department of the Interior contemplates that the property would be open to public groups, such as nature study classes, for supervised visits to the shorelands which are the natural habitat of many waterfowl.

The home which is on the property consists of a lovely mansion which was the original home of General William Floyd,
who was a general in the Continental Army, a signer of the Declaration of Independence, and the first congressman from the First District of New York, which I now have the honor to represent.

While, as I say, this is a relatively small bill, it will provide in future years the addition of a substantial amount of acreage to the Fire Island Nation Seashore, plus the preservation for the benefit of the public of a true historic site, dating from Revolutionary times.

I would be pleased to answer any questions which the members of this committee may care to present to me.

I would suggest it might be better if you have the Park Service witnesses speak first, and I will remain available.

Mr. Rivers. That is a good suggestion unless any of the members wish to ask questions now.

Mr. Udall. I was hoping I could embarrass our colleague with some penetrating questions. I was hoping I could catch him before he had anyone to assist him with the questions.

Mr. Pike. Go ahead, try me.

Mr. Udall. My colleague from New York is one of the most valuable and diligent members of Congress, and I am proud to have him before us. I think he ought to be commended, and these fine people who are making this very wonderful donation to Fire Island are to be commended. The entire nation is indebted to them, and I support this bill, and I hope it comes charging
out of here with a unanimous vote this morning.

Mr. Pike. I am very embarrassed by that statement.

Mr. Rivers. Are there any other questions?

Mr. Morton. I certainly agree this is a fine thing for the owners of this property to do. Is the property used for any waterfowl hunting at the present?

Mr. Pike. It is.

Mr. Morton. And in the 25-year retention, the property would be continued to be used for waterfowl hunting?

Mr. Pike. I cannot say that I am completely familiar with the details that have tentatively been worked out, but it is my belief, Mr. Morton, that the present owners of the property would be allowed to continue to use it as it is being used at the present time, and it would not be open for public hunting during that 25-year period.

Mr. Morton. And the house would be continued to be lived in by the present owner?

Mr. Pike. Yes. The house is a residence of a fairly elderly lady who is a direct descendant of General Floyd.

Mr. Morton. In the event of her death, what happens?

Mr. Pike. The children, who are owners of some of the rest of the property, most of the rest of the property, would continue to be allowed to occupy it for the remainder of the 25-year period.

Mr. Morton. Does the amount of rent, or the price of the
lease hold, have any relationship to the value of the property, the appraised value of the property?

Mr. Pike. No. The amount of rent contemplated I believe is $1 per year.

Mr. Morton. This really is based perhaps on their tax write-off of property. This really then is not an overly generous thing that is being done?

Mr. Pike. Mr. Morton, I have never made any effort to appraise the property at all, or have it appraised. I believe without any question the value of real estate in this area is such, and the historic value of the house is such, that the property being donated is worth in excess of $1 million.

Mr. Morton. What do you feel has motivated these people to do this?

Mr. Pike. It is a very historic site which the family has preserved with a great deal of pride for generations. They are surrounded by a rapidly developing area as far as housing is concerned. There is tremendous population pressure. I think there is no question because of this fact the taxes have become very high in this area. I think there is no question about it. I would not attempt to make you believe that there is no tax benefit to the donors in making the gift. I simply say it is basically motivated by a desire to preserve for future generations something which they have preserved within the family for a couple of hundred years and which they feel is
worth preserving.

Mr. Morton. I certainly do not want to give the impression that I am against anyone figuring out a way to save taxes. I think this is a very, very fine thing.

One final question.

I assume we will have some testimony from the Park Service. Have they decided how they will use this property?

Mr. Pike. I believe they have generally.

Mr. Morton. I think it is a wonderful thing, and I think our colleague from New York is to be highly commended for what I am sure must have been a great deal of work in bringing this donation to this point in this legislation before this committee.

Mr. Udall. I have one other inquiry here.

One of the purposes will be to preserve this historic estate. I notice the official map referred to in the legislation and identified as Boundary Map OGP-0003. Does this have any significance, either on or off the record?

Mr. Pike. On the record, it has no significance whatsoever.

The official map of the Fire Island National Seashore just happened to have the designation OGP-0002, and it seemed to me this would be proper at this time.

Mr. Wyatt. What is the name of the present legal title holder?
Mr. Pike. There are three.

The mansion itself belongs to a Cornelia Floyd Nichols. That involves 33.815 acres and the home. The balance of the property belongs to her two children, William Floyd Nichols and Mrs. Mary Blake Weld.

Mr. Bingham. I would like to welcome my colleague from New York, and join in the favorable comments made on this proposal. I do have one or two questions.

I cannot make out from the map what is the community to the west of this property.

Mr. Pike. Mastic Beach. That is the name of the community. It is one of these areas, frankly, which is just a housing development which has grown fantastically over the last decade.

Mr. Bingham. Will there be highway connections to this?

Mr. Pike. Oh, yes.

Actually at the present time, to get to the Fire Island National Seashore, you turn off the Sunrise Highway, drive down the William Floyd Parkway past the William Floyd High School and get to the Fairyland National Seashore. It is a big name where I come from.

Mr. Bingham. I have a question about what the $6,000 a year will be for.

Mr. Pike. My guess is, roughly, the cost of having one man patrol around the area. That is a rough guess. That is only a guess.
Mr. Bingham. I assume the donors have considered and you have considered whether there may be some problem about the taxability of this property locally?

Mr. Pike. The donors have considered it thoroughly.

Mr. Rivers. Thank you, Mr. Pike.

We will now hear from Mr. Allen Edmunds, Assistant Regional Director, National Park Service, Philadelphia, Pennsylvania.

STATEMENT OF ALLEN T. EDMUNDS, ASSISTANT REGIONAL DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY FRANK H. HARRISON, CHIEF, DIVISION OF LEGISLATION

Mr. Edmunds. I have a statement I will read.

Mr. Chairman and members of the committee, the Department of the Interior strongly recommends enactment of H. R. 8035, which would authorize the Secretary to accept donation of the properties on Long Island known as the William Floyd Estate.

Under the terms of the legislation, these properties -- approximately 611 acres of lands, submerged lands, islands and marshlands, with improvements, on the inland side of Moriches Bay -- would become a detached unit of the Fire Island National Seashore, which is about three-quarters of a mile away.

In the Department's report to the Chairman of the full committee, dated August 16, 1965, certain amendments to H. R. 8035 are recommended for clarifying and perfecting purposes.
Deeds have been drafted to convey the properties to the United States upon enactment of this legislation. Furthermore, agreements between the United States and the properties' present owners have been drawn to provide, under the terms of the bill, for the Secretary of the Interior to lease the land back to the donors for a period of not more than 25 years, as is their wish.

Born in 1734, William Floyd was a historical figure of note during Revolutionary times. At present the estate is divided into two parcels. The first, containing William Floyd's original 18th century manor house, which has been altered and modernized considerably, consists of about 34 acres in the northern portion. It is owned by Mrs. Cornelia Floyd Nichols, now in her eighties, who is William Floyd's great, great, great granddaughter.

The second parcel, some 577 acres, contains no buildings or other significant improvements. Its owners are William Floyd Nichols, Mrs. Nichols' son; Mary Blake Nichols Weld, her daughter, and David Weld, the daughter's husband. We have been negotiating with counsel representing all of the owners and we anticipate no difficulty in consummating satisfactory deed and lease agreements.

Upon the expiration or surrender of the leases, these properties will be administered in accordance with the laws applicable to the Fire Island National Seashore, and in accordance
with the terms of the transfer.

The balance of the lands, especially the 577-acre parcel, have been employed principally as a wildlife habitat where historically the owners have hunted and fished in accordance with New York State laws.

The lease agreements we are negotiating with the owners provide that organized groups -- including school and college classes -- would be admitted to the area on a limited basis during the terms of the leases for the purpose of viewing the birds and other wildlife.

Upon the expiration or surrender of the leases, we plan to open the residence to the public for its inspiration and enjoyment. The surrounding lands are particularly desirable for certain types of recreational use and they will be a valuable addition to the national seashore. Although at this time we cannot estimate the cost of possible recreational developments here, since they may not be installed for a quarter of a century, we expect they would include camp grounds and picnicking facilities.

Under provisions of the legislation, during the terms of the leases we would provide protective custody for the property at an estimated annual cost of $6,000, while all maintenance and ordinary repairs will be the responsibility of the lessees.

William Floyd's descendants and their heirs have generously indicated their desire to deed to the United States their
properties, which are worth an estimated $1.3 million. There is no doubt that the ever-increasing population pressures of the New York metropolitan area will swallow up most such properties, especially on Long Island, if they are available for intensive residential or commercial development. These same pressures make it imperative that we preserve every suitable open space area in this densely populated region for recreational use.

For these reasons, Mr. Chairman, we urge this committee to take prompt favorable action on H. R. 8035.

We will be happy to answer any questions.

Thank you very much.

Mr. Rivers. Does that complete your statement, Mr. Edmunds?

Mr. Edmunds. Yes, sir.

Mr. King. I have no questions. I believe it is quite clear.

Mr. Berry. No questions.

Mr. Bingham. Just the one question I asked Mr. Pike. What is the purpose of the $6,000?

Mr. Edmunds. The $6,000 would be spent for a fire guard and a seasonal ranger, the first guard on part of the time and the seasonal ranger on a portion of the time to protect the property.

Mr. Rivers. Are there any other bills introduced on this
same subject, or is Mr. Pike's the only one?

Mr. Edmunds. There is a Senate bill, S. 2148, by Mr. Kennedy.

Mr. Morton. Mr. Edmunds, have you had this property appraised?

Mr. Edmunds. Yes, sir. Our appraiser estimates $1.3 million.

Mr. Morton. There will be no public use of this property for 25 years?

Mr. Edmunds. By mutual consent of the lessee and the landowners, the school groups and college groups and organized groups will be permitted to go in occasionally at the permission of the owner.

Mr. Morton. But no general access by the public for 25 years?

Mr. Edmunds. Yes, sir.

Mr. Morton. How much taxes do the property owners pay the local government?

Mr. Edmunds. $8,770.

Mr. Morton. Each year?

Mr. Edmunds. Yes, sir. That was the 1964-1965 tax.

Mr. Morton. These taxes remain the same. That will be relatively impossible, as I feel property taxes everywhere in the high tax areas seem to be on the increase. This means approximately $250,000 will be saved in taxes by the occupants
of this property during that 25-year period?

Mr. Edmunds. That is right.

Mr. Morton. Also, if I am correct, this $1.3 million value would not be in the present owners, the elderly lady's gross estate, when she deceases if she makes the gift in this year.

Mr. Edmunds. I believe that is correct.

Mr. Rivers. I was talking to someone else when the testimony was coming in. What $1.3 million does the gentleman refer to.

Mr. Morton. I asked the witness what the appraised value of the property was, and he answered it was $1.3 million. This $1.3 million would not be subject to estate taxes in the estate of the elderly lady who now owns the property if this gift is consummated.

Mr. Bingham. Just for the record, I do not believe the witness stated this was the appraised value of the property, but rather the estimated value; is that correct?

Mr. Edmunds. The staff appraiser did appraise the land and buildings to be $1.3 million.

Mr. Rivers. In a way it is an appraised value as far as the departmental appraiser is concerned?

Mr. Harrison. I just want to say with reference to Congressman Morton's question about the estate of Mrs. Nichols, she actually owns only 33 acres out of the 611.
Mr. Morton. Counsel just informed me of that. I would like to get for the record what the appraised value is of the two different tracts; one, the tract of Mrs. Nichols containing the mansion and 34 acres, and the other tract, the tract in the name of her children.

Mr. Edmunds. The appraised value as given to us, the 33 acres and buildings, $150,000, and the other comprising 577 acres is valued at $1,145,000.

Mr. Morton. This technique, of course, as I understand it, was done in a good many instances in England and proved very beneficial to the public. It was in the public interest, I believe, in the preservation of many of the large estates that were actually donated by the owners to the government and used for historic monuments, recreation and other things.

It seems to me this is a very fine thing. I think we ought to all understand what is being done here.

One part that does concern me a bit is the use of occupancy for 25 years. This makes this quite a good financial deal for the heirs in this case if they are to occupy this house for 25 years.

I have roughly figured out their savings in taxes, inheritance taxes and property taxes would amount to three-quarters of a million dollars over that 25-year period.

Perhaps we should give consideration to a shorter use of occupancy time if it can be worked out in the future gifts that
are to be incorporated into existing national parks, or to be established as new recreation areas.

I am not in any way against this proposition, but I am a little concerned -- 25 years is a long time to wait as far as our Park Service is concerned to have the public excluded from the property and not be able to use it. That is the only thing I would like to point out to the committee.

Mr. Wyatt. I am interested in the language in section 3 of the Act. It says:

"Upon expiration or surrender of aforesaid lease, the property shall become a detached unit of the Fire Island National Seashore."

In your judgment, does that mean this property would become fully incorporated into Fire Island except there would be water between the land and the rest of the seashore?

Mr. Edmunds. Yes. We would be able to use the property upon the expiration of the lease in several ways because of its historic value and natural value, and also for the possibility of developing a camping area and picnic area.

Mr. Wyatt. This really would not have any status different from the rest of the Fire Island National Seashore properties?

Mr. Edmunds. It would not be operated differently.

Mr. Wyatt. It would not have any different status? It would be part of the seashore at the expiration of the 25 years?
Mr. Edmunds. An extension of the seashore.

Mr. Harrison. May I make a comment there. This language that you have just read I feel also has a relationship to the last point Congressman Morton made, namely, that the William Floyd Estate will not actually become a part of the National Seashore until the lease arrangement has been terminated.

Mr. Wyatt. In other words, the word "detached" has reference to its period of years?

Mr. Harrison. The "detached" has reference to the fact this is not a contiguous piece of land to the balance of the seashore.

Mr. Wyatt. The water separates it?

Mr. Harrison. That is right.

Mr. Wyatt. One other question.

Mr. Edmunds, you mentioned the agreement provided in the interim period, by mutual consent, school groups and college groups and perhaps nature groups could see the property. Would this mean that the owners, the present owners, could refuse consent? Their consent has to be obtained in all cases?

Mr. Edmunds. Ye., under the terms of the lease, we agreed to notify the tenant and secure permission from the tenant. One of the reasons is, Mrs. Nichols occupies the forepart of the property and the access to the property, and while she is in residence she does not wish to have people going through the area.
Mr. Wyatt. Mr. Chairman, I would like to ask unanimous consent to have the proposed leases made a part of the record so we could look them over.

Mr. Rivers. Is there one available?

Mr. Harrison. I have here a copy of the proposed lease, and also the form of deed with Mrs. Nichols.

Mr. Rivers. Being no objection?

(The document referred to follows:)
Mr. Harrison. We have been negotiating with the attorneys for the donors for a period of months, and we have been advised informally this morning by telephone that our most recent submission to them is acceptable to them. So I think what will come out will be basically what I have furnished the committee this morning.

Mr. Morton. I would like to ask one more question.

Have we ever done anything precisely like this before as far as the Park Service is concerned, accepted the gift anywhere near this value and provided protection to it, like with this figure of $6,000 a year, and then not been able to use it for 25 years?

Mr. Harrison. I know of no precise precedent, Mr. Morton. I know of no precise case in point.

May I look into that further? It just does not come to my mind.

Mr. Morton. The other question is, if you will yield further -- there is the question of insurance. Who has the insurable interest during this time? Suppose this mansion burned down?

Mr. Harrison. The lessees are required to furnish the insurance.

Mr. Morton. And this insurance would be payable to the government? Would the government be the beneficiary?

Mr. Harrison. I believe the lessee would be -- well, I
do not think that precise provision is covered in the lease. The lease contains this provision:

"It is understood that the tenant is not required to carry any insurance with respect to the demised premises, or any part thereof, or against any hazards except as the tenant may elect. In keeping with the aforementioned covenants, it is further understood and agreed the landlord will not be obligated to make repairs or replacements."

Mr. Rivers. Will the $6,000 cover insurance premiums, protection against fires, and so forth?

Mr. Harrison. The $6,000 was not intended to cover an insurance premium, but rather, to provide a guard there who would be present on the property and protect it against fire.

Mr. Rivers. Would this guard be protecting the house and the houses which are being leased for $1 a year by the donors, or would this guard be protecting that 500 acres otherwise? What would the guard be doing?

Mr. Harrison. The entire 611 acres.

Mr. Rivers. Would he be protecting the acreage against poachers, or the house the people are living in?

Mr. Harrison. He would be protecting the entire property, I believe.

Mr. Rivers. It just occurred to me, if the tenants are going to live there at $1 a year, they would be responsible for looking after the premises. I would not see the occasion for a
guard unless you need a guard to look after the vacant acreage around the countryside there.

Mr. Race. According to the lease, they are not responsible for repairs on the home.

Mr. Harrison. They are responsible.

Mr. Rivers. For repairs?

Mr. Harrison. Yes.

Mr. Rivers. Now we are clearing the record up a bit.

Mr. Wyatt. Ordinary maintenance and repair with respect to the building -- it is further understood and agreed that the landlord shall not be obligated to make repair or replacements to the structures, or to furnish maintenance or custodial service, and so forth.

The reason I wanted to see the lease is because I think this is something we ought to give a little further thought and attention to before we take action.

One further question -- there has been discussion about the 25-year period and whether or not this was an appropriate period of years.

How was this term of years arrived at? Was this by the process of negotiation?

Mr. Edmunds. By negotiations.

Mr. Wyatt. I presume the donor wanted a longer period and the Park Service was attempting to get a shorter period.

Mr. Edmunds. Yes, sir.
Mr. Bingham. Has this matter been discussed with the local authorities in the area?

Mr. Edmunds. They are fully aware of it, Congressman, and there has been no objection. There has been no written objection that we know of that has been presented.

Mr. Bingham. What about the taxing authority, whatever that may be -- the township?

Mr. Edmunds. The township, nor the county, Brookhaven, nor Suffolk County, has made any objection to it.

Mr. Rivers. Thank you.
THIS INDENTURE OF LEASE made as of the day of , 1965, between the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior, pursuant to Public Law 89- approved , 1965 (hereinafter referred to as "the Landlord") and CORNELIA FLOYD NICHOLS, who resides at and whose address is Washington Avenue, (no street number) in the Village of Mastic, Town of Brookhaven, County of Suffolk, State of New York (hereinafter referred to as "the Tenant").

W I T N E S S E S T H:

For and in consideration of the conveyance by the Tenant to the Landlord of the premises hereby demised, made by the Tenant to the Landlord by deed of even date herewith, and of the payment of a rental at the annual rate of One Dollar ($1.) payable on the execution hereof and thereafter on each ensuing day of by the Tenant to the Landlord (the receipt of such first annual installment being hereby acknowledged), the Landlord hereby demises and leases unto the Tenant, and the Tenant hereby takes and hires from the Landlord, the premises in the Town of Brookhaven,
County of Suffolk, State of New York, more particularly described as follows:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village of Mastic, Town of Brookhaven, County of Suffolk and State of New York, with the buildings and improvements thereon erected, and together with all furnishings, equipment and all other personal property owned by the Landlord and located in the buildings thereon, at the date hereof, such land consisting of approximately 33.8 acres more-or-less and more particularly bounded and described in Schedule A hereto attached.

The premises and property described or referred to above are hereinafter referred to as the "demised premises".

TO HAVE AND TO HOLD the demised premises for the term of twenty-five (25) years, commencing on the day of , 1965, and expiring on the day of , 1990.

The Landlord and the Tenant mutually covenant and agree as follows:

THE TENANT COVENANTS:

1) The Tenant will use the demised premises and permit the same to be used only as follows: All
residential buildings now on the demised premises and any which may be erected in addition thereto or in substitution therefor, (any such construction other than replacement of an existing improvement or construction of one additional dwelling shall require the prior approval of the Secretary of the Interior), shall be used only for single-family residential purposes.

All barns, stables, garages, shops and other outbuildings shall be used only for purposes incident to the use of the demised premises for residential, agricultural, game-farm and wildlife preservation purposes.

Portions of the land comprising the demised premises now developed as fields and farm lands will be used only for agricultural or game-farm and wildlife development and preservation purposes and the portions of such lands now in woods and forests shall be kept substantially in their natural state as a wildlife and game preservation area (it being understood that during the term hereof the Landlord shall not prohibit the Tenant or Tenant's licensees from hunting and fishing on the demised premises in accordance with the laws of the State of New York applicable thereto).
2) The Tenant will commit no waste and will, at the Tenant's expense, do such work of ordinary maintenance and repair with respect to the buildings and premises as may be required from time to time to keep such buildings in repair and the premises maintained. Provided, that nothing in this lease shall be deemed to oblige the Tenant to replace any of the items of furnishing or equipment hereby demised nor to oblige the Tenant to make any structural repair to the buildings or replacement thereof or to repair or restore any damage due to fire or action of the elements, theft, vandalism or malicious mischief, or any other casualty which is not the result of the Tenant's own negligence or abuse. It is understood that the Tenant is not required to carry any insurance with respect to the demised premises or any part thereof or against any hazards except as the Tenant may elect. In keeping with the aforementioned covenants, it is further understood and agreed that the Landlord shall not be obligated to make repairs or replacements to the structures or to furnish maintenance or custodial services of any nature in regard to the buildings or premises during the term of this lease.

Tenant covenants that she will not use the premises for any purpose inconsistent with or contrary to the terms of this lease. If the Tenant shall fail to terminate any inconsistent or contrary use of the
demised premises for a period of more than one hundred and twenty (120) days following receipt of notice from the Landlord, specifying the inconsistent or contrary use complained of and demanding that such use be terminated, then the failure to terminate such use shall be deemed to terminate this lease, giving rise to an immediate right of possession in the Landlord. The Landlord's failure to immediately enforce its right of possession thereby arising shall not be deemed a waiver thereof.

THE LANDLORD COVENANTS:

1) The Tenant may, from time to time, sublease the premises in whole or in part but only subject to the terms, covenants and conditions of this lease. The Tenant may assign the Tenant's term, rights and estate under this lease. In the event that the Tenant's such term under this lease shall be assigned to any person, firm or corporation which shall expressly assume the obligations of the Tenant hereunder, by instrument in writing, duly executed and acknowledged, in form sufficient for recording, a copy of which instrument shall be furnished to the Landlord, then, beginning on the date of such assignment and assumption—but subject to the provisions of paragraph two of these covenants—the Tenant shall be released of any and all further obligations under this lease.
2) Tenant shall give Landlord 15 days prior notice in writing of any proposed sublease or assignment of any nature, and no such sublease or assignment other than a sublease or assignment (including an assignment by will or operation by law) to a descendant of the Tenant or a spouse of any such descendant shall be valid or of any force or effect unless and until acceptance thereof shall have been evidenced in writing by Landlord: Provided, however, that Landlord's failure to notify the Tenant of its acceptance or disapproval within 15 days after receiving notice from Tenant shall be deemed to be an acceptance of said sublease or assignment.

3) The Tenant may at any time, at the Tenant's option and expense reconstruct the main dwelling on the demised premises if it should be destroyed by fire or other cause, or construct a single additional dwelling of a character consistent with the use of the premises as authorized in this lease, and with the approval of the Secretary as set out above, construct other improvements on the demised premises of a character consistent with the use of the premises as authorized in this lease.
Any such dwelling or other improvements shall immediately, upon the erection thereof upon the demised premises, become the property of the Landlord, subject to the Tenant's use under this lease.

4) The Tenant shall peaceably and quietly hold and enjoy the exclusive use and possession of the demised premises for the full term of the lease. The Landlord shall, at the Landlord's expense, perform such protective services and promulgate and enforce such rules and regulations, as in the Landlord's judgment, will reasonably protect the demised premises from trespass and unauthorized use.

5) The Tenant, may at any time, at the Tenant's option, terminate and surrender this lease on the last day of any calendar month following not less than twenty (20) days' notice of the Tenant's election to do so by delivering to the Landlord an instrument, in writing, duly executed by the Tenant, in form sufficient for recording, wherein the Tenant sets forth the Tenant's election to terminate this
lease and to surrender the demised premises, and the Tenant's term, rights and estate hereunder to the Landlord and the date of termination (a last day of a calendar month) elected by the Tenant. Upon the delivery of such instrument by the Tenant, the Tenant shall be relieved of and from any and all obligations under this lease which shall accrue following the date of termination of the lease fixed in the instrument so tendered, and upon acceptance in writing of any such instrument by the Landlord, the Tenant shall be relieved of any and all obligations under this lease, whether accruing prior to or after the date of termination fixed in such instrument. It is understood and agreed that the termination and surrender of this lease shall relieve and discharge the Tenant from all claims by the Landlord accrued prior to the date of termination named in such instrument unless the Landlord shall notify the Tenant of the matters claimed to be in default and reserved by the Landlord during the said period of 20 days following notice of the Tenant's election to terminate this lease. Immediately following the acceptance of any such instrument, Tenant shall quit, vacate and surrender up the demised premises and remove all persons therefrom.
MUTUAL COVENANTS:

1) Any notice, demand, or request to be given under this lease shall be in writing and shall be given by registered mail. Any notice, demand, or request by the Tenant to the Landlord shall be deemed to have been properly given if sent by such registered mail, postage prepaid, addressed to the Secretary of the Interior of the United States, at Washington, D. C., or at such other address as the Landlord may, from time to time, designate by written notice to the Tenant given as herein required. Any notice, demand, or request by the Landlord to the Tenant shall be deemed to have been properly given if sent by such registered mail, postage prepaid, addressed to the Tenant, at the Tenant's address as given at the head of this lease or at such other address as the Tenant may, from time to time, designate by written notice to the Landlord given as herein required. Any consent or approval executed on behalf of the Landlord by the Secretary of the Interior at the time in office, or by his duly authorized deputy, shall be deemed, for all the purposes of this lease, to be the consent or approval of the Landlord.

2) At special seasons of the year and upon mutual agreement between the tenant and landlord certain organized groups, including school or college classes, may be admitted to the lands under lease (excluding the house and related structures), for the purpose of viewing the birds and other wildlife, with the understanding that any such groups will be accompanied by qualified interpretive personnel to be provided by the landlord: Provided, that during any time when Cornelia Floyd Nichols resides on the premises no such group shall be admitted.
3) This lease shall bind, and enure to
the benefit of the parties hereto and their respective
heirs, executors, successors and assigns.

IN WITNESS WHEREOF, the Landlord and the
Tenant have respectively executed this lease as of
the day of , 1965.

United States of America

By Secretary of Interior

Landlord

In Presence of:

________________________

Cornelia Floyd Nichols

Tenant
THIS INDENTURE made the day of 1965, between CORNELIA FLOYD NICHOLS who resides at and whose address is Washington Avenue (no street number) in the Village of Mastic, Town of Brookhaven, County of Suffolk, State of New York, Party of the First Part, and THE UNITED STATES OF AMERICA acting by and through the Secretary of the Interior pursuant to Public Law 89- , approved 1965, Party of the Second Part,

WITNESSETH, that the Party of the First Part,
in consideration of the sum of One Dollar ($1.00) to her paid by the Party of the Second Part, receipt of which is hereby acknowledged, and of the execution simultaneously herewith of a certain lease by the Party of the Second Part, as Landlord, to the Party of the First Part, as Tenant, covering the premises hereby conveyed, for the term of 25 years, upon the covenants therein expressed; such lease being intended to be recorded immediately after this Indenture, hereby grants and releases unto the Party of the Second Part,
ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Mastic, in the Town of Brookhaven, County of Suffolk, State of New York, and consisting of approximately 33.8 acres, more or less and more particularly bounded and described in Schedule A hereto annexed.

TOGETHER with all the right, title and interest, if any, of the Party of the First Part in and to any streets and roads abutting the above-described premises to the center lines thereof and in and to any lands lying under the waters surrounding certain portions of the premises; TOGETHER with the appurtenances and all the estate and rights of the Party of the First Part in and to said premises; TO HAVE AND TO HOLD the premises herein granted to the Party of the Second Part, in perpetuity, to be administered either as an adjunct or integral part of the Fire Island National Seashore with special emphasis on the preservation of the wet lands and wild-life habitat, so valuable from the conservationist’s point of view, recognizing, however, the need for appropriate recreational facilities, all in accordance with the laws applicable to the Fire Island National Seashore.
In connection with any such administration of the premises, Party of the Second Part agrees that, upon termination of the lease executed simultaneously herewith, the principal historic residence on the premises (built in about the year 1718, and being formerly the birthplace and home of General William Floyd, a signer of the Declaration of Independence) will be operated, maintained, and kept available to the public for its inspiration and enjoyment. The Party of the Second Part shall not be required to so operate, maintain and display the said historic residence and its immediate environs if such residence is totally or partially destroyed or, if upon termination of the lease herein referred to, whether by time or otherwise said residence, including furnishings and outbuildings, are determined by the Secretary or his duly authorized representative to be in such condition as to render impracticable or unduly burdensome the preservation and public use of the structure.

AND the Party of the First Part, in compliance with Section 13 of the Lien Law, covenants that the
Party of the First Part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund, to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Party of the First Part has duly executed this deed the day and year first above written.

Cornelia Floyd Nichols

In Presence of:
(Form of Proposed Deed from Cornelia Floyd Nichols to U.S.A.)

THIS INDENTURE made the day of 1965, between CORNELIA FLOYD NICHOLS who resides at and whose address is Washington Avenue (no street number) in the Village of Mastic, Town of Brookhaven, County of Suffolk, State of New York, Party of the First Part, and THE UNITED STATES OF AMERICA acting by and through the Secretary of the Interior pursuant to Public Law 89-, approved 1965, Party of the Second Part,

WITNESSETH, that the Party of the First Part, in consideration of the sum of One Dollar ($1.00) to her paid by the Party of the Second Part, receipt of which is hereby acknowledged, and of the execution simultaneously herewith of a certain lease by the Party of the Second Part, as Landlord, to the Party of the First Part, as Tenant, covering the premises hereby conveyed, for the term of 25 years, upon the covenants therein expressed; such lease being intended to be recorded immediately after this Indenture, hereby grants and releases unto the Party of the Second Part,
ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Mastic, in the Town of Brookhaven, County of Suffolk, State of New York, and consisting of approximately 33.8 acres, more or less and more particularly bounded and described in Schedule A hereto annexed.

TOGETHER with all the right, title and interest, if any, of the Party of the First Part in and to any streets and roads abutting the above-described premises to the center lines thereof and in and to any lands lying under the waters surrounding certain portions of the premises; TOGETHER with the appurtenances and all the estate and rights of the Party of the First Part in and to said premises; TO HAVE AND TO HOLD the premises herein granted to the Party of the Second Part, in perpetuity, to be administered either as an adjunct or integral part of the Fire Island National Seashore with special emphasis on the preservation of the wetlands and wild-life habitat, so valuable from the conservationist's point of view, recognizing, however, the need for appropriate recreational facilities, all in accordance with the laws applicable to the Fire Island National Seashore.

-2-
In connection with any such administration of the premises, Party of the Second Part agrees that, upon termination of the lease executed simultaneously herewith, the principal historic residence on the premises (built in about the year 1718, and being formerly the birthplace and home of General William Floyd, a signer of the Declaration of Independence) will be operated, maintained, and kept available to the public for its inspiration and enjoyment. The Party of the Second Part shall not be required to so operate, maintain and display the said historic residence and its immediate environs if such residence is totally or partially destroyed or, if upon termination of the lease herein referred to, whether by time or otherwise said residence, including furnishings and outbuildings, are determined by the Secretary or his duly authorized representative to be in such condition as to render impracticable or unduly burdensome the preservation and public use of the structure.

AND the Party of the First Part, in compliance with Section 13 of the Lien Law, covenants that the
Party of the First Part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund, to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the Party of the First Part has duly executed this deed the day and year first above written.

Cornelia Floyd Nichols

In Presence of:
Vol. 1

The United States Senate

Report of Proceedings

Hearing held before

Subcommittee on Parks and Recreation

of the

Committee on Interior and Insular Affairs

S. 2148

To authorize the Secretary of the Interior to accept a donation of property in the County of Suffolk, State of New York, known as the Floyd Estates, for addition to the Fire Island National Seashore, and for other purposes

Thursday, September 9, 1965

Washington, D.C.

WARD & PAUL

OFFICIAL REPORTERS

917 G STREET, N.W.
WASHINGTON, D. C. 20001

AREA CODE 202—428-4288
STATEMENT OF

Allen T. Edmunds,
Assistant Regional Director,
Northeast Region, National Park Service, Department of the Interior,
Accompanied by:
Frank E. Harrison,
Chief, Division of Legislation
S. 2148

TO AUTHORIZE THE SECRETARY OF THE INTERIOR
TO ACCEPT A DONATION OF PROPERTY IN THE COUNTY
OF SUFFOLK, STATE OF NEW YORK, KNOWN AS THE
FLOYD ESTATE, FOR ADDITION TO THE FIRE ISLAND
NATIONAL SEASHORE, AND FOR OTHER PURPOSES

Thursday, September 9, 1965

United States Senate,
Subcommittee on Parks and
Recreation of the Committee
on Interior and Insular Affairs,
Washington, D. C.

The Subcommittee met, pursuant to notice, at 10:00 o'clock
a.m., in Room 3110, New Senate Office Building, Senator Alan
Bible, presiding.

Present: Senators Bible (presiding), and Nelson.

Also present: Roy M. Whitacre, Professional Staff Member,
and Jerry Verkler.
Senator Bible. The hearing will come to order.

The hearings this morning have been scheduled to take testimony on two bills pending before the subcommittee.

The first bill is S. 2148, authorizing the Secretary of the Interior to accept a donation of property in the County of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

The Department recommends enactment of the measure if certain perfecting amendments are adopted.

The bill, S. 2148 introduced by Senator Kennedy and Senator Javits will be incorporated and made a part of the record at this point with the official report of the Department which will be made a part of the record at this point.

(S. 2148 and report referred to follow.)
Senator Bible. Mr. Al Edmunds is the first witness and we will be happy to hear from you.

Before I do that, I would like to incorporate in the record a statement from Senator Kennedy in support of his bill.

(The statement of Senator Kennedy referred to follows:)

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Senator Bible. Come forward with anybody you wish.

Mr. Edmunds. Mr. Harrison.

Senator Bible. The record will show Mr. Al Edmunds and Frank Harrison.

Mr. Edmunds. I have a statement I would like to make.

Senator Bible. You may proceed.
STATEMENT OF ALLEN T. EDMUNDS, ASSISTANT REGIONAL DIRECTOR, NORTHEAST REGION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY FRANK E. HARRISON, CHIEF, DIVISION OF LEGISLATION

Mr. Edmunds. Mr. Chairman and Members of the Committee, the Department of the Interior strongly recommends enactment of S. 2148, which would authorize the Secretary to accept donation of the properties on Long Island known as the William Floyd Estate. Under the terms of the legislation, these properties -- approximately 611 acres of lands, submerged lands, islands and marshlands, with improvements, on the inland side of Moriches Bay -- would become a detached unit of the Fire Island National Seashore, which is about three quarters of a mile away.

The Department's report to the Chairman of the full Committee, dated August 16, 1965, recommends one perfecting amendment to S. 2148.

Deeds have been drafted to convey the properties to the United States upon enactment of this legislation. Furthermore, agreements between the United States and the properties' present owners have been drawn to provide, under the terms of the bill, for the Secretary of the Interior to lease the land back to the donors for a period of not more than 25 years, as is their wish.

Senator Bible. For what consideration?

Mr. Edmunds. $1 a year. Born in 1734, William Floyd was a
public figure of note during Revolutionary times.

At present the estate is divided into two parcels. The first, containing William Floyd's original 18th Century manor house, which has been altered and modernized considerably, consists of about 34 acres in the northern portion. It is owned by Mrs. Cornelia Floyd Nichols, now in her 80s, who is William Floyd's great, great, great granddaughter. The second parcel, some 577 acres, contains no buildings or other significant improvements. Its owners are Mrs. Nichols' son, William Floyd Nichols; her daughter, Mary Blake Nichols Weld; and the daughter's husband, David Weld. We have been negotiating with counsel representing all of the owners and we anticipate no difficulty in consummating satisfactory deed and lease agreements.

Upon the expiration or surrender of the leases, these properties will be administered in accordance with the laws applicable to the Fire Island National Seashore, and with the terms of the transfer.

The 577-acre parcel has been employed principally as a wildlife habitat where the owners have hunted and fished in accordance with New York State laws.

The lease agreements we are negotiating with the owners provide that during the terms of the leases, organized groups -- including school and college classes -- would be admitted to the area on a limited basis for the purpose of viewing the birds and other wildlife.
Upon the expiration or surrender of the leases, we plan to open the residence to the public for its inspiration and enjoyment. The surrounding lands are particularly desirable for certain types of recreational use and they will be a valuable addition to the national seashore. Although at this time we cannot estimate the cost of possible recreational developments here, since they may not be installed for a quarter of a century, we expect they would include campgrounds and picnicking facilities.

Under provisions of the legislation, during the terms of the leases we would provide protective custody for the property at an estimated annual cost of $6,000, while all maintenance and ordinary repairs would be the responsibility of the lessees.

William Floyd's descendants and their heirs have generously indicated their desire to deed to the United States their properties, which are worth an estimated $1.3 million. There is no doubt that the ever-increasing population pressures of the New York metropolitan area will swallow up most such properties, especially on Long Island, if they are available for intensive residential or commercial development. Those same pressures make it imperative that we preserve for public recreational use every suitable open space area in this densely populated region.

For these reasons, Mr. Chairman, we urge this Committee to take prompt favorable action on S. 2148.

We will be glad to answer any questions. Thank you very much.

Senator Bible. Thank you very much, Mr. Edmunds. I think
your statement is very full and almost seems to me completely explanatory as to the donation.

The point that I am not clear on is that this entire parcel or two parcels is 611 acres, is that correct?

Mr. Edmunds. Yes, sir.

Senator Bible. Do you have a smaller map that we can have?

Mr. Edmunds. Yes, sir.

Senator Bible. If we could have it incorporated by reference in the record. I do not think we need the larger maps. It helps in explaining this to the committee. We will have a full committee meeting I guess next week. We would be able to point this out.

Mr. Edmunds. This is the same map on a smaller scale. Your map is on a smaller scale.

Senator Bible. The total acreage is 611 acres.

Mr. Edmunds. 611 acres in this entire area. This is the boundary of the area. The rivers make the boundary. The estate of Mrs. Floyd -- of Mrs. Nichols is here.

Senator Bible. The "here" is what?

Mr. Edmunds. 33.8 acres.

Senator Bible. For the purpose of the record where is that?

Is that in the northeast?

Mr. Edmunds. Northern portion of it.

Senator Bible. 33 acres?

Mr. Edmunds. Yes.

Senator Bible. That is where the home is located?
Mr. Edmunds. Where the manor house is located, yes, sir.

Senator Bible. Now, the entire leaseback is for 25 years, or is the leaseback just for the 33 acres?

Mr. Edmunds. 25 years for the entire area.

Senator Bible. If it was leased back to the heirs of General Floyd, what would they do as a practical matter with the balance of the acreage, the 611 acres less the 33? I understand what they will do with the 33, they live on it, do they not?

Mr. Edmunds. Yes, sir.

Senator Bible. Is that true?

Mr. Edmunds. Yes, sir.

Senator Bible. Make that a home for 25 years?

Mr. Edmunds. Yes. Mrs. Nichols lives on it a portion of the year. She is not there the entire year and the heirs are not there at all. The other portion of it is in fields of rye and millet, primarily. It is a habitat for wildlife. It has been kept in its natural condition and they have tried to keep the manor house as a historic building in honor of William Floyd.

Senator Bible. I can understand the house and why they want to lease it back for 25 years. Certainly, it is their property. They can give it to the United States Government under any terms they want to. It is a generous offer and the Government should accept it without delay. It is worth $1.3 million? It is appraised for $1.3 million?

Mr. Edmunds. Yes, sir.
Senator Bible. I still do not understand, if I was an heir and owned the acreage exclusive of the park where the home is located, what would I do with it now?

Mr. Edmunds. Well, the enjoyment of it as a natural area is a primary interest of the heirs plus the fact that the son does hunt in this section in accordance with the New York State laws. But that is the only use that is made of it at the present time.

Senator Bible. Do they raise grains there commercially and harvest them?

Mr. Edmunds. No, sir.

Senator Bible. What that is, really, and all I am trying to do is find out what they do with it -- it is a private hunting preserve?

Mr. Edmunds. Yes, sir.

Senator Bible. And they have a right to use it for 25 years. It is their property. They can do what they want with it. I was just curious as to what they do with the balance.

Mr. Edmunds. We know of no other way they use it other than trying to retain it in its natural state which they receive great enjoyment from doing.

Senator Bible. During this period of 25 years both as to the home and as to the main property beyond this 33 acres, will they pay taxes on it or is there a tax forgiveness in the leaseback?

Mr. Edmunds. It will be transferred to the Federal Government and there would be no tax on the property.
Senator Bible. Is the tax very appreciable?

Mr. Edmunds. $8,770 a year. That is the 1964-'65 tax.

Senator Bible. So the municipalities by virtue of this donation and this leaseback would lose something in the neighborhood of $8,000 a year taxes which they are presently receiving. So in exchange of that the United States Government secures this very valuable property which is presently valued at -- in excess of a million dollars?

Mr. Edmunds. That is right.

Senator Bible. Are there any administration problems in view of the fact that this is separated from Fire Island itself, a detached area?

Mr. Edmunds. We don't think so, Mr. Chairman. It is about three-quarters of a mile across the Bay to the area and it is about five miles from Smith Point which is one of our concentrated areas. We don't anticipate any administrative problems.

Senator Bible. You estimate for the period of the next 25 years it will cost you about $6,000 a year?

Mr. Edmunds. Yes, sir.

Senator Bible. That is for what purpose? Is that for maintenance of the home?

Mr. Edmunds. The lessees have to maintain it themselves. This would be spent on the part-time fire guard and seasonal -- a seasonal ranger.

Senator Bible. Will this be open to the public during this
period of time?

Mr. Edmunds. No, sir, it will not, except to organized
groups, colleges.

Senator Bible. I think you testified to that in your state-
ment.

In other words, you are working out a very advantageous
donation to the United States Government and the consideration for
it that you permit them to stay there for 25 years.

Mr. Edmunds. That is correct.

Senator Bible. The value to them is that they do not have to
pay taxes during this period of time?

Mr. Edmunds. Yes, sir.

Senator Bible. Otherwise they will occupy it and use it just
as they do now in private ownership?

Mr. Edmunds. Yes, sir.

Senator Bible. Subject to keeping the property up under
certain supervision?

Mr. Edmunds. Yes.

Senator Bible. I think I have no other questions of you, Mr.
Edmunds.

The amendments that you suggest I understand are technical
in nature?

Mr. Edmunds. Yes, sir, on the fifth, sixth and seventh lines
of the first page. On page one, line five, in order to perfect
the description of the property, delete "land" and substitute
therefor "lands, submerged lands, islands, and marshlands." Lines six and seven, delete "together with submerged lands, islands, and marshlands adjacent thereto."

Senator Bible. That is to make it a little more what, descriptive of the nature of the land?

Mr. Edmunds. It might be interpreted the way it is written at the present time that we are asking for lands not adjacent to this property.

Senator Bible. Will you state that again?

Mr. Edmunds. We have thought that it might be interpreted the way it is written at the present time that we might be asking for lands that are not adjacent to this estate.

Senator Bible. I see. Very fine. I think maybe that is a better wording of it.

Mr. Harrison. Mr. Chairman, may I offer for the record a copy of the deed and of the leaseback arrangement which we have been negotiating with the present owners of the property?

Senator Bible. That may be made a part of the record by reference. However, how have these negotiations been going along?

Mr. Harrison. Senator Bible, we have reached agreement with them on this language. The deeds -- the deed and leaseback have not been executed yet, of course, but we are in agreement on the language now. This is in the form of a deed and leaseback with respect to the 33 acres. The understanding is that similar language
will be worked out with respect to the balance of the acreage.

Senator Bible. What you are saying is that they will sign the suggested deed and the leaseback providing this is enacted into law, is that what you are saying?

Mr. Harrison. This is correct.

Senator Bible. Is that to 33-1/2 acres, or what?

Mr. Harrison. 33-1/2. We have an agreement on the balance also but we have not actually worked out the exact language because we understand it will be similar to this. We didn't feel a need to work out two documents.

Senator Bible. Very well, and that will be incorporated by reference in the record.

(The document referred to will be found in the files of the committee.)
Senator Bible. Are there any further witnesses on this particular bill? If not, the record is closed.

(Whereupon, at 10:15 o'clock a.m., the hearing on S. 2148 was adjourned.)
AUTHORIZING THE SECRETARY OF THE INTERIOR TO ACCEPT A DONATION OF PROPERTY IN THE COUNTY OF SUFFOLK, STATE OF NEW YORK, KNOWN AS THE WILLIAM FLOYD ESTATE, FOR ADDITION TO THE FIRE ISLAND NATIONAL SEASHORE

SEPTEMBER 13, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Rivers of Alaska, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 8035]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8035) to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 3, through page 2, line 6, strike out all of section 1 and insert the following in lieu thereof:

That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of lands, submerged lands, islands, and marshlands, or interests therein, known as the William Floyd Estate, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, including the William Floyd Estate" numbered OGP-0003, dated May 1965, which map or a true copy thereof, shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior. Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest.

Page 2, line 11, strike out "with".
PURPOSE

The purpose of H.R. 8035 by Congressman Pike is to authorize the Secretary of the Interior to accept two donations of land totaling 611 acres in Suffolk County, N.Y., and to administer this land as a detached portion of the Fire Island National Seashore, the establishment of which was provided for in the act of September 11, 1964 (78 Stat. 928).

NEED

The two parcels of land to be donated under H.R. 8035 are commonly known as the William Floyd Estate. William Floyd (born 1734, died 1821) was a Delegate to the Continental Congress during the years 1774-77 and 1778-83 and was a Member of the first Congress from 1789 to 1791. He was also a major general in the New York militia, a member of the State senate (1777-78, 1784-88, 1808), and a presidential elector in 1792, 1800, 1804, and 1820. The estate has remained in the hands of his descendants ever since his death. Included in the proposed donation is the original manor house, built in the early 18th century, which was William Floyd's home. The estimated value of the two pieces of property, the committee was advised, is $1,300,000.

Acquisition of this property on Long Island will be a welcome addition to the Fire Island National Seashore. The William Floyd house and the 34-acre tract on which it is situated has obvious historic value, and the larger tract (577 acres) has for years been used for wildlife habitat.

The bill, as amended, provides for a leaseback arrangement between the United States and the present owners for not more than 25 years, a period the same as that which has been authorized in connection with property acquisitions in a number of other recent National Park Service bills. The terms of the lease must be satisfactory to the Secretary of the Interior and have due regard to the public interest. During the term of the lease the wild lands will be open to organized groups on a limited basis, maintenance and repairs will be at the expense of the lessees, and the Park Service will provide certain custodial services.

AMENDMENTS

The Committee on Interior and Insular Affairs adopted certain technical and clarifying amendments recommended by the Department of the Interior, including one which authorizes acceptance of the proposed donation "subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest."

COST

Enactment of H.R. 8035 will require no appropriations for land acquisition but the transfer of the property to the Government will, in all probability, result in some savings to the present owners in inheritance and income taxes. The proposed custodial services will, at present wage levels, cost about $6,000 a year. Since development will be postponed until expiration of the leases no cost estimate is possible at present.
The favorable reports of the Department of the Army and the Department of the Interior are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
Office of the Secretary,

Hon. Wayne N. Aspinall,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

Dear Mr. Aspinall: Your committee has requested a report on H.R. 8035, a bill to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

We recommend that the bill be enacted, with the perfecting or clarifying amendments recommended herein.

The bill authorizes the Secretary to accept the donation of approximately 611 acres of lands, known as the William Floyd Estate, located in the town of Brookhaven (Suffolk County), N.Y. The bill permits the Secretary to lease the land to the donors for a period of not more than 25 years, and to provide protective custody for the property during the leasehold period. Upon the expiration or surrender of the lease, the property will become a detached unit of the Fire Island National Seashore. The property will then be administered in accordance with the laws applicable to the national seashore, except that the main dwelling and its furnishings are to be administered subject to such terms, covenants, and conditions as the Secretary accepted and approved when the property was donated to the United States.

The William Floyd Estate comprises two adjoining tracts of land totaling about 611 acres which are located on Long Island about three-fourths of a mile by water from the Fire Island National Seashore. The residence was the home of Gen. William Floyd, a signer of the Declaration of Independence and a Member of the first Congress of the United States. This structure has many pleasing architectural features and provides a unique visual history of the continuous development of a rural 18th-century manor house into a modern dwelling. It contains furnishings that date back to the early periods of its occupancy. Upon the expiration or surrender of the lease authorized by the bill to be granted to the donors of the property, we plan to open the residence to the public for its inspiration and enjoyment.

The lands surrounding the residence are particularly desirable for certain types of recreational use. With the existing heavy demands for recreational opportunities in the New York metropolitan region, the property will be a valuable addition to the Fire Island National Seashore. During the 25-year maximum period of occupancy by the present owners, these demands will undoubtedly intensify. We strongly recommend, therefore, that the Secretary be authorized to accept the owners' generous offer to donate the property to the United States for addition to the Fire Island National Seashore.
We recommend the following perfecting and clarifying amendments of the bill:

1. Page 1, line 5, in order to perfect the description of the property, delete "land" and substitute therefor "lands, submerged lands, islands, and marshlands," and on lines 6 and 7, delete "together with submerged lands, islands, and marshlands adjacent thereto,"

2. On page 2, line 4, as a clarifying amendment, change the semi-colon to a period, delete all that follows through line 6, and substitute therefor the following sentence: "Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest."

3. On page 2, line 11, as a clarifying amendment, delete "with".

In order to provide protective custody for the property during the period it is under lease to the donors thereof, we estimate that an annual cost of about $6,000 will be incurred by the United States. The lessees will be responsible for all maintenance and all ordinary repairs of the premises during the term of the lease. We are unable to estimate the cost of possible recreational developments which may be required upon the expiration or surrender of the lease. We anticipate that facilities will be developed for picnicking and other day uses, as well as for camping.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

DEPARTMENT OF THE ARMY,

HON. WAYNE ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to H.R. 8035, 89th Congress, a bill to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

The purpose of this bill is generally as stated in its title. More specifically it authorizes the Secretary of the Interior to accept a donation of 611 acres of land and a dwelling with furnishings, which was the birthplace of Gen. William Floyd (a signer of the Declaration of Independence), located in Brookhaven, Suffolk County, N.Y. The conveyance of this property may be subject to such terms and conditions as the Secretary deems to be in the public interest; further, the Secretary may lease back said property to the grantors for a term not exceeding 25 years at $1 per annum; upon the expiration of the lease the property shall become a part of, and be administered with the Fire Island National Seashore.
The Department of the Army interposes no objection to the enactment of this bill, but defers to the views of the Department of the Interior as to the merits and advisability of the legislation.

The Secretary of the Interior, by an act approved September 11, 1964 (78 Stat. 928) was authorized to establish Fire Island National Seashore. The boundaries of this seashore were specifically limited by the Robert Moses State Park on the east, Moriches Inlet on the west, 1,000 feet southward in the Atlantic Ocean, and 4,000 feet northward of Fire Island into the Great South Bay; additionally, certain specified islands in the bay were included. The subject property, known as the William Floyd Estate, is located on the mainland of Long Island and outside the authorized boundaries of the project area. As a consequence, the Secretary of the Interior is without authority to accept a donation of such property. H.R. 8035 would provide such authorization.

Section 3 of the act of September 11, 1964, provides that the authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection within the seashore shall be exercised in accordance with a plan mutually acceptable to the Secretaries of the Interior and Army. Additionally, the Secretary of the Interior is directed to contribute the necessary land for the future construction of an inlet across Fire Island on plans mutually acceptable to the Secretaries of both Departments. Other than these functions, the Department of the Army has no direct interest in the seashore or in this bill.

Since the establishment and development of the Fire Island National Seashore is the primary responsibility of the Secretary of the Interior, he may more appropriately evaluate the merits of subject legislation, and accordingly the Department of the Army defers to the views of the Department of the Interior thereon.

The enactment of this legislation will have no apparent effect on the budgetary requirements of the Department of the Army.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the submission of this report to the committee.

Sincerely yours,

Stanley R. Resor,
Secretary of the Army.

Committee Recommendation

The Committee on Interior and Insular Affairs recommends enactment of H.R. 8035 as amended.
ADDITION TO FIRE ISLAND NATIONAL SEASHORE

September 22 (legislative day, September 20), 1965.—Ordered to be printed

Mr. BIBLE, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 8035]

The Committee on Interior and Insular Affairs, to which was referred the bill (H.R. 8035) authorizing the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 8035 is to authorize the Secretary of the Interior to accept two donations of land totaling 611 acres in Suffolk County, N.Y., and to administer this land as a detached portion of the Fire Island National Seashore, the establishment of which was provided for in the act of September 11, 1964 (78 Stat. 928).

NEED

The two parcels of land to be donated under H.R. 8035 are commonly known as the William Floyd Estate. William Floyd (born 1734, died 1821) was a Delegate to the Continental Congress during the years 1774–77 and 1778–83 and was a Member of the first Congress from 1789 to 1791. He was also a major general in the New York militia, a member of the State senate (1777–78, 1784–88, 1808), and a presidential elector in 1792, 1800, 1804, and 1820. The estate has remained in the hands of his descendants ever since his death. Included in the proposed donation is the original manor house, built in the early 18th century, which was William Floyd’s home. The estimated value of the two pieces of property, the committee was advised, is $1,300,000.
Acquisition of this property on Long Island will be a welcome addition to the Fire Island National Seashore. The William Floyd house and the 34-acre tract on which it is situated has obvious historic value, and the larger tract (577 acres) has for years been used for wildlife habitat.

The bill provides for a leaseback arrangement between the United States and the present owners for not more than 25 years, a period the same as that which has been authorized in connection with property acquisitions in a number of other recent National Park Service bills. The terms of the lease must be satisfactory to the Secretary of the Interior and have due regard to the public interest. During the term of the lease the wild lands will be open to organized groups on a limited basis, maintenance and repairs will be at the expense of the lessees, and the Park Service will provide certain custodial services.

COST

Enactment of H.R. 8035 will require no appropriations for land acquisition but the transfer of the property to the Government will, in all probability, result in some savings to the present owners in inheritance and income taxes. The proposed custodial services will, at present wage levels, cost about $6,000 a year. Since development will be postponed until expiration of the leases no cost estimate is possible at present.

DEPARTMENT REPORTS

The favorable reports of the Department of the Army and the Department of the Interior are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
Office of the Secretary,

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. ASPINALL: Your committee has requested a report on H.R. 8035, a bill to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore, and for other purposes.

We recommend that the bill be enacted, with the perfecting or clarifying amendments recommended herein.

The bill authorizes the Secretary to accept the donation of approximately 611 acres of lands, known as the William Floyd Estate, located in the town of Brookhaven (Suffolk County), N.Y. The bill permits the Secretary to lease the land to the donors for a period of not more than 25 years, and to provide protective custody for the property during the leasehold period. Upon the expiration or surrender of the lease, the property will become a detached unit of the Fire Island National Seashore. The property will then be administered in accordance with the laws applicable to the national seashore, except that the main dwelling and its furnishings are to be administered subject to such terms, covenants, and conditions as the Secretary accepted and approved when the property was donated to the United States.
The William Floyd Estate comprises two adjoining tracts of land totaling about 611 acres which are located on Long Island about three-fourths of a mile by water from the Fire Island National Seashore. The residence was the home of Gen. William Floyd, a signer of the Declaration of Independence and a Member of the first Congress of the United States. This structure has many pleasing architectural features and provides a unique visual history of the continuous development of a rural 18th-century manor house into a modern dwelling. It contains furnishings that date back to the early periods of its occupancy. Upon the expiration or surrender of the lease authorized by the bill to be granted to the donors of the property, we plan to open the residence to the public for its inspiration and enjoyment.

The lands surrounding the residence are particularly desirable for certain types of recreational use. With the existing heavy demands for recreational opportunities in the New York metropolitan region, the property will be a valuable addition to the Fire Island National Seashore. During the 25-year maximum period of occupancy by the present owners, these demands will undoubtedly intensify. We strongly recommend, therefore, that the Secretary be authorized to accept the owners' generous offer to donate the property to the United States for addition to the Fire Island National Seashore.

We recommend the following perfecting and clarifying amendments of the bill:

1. Page 1, line 5, in order to perfect the description of the property, delete "land" and substitute therefor "lands, submerged lands, islands, and marshlands," and on lines 6 and 7, delete "together with submerged lands, islands, and marshlands adjacent thereto,"

2. On page 2, line 4, as a clarifying amendment, change the semicolon to a period, delete all that follows through line 6, and substitute therefor the following sentence: "Such donation may be accepted subject to such terms, covenants, and conditions as the Secretary finds will be in the public interest."

3. On page 2, line 11, as a clarifying amendment, delete "with".

In order to provide protective custody for the property during the period it is under lease to the donors thereof, we estimate that an annual cost of about $6,000 will be incurred by the United States. The lessees will be responsible for all maintenance and all ordinary repairs of the premises during the term of the lease. We are unable to estimate the cost of possible recreational developments which may be required upon the expiration or surrender of the lease. We anticipate that facilities will be developed for picnicking and other day uses, as well as for camping.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.
HON. WAYNE ASPINALL,  
Chairman, Committee on Interior and Insular Affairs,  
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to H.R. 8035, 89th Congress, a bill to authorize the Secretary of the Interior to accept a donation of property in the county of Suffolk, State of New York, known as the William Floyd Estate, for addition to the Fire Island National Seashore and for other purposes.

The purpose of this bill is generally as stated in its title. More specifically it authorizes the Secretary of the Interior to accept a donation of 611 acres of land and a dwelling with furnishings, which was the birthplace of Gen. William Floyd (a signer of the Declaration of Independence), located in Brookhaven, Suffolk County, N.Y. The conveyance of this property may be subject to such terms and conditions as the Secretary deems to be in the public interest; further, the Secretary may lease back said property to the grantors for a term not exceeding 25 years at $1 per annum; upon the expiration of the lease the property shall become a part of, and be administered with the Fire Island National Seashore.

The Department of the Army interposes no objection to the enactment of this bill, but defers to the views of the Department of the Interior as to the merits and advisability of the legislation.

The Secretary of the Interior, by an act approved September 11, 1964 (78 Stat. 928) was authorized to established Fire Island National Seashore. The boundaries of this seashore were specifically limited by the Robert Moses State Park on the east, Moriches Inlet on the west, 1,000 feet southward in the Atlantic Ocean, and 4,000 feet northward of Fire Island into the Great South Bay; additionally, certain specified islands in the bay were included. The subject property, known as the William Floyd Estate, is located on the mainland of Long Island and outside the authorized boundaries of the project area. As a consequence, the Secretary of the Interior is without authority to accept a donation of such property. H.R. 8035 would provide such authorization.

Section 3 of the act of September 11, 1964, provides that the authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection within the seashore shall be exercised in accordance with a plan mutually acceptable to the Secretaries of the Interior and Army. Additionally, the Secretary of the Interior is directed to contribute the necessary land for the future construction of an inlet across Fire Island on plans mutually acceptable to the Secretaries of both Departments. Other than these functions, the Department of the Army has no direct interest in the seashore or in this bill.

Since the establishment and development of the Fire Island National Seashore is the primary responsibility of the Secretary of the Interior, he may more appropriately evaluate the merits of subjects legislation, and accordingly the Department of the Army defers to the views of the Department of the Interior thereon.
The enactment of this legislation will have no apparent effect on the budgetary requirements of the Department of the Army. The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the submission of this report to the committee.

Sincerely yours,

STANLEY R. RESOR,
Secretary of the Army.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 8035.
The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM FLOYD ESTATE, SUFFOLK COUNTY, N.Y.

The Clerk called the bill (H.R. 8035) to authorize the Secretary of the Interior to accept a donation of approximately six hundred and eleven acres of land or interests therein, known as the William Floyd Estate, together with submerged lands, islands, and marshlands adjacent thereto, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain map entitled "Map of the Fire Island National Seashore, for additional to the Fire Island National Seashore, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

H.R. 8035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to accept, by negotiation or otherwise, approximately six hundred and fifty-nine thousand one hundred short tons of chemical grade chromite now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b). The method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF VEGETABLE TANNIN FROM NATIONAL STOCKPILE

The Clerk called the bill (H.R. 10516) to authorize the disposal of vegetable tannin extracts from the national stockpile.

There being no objection, the Clerk read the bill, as follows:

H.R. 10516

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to dispose of approximately ten thousand long tons of chestnut, one hundred eleven thousand four hundred and fifty-nine thousand fifteen hundred and sixty-two gross tons of chestnut, and twenty-three thousand nine hundred and sixty-two gross tons of chestnut. Such disposal may be made without regard to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) that no disposition of materials held in the national stockpile shall be made prior to the expiration of six months after the publication in the Federal Register and the transmission to the Congress and to the Armed Services Committees of each House thereof of the notice of the proposed disposition.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF COLEMANITE FROM SUPPLEMENTAL STOCKPILE

The Clerk called the bill (H.R. 10714) to authorize the disposal of colemanite from the supplemental stockpile.

There being no objection, the Clerk read the bill, as follows:

H.R. 10714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately four hundred and six hundred long dry tons (gross weight) of colemanite now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b). The method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

DISPOSAL OF CHROMITE FROM SUPPLEMENTAL STOCKPILE

The Clerk called the bill (H.R. 10715) to authorize the disposal of chemical grade chromite from the supplemental stockpile.

There being no objection, the Clerk read the bill, as follows:

H.R. 10715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately six hundred and fifty-nine thousand one hundred short tons of chemical grade chromite now held in the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b)). Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b). The method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The Speaker pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

H.R. 10714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to transfer to the Bureau of the Mint approximately one hundred thousand long tons of copper now held in the national stockpile. Such transfer may be made without regard to the provisions of section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) that no disposition of materials held in the national stockpile shall be made prior to the expiration of six months after the publication in the Federal Register and the transmission to the Congress and to the Armed Services Committees of each House thereof of the notice of the proposed disposition.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.
The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Boundary of Jewel Cave National Monument, S. Dak.

The bill was ordered to be engrossed and read a third time, and passed, and a motion to reconsider was laid on the table.

Establishing Lewis and Clark Trail Commission

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Establishing Lewis and Clark Trail Commission

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

International Communism in Western Hemisphere

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Land for Use of the University of Alaska

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Acquire Great Falls Property in Virginia

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Congressional Record — House

Landing in lieu thereof: "That the Secretary of the Interior is authorized to accept the donation of approximately six hundred and eleven acres of land, submerged lands, islands, and marshlands, or interests therein, known as the William Floyd Estate, located in the town of Brookhaven, county of Suffolk, and State of New York, delineated on a certain Map of Fire Island National Seashore, including the William Floyd Estate" numbered OGP-0003, dated May 16, 1955, which map or a true copy thereof, shall be filed with the Federal Register and may be examined in the offices of the Department of the Interior. Such donations may be accepted on such terms, conditions, and as the Secretary finds will be in the public interest. Page 2, line 11, strike out "with".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Boundary of Jewel Cave National Monument, S. Dak.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Establishing Lewis and Clark Trail Commission

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The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Acquire Great Falls Property in Virginia

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Congressional Record — House
Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 783), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 6035 is to authorize the Secretary of the Interior to accept donations of land totaling 611 acres in Suffolk County, N.Y., and to administer this land as a detached portion of the Fire Island National Seashore, the establishment of which was provided for in the act of September 11, 1984 (78 Stat. 928).

The two parcels of land to be donated under H.R. 6035 are commonly known as the William Floyd Estate. William Floyd (born 1754, died 1812) was a Delegate to the Congress of 1777-78, a member of the First Congress from 1779-83 and was a Member of the First Congress from 1789 to 1791. He was also a Senator from New York from 1790 to 1796, and a member of the State Senate (1777-78, 1784-88, 1806), and a presidential elector in 1792, 1800, and 1804. The house, which was remained in the hands of his descendants ever since his death. Included in the proposed donation is the original main house, built in the early 18th century, which was William Floyd’s home. The estimated value of the two pieces of property, the committee was advised, is $1,500,000.

Acquisition of this property on Long Island will be a welcome addition to the Fire Island National Seashore. The house and the 94-acre tract on which it is situated has obvious historic value, and the larger tract (977 acres) has been used for wildlife habitat.

The bill provides for a leaseback arrangement between the United States and the present owners for not more than 28 years, a period the same as that which has been authorized in connection with property acquisitions in a number of other recent National Park Service bills. The lease must be satisfactory to the Secretary of the Interior, and he may, subject to the provisions of this Act, place the lands on a basis of public use, or accept for the public use the lands and properties to be leased, and the Secretary may enter into agreements with other persons to accept the lands and properties for the public use.

The bill provides for a leaseback arrangement between the United States and the present owners for not more than 28 years, a period the same as that which has been authorized in connection with property acquisitions in a number of other recent National Park Service bills. The lease must be satisfactory to the Secretary of the Interior, and he may, subject to the provisions of this Act, place the lands on a basis of public use, or accept for the public use the lands and properties to be leased, and the Secretary may enter into agreements with other persons to accept the lands and properties for the public use.

The amendment was agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 764), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of S. 453, to provide for the establishment of the Roger Williams National Memorial in the city of Providence, R.I., which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, after line 8, to strike out:

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

And in lieu thereof, to insert:

SEC. 4. There are hereby authorized to be appropriated not more than $700,000 for the acquisition of lands and interests in land and easements in connection with the establishment of the Roger Williams National Memorial, as provided in this Act.
6. Fire Island

An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes. (90 Stat. 2732) (P.L. 94-578)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ACQUISITION CEILING INCREASES

Sec. 101. The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

(5) Fire Island National Seashore, New York: section 10 of the Act of September 11, 1964 (78 Stat. 928), is amended by changing "$16,000,000" to "$18,000,000".

* * * * * * *

Approved October 21, 1976.

An Act to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho. (92 Stat. 3467) (P.L. 96-625)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE III—FIRE ISLAND NATIONAL SEASHORE

* * * * * * *

Sec. 322. (a) Subsection 1(b) of the Act of September 11, 1964 (78 Stat. 928), as amended, is further amended to read as follows:

"(b) The boundaries of the national seashore shall extend from the easterly boundary of the main unit of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay and, in addition, mainland terminal and headquar-
 ters sites, not to exceed a total of twelve acres, on the Patchogue River within Suffolk County, New York, all as delineated on a map identified as 'Fire Island National Seashore', numbered OGP-0004, dated May 1978. The Secretary shall publish said map in the Federal Register, and it may also be examined in the offices of the Department of the Interior."

(b) Section 2 of such Act is amended by adding the following new subsection at the end thereof:

"(g) The authority of the Secretary to condemn undeveloped tracts within the Dune District as depicted on map entitled 'Fire Island National Seashore' numbered OGP-0004 dated May, 1978, is suspended so long as the owner or owners of the undeveloped property therein maintain the property in its natural state. Undeveloped property within the Dune District that is acquired by the Secretary shall remain in its natural state."

(c) Section 7(b) of such Act is amended by striking the phrase "Brookhaven town park at", and inserting in lieu thereof: "Ocean Ridge portion of".

(d) Section 10 of such Act is amended by striking "$18,000,000", and inserting in lieu thereof "$23,000,000".

* * * * * * * *

not urban vitality. The government could aff dor rent space along the street for activities such as shopping.

But a lot of areas don't have any people on them, so the endowment wants to help the local government, but if the government wants to help the inner city survive, it should locate federal employment centers downtown—in multipurpose buildings.

We couldn't help much, says GSA. The Supreme Court has ruled that federal buildings take tax exempt, and if we house private enterprises in our buildings it wouldn't be tax exempt and therefore unfair competition.

Oh, yes, says the endowment. You can get payments-in-lieu-of taxes. You can charge fair rents. You could do all kinds of things to overcome these obstacles administratively with new guidelines if only you wanted to.

It should all be much easier, says the endowment. First, since the Federal Buildings Fund was started last summer, federal agencies now pay rent to GSA for their office space. If we paid rent on the Treasury, we would also be able to collect rent from a flower shop or pizza parlor.

The problem stems from the fact that buildings are the largest and most thrift- ing regional shopping center in the Wash- ington-Chesapeake Bay area.

It contains a department store, bakery, clothing stores, jewelers, shoe repair, government bookstores, toy banks, a florist, a drug store, a camera shop, candy stores, a cafeteria and other services. It grosses some $6 million in a single year. The Pentagon did it with special legislation. And if we had a store that was just like it in the Federal Triangle serving tourists as well as the fed- eral employees, we would not have to worry about downtown Washington.

But since GSA can think only of reasons not to open up its public buildings to the public, the endowment recommends an execu- tive order that places special emphasis on good urban design and multi-use develop- ment of federal buildings to attempt it. Who will someone tell President Ford?

Congress, especially the House and Senate ranking members might also take an interest in this subject. There are a lot of advocates of new plazas, city officials, real- tors, developers and the general public who hope to testify at a public hearing on public use of the Pentagon. The Pentagon could do to make our cities more lively and viable.

Mr. BAKER. Mr. President, I am very pleased to join with my distinguished colleague from New York (Mr. Bricker) in sponsoring this legislation, the Public Buildings Cooperative Use Act of 1975. I commend Senator BURCKLEY on his initiative.

As one of 13 members of the task force that is working with Executive Director Bill Lacy to study th guidelines for Federal architecture, I have had the opportunity to work with the options that are available through programs for cooperative and adaptive use. I support fully the Public Buildings Cooperative Use Act. I believe it is fitting that someone, who has not been connected with the task force, mold these thoughts into legislation.

I see the task force as it has been presented in the floor statement of the ranking minority member of the Subcommittee on Buildings, Mr. Bricker, is sound. We must make the Federal Govern- ment a better neighbor in every way. We must bring the public back to our "pub- lic" buildings.

I do not think that this approach will produce a variety of benefits.

By permitting the General Services Administration to lease ground-floor space of Federal buildings for shops and restaurants and cultural activities, we would bring new life and vitality to the Federal neighborhood. This flexibility will also generate savings in both cost and energy.

By encouraging the Federal Government to buy old buildings, then rejuvenate them, the Federal Office space, we have a chance to recycle worthy mon- uments from our past. And that work will mean new jobs, and usually a saving.

Mr. President, I am particularly pleased that Chairman RANSOM and Senator MORGAN have joined with Senator BRICKER and me in sponsoring this legislation. Chairman RANSOM's lead- ership in developing answers to problems relating to Federal employees and energy use is known to all of us, and I am pleased to be associated with him. And I am gratified that Senator MORGAN, the new chairman of the Buildings Subcommittee, has joined with us.

I am hopeful that this sign of bipartisan interest will enable us to reach a compromise, which I believe we may be able to move to the floor for full Senate consideration.

By Mr. JAVITS.

S. 367. A bill to amend the act entitled "An Act to establish the Fire Island National Sea- shore, and for other purposes", approved September 11, 1964 (78 Stat. 238). Referred to the Committee on Interior and Insular Affairs.

Mr. JAVITS. Mr. President, I send to the desk for introduction today, and it is being similarly introduced in the other public, the endowment recom-ended an executive order that places special emphasis on good urban design and multi-use development of federal buildings to attempt it. Will someone tell President Ford?

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Despite the fact that the Seashore Act was passed in 1984, no master plan to govern development nor any environmental-impact statement as required by NEPA yet exists. A draft master plan was prepared in 1985 but found inadequate. A second draft master plan and draft environmental-impact statement was prepared in 1973 in response to the lawsuit but were also recalled as inadequate. A third draft master plan and second draft environmental-impact statement has just been prepared and released. They have not yet been approved by the Secretary. When and if they are, they will then be the subject of public hearings after which they may or may not become final depending on whether or not they are held to be developable. Thus, a final master plan and final environmental-impact statement are still more than a year away despite the fact that the Seashore Act was passed in 1984 and NEPA in 1970.

It is therefore necessary for Congress to provide the Fire Island National Seashore with further environmental protection. Such additional protection is of great importance now, since no final master plan or environmental-impact statement is in existence to govern future development, and building could be rushed to completion before implementation of the master plan. Wholesale building and development continue on the seashore without regard to the requirements of the Seashore Act. For example, a large tract of land known as tract 2203 was sought to be condemned for development recently in the opinion of eminently qualified experts, has materially increased the number of aquifers and water resources and has increased the risk of the well field contamination from septic tank run-off and sea water in the area.

Giving the Secretary the injunctive power to further the purposes of the Seashore Act and the purposes of the National Environmental Policy Act—NEPA. These statutes establish the overriding Federal concern with the protection of such an ecologically unique and valuable resource. To carry out this paramount national interest, courts the action of private parties or even local governments which are inconsistent with the national interest or prevent its fulfillment. Perez v. Campbell, 402 U.S. 677 (1971); Radio Station WGN v. Johnson, 326 U.S. 120 (1945); Savage v. Jones, 225 U.S. 501 (1912).

The Court concluded its opinion by stating: "...In their justifiable frustration, plaintiff's have sought refuge from the unreasonableness of the Government's action to the courts. This is not to say that the courts should not entertain their lawsuit. But it is clear that Congress has provided the remedy. ...Nevertheless, precatory though our words may necessarily be, we cannot help but urge those with the power and authority to preserve this gem of an island that it is time that their attention be focussed on with the urgent business of saving this charming and fragile outpost of nature before development irretrievably despoils it." 497 F. 2d 1140-49.
February 27, 1975

CONGRESSIONAL RECORD—SATEBTE 4535

section of barrier beach off the south shore of Long Island, to provide recreation and natural open space for the enjoyment of all.

Support for establishment of the park came from environmental conservationists who did not want to see a road constructed on Fire Island as proposed by Robert Moses. A severe storm in 1962 had a sobering effect on home owners on the island and led to a feeling that much of the open space on the island should be protected. Also there was a substantial in terest in strengthening erosion control measures and zoning controls on the island.

The boundary extends 28 miles from the east boundary of Robert Moses State Park to Moriches Inlet. Sixteen million dollars has been authorized for land acquisition and of this figure, less than one percent remains unutilized. The water boundary extends 1,000 feet on the ocean side, and up to 4,000 feet on the bay side.

A. The Federal Government holds title to 2,750 acres.
B. The State of New York holds title to all ocean front lands below high tide (a legal point not accepted by all.) We are now in process of having these lands before Federal Courts as transferred from the State of New York.
C. The Towns of Brookhaven and Islip hold title to several tracts within their boundary totaling 204 acres.
D. Title held by private citizens or village governments and associations totals 1048 acres.
E. Suffolk County holds title to 1510 acres.
F. Federal Jurisdiction is Proprietary and extends to all lands in Federal ownership plus lands and waters of the State of New York adjoining fast lands of Federal ownership.
G. Budget for Fiscal Year 1974 is $617,400.
H. Carrying capacity of developed areas.
I. Overage of 20. New legislative authority will be sought as need is clearly identified in planning documents. This most likely will be in 1975.

C. Submitted extension control philosophy.
D. Status of Laws Suit: A. First complaint action filed August 9, 1972.
(1) Requested an Environmental Impact Statement for Fire Island National Seashore.
(2) Asked National Park Service to control beach vehicle travel.
(3) Asked National Park Service to acquire ocean front beaches.
(4) Other issues.
(5) Zoning standards and action.
(6) Development of communities.
(8) Reply included preliminary draft of Master Plan and Environmental Impact Statement.
(9) Motion for dismissal denied, but no decision pending completion of Master Plan and Environmental Impact Statement.
B. Park Service-Corps meetings.
C. Existing development.
D. 1972. 14, Erosion Control:
(1) Estuarine quality.
(2) Seashore would issue permits subject to change and approval of regulations as proposed. S. 868. A bill to provide minimum rate provisions by non-nationals carriers in the foreign commerce of the United States, and for other purposes. Referred to the Committee on Commerce.

Mr. INOUYE, Mr. President, I introduce today a bill which I introduced in the last Congress, then known as Senate bill S. 2578. This legislation, often re-
The Senate met at 12 o'clock meridian and was called to order by the Vice President.

PRAYER
The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who has watched over this Nation in peace and in war, in prosperity and in adversity, be to us our Guide and Guard in this year of destiny. In the civil arena deliver us from meanness and vindictiveness, from self-deception, from oversimplifying moral issues, from insensitivity to human needs, from the divisive spirit, and from reluctance to take responsibility. Help us, O Lord, to use strength for moral ends, power for peace, wealth for the improvement of all men. Rekindle in us the fires of pure religion and high patriotism. May we ever walk in paths of righteousness for Thy name's sake. Through Jesus Christ our Lord. Amen.

THE JOURNAL
Mr. MANSFIELD, Mr. President, I ask unanimous consent that the nominations on the calendar, beginning with "New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF STATE
The second assistant legislative clerk read the nomination of Charles W. Rob- 

The second assistant legislative clerk read the nomination of Maurice J. Will-

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT
The second assistant legislative clerk read the nomination of William J. Williams, of West Virginia, to be Minister.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS
The second assistant legislative clerk read the nominations of Dorith Oldham, of Tennessee, and Beryl B. Milburn, of Texas, to be members of the U.S. Ad-

The second assistant legislative clerk read the nomination to receive, consider, and act upon the following new sentence: 

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

FEDERAL MEDIATION AND CONCILIATION SERVICE
The second assistant legislative clerk read the nomination of James F. Scearce, of Virginia, to be Federal Mediation and Conciliation Director.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

COMMUNITY SERVICES ADMINISTRATION
The second assistant legislative clerk read the nomination of Samuel R. Mar-

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION
Mr. MANSFIELD, Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed consideration of legislative business.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR
Mr. MANSFIELD, Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 763 and 796.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRE ISLAND NATIONAL SEASHORE
The Senate proceeded to consider the bill (S. 347) to amend the act entitled "An Act to establish the Fire Island National Seashore, and for other purposes," approved September 11, 1964 (78 Stat. 928), which had been reported from the Committee on Interior and Insular Affairs with amendments as follows:

On page 1, line 1, strike "$48,000,000," and insert "$48,000,000,000.

On page 1, line 9, strike "$48,000,000," and insert "$48,000,000,000.

The Senate adjourned until 2 p.m., Wednesday, July 12, 1977.
establish the Fire Island National Seashore, and for other purposes, approved September 11, 1964 (78 Stat. 928), is amended by striking out "$38,000,000" and inserting in lieu thereof "$38,000,000.

Mr. JAVITS. Mr. President, I am pleased that my bill, S. 867, to amend the Fire Island National Seashore Act has passed the Senate. The bill, as amended by the Senate Interior Committee, will authorize an additional $2 million for the national seashore. This money will be instrumental in providing the necessary protection to the seashore while the master plan is being finalized by the National Park Service.

Since the original Seashore Act was passed in 1964, no additional funds have been authorized and no master plan to govern development yet exists in final form. After many false starts, a finalized master plan is expected at the beginning of 1977. However, it is necessary in the interim period to protect the seashore from improper use and development. Since 1964, many zoning variances leading to improper uses of property within the seashore have been granted by surrounding townships. Unfortunately the National Park Service did not take appropriate action to use its condemnation authority provided in the act to protect the seashore against these improper uses. Hopefully this era of neglect has now ended.

My bill will provide interim money for two purposes. First, to make whatever acquisitions the Park Service deems appropriate in the interim period will the seashore. Second, it will provide needed money to be used in certain cases to condemn property that is being used in a manner inconsistent with the purposes of the seashore. This bill is a first step toward providing the protection the seashore deserves and must get. I am hopeful of early passage in the House of Representatives.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DESIGNATION OF CERTAIN LANDS AS WILDERNESS IN THE SHENANDOAH NATIONAL PARK, VA.

The Senate proceeded to consider the bill (S. 885) to designate certain lands in the Shenandoah National Park, Va., as wilderness which had been reported from the Committee on Interior and Insular Affairs with amendments as follows:

On page 1, line 6, strike out "seventy-nine thousand and ninety-nine acres, designated "Wilder- ness";" and insert "seventy-nine thousand and ninety-nine acres, designated "Wilderness";".

On page 2, line 10, strike out "1974-00061 and dated May 1974" and insert "134-00-001 and dated June 1974".

On page 2, line 13, after "House of Representa- tives" insert "as if included in this Act: Provided, however, the Fire Island National Seashore Act (78 Stat. 890, 892; 18 U.S.C. 1132(c)).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 10(f) of the Wilderness Act (78 Stat. 890, 892; 18 U.S.C. 1132(c)), certain lands in the Shenandoah National Park, which comprise about seventy-nine thousand and nine hundred acres, and which are depicted on the map entitled "Wilderness Plan, Shenandoah National Park, Virginia", numbered 134-00-001 and dated June 1974, are hereby designated wilderness.

Mr. HUGH SCOTT. Mr. President, we in the Senate welcome the return to the Senate, to this country of ours, the President of the Senate, the Vice President of the United States, Mr. Rockef- feller.

Vice President ROCKEFELLER has made an extensive goodwill tour to Tunisia, France, Iran, Indonesia, Malaysia, Singapore, Taiwan, and New Zealand.

The Vice President is peculiarly qualified, in view of the fact that he occupies this bridge position between the executive and legislative branches, to present to our friends in these countries an overview of the United States as it is today, to advance our foreign policy and our amicable relationships with other countries. He was received with great enthusiasm in each of these countries.

He has performed a great service for his country in this lengthy and arduous journey. And I am sure he has earned the congratulations of the American people as he expressed them in his own extremely skillful and amicable way to our friends in the nations he visited.

And we are glad to have him home.

Mr. MANSFIELD. Mr. President, will the Senate yield?

Mr. HUGH SCOTT. I am glad to yield.

Mr. HUGH SCOTT. Mr. President, I am pleased to join the distinguished Republican leader in welcoming home the Vice President of the United States, the President of this body, and I express my appreciation of the fact that he did take a long, arduous tour to eight nations, that he did give them the benefit of his views and counsel. I am especially pleased that he had the opportunity to go into the Southwest Pacific.

So I am glad this arduous voyage is over, that he is now back, and I expect to see him more often presiding over this Chamber than I have in recent weeks.

Mr. HUGH SCOTT. I thank the distinguished majority leader, and I am sure the Vice President will be here whenever duty calls.

ORDER OF BUSINESS

The PRESIDENT. Under the previous order the Senate from Colorado (Mr. HASKELL) is recognized for not to exceed 15 minutes.

TAX REFORM ACT OF 1975—H.R. 10612

AMENDMENT NO. 13:0

(Ordered to be printed and referred to the Committee on Finance.)

CONTINUING EROSION OF THE TAX BASE

Mr. HASKELL. Mr. President, today I continue what I have done for the 2 previous days in submitting amendments to the Internal Revenue Code in an attempt to reverse the erosion of the tax base that has occurred in our income tax laws.

The total revenue effect of the four amendments which I intend to submit, two of which I intend to divide the excess and one I will do so today, would be to raise $1 billion for the U.S. Treasury, and I point out, Mr. President, that this is $3 billion in excess of the general tax cut
Mr. Wolff. Mr. Speaker, American healthy survival of one of the groups special qualities. Contributing to the in times of excessively tight money and Federal backdoor spending; we would. If we were to limit the subsidy. with allowed to thrive, preserving its own rates from this subsidy. should rise to 15 percent or $700 if they or $350 a year instead of $525 if rates of interest to a maximum of 10 percent, pressure. North Shore Hebrew Academy on March of the Jewish continuity's and the acad-
ancient and living faith of the Jews. Two only academically, but spiritually in the ac-
mend. Mr. Downey. Mr. Speaker, at the present moment, the Fire Island National Seashore is oper-
under a severe financial handicap. The seashore has exhausted all of the land and water conservation funds made available to it for condemnation purposes, and is presently powerless to restrain adverse commercial develop-
ment on privately held lands located within the park.
I urge us not adopt this legislation, or any such legislation, without some form of cap or other limitation on the subsidy.

THE NORTH SHORE HEBREW ACADEMY HONORS MAC AND BILLIE MENDER

HON. LESTER L. WOLFF OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 1976

Mr. Wolff. Mr. Speaker, American society is a many-sided mosaic which is at its best when each part of the whole is allowed to thrive, preserving its own special qualities. Contributing to the healthy survival of one of the groups that make up this country, is a school in Great Neck—The North Shore Hebrew Academy. The academy upholds a deep commitment to educating the young, not only academically, but spiritually in the ancient and living faith of the Jews. Two of the Jewish community's and the academy's most dedicated supporters, Mac and Billie Mender, were honored by the North Shore Hebrew Academy on March 28, 1976.

I was delighted to join Mac and Billie Mender, and their wonderful family: Candice, Susan, Kerry, Judy, and Stacy on this special occasion. I found the message included in the program a most suitable tribute and worthy of repeating here:

THE MODERN YET SUBLIME LEADERSHIP OF THE MENDERS IS MANIFEST EVERYWHERE IN THE COMMUNITY. IN ISRAEL OR IN GREAT NECK, IN ORGANIZATIONS NATIONAL AND LOCAL, MEETING NEEDS EDUCATIONAL AND HUMANITARIAN, THE MENDERS ARE THERE.

I CAN ONLY ADD MY APPRECIATION OF THE MENDERS' CONTRIBUTION AND MY PLEASURE AT SEEING THEM SO HONORED.

FI RE ISLAND NATIONAL SEASHORE

HON. THOMAS J. DOWNEY OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 1976

Mr. Downey of New York. Mr. Speaker, at the present moment, the Fire Island National Seashore is operating under a severe financial handicap. The seashore has exhausted all of the land and water conservation funds made available to it for condemnation purposes, and is presently powerless to restrain adverse commercial development on privately held lands located within the park.

There are presently no funds available to the Park Service for halting adverse development within the Fire Island National Seashore in part because the seashore has not been permitted to spend the entire amount of its original appropriation. In fact, only $15,730,583 of the original $16,000,000 originally authorized and appropriated for land acquisition and protection of the seashore has been made available to the seashore. This shortfall stems from a reprogramming action carried out in 1973 which emptied the Fire Island account of the $269,617 in then-remaining condemnation funds and allocated that amount to the Golden Gate and Delaware Water Gap Recreational areas.

This reprogramming has caused a very serious problem for the seashore. Development pressure on those portions of the island where private landowners have been permitted to retain their land holdings has grown enormously in recent years. The pace of development has been further hastened as potential developers have become aware of legislation pending in the Interior Committee—H.R. 3994—which would increase the park's present authorization ceiling.

The replacement of the $249,617 removed from the seashore's account in 1973 is vital if the island is to withstand the "land rush" which has occurred and will continue to occur as the Congress considers an additional authorization for the seashore.

A. THE UNUSUAL ADMINISTRATIVE STRUCTURE OF THE SEASHORE

Under the act creating the seashore, private landholders in 29 identified communities were permitted to retain their landholdings. The property around them was acquired by the national seashore for public use. The act thus created an ensemble of private "in-hold-
ings" inside the boundaries of the land held by the national park. The act specified that land within these "exempted communities" are not to be acquired by the seashore unless their development is found to be in violation of the guidelines prescribed in 1966.

The seashore desperately needs land acquisition funds at the present time to put an end to the wholesale development which endangers the seashore and which is inconsistent with the guidelines established in 1966.

In response to a request made by Nathaniel Reed, the Assistant Secretary of the Interior for Fish, Wildlife and Parks, the Park Service in 1973 assembled a list of "priority land acquisitions"—areas which in his view demand prompt attention by the seashore. The list was submitted as an attachment to a memorandum to Assistant Reed dated December 2, 1975.

The total estimated cost of the proposed acquisitions outlined by Superintendent Marks amounts to more than $12 million. The funds which we could provide now is vitally necessary if we are to help Superintendent Marks hold the line on development until the Congress can take action on proposed legislation to raise the seashore's authorization ceiling.

Even this small amount of condemnation funds can be used effectively to restrain adverse development. In many instances the threat of condemnation is a sufficient deterrent to development. However, the Park Service may not even serve notice of condemnation when its land acquisition account is totally empty. We must give the seashore this small amount of money now, so that it may take vital needed action before it is too late.

C. THE PARK SERVICE BUDGET UNDERESTIMATES FIRE ISLAND'S PRESENT OPERATING EXPENSES

In the 12 years since the Congress created the Fire Island National Seashore, the National Park Service has repeatedly failed to provide the kind of administrative assistance needed to effectively protect and maintain this natural resource. The Park Service has taken the position that the Fire Island National Seashore is a low-priority park, notwithstanding the seashore's present vulnerability. Last year the Park Service proposed to drop off the western and
of the national park—a move which would have cut the size of the seashore nearly in half.

...But last summer, after a careful re-examination of the situation at Fire Island, the Park Service reversed its position. In fact, Assistant Secretary Reed went so far as to suggest that the Park Service should not open the dunes along the present boundaries but should actually expand the seashore by acquiring new areas adjacent to the present site.

Unfortunately, this new attitude is not reflected in the seashore's current operating budget. Rather, that budget was prepared under the assumption that the Park Service's presence on Fire Island would be diminished.

Fire Island's operating budget must be revised to meet these new priorities. Superintendent Marks has supplied the Park Service with an estimate of the additional moneys which he needs prior to October 1 if he is to fulfill the mandate of the 1964 act.

Superintendent Marks projects a need for $140,000 in one-time expenses for certain maintenance and repair operations which are presently required. He has also requested $27,400 for additional personnel and $18,000 in recurring maintenance costs. When the Park Service's standard 10 percent administrative cost is added, his budget needs total $201,190. It should be stressed that 78 percent of this amount consists of nonrecurring expenditures.

I hope that we can supply Superintendent Marks with the resources which he needs to preserve this Island park.

U.S.R. AUTHORIZED TERRORISM IS SHAMEFUL

HON. EDWARD I. KOCH
NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 1976

Mr. KOCH. Mr. Speaker, I believe that terrorism against innocent civilians are reprehensible, must be condemned, and the perpetrators should be severely punished.

First, let me make this clear: I believe those individuals who call themselves the Jewish Armed Resistance are engaged in a criminal behavior when they plant bombs. Firing upon the 67th Street residence of the Soviet delegation in New York City is a crime, a criminal act.

I hope that the culprits are apprehended, convicted, and punished.

At the same time, I see an enormous distinction between the acts of individuals, reprehensible as they are, and the acts of terrorism initiated in the Soviet Union by the KGB, the "Secret Police," and the people who are behind the barricades of the Soviet Union.

The Soviet Union prides itself in the fact that people cannot talk the streets of the U.S.S.R. without being arrested. Thus nothing of this kind could occur without the active backing or express of the Soviet Government itself. The report I condemn both terrorism committed by individuals and terrorism committed by governments. When a government acts to deprive people of their rights, the results are far more pervasive and pernicious than when an individual acts. The government has a duty to arrest an individual violating the law, but who can arrest the government?

GEORGE MEANY'S DOUBLE STANDARD

HON. JOHN M. ASHBROOK
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 1976

Mr. ASHBROOK. Mr. Speaker, never let it be said that George Meany looks out from his ivory tower with an objective appraisal of the wrongs and the needs of society. He is down the line, 100 percent union all the way. The rank and file is bad, unions are bad, liberal socialistic policies which blot the public sector and destroy the private enterprise system threaten the way we want to live.

Those who limit deficits, restrain government growth, and resist Government controls end up being antiunion votes even though the rank and file prefers the latter. Forced busing is resisted by the rank and file member but Meany orders the Massachusetts union leaders to fall in line for forced busing. Rank and file members oppose gun control legislation but their leaders petition us to line up behind the antigun lobby. Then, in political campaigns these arrogant leaders simply parade a number in front of the rank and file saying I voted against labor 18 times and for them once. The Meany's hope the rank and file members-voters are too dumb to perceive who is voting in their interest and will merely follow their leaders' advice.

Meany knows more about agriculture than the farmers. He simply sets national policy by saying when he can't be shopped and his legions of members fall in line, regardless.

Last year, he insisted the Congress add at least $100 billion in defense spending while most of the country wanted to restrain runaway Government. However, in no area is his double standard more apparent than in ethics and morality. Business spending in politics is bad and corrupting. Unbridled union spending in elections, however, is proper and not corrupting.

Picket line violence, dynamiting construction jobs, etc., the list could go on and on. Lookout those but talk about white collar business crime. Washington Post predicts to burn up or destroy the company presses when they leave the job to strike but that is unbecoming to the ivory tower chief who sees everything with a set of union-minded blinkers.

My good friend John Lofton recently wrote a column which adequately and succinctly placed the standard and I include it at this point in the RECORD:

[From the Denver (Colo.) Rocky Mountain News]

MEANY'S UNION-MADE MORALITY WAS NEVER MEAN FOR HIS LABOR

(John D. Lofton)

When it comes to corporate crime and corruption and mismanaged government programs, AFL-CIO President George Meany is a real hardliner. He's Mr. Law and Order.

In one of the many press conferences he held last month in Salt Harbor, Fla., at his organization's executive council meeting, Meany addressed himself to this question: has the federal food stamp program is overrun by chiselers and cheat through with fraud. To investigate the chiselers, he said, would be "unconscionable." Instead, he declared: "I feel that it would be well for Congress to look into this and find out just where the real culprits are. And I think they will find out about the way the pension funds are handled.

The same goes for allegations of corporate bribery abroad, said the crusty old cigar-chomping union chief. "There's a lot of smoke. There's a lot of talk about the way the pension funds are handled. That's up to Congress. It's not up to me to decide what they investigate."

And Meany's absolutely correct. There is "a lot of smoke" concerning the use of the Teamsters' pension funds.

Fine. But than Mr. Meany was asked the $66,000 question: Speaking of morality, sir, why don't you favor a McCarran-type committee to investigate the Teamsters Union and allegations that it has misused its pension funds in shady financial dealings with the underworld? Well, now, this is something else altogether. Taking off his badge, Sheriff Meany suddenly puts on the dance cap.

"That's up to Congress," he hedges. "There's a lot of smoke. There's a lot of talk about the way the pension funds are handled. That's up to Congress. It's not up to me to decide what they investigate."

"I think Congress should take a look at it," he adds.

"This nation was founded by people who believed in certain moral standards. And I think the American people as a whole are opposed to bribery and corruption. The record of America's large corporations, the record of the last few years, is very, very discouraging. I think that American corporations that go abroad and take the position that the only way to do business is by bribing officials of government in other countries, that this certainty does not square with the American way of life."

And fine. But Mr. Meany was asked the $66,000 question: Speaking of morality, sir, why don't you favor a McCarran-type committee to investigate the Teamsters Union and allegations that it has misused its pension funds in shady financial dealings with the underworld? Well, now, this is something else altogether. Taking off his badge, Sheriff Meany suddenly puts on the dance cap.

"That's up to Congress," he hedges. "There's a lot of smoke. There's a lot of talk about the way the pension funds are handled. That's up to Congress. It's not up to me to decide what they investigate."

And Meany's absolutely correct. There is "a lot of smoke" concerning the use of the Teamsters' pension funds. In the past few years, numerous articles on this subject have appeared in the Reader's Digest, North American Newspaper Alliance, the New York Post, the Wall Street Journal, Scripps-Howard Newspapers, National Christian Science Monitor and the Washington Star.

But Meany doesn't know much about these stories. When a reporter presses him, noting that he had just called a probe of the Teamster's pension fund, he replies: "Yes. That's right. That's right; and I don't recommend that they investigate the Teamsters—that's up to Congress. The knowledge about this is widespread, but I don't have the details of it. As I said, there's a great deal of smoke; constant stories coming out about misuse of pension money. And that's entirely up to Congress to do what they want to do."

"No one's talking to what these things are. And I don't recommend that they investigate the Teamsters—that's up to Congress. The knowledge about this is widespread, but I don't have the details of it. As I said, there's a great deal of smoke; constant stories coming out about misuse of pension money. And that's entirely up to Congress to do what they want to do."

George Meany's pious moralizing about the ethics of his business would be more convincing if he were willing to apply the same standards to organized labor that he does to corporations. But he isn't.

Thus, it is difficult to conclude anything
FIRE ISLAND NATIONAL SEASHORE

April 8, 1978.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 887]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 887), to amend the Act entitled “An Act to establish the Fire Island National Seashore, and for other purposes,” approved September 11, 1964 (78 Stat. 928), having considered the same, report favorably thereon with an amendment to the text and recommend that the bill as amended do pass.

Amendments

Page 1, line 7, delete “$26,000,000” and insert in lieu thereof, “$18,000,000”.

Beginning on line 8, delete all of Subsection b.

Purpose

S. 887 as amended by Committee, would amend section 10 of the Act of September 11, 1964 (78 Stat. 928) to increase the land acquisition appropriation authorization relating to the Fire Island National Seashore from $16,000,000 to $18,000,000.

Background and Need

Fire Island is a 32-mile long barrier island paralleling the southern coast of Long Island in Suffolk County, New York, less than 60 miles from New York City. Approximately 26 miles of Fire Island are included within Fire Island National Seashore which was authorized by Congress in 1964. The 10,311 acre seashore is managed by the National Park Service in accordance with the administrative policies for recreation areas of the National Park System.
The park is divided into a seashore district and a development district, which differ in the degree of Federal land-use control. In the largely undeveloped seashore district, which contains all Federal and non-Federal public recreational lands as well as scattered inholdings of both improved and unimproved private property, the Secretary of the Interior has the authority to condemn private property whenever its use and/or development conflicts with standards promulgated by the Secretary. In the development district, which embraces 20 private communities scattered throughout the western half of Fire Island, the Secretary has the authority to issue certain standards, which must be incorporated into the zoning ordinances of the two Long Island municipalities and the two Fire Island villages which govern Fire Island's communities. Developments not in conformity with these standards may be subject to condemnation. The authority to condemn and acquire private property is less constrained in the seashore district than in the development district.

LEGISLATIVE HISTORY

S. 867 was introduced on February 27, 1975, and hearings were held on November 13, 1975, by the Subcommittee.

COMMITTEE RECOMMENDATION AND TALLATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on March 28, 1976, by unanimous vote of a quorum present recommends that the Senate pass S. 867, if amended, as described hereinafter.

COMMITTEE AMENDMENTS

The Park Service has not completed its review for the final master plan for the seashore and the Committee recommends that no action be taken on the full authorization or injunctive authority until the plan is complete. The Subcommittee does recommend $2 million interim authorization so that the Park Service can proceed with its present acquisitions.

COST AND BUDGETARY CONSIDERATIONS

The cost of this measure is $2 million. It is not possible to predict the schedule of expenditures.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Office of Management and Budget and from the Department of the Interior setting forth Executive agency recommendations relating to S. 867, are set forth below:

S. B. 785
EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate,
New Senate Office Building, Washington, D.C.

Dear Mr. Chairman: This is in response to your request of March 24, 1975, for the views of the Office of Management and Budget on S. 867, a bill "To amend the Act entitled 'An Act to establish the Fire Island National Seashore, and for other purposes,' approved September 11, 1964 (78 Stat. 928)."

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on S. 867, and accordingly, recommends that action on the bill be deferred.

Sincerely yours,

James M. Frey,
Assistant Director for Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Your Committee has requested the views of this Department on S. 867, a bill "To amend the Act entitled 'An Act to establish the Fire Island National Seashore, and for other purposes,' approved September 11, 1964 (78 Stat. 928)."

We recommend that action on this bill be deferred pending completion of a master plan for the Fire Island National Seashore. S. 867 would amend section 10 of the Act of September 11, 1964 (78 Stat. 928) to increase the land acquisition appropriation authorization relating to the Fire Island National Seashore from $16,000,000 to $26,000,000. In addition, the bill would amend section 7(c) of said Act to authorize the Secretary of the Interior to petition an appropriate United States District Court for injunctive relief concerning actions inconsistent with the purposes of that Act, and would grant such courts jurisdiction to consider such petitions.

The master plan and environmental impact statement, in draft form, are now ready for review by the public. Until this comprehensive review is completed and the National Park Service is able to make specific recommendations, we do not know how much additional funding will be necessary for land acquisition. Accordingly, we believe that the authorization of appropriation of an additional $10 million, for land acquisition, as proposed in S. 867, would be premature.
4

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the standing rules of the Senate, changes in existing law made by the bill S. 867, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Sec. 10. There is hereby authorized to be appropriated not more than $18,000,000 for the acquisition of lands and interests in land pursuant to this Act.

Approved September 11, 1961.
IN THE SENATE OF THE UNITED STATES

FEBRUARY 27 (legislative day, FEBRUARY 21), 1973

Mr. Javits introduced the following bill: which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (78 Stat. 928).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 10 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (78 Stat. 928), is amended by deleting "$16,000,000" and inserting in lieu thereof "$26,000,000".

(b) Section 7(e) of such Act is amended by adding immediately after the first sentence thereof the following new sentence: "In addition to any other statutory authority
available to him under this Act or any other law, the Secretary, in carrying out his duties under this Act to administer, protect, and develop Fire Island National Seashore, is authorized to petition an appropriate United States district court for injunctive relief concerning any action covered by the provisions of this Act which the Secretary determines is inconsistent with the purposes of this Act, or which he considers adverse to the protection and development, in accordance with the purposes of this Act, of the area comprising the national seashore, and the United States district courts shall have jurisdiction to receive, consider, and act upon any such petition.”
Memorandum

To: Chief, Division of Legislation

From: Keyman, North Atlantic Region

Subject: S. 867, a bill to amend the Fire Island National Seashore legislation to provide for an increase in the land acquisition ceiling and for other purposes

Pursuant to your request for comments on the subject bill, I would recommend that we submit an unfavorable report.

The memorandum of the Chief, Division of Land Acquisition, WASO, dated April 11, 1975, discusses the problems of the bill associated with land acquisition data. I will not offer my thoughts on the origins of the data. As a result of the controversies surrounding land acquisition at Fire Island and the latest draft master plan and environmental impact statement submitted as a result of court action, a draft master plan and EIS is or shortly will be before the public for their consideration in this matter. It would appear to be entirely premature at this time to authorize the appropriation of $10 million for land acquisition until a firm plan of action can be agreed upon. The enactment of such legislation would only serve to prejudge the issue presented in the master plan and EIS.
Memorandum

To: Chief, Division of Legislation

From: Chief, Division of Land Acquisition

Subject: S. 867 Mr. Javits, New York

This refers to your memorandum on the subject dated April 9. Further reference is made to the Congressional Record of Thursday, February 27, 1975, pages S2746-S2748 covering his remarks when it was introduced. He stated the bill would increase the authorization in respect to Fire Island Seashore by $10 million, and it would give the Secretary of the Interior the authority to go to the appropriate U.S. district court for injunctive relief against any action covered by the Fire Island Seashore Act which is inconsistent with the purposes of the Act or which is considered adverse to protection and development of the National Seashore. He further stated the $10 million figure is attributable to the estimate of the National Park Service that it will take $7.15 million to complete acquisitions and condemnations in respect to the seashore. At page S2747 he purports to set forth what he terms a Briefing Statement--Fire Island. I have repeatedly asked where, when, and from whom he received this information to no avail. The "briefing statement" then proceeds to break down the $7.15 million. Since the first item of $2 million purports to be for mainland parking and ferry terminal site of 80 acres, I know where I think it originated -- with the planning team from the Denver Service Center because there is no such areas currently authorized. I have talked to the lands people and they did not prepare these figures, therefore, I am not in a position to comment upon their validity.

Since the proposed bill does not authorize a mainland site and the original Act did not, the whole thing is out of whack until the Master Plan and EIS are approved and an appropriate bill can be prepared which will reflect the recommendations contained therein and this should be the position of the Service.
Memorandum

To: Chief, Division of Legislation

From: Chief, Division of Land Acquisition

Subject: S. 367 Mr. Javits, New York

This refers to your memorandum on the subject dated April 9. Further reference is made to the Congressional Record of Thursday, February 27, 1975, pages S2746-S2748 covering his remarks when it was introduced. He stated the bill would increase the authorization in respect to Fire Island Seashore by $10 million, and it would give the Secretary of the Interior the authority to go to the appropriate U.S. district court for injunctive relief against any action covered by the Fire Island Seashore Act which is inconsistent with the purposes of the Act or which is considered adverse to protection and development of the National Seashore. He further stated the $10 million figure is attributable to the estimate of the National Park Service that it will take $7.15 million to complete acquisitions and condemnations in respect to the seashore. At page S2747 he purports to set forth what he terms a Briefing Statement--Fire Island. I have repeatedly asked where, when, and from whom he received this information to no avail. The "briefing statement" then proceeds to break down the $7.15 million. Since the first item of $2 million purports to be for mainland parking and ferry terminal site of 80 acres, I know where I think it originated -- with the planning team from the Denver Service Center because there is no such areas currently authorized. I have talked to the lands people and they did not prepare these figures, therefore, I am not in a position to comment upon their validity.

Since the proposed bill does not authorize a mainland site and the original Act did not, the whole thing is out of whack until the Master Plan and EIS are approved and an appropriate bill can be prepared which will reflect the recommendations contained therein and this should be the position of the Service.

(Sgd) Philip O. Stewart
Dear Mr. Chairman:

Your Committee has requested the views of this Department on S. 867, a bill "To amend the Act entitled 'An Act to establish the Fire Island National Seashore, and for other purposes', approved September 11, 1964 (78 Stat. 928)."

We recommend that action on this bill be deferred pending completion of a master plan for the Fire Island National Seashore.

S. 867 would amend section 10 of the Act of September 11, 1964 (78 Stat. 923) to increase the land acquisition appropriation authorization relating to the Fire Island National Seashore from $15,000,000 to $26,000,000. In addition, the bill would amend section 7(c) of said Act to authorize the Secretary of the Interior to petition an appropriate United States District Court for injunctive relief concerning actions inconsistent with the purposes of that Act, and would grant such courts jurisdiction to consider such petitions.

The master plan and environmental impact statement, in draft form, are now ready for review by the public. Until this comprehensive review is completed and the National Park Service is able to make specific recommendations, we do not know how much additional funding will be necessary for land acquisition. Accordingly, we believe that the authorization of appropriation of an additional $10 million for land acquisition, as proposed in S. 867, would be premature.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

[Signature]

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
Washington, D.C.
Memorandum

June 4, 1975

To: National Park Service
    Bur Outdoor Recreation
    Fish and Wildlife Service
    A/Sol C&W
    Asst. Sec. PDB

From: Legislative Counsel

Subject: S. 867 - To amend the Act establish the Fire Island National Seashore

The attached copy of the proposed report is being sent to you by messenger and your response by messenger before the end of the second working date after the date of this memorandum is requested.

If your office wishes to make NO COMMENT, please have the reviewer surname this form and return the form only to the Office of Legislation. If COMMENTS are made (in duplicate), no other part of this referral need be returned.

The proposed report, together with all Bureau/Office comments previously received, will be forwarded for signature at the end of the second working day after the date of this memorandum unless we are notified before then that you have an objection of substance.

Ken M. Brown

Copy to: (Each with attachment)

Under Secretary
Assistant Secretary, CPA
Assistant Secretary, Fish & Wildlife & Parks
Assistant Secretary, Energy & Minerals
Assistant Secretary, Land & Water Resources
Assistant Secretary, Program Development & Budget
Assistant Secretary, Management
Legislative Counsel
Legislative Files

JM-Powell:glb
Dear Mr. Chairman:

Your Committee has requested the views of this Department on S. 867, a bill "To amend the Act entitled 'An Act to establish the Fire Island National Seashore, and for other purposes', approved September 11, 1964 (78 Stat. 928)."

We recommend that action on this bill be deferred pending completion of a master plan for the Fire Island National Seashore.

S. 867 would amend section 10 of the Act of September 11, 1964 (78 Stat. 928) to increase the land acquisition appropriation authorization relating to the Fire Island National Seashore from $16,000,000 to $26,000,000. In addition, the bill would amend section 7(c) of said Act to authorize the Secretary of the Interior to petition an appropriate United States District Court for injunctive relief concerning actions inconsistent with the purposes of that Act, and would grant such courts jurisdiction to consider such petitions.

We do not know how much additional funding will be necessary for land acquisition for the national seashore. Furthermore, because of the need to authorize a mainland site for the seashore, any estimate of those funds must await completion of a master plan and environmental impact statement. Those documents, in draft form, are now ready for review by the public. Accordingly, we believe that authorization of appropriation of an additional $10 million for land acquisition, as proposed in S. 867, would be premature.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Secretary of the Interior

Honorable Henry M. Jackson
Chairman, Committee on Interior
   and Insular Affairs
United States Senate
Washington, D.C.
Memorandum

To: Legislative Counsel

Through: Assistant Secretary for Fish and Wildlife and Parks

Acting Associate

From: Director, National Park Service Robert M. Andrus

Subject: S. 867 - To amend the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (78 Stat. 923).

S. 867 would amend section 10 of the Act of September 11, 1964 (78 Stat. 923) to increase the land acquisition appropriation authorization relating to the Fire Island National Seashore from $16,000,000 to $26,000,000. In addition, the bill would amend section 7(c) of said Act to authorize the Secretary of the Interior to petition an appropriate United States District Court for injunctive relief concerning actions inconsistent with the purposes of that Act, and would grant such courts jurisdiction to consider such petitions.

We recommend that action on S. 867 be deferred.

We do not now know how much additional funding will be necessary for land acquisition for the national seashore. Furthermore, because of the need to authorize a mainland site for the seashore, any estimate of those funds must await finalization of a master plan and environmental impact statement; those documents, in draft form, are now ready for review by the public. Thus, authorization of appropriation of an additional $10 million for land acquisition, as proposed in S. 867, would be premature at this time.

cc: FW

COL-Mr. Powell
FOR-Mr. Wolph
Regional Director, North Atlantic Region
DD-Mr. Dickenson

L-Dr. Curry
LS-Mr. Whitlock
LL(N)-Mr. Tays
DI-Mr. Keely
LL-Mr. Lambe

FNP:D Jensen:vj 5/13/75
Memorandum

To: Assistant Secretary - Program Development
   and Budget Attn: J.P. Cruwile
   Bureau of Outdoor Recreation
   Fish and Wildlife Service
   National Park Service
   A/Sol-196

From: Legislative Counsel

Subject: S. 867 "To amend the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved Sept. 11, 1964 (78 Stat. 923)."

The Secretary of the Interior has been requested to submit his recommendations to the Congress. It is essential that he be aware of all views held in the Department on this matter.

In order that an appropriate Departmental report may be submitted as soon as possible we shall appreciate the receipt of your views and supporting data on this matter within two weeks as prescribed in Part 162.8-16 of the Departmental Manual. Please include in your statement an estimate covering the probable cost of the measures in the event of enactment.

If your office wishes to make NO COMMENT, please have the reviewer prepare this form and return the form only to the Office of Legislation. If comments are made, in duplicate, no other part of this referral need be returned.

This measure ‘S. 867’ does not require an environmental impact statement as provided for in Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-196) and as prescribed in Part 516.18-2 of the Departmental Manual. The Director of the Office of the Secretary shall be responsible for the preparation of this statement in the event its comments on this measure are favorable.

Ken M. Brown

Copy to:
Under Secretary w/c bill
Assistant Secretary, CPA w/c bill
Assistant Secretary, Fish & Wildlife & Parks

Legislative Counsel w/c bill
Legislative Files
CGreene:imp:4/3/75
S. 867

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 1976

Referred to the Committee on Interior and Insular Affairs

AN ACT

To amend the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (78 Stat. 928).

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 That section 10 of the Act entitled "An Act to establish the Fire Island National Seashore, and for other purposes", approved September 11, 1964 (78 Stat. 928), is amended by deleting "$16,000,000" and inserting in lieu thereof "$18,000,000".

Passed the Senate April 7, 1976.

Attest: FRANCIS R. VALEO,

Secretary.
Memorandum

To: Legislative Counsel

Through: Assistant Secretary for Fish and Wildlife and Parks

From: Director, National Park Service

Subject: S. 867 - Authorizing a land acquisition ceiling increase for Fire Island National Seashore

S. 67 was passed by the Senate on April 7, 1976, authorizing an increase of $2 million in the land acquisition ceiling appropriation for Fire Island National Seashore, thus increasing the authorization from $16 million to $18 million. This same authorization was incorporated in the House-passed Omnibus bill, H.R. 13713.

The Department's testimony on these bills was that the legislation should be deferred as premature to the adoption of the new park master plan. However, the planning for the national seashore has progressed to the point that we believe the Department should be able to support these bills. Public meetings on the revised master plan are scheduled during the week of July 24-30, 1976, with the final plan and environmental statement available in November 1976. We would not expect the plan to change materially in that time period as far as our imminent land acquisition needs are concerned.

The draft plan identifies 49.15 acres of fastland in 79 parcels for acquisition to prevent adverse development and to forestall the granting of variances from local zoning regulations. We believe the $2 million authorized in these bills will be adequate to begin acquisition of these properties on a priority basis.

(bcc) Richard C. Curry

bcc:
FW / COL / FOR
Regional Director, NARO (2)
D / DD / DI / L(2) / M
MD / ML / LS / LL, Mr. Lambe

FNP: BKasparek: kew: 7/14/76: x5760 BASIC RETAINED IN LL(N)
The purpose of the $2 million passed by the Senate was to do something to stop development on properties where owners have obtained zoning variances for further development. There have been some 30 to 35 properties identified with values ranging from $25,000 to $50,000. An estimated cost for these properties was $1.6 million.

Within the seashore district, there would be opportunity to purchase inholdings as they become available. These inholdings are considered problem areas from the standpoint of preservation. No priorities have been approved, but the draft master plan lists the following in this order. The cost estimates are not listed in the plan.

- Tract #2203, between Kismet and Seabay on western end of park, 3.5 acres, about $250,000 (depending on zoning).
- Oakleyville in the Sunken Forest area, 9 properties, 4.3 acres, $200,000.
- Between Barrett Beach and Water Island, 14.22 acres, $720,000.
- Blue Point Beach, 10.61 acres, $630,000.
- West Island, 39 tracts, 11.52 acres, $500,000.

**TOTAL**, seashore district, 49.15 acres, $2,300,000.
Honorable Thomas J. Downey  
House of Representatives  
Washington, D.C.

Dear Mr. Downey:

Your letter to Assistant Secretary Reed of November 5 requested an estimate of the total annual operating budget that would be required if water transportation facilities at Fire Island National Seashore were developed and all necessary personnel required were employed.

Until the master plan for Fire Island National Seashore and its accompanying environmental impact statement is completed, we are unable to provide this information. As Assistant Secretary Reed stated at the hearing on S. 267, we expect that the master plan will be completed by spring of 1976. At that time, we will be able to respond to questions concerning operating costs.

Sincerely yours,

[Signature]

Acting Director

bcc: FW  
Regional Director-North Atlantic (2) w/c of inc.  
D-Reading File  
L  
L-L-Kasparek  
L-L-Lambe  
L-S  
L-S-Dir. Chron.

FNP:JMLambe:crb:11-24-75
FROM
Richard C. Curry

Date 11/11/75

To: [Handwritten text]

For:

☐ Draft reply for my signature

☐ Reply direct

☐ Action as appropriate

☐ Let me have your comments

☐ Information and return

☐ This can't be answered until we complete the Master Plan review.
Assistant Secretary Nathaniel Reed  
Fish and Wildlife and Parks  
Department of the Interior  
C Street, N.W.  
Washington, D.C. 20240  

Dear Secretary Reed:

On November 13th I will be testifying before the Senate Interior Committee with regard to S. 857, a bill amending the Fire Island National Seashore.

With regard to this testimony, I would appreciate it if you would provide me with your estimation of the total annual operating budget that would be required if the Seashore was to complete all of its plans for water transportation facilities and if it were to employ all the necessary personnel required to make Fire Island a truly outstanding national recreation area.

In addition, I would be interested in knowing how this estimated budget would compare to the operating budget for Fiscal Year 1975.

I thank you for your cooperation, and will await your prompt reply.

Sincerely,

Thomas J. Downey  
Member of Congress
STATEMENT FOR WITNESS FOR DEPARTMENT OF THE INTERIOR BEFORE THE
SUBCOMMITTEE ON PARKS AND RECREATION, SENATE COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS, CONCERNING S. 867, A BILL "TO AMEND THE ACT
ESTABLISHING THE FIRE ISLAND NATIONAL SEASHORE."

NOVEMBER 1975

MR. CHAIRMAN, AS RECOMMENDED IN THE DEPARTMENT'S REPORT ON
S. 867, WE BELIEVE THAT ACTION ON THIS BILL SHOULD BE DEFERRED UNTIL
SUCH TIME AS WE HAVE COMPLETED THE MASTER PLANNING PROCESS FOR FIRE
ISLAND NATIONAL SEASHORE. We began the process in 1969, culminated
with a plan in 1973. We then started work to bring a report to Congress in
major December, covering the next plan which supplemented the 1973 plan. In Jan, 1975
FIRE ISLAND NATIONAL SEASHORE IN NEW YORK WAS AUTHORIZED BY THE
ACT OF SEPTEMBER 11, 1964, TO INCLUDE APPROXIMATELY 19,311 ACRES.
THE ACT AUTHORIZED THE APPROPRIATION OF NOT MORE THAN $16 MILLION FOR
LAND ACQUISITION WITHIN THE BOUNDARY. THE SEASHORE IS CURRENTLY USED
BY MANY FOR SWIMMING AND NATURE STUDY. VISITATION IN 1974 WAS 550,400.

Since the area was authorized in 1964, the National Park Service
has acquired 5,934.59 ACRES. There has been appropriated to date
$15,730,838 FOR THIS ACQUISITION. A BALANCE OF $269,162 REMAINS UNDER
THE EXISTING APPROPRIATION CEILING. THERE REMAINS TO BE ACQUIRED
WITHIN THE AUTHORIZED BOUNDARY 12,378.19 ACRES OF PUBLIC LAND, WHICH
CONSTITUTES IN LARGE PART SUBMERGED LANDS OWNED BY THE STATE OF NEW
YORK, AND 998.22 ACRES OF PRIVATE LAND. IN THE MAIN, THIS LATTER
FIGURE REPRESENTS PRIVATE LAND WHICH, UNDER SUBSECTION 2(E) OF THE
1964 LAW, CANNOT BE ACQUIRED BY CONDEMNATION SO LONG AS AN APPROPRIATE
LOCAL ZONING AGENCY SHALL HAVE IN FORCE AND APPLICABLE TO THE PROPERTY
A VALID ZONING ORDINANCE SATISFACTORY TO THE SECRETARY.
FOLLOWING THE ENACTMENT OF THE 1964 LAW, THE NATIONAL PARK SERVICE WORKED WITH LOCAL ZONING AUTHORITIES TO PROMULGATE REGULATIONS SPECIFYING STANDARDS FOR APPROVAL BY THE SECRETARY FOR ZONING ORDINANCES. THESE STANDARDS IN THE WORDS OF THE LAW MUST HAVE THE OBJECT OF "(1) PROHIBITING NEW COMMERCIAL OR INDUSTRIAL USES OTHER THAN COMMERCIAL OR INDUSTRIAL USES WHICH THE SECRETARY CONSIDERS ARE CONSISTENT WITH THE PURPOSES OF THIS ACT, OF ALL PROPERTY WITHIN THE NATIONAL SEASHORE, AND (2) PROMOTING THE PROTECTION AND DEVELOPMENT FOR PURPOSES OF THIS ACT OF THE LAND WITHIN THE NATIONAL SEASHORE BY MEANS OF ACREAGE, FRONTAGE, AND SET BACK REQUIREMENTS." HOWEVER, OF THE FOUR LOCAL ZONING JURISDICTIONS INVOLVED, ORDINANCES HAVE BEEN APPROVED FOR ONLY ONE--THE TOWN OF ISLIP. MR. CHAIRMAN, WITH ONE EXCEPTION, WE HAVE ACQUIRED WITH THE FUNDS APPROPRIATED TO DATE VIRTUALLY ALL THE PRIVATE LAND THAT WAS PROPOSED, OUTSIDE OF THE AREAS SUBJECT TO ZONING AND WHICH ARE NOT SUBJECT TO CONDEMNATION PROCEDURES. THE EXCEPTION, WHICH WE ACQUIRED AT ONE TIME BUT REVESTED, CONSISTS OF AN 8.5-ACRE STRIP ADJACENT TO A COUNTY PARK WHICH WE BELIEVE IS NOT NEEDED FOR MANAGEMENT OR PUBLIC USE.

S. 867 WOULD AMEND THE 1964 ACT TO ADD AN ADDITIONAL $10 MILLION TO THE CEILING FOR LAND ACQUISITION. IN ADDITION, THE BILL WOULD AMEND THE ACT TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO REQUEST, AND THE APPROPRIATE UNITED STATES DISTRICT COURT TO GRANT, AN INJUNCTION CONCERNING ANY ACTION WHICH THE SECRETARY DETERMINES IS INCONSISTENT WITH THE PURPOSES OF THE ACT OR WHICH HE CONSIDERS ADVERSE TO THE PROTECTION AND DEVELOPMENT OF THE AREA.
MR. CHAIRMAN, UNDER THE 1964 ACT WHICH PROHIBITED CONDEMNATION OF ZONED PROPERTIES, WE HAVE ASSUMED IT WAS THE INTENT OF CONGRESS THAT ZONED AREAS NOT BE ACQUIRED IF ZONING REMAINS IN EFFECT. WE HAVE THEREFORE ACQUIRED SUBSTANTIALLY ALL THE PROPERTY OUTSIDE OF THE ZONED AREAS. IT IS THE INTENT OF S. 867 TO PERMIT THE SECRETARY OF THE INTERIOR TO ENFORCE LOCAL ZONING BY AUTHORIZING FUNDS TO ACQUIRE ANY PROPERTIES WHICH ARE USED IN A MANNER INCONSISTENT WITH APPROVED LOCAL ZONING.

NEW DEVELOPMENT AND ZONING VARIANCES HAVE OCCURRED. IF A SINGLE PROPERTY IS USED INCONSISTENTLY WITH ZONING, THE 1964 ACT WOULD PERMIT CONDEMNATION OF THAT PROPERTY, BUT THE UNITED STATES WOULD BE LEFT WITH OWNERSHIP OF A RESIDENCE AS A RESULT, WITH MAINTENANCE RESPONSIBILITY AND DIFFICULT MANAGEMENT PROBLEMS IF THE PROPERTY IS BUT ONE SURROUNDED BY OTHER RESIDENCES.

MORE IMPORTANTLY, MR. CHAIRMAN, THE NATIONAL PARK SERVICE IS CURRENTLY UNDERGOING A MASTER PLANNING PROCESS WITH RESPECT TO FIRE ISLAND NATIONAL SEASHORE, WHICH INCLUDES INVOLVEMENT OF THE PUBLIC AND THE USERS OF THIS AREA. UNTIL WE ARE ABLE TO COMPLETE THIS MASTER PLANNING PROCESS, AND TO ASSESS THE ENVIRONMENTAL CONSEQUENCES OF ALTERNATIVE COURSES OF ACTION, WE CANNOT RECOMMEND AN INCREASE IN LAND ACQUISITION AUTHORIZATION, NOR CAN WE SUPPORT AT THIS TIME THE NEED FOR AUTHORITY OF THE SECRETARY TO ENJOIN INCONSISTENT USES. PRESUMABLE, THE INCONSISTENT USES WOULD ALSO BE THOSE WHICH WOULD PERMIT CONDEMNATION OF ZONED PROPERTIES.
THE BILL, THEREFORE, PRESENTS THE QUESTION OF WHETHER OR NOT THE UNITED STATES SHOULD ACQUIRE THE 998.22 ACRES OF IMPROVED PROPERTIES WHICH ARE NOW EXEMPT FROM CONDEMNATION UNDER THE LAW.

OUR MASTER PLAN WILL ADDRESS THIS ISSUE AS WELL AS OTHERS, AND WE ASK THE COMMITTEE TO WITHHOLD ACTION ON S. 867 UNTIL SUCH TIME AS WE ARE ABLE TO PRESENT A REASONED ANALYSIS, SUPPORTED BY THE APPROPRIATE ENVIRONMENTAL DOCUMENTS, OF THE MASTER PLAN ALTERNATIVES. WE BELIEVE THAT WE WILL BE IN A POSITION TO REPORT SUBSTANTIALLY ON THE BILL BY SPRING OF 1976.

THANK YOU VERY MUCH, MR. CHAIRMAN, THIS CONCLUDES MY PREPARED TESTIMONY.
1. **Sellback - Leaseback.** Section 5(a) of P.L. 90-401, approved July 15, 1968, authorizes the Secretary to sell or lease property within certain units of the National Park System to the highest bidder, subject to covenants and restrictions to assure that use of the land will be consistent with the purposes of the area. Proceeds under existing law must go back to LWCF for reappropriation.

To implement, we would need—

**Legislation:** Authority to keep proceeds of sales and establish revolving fund.

**Funds:** Initial $2 million to buy vacant land or buildings when variance threatened.

**Staff:** 5 people.

**Declaration of taking:** Committee has in force a policy that no D-T will be brought unless approved by Committee—we should have unrestricted condemnation authority.

**Benefits:** (1) Enforceable covenants gives best control over private uses; (2) return some funds to LWCF.

**Problems:** (1) Some initial cost; (2) in effect a real-estate sales operation.
2. **Complete Buy Out.** Acquire all 3,600 "improved properties" with retention of varying degrees of use and occupancy. Needs--

**Funds:** As above, $317 million.

**Staff:** 5 people, as above.

**Declaration of taking:** As above.

**Benefits:** Eventual elimination of all inconsistent uses.

**Problems:** Enormous cost.

3. **Federal zoning.** Enter into agreement with State and local governments providing that the Secretary shall exercise State police power and zone private properties to prohibit inconsistent development. Need--

**State and local legislation:** Cession of legislative jurisdiction by State.

**Benefits:** Certain--but not all--development could be prohibited directly by Secretary without acquisition costs.

**Problems:** (1) State and counties unlikely to cede jurisdiction; (2) zoning power cannot completely freeze development--must allow development generally consistent with what is already there.
4. **Injunctive Relief.** Authorize Secretary to prohibit inconsistent private use by Federal Court injunction, as proposed in Senator Javits' legislation.

**Benefits:** No cost, if not adjudged a taking.

**Problems:** (1) Courts may find it is a taking and strike down completely or award damages; (2) case-by-case approach could create great number of lawsuits.

5. **Status Quo.** Prohibit acquisition by condemnation of all improved properties covered by approved zoning.

**Benefits:** No cost, if towns zone and enforce zoning themselves.

**Problems:** (1) Towns will not zone; (2) only enforcement is by condemnation and appropriation of additional funds.
Estimated cost to purchase lands and improvements at Fire Island National Seashore including the exempted communities.

Improvements include motels, hotels, trailer parks, large homes, courthouse, fire stations, community club, school and many quality improvements. The Environmental Impact Statement of 1974 (pages 187-192) calculate that there are 3,600 households in the area.

No actual cost study has been performed so the following estimates are more or less an educated guess as to the cost. No built-ins are added which would typically increase the cost by more than 50%.

25,900 feet of prime ocean frontage @ $400 Through Cherry Grove = $10,360,000

14,100 front feet @ $250 Down through Davis Park = 3,525,000

Best Ocean Frontage in developed areas = 40,000 ft. (7.6 miles) $13,885,000

998.22 acres
-91.83 in frontage area
906.39 acres

Lots average 6,000 sq. ft. or 7.26 per acre - use 5 after roads and alleys are deducted.

906.39 x 5 lots per acre = 4,532 lots

Average lot price @ $7,500 = $33,990,000

Total Raw Land Value = $47,875,000

Improvements: 3,600 @ $75,000 = 270,000,000

TOTAL ESTIMATED COST Rounded to $318,000,000

$317,875,000
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998.22 acres
-91.83 in frontage area
906.39 acres

Lots average 6,000 sq. ft. or 7.26 per acre - use 5 after
roads and alleys are deducted.

906.39 x 5 lots per acre = 4,532 lots

Average lot price @ $7,500 = 33,990,000

Total Raw Land Value = 47,875,000

Improvements: 3,600 @ $75,000 = 270,000,000

TOTAL ESTIMATED COST $317,875,000

Rounded to $318,000,000
An Act

To authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

Section 1. This Act may be cited as the “National Parks and Recreation Act of 1978”.

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definition.
Sec. 3. Authorization of appropriations.

TITLE I—DEVELOPMENT CEILING INCREASES

Sec. 101. Specific increases.
Agate Fossil Beds National Monument.
Andersonville National Historic Site.
Andrew Johnson National Historic Site.
Biscayne National Monument.
Capitol Reef National Park.
Carl Sandburg Home National Historic Site.
Cowpens National Battlefield Site.
De Soto National Memorial.
Fort Bowie National Historic Site.
Frederick Douglass Home, District of Columbia.
Grant Kohrs Ranch National Historic Site.
Guadalupe Mountains National Park.
Gulf Islands National Seashore.
Harper’s Ferry National Historical Park.
Hubbell Trading Post National Historic Site.
Indiana Dunes National Lakeshore.
John Muir National Historic Site.
Lands in Prince Georges and Charles Counties, Maryland.
Longfellow National Historic Site.
Pecos National Monument.
Perry's Victory and International Peace Memorial.
San Juan Island National Historical Park.
Sitka National Historical Park.
Statue of Liberty National Monument.
Thaddeus Kosciuszko Home National Historic Site.
Tuskegee Institute National Historic Site.
Whiskeytown-Shasta-Trinity National Recreation Area.
William Howard Taft National Historic Site.
Wilson's Creek National Battlefield.

TITLE II—ACQUISITION CEILING INCREASES

Sec. 201. Acquisition ceilings.
Big Cypress National Preserve.
Buffalo National River.
Cumberland Island National Seashore.
Sec. 319. (a) In furtherance of the purposes of the Act entitled "An Act to provide for the protection and preservation of the Antietam Battlefield in the State of Maryland", approved April 22, 1960 (74 Stat. 79), and other Acts relative thereto, the Secretary is hereby authorized to acquire only scenic easements over the additional lands generally depicted on the map entitled "Boundary Map, Antietam National Battlefield, Washington County, Maryland," numbered 302-80.005-A and dated June 1977.

(b) The Antietam National Battlefield Site established pursuant to such Act of April 22, 1960, including only scenic easements acquired pursuant to subsection (a) of this section, is hereby redesignated the "Antietam National Battlefield". The boundaries of such battlefield are hereby revised to include the area generally depicted on the map referenced in subsection (a) of this section, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Sec. 320. Section 8(b) of the Act of January 8, 1971 (84 Stat. 1978) is amended by changing "$20,400,000" to "$28,400,000". The boundaries of the park are revised to include approximately 600 additional acres: Provided, however, That such additions shall not include any properties located between 30th Street and Thomas Jefferson Street in the northwest section of the District of Columbia.

Sec. 321. (a) The first section of the Act of August 31, 1965 (79 Stat. 587) is amended by adding at the end thereof the following: "The national monument shall comprise the area generally depicted on the map entitled 'Boundary Map Alibates Flint Quarries', numbered 432-50.021, and dated November 1976. Minor boundary adjustments may be made from time to time by the Secretary."

(b) Section 3 of such Act is amended by deleting "$260,000" and inserting "$4,291,000" in lieu thereof.

(c) The Act of August 31, 1965 (79 Stat. 587) is hereby amended to redesignate the Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument as the Alibates Flint Quarries National Monument.

Sec. 322. (a) Subsection 1(b) of the Act of September 11, 1964 (78 Stat. 928), as amended, is further amended to read as follows:

"(b) The boundaries of the national seashore shall extend from the easterly boundary of the main unit of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national sec.
Public Law 95-625—Nov. 10, 1978

Title IV—Wilderness

Section 401. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), and shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act:

1. Buffalo National River, Arkansas, wilderness comprising approximately ten thousand five hundred and twenty-nine acres and potential wilderness additions comprising approximately twenty-five thousand four hundred and seventy-one acres depicted on a map entitled "Wilderness Plan, Buffalo National River, Arkansas", numbered 173-20,006-B and dated March 1975, to be known as the Buffalo National River Wilderness.

2. Carlsbad Caverns National Park, New Mexico, wilderness comprising approximately thirty-three thousand one hundred and twenty-five acres and potential wilderness additions comprising approximately three hundred and twenty acres, depicted on a map entitled "Wilderness Plan, Carlsbad Caverns National Park, New Mexico," numbered 180-20,003-B and dated January 1978, to be known as the Carlsbad Caverns Wilderness. By January 1, 1980, the Secretary shall review the remainder of the park and shall report to the President, in accordance with section 3(c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(c) and (d)), his recommendations as to the suitability or nonsuitability of any additional areas within the park for preservation as wilderness.

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Providing for Increases in Appropriations Ceilings, Development Ceilings, Land Acquisition and Boundary Changes in Certain Federal Park and Recreation Areas, and for Other Purposes

May 15, 1978.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Udall, from the Committee on Interior and Insular Affairs, submitted the following Report together with Supplemental Views [To accompany H.R. 12536] [Including the cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 12536) to provide increases in appropriations ceilings, development ceilings, land acquisition, and boundary changes in certain Federal park and recreation areas, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

Short Title and Table of Contents

Section 1. This Act may be cited as the “National Parks and Recreation Act of 1978”.

Table of Contents

Sec. 1. Short title and table of contents
Sec. 2. Definition.
Sec. 3. Authorization of appropriations.
TITLE I—DEVELOPMENT OF CEILING INCREASES

Sec. 101. Specific increases.

Agate Fossil Beds National Monument.
Andrew Johnson National Historic Site.
Bluford National Monument.
Canaveral National Seashore.
Cape Lookout National Seashore.
Capital Reef National Park.
Cape San Blas National Seashore.
Channel Islands National Monument.
Copenha National Battleground Site.
DeSoto National Memorial.
Dorchester National Historic Site.
Disney World National Historic Site.
Fort Butts National Historic Site.
Fort Fisher National Historic Site.
Grant-Kohrs Ranch National Historic Site.
Guadalupe Mountains National Park.
Gull Islands National Seashore.
Harper's Ferry National Historical Park.
Hubbell Trading Post National Historic Site.
Kauai National Park.
kers National Historic Site.
Lands in Prince Georges and Charles Counties, Maryland.
Longfellow National Historic Site.
Pecos National Monument.
Perry’s Victory and International Peace Memorial.
Redwood National Park.
San Juan Island National Historical Park.
Sikka National Monument.
State of Liberty National Monument.
Thunder-Ro-siho Home National Historic Site.
Tuolumne Institute National Historic Site.
Whiskeytown-Shasta-Trinity National Recreation Area.
William Howard Taft National Historic Site.
Wilson’s Creek National Battlefield.

TITLE II—ACQUISITION CEILING INCREASES

Sec. 201. Acquisition ceilings.

Apostle Islands National Lakeshore.
Big Cypress National Preserve.
Buffalo National River.
Cumberland Island National Seashore.


TITLE III—BOUNDARY CHANGES

Sec. 301. Revision of boundaries.

Bent’s Old Fort National Historic Site.
Cibola National Monument.
Coronado National Memorial.
Eisenhower National Historic Site.
Fort Caroline National Memorial.
George Washington Birthplace National Monument.
Great Sand Dunes National Monument.
Gulf Islands National Seashore.
Hawai’i Volcanoes National Park.
John Day Fossil Beds.
Monocacy National Battlefield.
Monument National Monument.
Morganza Caves National Monument.
Tumacacori National Monument.
Washita National Monument.
White Sands National Monument.
Wind Cave National Park.

Sec. 302. Maps and descriptions.

Sec. 303. Acquisition and disposal of lands.

Sec. 304. Other authorities.

Sec. 305. Name change; City of Refuge National Historical Park.

Sec. 306. Black Hammock Island.

Sec. 307. Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial.

Sec. 308. Fort Laramie National Historic Site.

Sec. 310. Addition of Dorchester Heights to the Boston National Historical Park.

Sec. 311. Addition of Solano Snug Harbor to Gateway National Recreation Area.

Sec. 312. Adams National Historical Site, Massachusetts.

Sec. 313. Addition of Episcopal Manor to Petersburg National Battlefield.

Sec. 314. Addition of Mineral King Valley to Sequoia National Park.

Sec. 315. Cuyahoga Valley Recreation Area.

Sec. 316. Delaware Water Gap National Recreation Area.

Sec. 317. Golden Gate National Recreation Area.

Sec. 318. Point Reyes National Seashore.
Sec. 319. Antietam National Battlefield.
Sec. 320. Chesapeake and Ohio Canal National Historical Park.
Sec. 321. Virgin Islands National Park.
Sec. 322. Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument.
Sec. 323. Fire Island National Seashore.

TITLE IV—WILDERNESS

Sec. 401. Designation of areas.
Sec. 402. Map and description.
Sec. 403. Cessation of certain uses.
Sec. 404. Administration.
Sec. 405. Savings provisions.

TITLE V—ESTABLISHMENT OF NEW AREAS AND ADDITIONS TO NATIONAL TRAILS SYSTEM

Subtitle A—Parks, Seashores, Etc.
Sec. 501. Guam National Seashore.
Sec. 502. War in the Pacific National Historical Park.
Sec. 503. Pine Barrens Area, New Jersey.
Sec. 504. Edgar Allen Poe National Historic Site.
Sec. 505. San Antonio Missions National Historical Park.
Sec. 506. Saint Paul's Church, Eastchester.
Sec. 507. Kaloko-Honokohau National Historical Park.
Sec. 508. American Memorial Park.
Sec. 509. Palo Alto Battlefield National Historic Site.
Sec. 510. Santa Monica Mountains National Recreation Area.
Sec. 511. Eliy's Landing National Historical Park.

Subtitle B—Trails
Sec. 551. Mormon Pioneer National Historic Trail.
Sec. 552. Overmountain Men Victory Trail.
Sec. 553. Continental Divide Trail.
Sec. 555. Authorization of appropriations.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Old Faithful Inn at Yellowstone National Park.
Sec. 602. Ridgeland Area study.
Sec. 603. Pennsylvania Avenue Development Corporation.
Sec. 604. Preservation of historical and archaeological data.
Sec. 605. Historic Sites for Presidents.
Sec. 606. Potential park unit studies.
Sec. 607. New area studies, general management plans, and contracts.
Sec. 608. Oak Creek Canyon and Chiricahua National Monument studies.
Sec. 609. Appropriate agency procedures.
Sec. 610. Land and Water Conservation Fund accomplishments reporting date.
Sec. 611. Recreation programs.
Sec. 612. Hells Canyon National Recreation Area.
Sec. 613. Irvine Coast—Laguna, California study.
Sec. 614. Theodore Roosevelt Inaugural National Historic Site.
Sec. 615. Big Sur study.

TITLE VII—WILD AND SCENIC RIVERS ACT AMENDMENTS

Subtitle A—Addition of Segments
Sec. 701. Addition of Pere Marquette Segment.
Sec. 702. Addition of Rio Grande Segment.
Sec. 703. Addition of Sturgis Segments.
Sec. 704. Addition of Upper Mississippi Segments.
Sec. 705. Addition of Upper Delaware Segment; special provisions.
Sec. 706. Addition of Middle Delaware Segment.
Sec. 707. Addition of American Segment.
Sec. 708. Addition of Missouri Segment.

Subtitle B—Studies
Sec. 721. Designation of Gila River, New Mexico for study.
Sec. 722. Designation of Kern River (North Fork) for study.
Sec. 723. Designation of Shenandoah River for study.
Sec. 724. Designation of Loxahatchee River for study.
Sec. 725. Designation of Ogeechee River for study.
Sec. 726. Designation of certain segment of the Salt River for study.
Sec. 727. Designation of the Gila River (Arizona) for study.
Sec. 728. Designation of the Verde River for study.
Sec. 729. Designation of the San Francisco River for study.
Sec. 730. Designation of Fish Creek for study.
Sec. 731. Designation of Black Creek for study.
Sec. 732. Designation of the Sheepscot River for study.
Sec. 733. Designation of the Cacapon River for study.
Sec. 734. Designation of the Madison River for study.
Sec. 735. Designation of the Escatawpa River for study.
Sec. 736. Designation of the Myakka River for study.
Sec. 737. Designation of Soldier Creek for study.
Sec. 738. Designation of Brazos River for study.
Sec. 739. Authorization for studies.
Sec. 740. Study period.

Subtitle C—Authorizations for Funding
Sec. 751. Eleven Point River.
Sec. 752. Rogue River.
Sec. 753. Salat Cruz River.
Sec. 754. Salmon River.
Sec. 755. Chattooga River.

Subtitle D—Amendments to Public Law 90-542
Sec. 761. Technical amendments.
Sec. 762. Federal lands: cooperative agreements.
Sec. 763. Exchange of State lands.
Sec. 764. Lease of Federal lands.
Sec. 765. Study of federally owned rivers.
Sec. 766. Miscellaneous technical amendments.
Sec. 767. Amendments regarding certain complementary authorities.

DEFINITION
Sec. 2. As used in this Act, except as otherwise specifically provided, the term "Secretary" means the Secretary of the Interior.

AUTHORIZATION OF APPROPRIATIONS
Sec. 3. Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1978. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.

TITLE I—DEVELOPMENT CEILING INCREASES

SPECIFIC INCREASES
Sec. 101. The limitations of funds for development within certain units of the National Park System and affiliated areas are amended as follows:
(1) Agate Fossil Beds National Monument, Nebraska: Section 4 of the Act of June 5, 1965 (79 Stat. 123), is amended by changing "$1,842,000" to "$2,012,000".
(2) Andersonville National Historic Site, Georgia: Section 4 of the Act of October 16, 1970 (84 Stat. 989), is amended by changing "$1,605,000" to "$2,205,000", and by changing "(March 1969 prices)" to "(October 1978 prices)".
(3) Andrew Johnson National Historic Site, Tennessee: Section 3 of the Act of December 11, 1965 (77 Stat. 339) is amended by changing "$266,000" to "$286,000".
(4) Biscayne National Monument, Florida: Section 5 of the Act of October 18, 1968 (82 Stat. 1188), is amended by changing "$2,900,000" to "$6,565,000".
(5) Canaveral National Seashore, Florida: Section 9(b) of the Act of January 3, 1975 (88 Stat. 2121, 2125) is amended by changing "$500,000" to "$1,900,000".
(6) Cape Lookout National Seashore, North Carolina: Section 8 of the Act of March 10, 1966 (60 Stat. 33) as amended by the Act of October 26, 1974 (88 Stat. 1445) is amended by changing "$2,935,000" to "$4,935,000".
(7) Capitol Reef National Park, Utah: Section 7 of the Act of December 18, 1971 (85 Stat. 739), is amended by changing "$1,052,700 (April 1970 prices)" to "$1,375,000 (October 1978 prices)"
(8) Carl Sandburg Home National Historic Site, North Carolina: Section 3 of the Act of October 17, 1968 (82 Stat. 1154), is amended by changing "$502,000" to "$1,962,000".
(9) Channel Islands National Monument, California: Section 201 of the Act of October 26, 1974 (88 Stat. 1445, 1446) is amended by changing "$3,452,000" to "$6,332,000".
(29) Statue of Liberty National Monument, New York-New Jersey: Section 1 of the joint resolution of August 17, 1965 (79 Stat. 543), is amended by changing "$6,000,000" to "$34,000,000".

(30) Thaddeus Kosciuszko Home National Historic Site, Pennsylvania: Section 3 of the Act of October 21, 1972 (83 Stat. 1048), is amended by changing "$592,000" to "$742,000".

(31) Tuskegee Institute National Historic Site, Alabama: Section 104(e) of the Act of October 26, 1974 (88 Stat. 1463), is amended by changing "$2,722,000" to "$2,982,000".

(32) Whiskeytown-Shasta-Trinity National Recreation Area, California: Section 10 of the Act of November 8, 1965 (79 Stat. 1295), is amended by changing "$22,700,000" to "$24,649,000".

(33) William Howard Taft National Historic Site, Ohio: Section 3 of the Act of December 2, 1909 (83 Stat. 273), is amended by changing "$318,000" to "$1,888,000".

(34) Wilson's Creek National Battlefield, Missouri: Section 3 of the Act of December 16, 1970 (84 Stat. 1441), is amended by changing "$2,285,000 (March 1969 prices)" to "$5,640,000 (October 1978 prices)".

TITLE II—ACQUISITION CEILING INCREASES

ACQUISITION CEILINGS

Sec. 201. The limitations on appropriations for the acquisition of lands and interests therein within certain units of the National Park System are amended as follows:

(1) Apostle Islands National Lakeshore, Wisconsin: Section 8 of the Act of September 26, 1970 (84 Stat. 880), is amended by changing "$4,250,000" to "$5,750,000".

(2) Big Cypress National Park Preserve, Florida: Section 8 of the Act of October 11, 1974 (88 Stat. 1258), is amended by changing "$110,000,000" to "$186,700,000".

(3) Buffalo National River, Arkansas: Section 7 of the Act of March 1, 1972 (86 Stat. 44), is amended by changing "$30,071,500" to "$39,948,000".

(4) Cumberland Island National Seashore, Georgia: Section 10 of the Act of October 23, 1972 (86 Stat. 1089), is amended by changing "$10,500,000" to "$28,500,000".

SAWTOOTH NATIONAL RECREATION AREA

Sec. 202. Section 13 of the Act of August 22, 1972 (86 Stat. 612), is amended by changing "$19,802,000" to "$47,802,000".

TITLE III—BOUNDARY CHANGES

REVISION OF BOUNDARIES

Sec. 301. The Secretary is authorized to revise the boundaries of the following units of the National Park System, and there are authorized to be appropriated not in excess of the amounts specified in the following paragraphs for acquisition of lands and interests in lands within areas added by reason of such revisions:


(2) Chiricahua National Monument, Arizona: To add approximately four hundred and forty acres as generally depicted on the map entitled "Boundary Map, Chiricahua National Monument, Arizona", numbered 146-80,002, and dated August 1977: "$294,000.

(3) Coronado National Memorial, Arizona: To add approximately three thousand and forty acres and delete approximately twelve hundred acres as generally depicted on the map entitled "Land Status Map 01, Coronado National Memorial, Cochise County, Arizona", numbered 9850-80,001, and dated October 1977: "$1,410,000.

(4) Eisenhower National Historic Site, Pennsylvania: To add approximately one hundred ninety-five and eighty-three one hundredths acres as
"(2) Notwithstanding any provision of law to the contrary, no fee or charge shall be imposed on any United States military personnel or dependents of such personnel for entrance or admission into the Virgin Islands National Park."

(d) Section 4 of such Act is amended to read as follows:

"SEC. 4. Effective October 1, 1978, there are authorized to be appropriated such sums as may be necessary for the acquisition of lands and interests in lands within the Virgin Islands National Park. For purposes of this section, acquisitions of lands on Hassel Island shall be deemed to be acquisitions qualifying for payment under the provisions of paragraph (2) of the Act of June 10, 1977 (Public Law 95-42; 91 Stat. 210). In addition to such sums as may have heretofore been appropriated for development of public facilities within the Virgin Islands National Park, effective October 1, 1978, there are authorized to be appropriated not more than $1,000,000 for restoration and rehabilitation of historic structures and for development of public facilities on Hassel Island: Provided, That not more than $500,000 of such amount may be paid to the Territory of the Virgin Islands for its use in furthering projects undertaken pursuant to the Land and Water Conservation Fund Act, the Historic Preservation Act, or other comparable programs upon the transfer of title to the United States of all properties held by the Territory on Hassel Island."

(e) Section 2(c) of the Act entitled "An Act to authorize the establishment of the Virgin Islands National Park, and for other purposes" (70 Stat. 940; 16 U.S.C. 398) is amended by adding the following sentence at the end thereof: "Notwithstanding the acreage limitations and boundary designations contained in this section, the Secretary may, for administration as part of the park, also acquire, with the consent of the owner or by donation, real and personal property which is not within the defined boundaries of the park."

ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT

SEC. 322. (a) The first section of the Act of August 31, 1965 (79 Stat. 587) is amended by adding at the end thereof the following: "The national monument shall comprise the area generally depicted on the map entitled 'Boundary Map, Alibates Flint Quarries', numbered 432-50,021, and dated November 1976. Minor boundary adjustments may be made from time to time by the Secretary."

(b) Section 3 of such Act is amended by deleting "$260,000" and inserting "$2,250,000" in lieu thereof.

FIRE ISLAND NATIONAL SEASHORE

SEC. 323. (a) Subsection (b) of the Act of September 11, 1964 (78 Stat. 928), as amended is further amended to read as follows:

"(b) The boundaries of the national seashore shall extend from the easterly boundary of the main unit of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Patersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay and, in addition, mainland terminal and headquarters sites, not to exceed a total of twelve acres, on the Patchogue River within Suffolk County, New York, all as delineated on a map identified as 'Fire Island National Seashore', numbered OGP-0004, dated May 1978. The Secretary shall publish said map in the Federal Register, and it may also be examined in the offices of the Department of the Interior."

(b) Section 2 of such Act is amended by—

(1) striking out "with one exception,"
(2) striking out "the sole exception" and substituting "an exception,"
(3) adding the following new subsection at the end thereof:

"(g) Notwithstanding the limitations of subsection (e) —

"(1) the authority of the Secretary to condemn undeveloped tracts within the Dune District as depicted on map entitled 'Fire Island National Seashore' numbered OGP-0004 dated May 1978, is suspended so long as the owner or owners of the undeveloped property therein maintain the property
in its natural state. The Secretary is authorized to acquire developed properties within the Dune District when there is storm damage to improvements on the property in excess of 50 per centum of the fair market value of such improvements or when the owner or owners of such property undertake exterior improvements which are other than routine maintenance activities; and

"(2) in the event of catastrophic storm damage within any of the delineated communities, the Secretary is authorized to condemn improved and unimproved properties when ninety percent or more of all structures within a community are destroyed and damage to each structure to be acquired is in excess of fifty percent of its fair market value. Structures damaged less than 50 per centum of fair market value remain as inholdings exempt from condemnation.

TITLE IV—WILDERNESS

DESIGNATION OF AREAS

Sec. 401. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 990; 16 U.S.C. 1132(c)), and shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act:

(1) Big Bend National Park, Texas, wilderness comprising approximately five hundred and thirty-eight thousand two hundred and fifty acres, and potential wilderness additions comprising approximately forty-four thousand seven hundred and fifty acres, depicted on a map entitled "Wilderness Plan, Big Bend National Park, Texas", numbered 195-20,004-D and dated January 1975, to be known as the Big Bend Wilderness.

(2) Buffalo National River, Arkansas, wilderness comprising approximately ten thousand five hundred and twenty-nine acres and potential wilderness additions comprising approximately twenty-five thousand four hundred and seventy-one acres depicted on a map entitled "Wilderness Plan, Buffalo National River, Arkansas", numbered 173-20,036-B and dated March 1975, to be known as the Buffalo National River Wilderness.

(3) Carlsbad Caverns National Park, New Mexico, wilderness comprising approximately thirty-eight thousand acres and potential wilderness additions comprising approximately three hundred and twenty acres, depicted on a map entitled "Wilderness Plan, Carlsbad Caverns National Park, New Mexico," numbered 130-20,008-C and dated May 1978, to be known as the Carlsbad Caverns Wilderness.

(4) Crater Lake National Park, Oregon, wilderness comprising approximately one hundred and twenty-seven thousand five hundred acres, depicted on a map entitled "Wilderness Plan, Crater Lake National Park, Oregon", numbered 106-20,006-F and dated May 1978, to be known as the Crater Lake Wilderness.

(5) Cumberland Gap National Historical Park, Kentucky, Tennessee, Virginia, wilderness comprising approximately twelve thousand seven hundred acres and potential wilderness additions comprising approximately one thousand nine hundred acres, depicted on a map entitled "Wilderness Plan, Cumberland Gap National Historical Park, Tennessee, Virginia, Kentucky", numbered 380-20,028-D and dated May 1978, to be known as the Cumberland Gap Wilderness.

(6) Everglades National Park, Florida, wilderness comprising approximately one million two hundred and ninety-six thousand five hundred acres and potential wilderness additions comprising approximately eighty-one thousand nine hundred acres, depicted on a map entitled "Wilderness Plan, Everglades National Park, Florida", numbered 160-20,011 and dated June 1974, to be known as the Everglades Wilderness.

(7) Glacier National Park, Montana, wilderness comprising approximately nine hundred and twenty-seven thousand five hundred and fifty acres and potential wilderness additions comprising approximately three thousand three hundred and sixty acres, depicted on a map entitled "Wilderness Plan, Glacier National Park, Montana", numbered 117-20,010-A and dated March 1974, to be known as the Glacier Wilderness.

(8) Guadalupe Mountains National Park, Texas, wilderness comprising approximately fifty-eight thousand acres and potential wilderness additions
The purpose of H.R. 12536, as reported by the Committee on Interior and Insular Affairs is:

1 H.R. 12536 was introduced by Representative Phillip Burton and was cosponsored by Representatives Udall, Kobelka, Brown, Ryan, Bingham, Won Pat, and Vento; also by Representatives Baucus, Goldwater, and others. The bill was later reported by the Committee on Interior and Insular Affairs.

2 H.R. 12536 introduced by Representatives Udall, Kobelka, Brown, Ryan, Bingham, Won Pat, and Vento; also by Representatives Baucus, Goldwater, and others. The bill was later reported by the Committee on Interior and Insular Affairs.

3 H.R. 12536 introduced by Representatives Udall, Kobelka, Brown, Ryan, Bingham, Won Pat, and Vento; also by Representatives Baucus, Goldwater, and others. The bill was later reported by the Committee on Interior and Insular Affairs.

4 H.R. 12536 introduced by Representatives Udall, Kobelka, Brown, Ryan, Bingham, Won Pat, and Vento; also by Representatives Baucus, Goldwater, and others. The bill was later reported by the Committee on Interior and Insular Affairs.

5 H.R. 12536 introduced by Representatives Udall, Kobelka, Brown, Ryan, Bingham, Won Pat, and Vento; also by Representatives Baucus, Goldwater, and others. The bill was later reported by the Committee on Interior and Insular Affairs.
(1) To provide for increased development ceilings for selected units of the National Park System and related national recreation areas; (2) To provide for increased land acquisition ceilings for the National Park System and related national recreation areas; (3) To provide for boundary adjustments to units of the National Park System; (4) The designation of specific lands within certain units of the National Park System to be managed in accordance with The Wilderness Act of 1964; (5) To establish new units in the National Park and National Trails System, and related national recreation areas; (6) To establish units of the national Wild and Scenic River System and to provide for the study of certain other rivers; (7) To amend certain provisions of existing National Park and related legislation to improve their respective administration; and (8) To provide for studies of certain areas as possible park or recreation areas.

BACKGROUND

The Congress has, as established procedure, long considered comprehensive legislative treatment of subject matter areas as efficient means to accomplish national objectives. The committee has included numerous individual bills and administration proposals in H.R. 12536 to permit congressional consideration of comprehensive legislation rather than considering individual bills, in the same subject area, on a piece-meal unrelated basis.

Title I includes authorizations for development ceiling increases that are legislatively controlled. The committee finds that there has been adequately demonstrated a need for and a justification of the timeliness of authorizing these ceiling increases to permit the construction of recreational access and facilities to serve the ever-increasing numbers of recreation users.

Title II reflects the committee's views on increases in land acquisition funding authority. Congressional control of funding authority for land acquisition within National Parks and recreation areas requires periodic action by the committee to assure authority is commensurate with the continuing increases in land costs.

Title III includes authorization for the Secretary of the Interior to acquire limited additional lands or interests in lands and to dispose of certain other lands at existing units of the National Park System.

The committee has sought to achieve an efficient balance between the need to require sufficient lands or interests in land to protect the national treasures within these parks and the need to limit acquisition of land by the Federal Government.

Title IV designates certain lands within existing National Park System units to be managed for preservation of their outstanding...
natural values. The committee action to recognize the potential for
degradation of these values through overuse by the public or well
intended but destructive recreation development by the National Park
Service was balanced by concerns expressed that such action would
unduly limit recreation use in some areas.

Title V establishes new units of the National Park and National
Trail Systems which the committee believes to be essential additions
to these national programs. Timely action to preserve portions of our
heritage, both historical and natural, within the states and insular
areas is needed to assure these resources are not lost through adverse
actions by special interest groups.

Title VI groups miscellaneous provisions, technical policy changes,
and certain area studies that the committee found to be needed as
guidance to the executive branch.

Title VII includes additions to the Wild and Scenic Rivers Act re-
sponsive to the President's environmental message. The committee
balanced the administration request with public input in an attempt
to achieve the best possible national program for maintaining ex-
amples of diverse natural river systems and authorizing some addi-
tional studies. The committee also made minor changes to the Wild
and Scenic Rivers Act to assist the States in implementing their Wild
and Scenic River programs.

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101 of H.R. 12536 authorizes increases in the limitations on
funds for development at a number of units of the National Park Sys-
tem and affiliated areas. In doing so, the bill offers statutory authoriza-
tion for certain units where the authorized development ceiling was
exceeded through funds granted by the Congress as supplemental ap-
propriations to the Department of the Interior for the 1977 fiscal
year—known as the President's "Land Heritage" bill. It is recog-
nized that several of the developments covered by the funds authorized
by H.R. 12536 may already have started construction or have been com-
pleted due to the 1977 supplemental appropriation being expended.

Sec. 101(1) of H.R. 12536 changes the development limitation for
Agate Fossil Beds National Monument by $170,000 to a new limitation
of $2,012,000. This funding will permit completion of the construction
of the visitor center-administration building, and planning for an
interpretive shelter and access trail at the Carnegie Hill-University
Hill fossil site.

Sec. 101(2) of the bill increases the authorized development limita-
tion for Andersonville National Historic Site by $600,000 to a new
authorization of $2,205,000. The bill recognizes the inroads that infla-
tion has made upon the buying power of the dollar by stating that
the revised development costs are reflected as of October 1978 prices.
The increased authorization will fund the construction of an informa-
tion center with related utilities; roads and parking; reconstruction of
part of the prison stockade; completion of the planning for the park
tour roads; and improvement of access and safety regarding the State
Section 320. Approximately 600 acres of additional land are authorized for addition to the Chesapeake and Ohio Canal National Historical Park under the provisions of section 320. These additional lands will principally comprise that portion of the Western Maryland Railway Co.'s right-of-way, in Maryland and West Virginia, which was approved for abandonment by the Interstate Commerce Commission on February 19, 1975, along with such other portions of the right-of-way which are not included in the approval and which no longer needed for railway purposes. The park shall also include two lots located between 30th Street and Thomas Jefferson Street in the Northwest Section of the District of Columbia. These properties shall be used to expand the congested barge area, thereby improving pedestrian circulation and protecting a very sensitive section of the canal. The limitation on funds necessary to carry out the land acquisition is increased by $8 million to a new ceiling of $28,400,000. An additional $5 million in development funds is also provided in section 320. These moneys are intended by the committee for use in the restoration, stabilization and repair of the C. & O. Canal and adjacent towpath, locks and other historic structures, including Paw Paw Tunnel; renovation of administrative offices; planning for facilities at Williamsport, Md.; and the preparation of a visitor orientation film.

Section 321 directs the Secretary to acquire Hassel Island in Saint Thomas Harbor, Virgin Islands, consisting of approximately 135 acres. There are authorized such sums as may be necessary for land acquisition and not to exceed $1 million for restoration and rehabilitation of historic properties and development.

Section 322 revises the boundary of the Alibates Flint Quarries to include those lands depicted on the map entitled “Boundary Map, Alibates Flint Quarries,” numbered 432-80,021 and dated November 1976. In addition, the development limitation for the monument is increased by $1,990,000 to a new authorization of $2,250,000. This increase will permit construction of a new headquarters/visitor center complex with such associated roads, trails and landscaping as may be necessary.

Section 323 amends the authorizing Act for Fire Island National Seashore, N.Y., to enlarge the boundaries of the area. The undeveloped areas within the Dune District are exempted from condemnation, so long as the owners maintain them in their natural state. The Secretary is authorized to acquire developed properties within this area when storm damage to a property exceeds 50 percent, or when exterior improvements are made. When a catastrophic storm destroys 90 percent of the structures within a community, both improved and unimproved properties may be condemned. The committee anticipates that the Secretary will use this authority to consolidate Federal holdings and to prevent reconstruction of severely damaged properties so that the barrier island will ultimately be returned to a natural condition.

Title IV

Section 401 consists of a series of paragraphs which designate wilderness and potential wilderness addition acreages of the specific areas...
be conducted with full participation of the state and local agencies and citizens.

Sections 751 through 755 amend the act to increase authorization levels for: Eleven Point River, Missouri from $4,906,500 to $10,407,000; Rouge River, Oregon from $12,447,200 to $15,147,000; Salmon River, Idaho from $1,237,100 to $1,837,000; Chattooga River, South Carolina, North Carolina and Georgia from $2,000,000 to $5,200,000; St. Croix River, Wisconsin from $11,768,500 to $21,769,000. Section g(b) regarding limitation on fee land acquisition of the St. Croix River is waived.

Section 761 amends section 2(a) of Public Law 90-542 to permit Federal agencies to manage, for Wild and Scenic River purposes, those rivers declared by the respective States as wild and scenic.

Section 762 amends section 12(a) of Public Law 90-542 to require Federal agencies to manage Federal lands adjacent to any river under consideration as a Wild and Scenic River in a manner consistent with the purposes of the act. Federal agencies are directed to enter into cooperative agreements with States, where appropriate, to manage Federal lands consistent with approved State river objectives.

Section 763 amends section 6(a) of Public Law 90-542 to permit the Secretary administering a Wild and Scenic River to lease, with restrictions, lands acquired for compatible private uses. Leased lands would be exempt from the provisions related to the 50 percent and 100 acre-per-mile limitations.

The committee intends the administration to make full use of the authority provided to enter into long-term leases with private individuals so that lands deemed available can be used productively and in consonance with the purpose of the Wild and Scenic Rivers Act.

Section 765 amends section 5 of Public Law 90-542 to require the Secretaries of Interior and Agriculture to study rivers within Federal lands for Wild and Scenic River purposes and report to the Congress recommending such rivers for inclusion in the system.

The committee feels a complete inventory of rivers must be made as soon as possible on Federal lands.

Section 766 amends section 3(b) of Public Law 90-542 to provide that boundaries for the component Wild and Scenic Rivers may be set in accordance with authorization specified in the appropriate amendment to the act; and provides that the definition of improved property may be specified as a part of the appropriate amendment to the act.

Section 767 amends section 4(b) of Public Law 90-542 to assure the authorities of the Coast Guard in regulating boating safety and related functions are applicable to Wild and Scenic Rivers.

**Oversight Statement**

All features of H.R. 12536 involve matters of concern to the Committee on Interior and Insular Affairs and will be subject to continuing scrutiny as its provisions are implemented. By limiting authorizations, the committee will have a greater opportunity to exercise appropriate oversight with respect to the various areas involved in the
bill. None of the areas involved in this legislation have been the subject of any reports or recommendations from the Committee on Government Operations under Rule X, clause 2(b)(2).

INFLATIONARY IMPACT STATEMENT

To some extent the authorizations contained in this legislation reflect normal inflationary pressures which are caused by increasing costs of recreation lands and increasing costs for materials and labor involved in developing public facilities. The components of H.R. 12536 are located in all parts of the country and may, in a few cases, involve expenditures which will exert some local economic impact, but in context of the national economy the expenditures involved will be disbursed over a period of years and throughout such wide geographic regions as to virtually have no inflationary impact.

COST AND BUDGET ACT COMPLIANCE

Altogether the provisions of H.R. 12536 authorize the appropriation of approximately $1,350 million. Of this amount nearly $400 million is already authorized to be appropriated from the Land and Water Conservation Fund. Only moneys authorized for grants, development, planning, and studies would be subject to appropriations from the General Fund of the Treasury. These sums are estimated by the Committee to total no more than $1 billion for the next 5 years. The analysis transmitted to the Committee from the Congressional Budget Office follows:


HON. MORRIS K. UDALL, CHAIRMAN, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, 1324 LONGWORTH OFFICE BUILDING, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.


SHOULD THE COMMITTEE SO DESIRE, WE WOULD BE PLEASED TO PROVIDE FURTHER DETAILS ON THE ATTACHED COST ESTIMATE.

Sincerely,

JAMES BLUM

(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. BILL NUMBER: H.R. 12536.
2. BILL TITLE: NATIONAL PARKS AND RECREATION ACT OF 1978.
4. BILL PURPOSE: THE BILL INCREASES CEILINGS ON FUNDS FOR DEVELOPMENT; RAISES THE LIMITATIONS ON APPROPRIATIONS FOR LAND ACQUISITION; AND AUTHORIZES AMOUNTS FOR REVISIONS OF BOUNDARIES WITHIN SPECIFIC
units of the National Park System. In addition, it designates new wilderness areas; establishes new areas of the National Trails System; and amends the Wild and Scenic Rivers Act.

5. Cost estimate:

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The above estimate does not include the costs of several provisions for which no estimate could be developed in the time available. These include the addition of Dorchester Heights to the Boston National Historical Park; the addition of Sailors Snug Harbor to the Gateway National Recreation Area; the addition of Hassel Island to the Virgin Islands National Park; the establishment of the Edgar Allen Poe National Historic Site; the rehabilitation and reconstruction of buildings in the San Antonio Missions National Historic Park; the restoration and preservation of Saint Paul’s Church in Mount Vernon, New York; and the acquisition of the Upper and Middle Delaware River segments. In addition, it excludes the costs of operation, maintenance, and administration associated with a number of new acquisitions, which also could not be estimated in the time available.

The costs of this bill fall within budget function 300.

6. Basis of estimate: Funds used by the National Park Service for land acquisition are allocated from the Land and Water Conservation Fund. Thus, the authorization level increases for land acquisition in titles II, III, V, VI, and VII raise only the amount which the Park Service is authorized to receive from this fund. Funds used for development, construction, and other purposes are directly authorized and appropriated to the National Park Service.

### TITLE I

The first title of this bill raises the authorization ceilings on funds for development in 34 units of the National Park System. The authorization level is increased by $96.5 million in this title, and the resultant costs are estimated to be approximately $7.9 million in fiscal year 1979, $24.2 million in fiscal year 1980, $37.6 million in fiscal year 1981, $16.5 million in fiscal year 1982, and $10.8 million in fiscal year 1983. These cost estimates are based on the currently planned construction program of the National Park Service.

### TITLE II

Title II raises the limitations on appropriations for land acquisition in 5 units of the National Park System. The authorization level is
increased by $98.1 million. Estimated costs resulting from this increased authorization are approximately $23.5 million in fiscal year 1979, $52.4 million in fiscal year 1980, and $22.2 million in fiscal year 1981, based on data supplied by the National Park Service.

**TITLE III**

The first section of title III authorizes the revision of boundaries in 18 parks and authorizes appropriations of $15.5 million from the Land and Water Conservation Fund for acquisition of necessary additional lands. It is expected that the National Park Service will carry out all of the acquisition associated with these revisions in fiscal year 1980, based on information available from the Park Service.

In section 307, $2.7 million is authorized for land acquisition and $4.3 million is authorized for development in the Allegheny Portage Railroad National Historic Site and the Johnstown Flood National Memorial. It is estimated that costs associated with this section will be $4.2 million in fiscal year 1979, $2.0 million in fiscal year 1980, and $0.8 million in fiscal year 1981.

Section 309 raises the existing combined ceiling for land acquisition and development by a total of $4.1 million for the Fort Union Trading Post National Historic Site. It is estimated that resultant expenditures will be approximately $0.9 million in fiscal year 1979, $2.2 million in fiscal year 1980, and $1.0 million in fiscal year 1981.

Section 310 authorizes such sums as may be necessary for the addition of specific areas in Dorchester Heights to the Boston National Historical Park. No estimate of the cost of this addition could be developed in the time available.

Section 313 authorizes $2.2 million for the acquisition of the Eppes Manor and adjacent lands for the addition to the Petersburg National Battlefield. It is estimated that this sum will be spent at a rate of $0.4 million in fiscal year 1979, $1.1 million in fiscal year 1980, and $0.7 million in fiscal year 1981.

Section 314 authorizes the addition of the Mineral King Valley to the Sequoia National Park. Within 2 years after enactment of this bill, the Secretary is to submit an acquisition plan for lands in the area. It is estimated that expenditures for this plan will be approximately $0.1 million in each fiscal year 1979 and 1980. Such sums as may be necessary for the acquisition of this land is authorized. It is estimated that acquisition of this area will cost approximately $5.4 million, and resultant expenditures will be approximately $2.7 million in each of the fiscal years 1979 and 1980, based on information available from the National Park Service.

Section 315 authorizes $29.0 million for the necessary land acquisition and property improvements for a revision of the boundaries of the Cuyahoga National Recreation Area, and $26.0 million for the development of this recreation area. It is estimated that this land acquisition will be carried out at an equal rate in fiscal years 1979 and 1980, and the development will continue over a 5-year period, based on historical data for similar acquisition and development programs.

Section 319 authorizes the Secretary of the Interior to purchase up to 3,300 acres of new land for the Antietam National Battlefield Site.
It is estimated that this land will cost approximately $5.9 million and resultant expenditures will be approximately $1.2 million in fiscal year 1979, $3.0 million in fiscal year 1980, and $1.7 million in fiscal year 1981, based on information provided by the National Park Service.

In section 320 an additional $8.0 million is authorized for land acquisition and an additional $5.0 million is authorized for development in the Chesapeake and Ohio National Historical Park. It is estimated that resultant expenditures will be $5.8 million in fiscal year 1980, $4.8 million in fiscal year 1981, and $2.4 million in fiscal year 1982, based on information available from the National Park Service.

Section 321 adds Hassel Island in St. Thomas Harbor to the Virgin Islands National Park. Such sums as may be necessary are authorized for land acquisition; and $1.0 million is authorized for development. No estimate is available as to costs of acquisition for this area. It is estimated that development will cost approximately $0.8 million in fiscal year 1980 and $0.2 million in fiscal year 1981, based on historical data for similar development programs.

Section 322 revises the boundaries and the Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument, and authorizes $2.0 million for land acquisition and development. It is estimated that these funds will spend at a rate of $0.4 million in fiscal year 1979, $1.0 million in fiscal year 1980, and $0.6 million in fiscal year 1981, based on historical disbursement rates for similar activities.

Section 323 authorizes land acquisition for boundary revisions in the area of the Fire Island National Seashore. Based on data available from the Department of the Interior, it is estimated that this land acquisition will cost approximately $43.0 million and will be carried out at an equal rate in fiscal years 1980 and 1981.

Title IV designates 3.5 million acres of land as wilderness, and 0.2 million acres as potential wilderness. It is estimated that no cost will be incurred by the federal government as a result of these designations.

Title V

Subtitle A of title V establishes 11 new areas of the National Park System. In the first two sections of this subtitle, the Guam National Seashore and the War in the Pacific National Park are established. Funds authorized from the Land and Water Conservation Fund for acquisition are $10.0 million for the seashore and $16.0 million for the park, and both are authorized to receive $0.5 million for development. It is estimated that expenditures resulting from these authorizations will be $6.1 million in fiscal year 1979, $13.2 million in fiscal year 1980, and $7.8 million in fiscal year 1981. For each area, the Secretary of the Interior is directed to develop a management plan in coordination with the Government of Guam, and it is estimated that development of these plans will cost approximately $0.3 million over the next 3 years, based on historical data for similar programs.
November 1976. Minor boundary adjustments may be made from time to time by the Secretary.

Sec. 3. There is hereby authorized to be appropriated not to exceed $3,000 for the acquisition of land and not to exceed $260,000 for the development of the area.

FIRE ISLAND NATIONAL SEASHORE

(78 Stat. 928)

That (a) for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population, the Secretary of the Interior is authorized to establish an area to be known as the "Fire Island National Seashore".

(b) The boundaries of the national seashore shall extend from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay, all as delineated on a map identified as "Fire Island National Seashore No. OGP-0002", dated June 1964. The Secretary shall file said map with the Federal Register, and it may also be examined in the offices of the Department of the Interior.

Sec. 2. (a) The Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as appropriated funds become available for the purpose or as such acquisition can be accomplished
by donation or with donated funds or by transfer, exchange, or other-
wise, the lands, waters, and other property, and improvements thereon
and any interest therein, within the boundaries of the seashore as
established under section 1 of this Act. Any property or interest
therein owned by the State of New York, by Suffolk County, or by
any other political subdivision of said State may be acquired only
with the concurrence of such owner. Notwithstanding any other pro-
vision of law, any Federal property located within such area may,
with the concurrence of the agency having custody thereof, be trans-
ferred without consideration to the administrative jurisdiction of
the Secretary for use by him in carrying out the provisions of this
Act. In exercising his authority to acquire property in accordance
with the provisions of this subsection, the Secretary may enter into
contracts requiring the expenditure, when appropriated, of funds au-
thorized by this Act, but the liability of the United States under any
such contract shall be contingent on the appropriation of funds suf-
cient to fulfill the obligations thereby incurred.

(b) When the Secretary determines that lands and waters or inter-
ests therein have been acquired by the United States in sufficient quan-
tity to provide an administrative unit, he shall declare the establish-
ment of the Fire Island National Seashore by publication of notice
in the Federal Register.

(c) The Secretary shall pay not more than the fair market value,
as determined by him, for any land or interest therein acquired by
purchase.

(d) When acquiring land by exchange the Secretary may accept
title to any nonfederally owned land located within the boundaries
of the national seashore and convey to the grantor any federally
owned land under the jurisdiction of the Secretary. The lands so ex-
changed shall be approximately equal in fair market value, but the
Secretary may accept cash from or pay cash to the grantor in order
to equalize the values of the lands exchanged.

(e) The Secretary shall not acquire any
privately owned improved property or interests therein within the
boundaries of the seashore or any property or interests therein within
the communities delineated on the boundary map mentioned in section
1, except beach or waters and adjoining land within such communities
which the Secretary determines are needed for public access to the
beach, without the consent of the owners so long as the appropriate
local zoning agency shall have in force and applicable to such property
a duly adopted, valid, zoning ordinance that is satisfactory to the
Secretary. An exception to this limitation on the
power of the Secretary to condemn improved property where appro-
priate zoning ordinances exist shall be in the approximately eight-

mile area from the easterly boundary of the Brookhaven town park
at Davis Park, in the town of Brookhaven, to the westerly boundary
of the Smith Point County Park. In this area only, when the Secretary
deems it advisable for carrying out the purposes of this Act or to im-
prove the contiguity of the park land and ease its administration, the
Secretary may acquire any land or improvements therein by condem-
nation. In every case in which the Secretary exercises this right of con-
demnation of improved property the beneficial owner or owners (not
being a corporation) of any improved property so condemned, pro-
vided he, she, or they held the same or a greater estate in the property
on July 1, 1963, may elect as a condition of such acquisition by the
Secretary any one of the following three alternatives:

(1) that the Secretary shall take the said property in fee simple
absolute and pay the fair market value thereof as of the date of
such taking;

(2) that the owner or owners shall retain a life estate in said
property, measured on the life of the sole owner or on the life of
any one person among multiple owners (notice of the person so
designated to be filed in writing with the Secretary within six
months after the taking), or on the life of the survivor in title
of any estate held on July 1, 1963, as a tenancy by the entirety.
The price in such case shall be diminished by the actuarial fair
market value of the life estate retained, determined on the basis
of standard actuarial methods;

(3) that the owner or owners shall retain an estate for twenty-
five years. The price in this case shall likewise be diminished by
the value of the estate retained.

(f) The term "improved property" as used in this Act shall mean
any building, the construction of which was begun before July 1,
1963, and such amount of land, not in excess of two acres in the case
of a residence or ten acres in the case of a commercial or industrial
use, on which the building is situated as the Secretary considers rea-
onably necessary to the use of the building: Provided, That the
Secretary may exclude from improved properties any beach or waters,
together with so much of the land adjoining such beach or waters
as he deems necessary for public access thereto.

(g) Notwithstanding the limitations of subsection (e):

(1) the authority of the Secretary to condemn undeveloped
tracts within the Dune District as depicted on map entitled
"Fire Island National Seashore #OPG-0004" dated May 1978, is
suspended so long as the owner or owners of the undeveloped
property therein maintain the property in its natural state. The
Secretary is authorized to acquire developed properties within the
Dune District when there is storm damage to improvements on the
property in excess of fifty percent of the fair market value of such
improvements or when the owner or owners of such property
undertake exterior improvements which are other than routine
maintenance activities; and

(2) in the event of catastrophic storm damage within any of the
delineated communities, the Secretary is authorized to condemn
improved and unimproved properties when ninety percent or
more of all structures within a community are destroyed and dam-
age to each structure to be acquired is in excess of fifty percent of
its fair market value. Structures damaged less than 50 percent of
fair market value remain as inholdings exempt from condemna-
tion.

GLACIER NATIONAL PARK

(36 Stat. 354)

That the tract of land in the State of Montana particularly described
by metes and bounds as follows, to wit: Commencing at a point on the
hand, as I showed the gentleman, is the list of changes that we made in working with the Senate?

Mr. PHILLIP BURTON. That is correct.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding.

Is this the giant omnibus park bill we have before us?

Mr. PHILLIP BURTON. If the gentleman will yield, that is correct.

Mr. ROUSSELOT. If the gentleman would yield further, we are dividing it?

Mr. SEBELIUS. We are dividing some of the things that were in the original bill, yes.

Mr. ROUSSELOT. We are dividing the bill? Did it get too big?

Mr. SEBELIUS. No. In fact, we worked with the Senate in trying to accomplish good for all of the Members and for the good of the country.

Mr. ROUSSELOT. For good of the country? Goodness.

Mr. SEBELIUS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

NATIONAL PARKS AND RECREATION ACT OF 1978

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 791) to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. SEBELIUS. Reserving the right to object, Mr. Speaker, I do so for the purpose of asking the gentleman from California if he would explain to the House the situation of what we are up to.

Mr. PHILLIP BURTON. If the gentleman will yield, the situation, simply stated, is that the bill we passed earlier had been subject to a few minimal senatorial complaints, and this is an effort to provide a supplemental amendment.

This would deal with a few minimal senatorial complaints about the legislation passed earlier by the House by a margin on the order of 9 or 10 to 1.

Mr. SEBELIUS. The list I have in my

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

( Editor's Note. The bill, S. 791, as amended and passed by the House follows on next page.)
In the House of Representatives, U. S.,

Resolved, That the bill from the Senate (S. 791) entitled "An Act to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho", do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978".

TABLE OF CONTENTS

Sec. 1. Short title and table of contents.
Sec. 2. Definition.
Sec. 3. Authorization of appropriations.

TITLE I—DEVELOPMENT CEILING INCREASES

Sec. 101. Specific increases.
Agate Fossil Beds National Monument.
Andersonville National Historic Site.
Andrew Johnson National Historic Site.
Biscayne National Monument.
Capitol Reef National Park.
Carl Sandburg Home National Historic Site.
Cowpens National Battleground Site.
DeSoto National Memorial.
Fort Bowie National Historic Site.
Frederick Douglass Home, District of Columbia.
Grant Kohrs Ranch National Historic Site.
Guadalupe Mountains National Park.
Gulf Islands National Seashore.
Harper's Ferry National Historical Park.
Hubbell Trading Post National Historic Site.
Indiana Dunes National Lakeshore.
John Muir National Historic Site.
Lands in Prince Georges and Charles Counties, Maryland.
Longfellow National Historic Site.
Pecos National Monument.
Perry's Victory and International Peace Memorial.
San Juan Island National Historical Park.
Sitka National Monument.
Statue of Liberty National Monument.
Thaddeus Kosciuszko Home National Historic Site.
Tuskegee Institute National Historic Site.
Whiskeytown-Shasta-Trinity National Recreation Area.
William Howard Taft National Historic Site.
Wilson's Creek National Battlefield.

TITLE II—ACQUISITION CEILING INCREASES

Sec. 801. Acquisition ceilings.
  Big Cypress National Preserve.
  Buffalo National River.
  Cumberland Island National Seashore.
Sec. 802. Sawtooth National Recreation Area.

TITLE III—BOUNDARY CHANGES

Sec. 301. Revision of boundaries.
  Bent's Old Fort National Historic Site.
  Cape Cod National Seashore.
  Chiricahua National Monument.
  City of Refuge National Historical Park.
  Coronado National Memorial.
  Eisenhower National Historic Site.
  Fort Caroline National Memorial.
  George Washington Birthplace National Monument.
  Great Sand Dunes National Monument.
  Gulf Islands National Seashore.
  Hawaii Volcanoes National Park.
  John Day Fossil Beds National Monument.
  Monocacy National Battlefield.
  Montezuma Castle National Monument.
  Oregon Caves National Monument.
  Salem Maritime National Historic Site.
  Theodore Roosevelt National Memorial Park.
  Tumacacori National Monument.
  Twostoot National Monument.
  White Sands National Monument.
  William Howard Taft National Historic Site.
  Wind Cave National Park.

Sec. 302. Maps and descriptions.
Sec. 303. Acquisition and disposal of lands.
Sec. 304. Other authorities.
Sec. 305. Name change; City of Refuge National Historical Park.
Sec. 306. Black Hammock Island.
Sec. 307. Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial.
Sec. 308. Fort Laramie National Historic Site.
Sec. 309. Fort Union Trading Post National Historic Site.
Sec. 310. Addition of Dorchester Heights to the Boston National Historical Park.
Sec. 311. Fort Clatsop National Memorial.
Sec. 312. Adams National Historic Site, Massachusetts.
Sec. 313. Addition of Eppes Manor to Petersburg National Battlefield.
Sec. 314. Addition of Mineral King Valley to Sequoia National Park.
Sec. 315. Cuyahoga Valley National Recreation Area.
Sec. 316. Delaware Water Gap National Recreation Area.
Sec. 317. Golden Gate National Recreation Area.
Sec. 318. Point Reyes National Seashore.
Sec. 319. Antietam National Battlefield.
Sec. 320. Chesaapeake and Ohio Canal National Historical Park.
Sec. 321. Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument.
Sec. 322. Fire Island National Seashore.
Sec. 323. Cumberland Island National Seashore.

TITLE IV—WILDERNESS

Sec. 401. Designation of areas.
Sec. 402. Map and description.
Sec. 403. Cessation of certain uses.
Sec. 404. Administration.
Sec. 405. Savings provisions.

TITLE V—ESTABLISHMENT OF NEW AREAS AND ADDITIONS TO NATIONAL TRAILS SYSTEM

Subtitle A—Parks, Seashores, Etc.

Sec. 501. Guam National Seashore.
Sec. 502. Pine Barrens Area, New Jersey.
Sec. 503. Edgar Allan Poe National Historic Site.
Sec. 504. Saint Paul's Church, Eastchester.
Sec. 505. Kaloko-Honokohau National Historical Park.
Sec. 506. Palo Alto Battlefield National Historic Site.
Sec. 507. Santa Monica Mountains National Recreation Area.
Sec. 508. Ebey's Landing National Historical Reserve.
Sec. 509. Friendship Hill National Historic Site.
Sec. 510. Thomas Stone National Historic Site.
Sec. 511. Maggie L. Walker National Historic Site.
Sec. 512. Crow Creek Village National Historic Site.

Subtitle B—Trails

Sec. 551. Amendments to National Trail Systems Act.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Facilities at Yellowstone National Park.
Sec. 602. Ridgeland Area study.
Sec. 603. Preservation of historical and archaeological data.
Sec. 604. New area studies, general management plans, and contracts.
Sec. 605. Oak Creek Canyon and Chiricahua National Monument studies.
Sec. 606. Land and Water Conservation Fund accomplishments reporting date.
Sec. 607. Hells Canyon National Recreation Area.
Sec. 608. Irvine Coast-Laguna, California study.
ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT

SEC. 321. (a) The first section of the Act of August 31, 1965 (79 Stat. 587) is amended by adding at the end thereof the following: “The national monument shall comprise the area generally depicted on the map entitled ‘Boundary Map, Alibates Flint Quarries’, numbered 432-80,021, and dated November 1976. Minor boundary adjustments may be made from time to time by the Secretary.”.

(b) Section 3 of such Act is amended by deleting “$260,000” and inserting “$4,291,000” in lieu thereof.

(c) The Act of August 31, 1965 (79 Stat. 587) is hereby amended to redesignate the Alibates Flint Quarries and Texas Panhandle Pueblo Culture National Monument as the Alibates Flint Quarries National Monument.

FIRE ISLAND NATIONAL SEASHORE

SEC. 322. (a) Subsection 1(b) of the Act of September 11, 1964 (78 Stat. 928), as amended, is further amended to read as follows:

“(b) The boundaries of the national seashore shall extend from the easterly boundary of the main unit of Robert Moses State Park eastward to Moriches Inlet and shall include not only Fire Island proper, but also such islands and marshlands in the Great South Bay, Bellport
Bay, and Moriches Bay adjacent to Fire Island as Sexton Island, West Island, Hollins Island, Ridge Island, Pelican Island, Pattersquash Island, and Reeves Island and such other small and adjacent islands, marshlands, and wetlands as would lend themselves to contiguity and reasonable administration within the national seashore and, in addition, the waters surrounding said area to distances of one thousand feet in the Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay and, in addition, mainland terminal and headquarters sites, not to exceed a total of twelve acres, on the Patchogue River within Suffolk County, New York, all as delineated on a map identified as 'Fire Island National Seashore', numbered OGP-0004, dated May 1978. The Secretary shall publish said map in the Federal Register, and it may also be examined in the offices of the Department of the Interior.

(b) Section 2 of such Act is amended by—

(1) striking out "with one exception,";

(2) striking out "the sole exception" and substituting "an exception,"; and

(3) adding the following new subsection at the end thereof:

"(g) Notwithstanding the limitations of subsection (e)—

"(1) the authority of the Secretary to condemn undeveloped tracts within the Dune District as depicted on
map entitled 'Fire Island National Seashore' numbered OGP-0004 dated May 1978, is suspended so long as the owner or owners of the undeveloped property therein maintain the property in its natural state.

(c) Section 7(b) of such Act is amended by striking the phrase "Brookhaven town park at", and inserting in lieu thereof: "Ocean Ridge portion of".

(d) Section 10 of such Act is amended by striking "$18,000,000", and inserting in lieu thereof "$23,000,000".

CUMBERLAND ISLAND NATIONAL SEASHORE

Sec. 323. Section 1 of the Act of October 23, 1972 (86 Stat. 1066), is amended by changing the phrase "numbered CUIS-40,000B, and dated June 1971," to read "numbered CUIS 40,000D, and dated January 1978,"

TITLE IV—WILDERNESS
DESIGNATION OF AREAS

Sec. 401. The following lands are hereby designated as wilderness in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), and shall be administered by the Secretary in accordance with the applicable provisions of the Wilderness Act:

(1) Buffalo National River, Arkansas, wilderness comprising approximately ten thousand five hundred and twenty-nine acres and potential wilderness additions comprising approximately twenty-five thousand four
CONGRESSIONAL RECORD—HOUSE
June 26, 1978

H 6070

the Upper Mississippi, what is to be the principal means of land control? How much of the acreage along the proposed designation is currently public land? If this figure is over 50 per cent, is it not true that the Department will be provided from condemning any more land except in those cases where the integrity of the land and river is threatened? If so, would it not be reasonable to consider condemning more land for access, rest areas and management purposes, not a Congressionally approved exemption be required?

In the development of the Master Plan for the Upper Mississippi, the involvement of local citizens could provide meaningful and valuable assistance to the Department. In what ways will the Department seek local input? Will the opinions and advice of local residents play a significant role in the development of a management plan? Will local input play a continuing role in the management of the Upper Mississippi after the implementation of the Master Plan?

I agree with the Administration’s position that the proposed designation is one of the most beautiful rivers in our country and that through designation of the river as a Wild and Scenic River it will protect its quality. I am hopeful that a prompt response will insure that this river will remain included in H. R. 12358.

Thank you for your prompt attention to this important matter.

Warm regards.

Sincerely yours,

BRUCE F. VUOTO
Member of Congress.


In reply refer to: L 28 (170) RS-23-27118.

Hon. Henry G. Reuss, Chairman, House of Representaives.

WASHINGTON, D.C.

Mr. Reuss:

I am taking this occasion to respond to your letter, dated May 4 and May 26, respectively, concerning the designation of the Upper Mississippi River as a component of the National Wild and Scenic Rivers System.

With respect to the matter of condemnation along the Upper Mississippi, you are correct in your understanding of the types of activities and land acquisition authorities in the Wild and Scenic Rivers Act. Publicly owned and publicly initiated condemnation procedures provide that the lands within the boundaries of the Upper Mississippi are to be acquired by condemnation in the conceptual plan for designation and management of the river area. Under these circumstances it is not necessary to acquire any additional land in the region. The Upper Mississippi area has already been designated and the river corridor is already under Federal administration.

As soon as a river is designated as a component of the National Wild and Scenic Rivers System, the managing agency initiates procedures for a management plan for the area as provided for in section 3(b) of the Wild and Scenic Rivers Act. The legislative process provides for a 30-day period in which interested citizens may comment on the conceptual plan for designation and management of the river area. During the preparation of the plan, the boundaries of the area would be determined and the current ownership of lands determined as well as the plan for the river’s development and use. If public ownership within the river corridor does not consist of 50 per cent, and if the management plan for the river finds that additional lands are necessary to provide for adequate recreational and resource protection, we would consider recommending an exemption from subsection (d) of the Act as it applies to the Upper Mississippi.

The principle of public involvement was and will continue to be, an essential part of the planning process for the Upper Mississippi. In the initial study of the Upper Mississippi, intended to evaluate the river for sacredness, the Upper Mississippi River basin,_permissions and ideas expressed by people, both within and outside the Upper Mississippi area, were solicited in an attempt to understand all relevant points of view. In addition to public meetings, groups and individuals during the conduct of the study, five public information meetings were held to solicit the views of concerned and interested people regarding placing the river in the National System, protective means of protection, and administrative options. The meetings were held during the week of December 8, 1976, in St. Paul, Iowa, Grand Rapids, Brainerd, St. Cloud, and St. Paul, Minnesota. Although the meetings were well covered by the local media and 1,500 brochures reporting study progress were distributed, the total attendance at the public meetings was only 284 people, or an average of less than 50 people per meeting.

Response forms reflecting the opinion on planning at the meetings were filled out by one-half of the attendees and their totals showed the following: 70 per cent preferred that none or all of the land within the National Wild and Scenic Rivers System, 49 per cent that the river corridor should be protected via fee title and scenic easements, and 46 per cent preferred a combination of Federal and State ownership and administration.

Efforts to encourage and utilize public participation will be continued throughout the remainder of the planning process that follows designation of the Upper Mississippi Wild Scenic River. In addition, public meetings, hearings, and planning documents will be announced in the Federal Register, regional newspapers, and the public media. As part of the planning process, an assessment of alternatives will be developed. An opportunity will be provided for public review and an assessment will be provided so that they may evaluate the various alternatives considered during the planning process to that point in order to consider other alternatives for consideration and uncover discussion issues of existing or potential conflict.

Upon completion of the management plan, an environmental statement will be prepared. The public will have an opportunity to provide written comments on the management of the planning agency, in this case the National Park Service, before the preparation of the final plan. The draft environmental impact statement will be made as appropriate in light of public comments. The draft environmental statement will be available for public review, according to departmental regulations, for a period of at least 45 days prior to a public meeting administrative decision. After adoption of the management plan in its final form, any further planning or policy changes of major significance will be similarly conducted with the assistance of public participation. Beyond these more formal procedures, however, I want to emphasize that no matter how sound a particular issue might be, we are always anxious and willing to consider any criticisms, suggestion or criticisms from the public or citizens as to the management of our Nation’s Wild and Scenic Rivers System.

In the Irvine Coast-Laguna study area, we propose to make helpful to the consideration of the Upper Mississippi Wild and Scenic River proposal. Please let us know if you can provide any further assistance to this regard or any other.

Sincerely yours,

Bo.

Assistant Secretary for Fish and Wildlife and Parks.

Mr. Chairman, man’s development is constantly expanding. The time to preserve areas of natural qualities for our future Americans benefit and enjoyment rapidly lapsing. The areas con-

In included in H. R. 12358 is a provision which calls upon the Park Service to conduct a 6-month study of an area in my home State of California, known as the Irvine Coast-Laguna study area, in southern California, in order to determine the feasibility and desirability of establishing such an area as a unit of the National Park System. The Secretary would be required to make his recommendations to the President and the Congress within 6 months after the enactment of the legislation. In addition to this, the bill would require that the Secretary consult with appropriate State and local official and bodies involved and coordinate it with applicable State and local plans and planning agencies.

The Irvine Coast-Laguna study includes approximately 17,000 acres and is the only existing open space area between Los Angeles and San Diego. Its location, its unique ecology and topography, its watershed area and marine environment should be considered by the Federal Government for protection. In addition its location and accessibility make it ideal for open space and recreational purposes for urban city dwellers.

The State of California and the county of Orange have been actively pursuing efforts to preserve parts of the area. The State is currently negotiating with the Irvine Co., the largest landowner in the area, for a $22.5 million open space purchase for the prime land along the Irvine coast. The county of Orange has allocated $8.4 million for the purchase of a portion of the Laguna Greenbelt. In light of the State and local interest, I am sure that the Secretary of the Interior would agree that the Federal Government look seriously into the possibility of supplementing these efforts. I might add, Mr. Chairman, that the
California Coastal Commission has rec-
ognized the open space potential of this area
and is making recommendations in the
coming months to limit develop-
ment, to preserve much of the land
and recognize that larger sections of land be
available to the public.

It is worth while to note, that in Sep-
tember 1977, the Irvine Coast-Laguna Greenbelt
as "one of the most significant open space
and recreational resources in the Los
Angeles area—which should be preserved
and developed for recreational use." The
report, however, was clear in stating that the
zoning was "preliminary only" and the Department of Interior
would "not develop a position on any area iden-
tified in the report without further
study." Section 810 of this bill is the
vehicle by which the Park Service, can
complete its work on this subject.

Mr. Chairman, I do have one concern
with section 813. It provides for an au-
thorization of $350,000 to conduct the
study plan in Pilot Hill. The study plan is an
amendment to the Pilot Hill plan to which
the bill reduces that amount to
$50,000. At the time of committee con-
sideration of the amendment, I recom-
ended to be at least such sum as
may be necessary to carry out the provi-
sions of the section; $250,000 is an
excessive amount, in light of the fact that the
area has been extensively studied at the
State and local level. The higher figure
ought to be adopted to make the
separation by the Park Service, but since H.R.
12536 was reported, they have deter-
mined that $50,000 is an adequate sum.
I am also planning an amendment to re-
duce the boundaries of the Pilot Hill area by
approximately 3,000 acres.

Mr. Chairman, I urge your support of
my amendments and I hope my col-
leagues will recognize the need to enact
the provisions of H.R. 12536.

The CHAIRMAN. Mr. Chairman, I yield
back the balance of my time.

The CHAIRMAN. All time has expired.

Mr. Chairman, the rule, the Clerk will now
read by title the substitute committee amend-
ment recommended by the Com-
mittee on Interior and Insular Affairs.

Mr. Chairman, I urge your support of
my amendments and I hope my col-
leagues will recognize the need to enact
the provisions of H.R. 12536.

The Clerk reads as follows:

H.R. 12536

Be it enacted by the Senate and House of
Representatives of the United States of
America in Congress assembled,

THAT TITLE I—DEVELOPMENT CEILING

INCREASES

Sec. 101, Specific increases.

Sec. 101. Specific increases.

Inc. Sec. 101. Specific increases.

H.R. 12536

Be it enacted by the Senate and House of
Representatives of the United States of
America in Congress assembled,

THAT TITLE I—DEVELOPMENT CEILING

INCREASES

Sec. 101, Specific increases.

Inc. Sec. 101. Specific increases.

Sec. 101. Specific increases.

Sec. 101. Specific increases.
Sec. 706. Addition of Middle Delaware Segment.

Sec. 725. Designation of Shenandoah National Historic Site. 

Sec. 726. Designation of Gila River, New Mexico, for study.

Sec. 701. Addition of Pere Marquette Segment.

Sec. 702. Addition of Rio Grande Segment.

Sec. 703. Addition of Skageti Segments.

Sec. 704. Addition of Upper Mississippi Segment.

Sec. 705. Addition of Upper Delaware Segment; special provisions.

Sec. 706. Addition of Middle Delaware Segment; special provisions.

Sec. 707. Addition of American Segment.

Sec. 708. Addition of Missouri Segment.

Subtitle A—Additions of Segments

Sec. 701. Addition of Pere Marquette Segment.

Subtitle B—Studies

Sec. 721. Designation of Gila River, New Mexico, for study.

Sec. 722. Designation of Kurn River (North Fork) for study.

Sec. 723. Designation of Shenandoah River for study.

Sec. 724. Designation of Ogeechee River for study.

Sec. 725. Designation of Gila River in Arizona for study.

Sec. 726. Designation of the Salt River for study.

Sec. 727. Designation of the Grande River (Arizona) for study.

Sec. 728. Designation of the Verde River for study.

Sec. 729. Designation of the San Francisco River for study.

Sec. 730. Designation of Fish Creek for study.

Sec. 731. Designation of Black Creek for study.

Sec. 732. Designation of the Sheepsfoot River for study.

Sec. 733. Designation of the Oconee River for study.

Sec. 734. Designation of the Madison River for study.

Sec. 735. Designation of the Escalawpa River for study.

Sec. 736. Designation of the Myakka River for study.

Sec. 737. Designation of Soldier Creek for study.

Sec. 738. Designation of Braska River for study.

Subtitle C—Authorizations for Appropriations

Sec. 742. Authorizations for Appropriations.

Sec. 743. Appropriations for special purposes and contracts.

Sec. 744. Exchange of State lands.

Sec. 745. Lease of Federal lands.

Sec. 746. Appropriate procedures.


Sec. 748. Recreation programs.

Sec. 749. Hells Canyon National Recreation Area.

Sec. 750. Irvine Coast—Laguna, California.

Sec. 751. Eleven Point River.

Sec. 752. Chattooga River.

Sec. 753. Aanendments regarding certain lands in Prince Georges and Charles Counties, Maryland, and in D.C., for study.

Sec. 754. Recreation programs.

Sec. 755. New area studies, general management.

Sec. 756. Oak Creek Canyon and Chiricahua.

Sec. 757. Recreation programs.

Sec. 758. National Monument studies.

Sec. 759. Amendments to Public Law 90-842.

Sec. 760. Amendments to Public Law 93-81.

Sec. 761. Amendments to Public Law 92-79.

Sec. 762. Amendments to Public Law 91-697.

Sec. 763. Amendments to Public Law 90-448.

Sec. 764. Amendments to Public Law 90-449.

Sec. 765. Amendments to Public Law 90-450.

Sec. 766. Amendments to Public Law 90-451.

Sec. 767. Amendments regarding certain complementary authorities.
June 26, 1978

CONGRESSIONAL RECORD — HOUSE

(32) Whiskeytown-Shasta-Trinity National Recreation Area, California: Section 10 of the Act of November 8, 1965 (79 Stat. 1295), is amended by changing "$22,700,000" to "$24,649,000".

(33) William Howard Taft National Historic Site, Ohio: Section 3 of the Act of December 2, 1969 (83 Stat. 273), is amended by changing "$318,000" to "$1,888,000".

(34) Wilson’s Creek National Battlefield, Missouri: Section 3 of the Act of December 16, 1970 (84 Stat. 1441), is amended by changing "$2,386,000 (March 1969 prices)" to "$5,470,000 (October 1978 prices)".

Mr. PHILLIP BURTON (during the reading). Mr. Chairman, I ask unanimous consent that the introduction and title I be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIP BURTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. THOMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12336) to provide for increases in appropriations ceilings, development ceilings, land acquisition, and boundary changes in certain Federal park and recreation areas, and for other purposes, had come to no resolution thereon.
Mr. PHILLIP BURTON. A nongovernmental agency would own it and we have no Federal agency. Mr. GOODLING. At the present time that is land that they own on the tax records of local governments. Mr. PHILLIP BURTON. I am sorry. Would the gentleman restate that? Mr. GOODLING. The land they own with nothing about purchasing from them, is it not now land that is on the local tax records? Is it land that is tax exempt? Mr. PHILLIP BURTON. I am led to believe if they are federally chartered, that land may not be on the local tax rolls but I would not want to make that representation. It may well be dependent upon the laws of each particular jurisdiction with taxing authority.

Mr. GOODLING. In other words, they would have the right to sell this land if, in fact, the Government does not purchase it?

Mr. PHILLIP BURTON. That is my understanding of the situation. I am not in a particular area satisfied with my own level of experience and understanding. It is an area we should pursue, because with the right, I might be able to improve one way or another what these understandings are. There are no ground rules, as far as I know, no understandings and I am not sure we should leave it in that fussy condition.

Mr. GOODLING. I would agree, because we are talking about two portions of land one of which does not really border, because there is a road that goes between.

Second, as I understand it there is no commitment at the present time that anything would be left there by Mrs. Eisenhower that would make anyone want to come to the farm to visit in the first place. There is no written agreement which says, All that this is the farm and the house and a couple pieces of farm equipment. It gets to be a rather expensive purchase.

Mr. GOODLING. I would hope the committee would look very closely at outings like the National Park Foundation, because it appears that they are really going ahead purchasing land, perhaps encouraged by the Park Service and, in turn, the Park Service hopes somebody to get the money to purchase that land, which puts additional pressure on us.

Mr. PHILLIP BURTON. Mr. Chairman, I appreciate the gentleman's observation.

The CHAIRMAN. Are there any amendments to title II? If not, the Clerk will read.

The Clerk read as follows:

TITLE II—ACQUISITION CHILINO

ACQUISITION CHILINO

SEC. 201. The limitations on appropriations for the acquisition of lands and interests therein within the boundaries of the National Park System are amended as follows:

(1) Apostle Islands Lakeshore, Wisconsin: under Section 8 of the Act of Sept. 22, 1970 (84 Stat. 863), is amended by changing "$2,300,000" to "$2,780,000."
Mr. THOMPSON. Mr. Chairman, I announce that pursuant to the request of the gentleman from California (Mr. PHILLIP BURTON) that the amendments be considered en bloc, since they relate to the same subject matter.

Mr. THOMPSON. Mr. Chairman, I amend the amendment which is to page 315 be considered en bloc, since they relate to the same subject matter.

Mr. THOMPSON. Mr. Chairman, I offer amendments.

Mr. PHILLIP BURTON (of California). Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.
(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks.)

(Mr. DON H. CLAUSEN addressed the Committee. His remarks will appear later in the Extensions of Remarks.)

- Mr. UDALL, Mr. Chairman, one of the new features of this legislation is the 3-year urban parks program recommended by the administration. It is designed to help cities and urban areas provide recreation opportunities where they are needed the most—in densely populated areas where unemployment, particularly youth unemployment, is high and where recreation facilities are inadequate and substandard.

We owe the gentleman from California (Mr. PHILIP BURTON) a debt of gratitude for taking the initiative on this important program. He has been in the forefront in helping provide opportunities for the needy, the poor, and the urban disadvantaged. And, in this provision is consistent with that endeavor.

I support the thrust of the urban parks program and I am glad that the House deleted the language requiring the use of the urban development grants criteria to determine the eligibility of cities and counties to participate in it. I had intended to offer a series of amendments to assure all needy cities and pockets of urban poverty areas an opportunity to benefit from this worthy program, but, in light of the action taken yesterday, I do not intend to pursue them at this time.

Instead, I will support the bill as it is now, with the understanding that I am not committed to all of those criteria that motivate the different criteria will be considered and incorporated into the bill in the other body so that this matter may be fully considered by the conference.

Frankly, I had intended to spell out a different set of criteria. It would have proven difficult to draft a bill with a comprehensive scope and this focused in outlook, it is very difficult to draft a measure that is satisfactory to everyone concerned. It is only through the diligent and thoughtful efforts of Chairman Udall, and the important contributions of the ranking minority members, Congressmen Skr appearing in this legislation, that fair consideration can be extended to every citizen in shaping this legislation. The hard work of the committee staff, particularly Cleve Pилд and Clay Peters, should not be overlooked.

The National Parks and Recreation Act provides the authorization for many needed additions and changes to our national recreational, environmental, and historic resources. Past experience has proven that it is far more cost-effective to acquire these resources when it is still possible to purchase them, because of the value of these resources for future generations. Mr. Chairman, I am particularly pleased that this bill contains the authorization for several parks of importance to the people of central and western Maryland. For example, the bill contains a provision providing the boundaries of the Monocacy National Battlefield Park outside Frederick, Md. The expanded boundaries of this park are based upon the recommendations of the Monocacy Battlefield Advisory Committee, which has studied the battle in detail and surveyed the best possible locations to achieve a park that commemorates the Civil War battle and is most consistent with the local community. The service performed by the members of this committee have been very helpful to me and I am grateful to each of them for the time and effort they have devoted to an important task. The expansion of the boundaries of this park is particularly timely because it appears to be the right time. The maintenance of the park will be for the first time, the actual appropriation to make this park a reality. This is a particularly rewarding achievement because of the fact that more than 50 years has elapsed since this park was first authorized by Congress.

In addition to authorizing improvements to the Chesapeake and Ohio Canal National Historical Park, this bill will make possible improvements to Harpers Ferry National Historical Park.

Both of these parks have witnessed rapid increases in the number of visitors who have been enjoying these two outstanding parks, and I am pleased that this bill will enable the quality of the experience of visitors to these two parks to be improved. This is an extremely valuable addition to both parks; that is, a footbridge to link the two parks. This would enable visitors to Harpers Ferry to walk across the Potomac River to visit the C. & O. Canal and view the dramatic Maryland Heights. Today many people attempt to do this by crossing the railroad bridge, which is not well suited to pedestrian traffic and very dangerous for the elderly and users of the C. & O. Canal would also be a short side trip across such a pedestrian bridge and visit Harpers Ferry. A third major asset of the bridge is that it would be the rote of the Appalachian Trail, the present use of a circuitous route over highway bridges that cross the Shenandoah and Potomac Rivers several miles away.

I am hopeful that the Increase in the development of Harpers Ferry will convince the Park Service of the support of Congress for this footbridge and that the Park Service will undertake the necessary planning and design of this improvement and seek the actual appropriation for it as soon as possible.

- Mr. PHILIP BURTON, chairman of the Subcommittee on National Parks and Insular Affairs, and Congressman Psnin, chairman of the full Interior Committee, are to be commended for their excellent leadership in drafting this bill and in being the first to the House for consideration. I know that in a bill of this comprehensive scope and this focused in outlook, it is very difficult to draft a measure that is satisfactory to everyone concerned. It is only through the diligent and thoughtful efforts of Chairman Udall, and the important contributions of the ranking minority members, Congressmen Skr appearing in this legislation, that fair consideration can be extended to every citizen in shaping this legislation. The hard work of the committee staff, particularly Cleve Pилд and Clay Peters, should not be overlooked.

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July 11, 1978

CONGRESSIONAL RECORD - HOUSE

This document, the subject of an intensive public comment period, was the culmination of a planning process begun in 1964 following the creation of Fire Island National Seashore. It was also the product of a 14-year planning effort, begun in July of 1975, which drew upon lessons learned from several previous attempts at a comprehensive land-use plan for the seashore.

I believe that the Fire Island general management plan is a good one. I support its basic principles and concepts. The plan is environmentally sound and will help to protect a fragile natural resource upon which the quality of life depends. It does a good job in addressing the interests of private property owners within the boundaries of the seashore.

The Fire Island amendments incorporated into the National Parks and Recreation Act of 1978 are designed to implement the management plan. I would like to briefly comment on this legislative package.

The boundary adjustments included in the packages are needed, noncontroversial, and will significantly enhance the seashore.

A technical boundary adjustment, which will include the Ocean Ridge development at Davis Park and five land parcels, will result in the "exempt communities" boundary of the original Seashore Act, will remedy a 14-year oversight. An adjustment giving the seashore the authority to purchase its mainland headquarters site at the head of the Patchogue River, and an adjacent ferry terminal tract will allow for the efficient development of administrative and transportation facilities.

This adjustment should result in a well-defined "operations center" for the Seashore.

A final boundary adjustment will allow the seashore to acquire the 120-year-old Fire Island lighthouse from the U.S. Coast Guard. The 190-foot lighthouse located on a 26-acre tract will provide the public with an exceptional recreational and educational facility at the western entrance to the seashore. The lighthouse observation tower, a maritime museum in the old keeper's quarters, and an environmental education center in the former Coast Guard annex will be welcome and easily accessible additions to the seashore. As one who has worked for several years to preserve the lighthouse facility for this purpose, I must also add that this provision hopefully will spur inclusion in the National Register of Historic Places.

Two provisions in the general management plan concerning seashore inholdings have stirred some controversy. However, all viewpoints were considered in their formulation, and accommodations were made during the planning process. I feel that the long- and short-term interests of the seashore, private property owners, and the entire south shore of Long Island are well served by these provisions.

The bill before us today will establish a "dune district" on Fire Island in which no future residential or commercial development could occur. The district would extend the length of the seashore from the high tide line to 40 feet landward of the primary dune crest.

The most important management plan defends the catastrophic storm damage provision in this way:

The provisions of great hurricane damage in the Fire Island region is estimated to be three times per century. Although the establishment of a dune district and possible land acquisition within this district will assist in protecting communities from future storm damage, severe damage may yet occur. In some island locations, it is doubtful that a community will escape the destruction of the primary dune remains because of human disturbance.

Because the inevitability of hurricane storm damage, the park service proposes to prevent the wholesale development of the barrier island communities following catastrophic storm destruction. This policy recognizes the right of the "exempted communities" to retain that status so long as it is physically viable, but would preempt that status if an entire community is vitally damaged by a catastrophic storm. The policy is to allow communities to rebuild following their destruction, only to await certain re-destruction by a subsequent storm. The burden of maintenance and repair is on the property owner. Therefore, the policy is unacceptable; recurring episodes of loss of life and property, recurring expenditures for disaster relief funds, and recurring demands for expenditures of public funds for public works projects deemed to but forestall the inevitable.

The largest recorded storm on Fire Island was a hurricane in 1938, and according to Corps of Engineers documents, it is doubtful that a community on Fire Island was sufficiently damaged to meet the criteria of this provision. It is clear that only a storm of monstrous proportions will ever "activate" this language, and it is my hope that many decades, if not a century or two, will pass before the dunes must be removed from this provision.

It should also be noted that enforcement of this catastrophic damage clause will most likely require a special congressional appropriation, and the issue would be once again debated at that time. Nonetheless, however, I think it is useful and wise to establish a mechanism to prevent the re-development of the barrier beach in the aftermath of severe destruction.

The Fire Island general management plan and these implementing amendments represent a sound and thoroughly debated consensus on the future of the seashore. I feel that they also represent a land-use policy that will provide for the continued preservation and enjoyment of a valuable and unique natural resource.
Mr. PHILLIP BURTON. I yield to the gentleman from California (Mr. BURR). Mr. BURGNER. I appreciate the chairman, the gentleman from California (Mr. PHILLIP BURTON) yielding.

I had considered offering an amendment, which I will do but this is for the purpose of legislative history. I would say to Chairman Burr that the Mager property, which is approximately 43 acres, is adjacent to the Point Reyes National Seashore. The owners of this property are constituents of mine who allege it is not needed for the park and I believe the gentleman's committee has not had time to analyze it.

Mr. PHILLIP BURTON. That is correct.

Mr. BURGNER. After the passage of the bill and before the conference between the House and the Senate, I would appreciate the development ceiling's being placed on land which will inevitably occur. The national need is served in preserving this valley land, and this can only occur if the needed resources are made available, such as is being considered in the gentleman from Wyoming, Mr. RONCALLO's amendment.

The development threat in this area is real, and our survey of the area demonstrated that subdivisions were already a fact in this valley. The county of Teton commissioners have made a bold attempt by the adoption of a comprehensive zoning plan, but nevertheless, the uncertainty, the economic pressure, and the court tests will mean a substantial uncertainty. This amendment will offer hope to adequately temper this uncertainty.

Mr. PHILLIP BURTON. Mr. Chairman, I appreciate the kind observations of the gentleman from Wyoming.

Mr. Chairman, I appreciate the kind words of the gentleman from Wyoming. I might point out how important this is. We talked to some of the county commissioners, and they pointed out that most of the revenue for revenue in that area comes from sales taxes which they split with the State of Wyoming, and this keeps down the property taxes. If we destroy the scenic value in Jackson Hole, the number of people who drive through there will be greatly diminished and so as a consequence if the gentleman's amendment is not adopted, it will diminish the revenue. So an important alternative should exist in this process to the undesirable development which will definitely occur. The national need is served in preserving this valley land, and this can only occur if the needed resources are made available, such as is being considered in the gentleman from Wyoming, Mr. RONCALLO's amendment.

Of course the language in the amendment we adopted speaks for itself. I think the gentleman will be clear in that respect. Otherwise I do not know why we struggled over the amendments proposed to be added to this base amendment, I would oppose the amendment, if altered from the base amendment printed in the Record.

I think it should be clear for the purposes of the people of Wyoming that we have not made—I repeat, we have not made—and perhaps I should say it for the third time, we have not made—the decision as to whether we are going to go forward with the gentleman's pending proposals contained in H.R. 91 in this Congress. This is intended as a limited response to what is represented to be a grave and imminent danger to some of the resource aspects of this area. No one should believe that by the adoption of this we have prejudged the more fundamental issue of how to treat this beautiful resource.

Mr. BURGNER. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. PHILLIP BURTON. I yield to the gentleman from Ohio (Mr. SEEBERLING). Mr. SEEBERLING. Mr. Chairman, with respect to the amendment offered by the gentleman from Wyoming (Mr. RONCALLO) and accepted by the chairman of the subcommittee, the gentleman from California (Mr. PHILLIP BURTON) I would like to commend them both for coming up with that proposal to protect the magnificent Jackson Hole area. I would further like to point out that this is one further example of why it is so important, where we have the opportunity, as the House did when they took action on the Alaskan bill, to protect understood land that is of primary value for recreation for the American people. Once development takes place, then you have the problem of our staff people from their homes or upsetting the economy of an area. This Jackson Hole situation is a prime example of the very difficult situation we got into in the lower 48 States because we were not able to look far enough ahead.

I want to again take this opportunity to commend the House for the action they took with respect to Alaska, by agreement, if the Senate will go along with the House, we will avoid this kind of a problem arising with America's wilderness heritage in Alaska.

Mr. PHILLIP BURTON. Mr. Chairman, in the time available to me, let me briefly describe, again, some of the specifics of the amendments adopted yesterday, which I offered on behalf of myself and the gentleman from Kansas (Mr. SHAFLASK). In title I, we have adopted language for each area in which development authorizations are increased which removes the cost escalator clauses from several existing acts. While most National Park system units have fixed development ceilings, some areas established from 8 to 10 years ago included an escalator clause. We are removing these clauses as they occur, so that Congress will have a specific role in authority at such time as the National Park Service may request additional funding.

In title II, we have increased development ceiling increases in title I, for several, though not all areas to bring these figures into agreement with the amounts requested by the Administration.

In title III, we include a boundary change for the City of Refuge National Historical Park in Hawaii to add about 200 acres of lands identified by the National Park Service to protect the area. This includes the addition of lands to Manassas National Battlefield Park in Virginia which has already passed the House this Congress. A provision is added to the Boston National Historical Park to permit the Secretary to grant a right of way in exchange for the conveyance of a small facility district to the park.

Some $127,800.000 is deleted from the development ceiling increase proposed for the Cuyahoga Valley National Recreation Area in Ohio. The remaining amount will still permit the National Park Service to carry forward with its development plans over the next 3 years.

Certain adjustments are made to the language expanding the Golden Gate National Recreation Area in California, including direction for the Secretary to retain rental incomes derived from properties within the area for use in various park-related activities there. Clarifying language is also added to the Point Reyes National Seashore amendments to assure that the Secretary will cooperate with the State of California and the Federal government as it relates only with respect to newly added lands.

A proviso included with respect to the Cuyahoga and Ohio Canal National Historical Park will delete the proposed inclusion of any parcels of land in the
Amendments are adopted to section 611, which establishes the urban recreation recovery program, to delete the specific criteria established for urban development and relocate the funding applied to the establishment of this section, thus permitting the Secretary more flexibility in designing workable criteria, and also to delete $100 million from the fiscal year 1979 authorization for this program.

New sections are added to title VI which:

First. Provide for the Secretary to assist in the protection of the Highway of Flags Servicemen's Memorial in Indiana.


Third. Authorizes the Secretary to convey title to a tract of land to the National Trust for Nature Preservation, for the purpose of protecting an area of outstanding natural beauty.

Fourth. Renaming a reservoir project in the Texas Panhandle as the Albert Einstein Reservoir, and authorizing the Secretary to convey title to a tract of land to the National Trust for Nature Preservation, for the purpose of protecting an area of outstanding natural beauty.

Fifth. Including a standard severability clause in the bill.

Title VII is amended by including direct language to the Secretary in preparing a management plan for the Pere Marquette River in Michigan.

Also included is authorization to study the Red River Corridor Area in Kentucky for the purpose of determining whether to declare it of national significance.

A deletion is made which eliminates immediate inclusion in the Wild and Scenic Rivers System of those federally managed rivers recommended by the President for such status.

Finally, a new title VIII is added which incorporates the language already passed by the House designating the Chattahoochee River National Recreation Area in the state of Georgia.

Mr. Speaker, there are other technical amendments included in this package, but this does not exhaust the total range of our amendments which have been offered en bloc.

I also want to call attention to the staff work that has been done to assist in making this bill possible.

We were most fortunate, in that at the time we began to develop this legislation, our subcommittee staff was joined by a participant in the American Political Science Association's congressional fellowship program, Dale Crane, Chief of Recreation and Natural Resources for the U.S. Army Corps of Engineers, who spent the first part of his fellowship assignment with our subcommittee.

Dale's arrival coincided with our initial hearings and discussions on the items that were later joined together into H.R. 12936. From the very beginning of his assignment, his willingness to work long hours, often at personal inconvenience, and his quick intellect impressed me greatly. Dale assumed primary responsibility for several titles of the legislation, and worked diligently and effectively with all parties in combining the many items into a rational format. I believe that his performance while on the Hill earned him recognition, both from me and my staff and the Congress.

In order to preserve for the education, inspiration, and benefit of present and future generations significant examples of historical and cultural resources of the Mississippi Delta region and to provide for their interpretation and management to portray the development of cultural diversity in the region, there is authorized to be established in the State of Louisiana the Jean Lafitte National Historical Park (hereinafter referred to as the "park"). The park shall consist of (1) the area known as BigOak Island; (2) an area or areas within the French Quarter section of the city of New Orleans as may be designated by the Secretary of the Interior for an interpretive and administrative facility; (3) the Chalmette National Historical Park; and (4) such additional cultural and historical resources in the French Quarter and Garden District ofNew Orleans, for in the delta region, plantations, and Acadian towns and villages in the St. Martinville area and such other sites as are subject to cooperative agreements in accordance with the provisions of this title.

Also included is authorization to study the Mississippi Delta region and to provide for their interpretation and management to portray the development of cultural diversity in the region, there is authorized to be established in the State of Louisiana the Jean Lafitte National Historical Park (hereinafter referred to as the "park"). The park shall consist of (1) the area known as Big Oak Island; (2) an area or areas within the French Quarter section of the city of New Orleans as may be designated by the Secretary of the Interior for an interpretive and administrative facility; (3) the Chalmette National Historical Park; and (4) such additional cultural and historical resources in the French Quarter and Garden District of New Orleans, for in the delta region, plantations, and Acadian towns and villages in the St. Martinville area and such other sites as are subject to cooperative agreements in accordance with the provisions of this title.

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5. Fire Island

PUBLIC LAW 96-585—DEC. 23, 1980

Public Law 96-585
96th Congress

An Act

To designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness," and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map entitled "Wilderness Plan—Fire Island National seashore", dated December 1980, are hereby designated as the "Fire Island Wilderness". The southern boundary of the wilderness shall be the toe of the primary dunes.

(b) As soon as practicable after this Act takes effect, a map and a description of the boundaries of the wilderness area shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such map and description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such map and description may be made. The map and description of boundaries shall be on file and available for public inspection in the offices of the Superintendent of the Fire Island National Seashore and the Director of the National Park Service.

(c) Lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Pending such designation, the Secretary shall administer such lands in such manner as to preserve, insofar as is possible, their wilderness or potential wilderness character.

(d) Wilderness designation shall not preclude the repair of breaches that occur in the wilderness area, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

(e) Section 10 of the Act of September 11, 1964 (78 Stat. 928) is amended by changing the period to a comma, and by adding the following: "and, after the date of enactment of this provision, not more than $500,000 for development."
PUBLIC LAW 96-585—DEC. 23, 1980

(f) Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts as are provided in advance in appropriation Acts.

Approved December 23, 1980.
DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS FOR 1981

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
NINETY-SIXTH CONGRESS
SECOND SESSION

SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND
RELATED AGENCIES

SIDNEY R. YATES, Illinois, Chairman

GUNN McKAY, Utah
CLARENCE D. LONG, Maryland
ROBERT B. DUNCAN, Oregon
JOHN P. MURTHA, Pennsylvania
NORMAN D. DICKS, Washington
BO GINN, Georgia

JOSEPH M. McDADE, Pennsylvania
RALPH S. REGULA, Ohio
CLAIR W. BURGENER, California

PART 7
TESTIMONY OF PUBLIC WITNESSES

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1980

H181-98
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KEITH F. MAINLAND, Clerk and Staff Director
Mr. Murtha. Next we have the Fire Island Association, Mr. George Biderman.

Mr. BIDERMAN. Thank you, Mr. Chairman, distinguished members.

Mr. Murtha. Your entire statement will appear in the record. If you will summarize your comments for us, please.

[The statement follows]
STATEMENT OF GEORGE BIDERMAN, PRESIDENT, FIRE ISLAND ASSOCIATION, PREPARED FOR HEARINGS, HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES, WASHINGTON, D. C., MARCH 17, 1980

My name is George Biderman. I am a resident of Brooklyn, N. Y., and the Village of Saltaire on Fire Island. I am president of the Fire Island Association which is a coalition of 17 organizations representing the residential communities located within the Fire Island National Seashore, and also served two terms (1965-69) as chairman of the Advisory Commission to the Seashore.

I am here to make an urgent plea for a $2.8 million appropriation for land acquisition at Fire Island in FY 1981. If this money is appropriated now, it may not be necessary to spend all of it. If Congress appropriates a smaller amount, however, it will increase the cost of 1981 acquisitions, greatly increase the cost of future acquisitions, and undermine the goal of PL 88-587 to preserve and protect this unique barrier island.

Let me explain this apparent paradox.

The Fire Island barrier beach is located only 50 miles from New York City, is easily accessible by railroad or automobile to the various ferry terminals which are the major vehicles transporting people to the island, and has one of the world's most beautiful natural ocean beaches. It is also near some of the nation's most rapidly growing residential areas outside the Sun Belt.

All of this puts tremendous upward pressure on land values, far beyond the general inflationary trend. Even the scarcity of mortgage money hasn't reduced that pressure.
In 1978, Congress amended the Fire Island legislation to prevent further destructive construction on the fragile oceanfront dune which protects the island from the ravages of the ocean. The owners of the 96 undeveloped building plots in this district were permitted to retain title, provided that the dune remained in its natural state. If they attempt construction, these lots are subject to condemnation.

Under the Cape Cod formula, Congress also made subject to condemnation properties on which local zoning authorities granted building permits in violation of zoning standards promulgated by Interior. Basically, these standards permit development in our communities which will continue low-density, single-family, environmentally-compatible use of the land and keep the impact on water and natural resources to a minimum. (These standards recently have been revised and the final regulation should take effect in a few weeks.)

There are approximately 1,200 undeveloped building plots still available on the one-third of the island which falls under the Cape Cod formula. Of these, about 400 do not meet the minimum acreage requirements of the standards but will be permitted to be built upon provided they conform in other respects -- in other words, small lot, small vacation house.

All of this would be fine -- provided that the local zoning authorities adhered to the Seashore zoning standards. Unfortunately, some of them in the past have handed out variances and exceptions, as I once said, like popcorn at a movie theater. And, as I told Mr. Yates when I met with him a few years ago, for years the National Park Service was reluctant to come to this committee for the funds to enforce its own standards. Had it done so, it would have taken only a few test cases to discourage all future violations of the standards.
Until recently, aggressive individuals and developers regarded the Seashore as a paper tiger. Between November 1976 and last week, 53 structures were built in violation of the standards. Had the Seashore been able or willing to file a notice of taking against each of these, it would have involved tying up about $20,000 of the taxpayers' money for condemning each vacant lot, an action that undoubtedly would have persuaded the owners to build in conformity. In the long run, the cost to the government would have been negligible and the degradation of the resource prevented.

But the Seashore had to husband its scarce funds for high priority areas such as the dune and wetlands. So now there are between $5 million and $6 million worth of residences on those 53 properties and the owners have profited handsomely by acting as though they were not within a national seashore. This has been the pattern since 1964.

Even in the high priority areas, there have been some instances when the owners continued to build up until the moment title passed to the Government, so the condemnation award was for a developed property rather than for vacant land. In one case, this meant the difference between $20,000 or $30,000 and almost $150,000. This is because the National Park Service's land acquisition process is not geared to move quickly enough to counter such tactics.

That's why the U. S. Court of Appeals criticized the Cape Cod formula as deficient in having condemnation as the Government's sole enforcement power. When Senator Javits introduced legislation in 1976 to give the Government power to seek a preliminary injunction to prevent what I have just described, Assistant Secretary Reed's response at the hearings was to wait until the whole management planning process was completed, which effectively
This affects not only Fire Island, but everywhere that there is a Federal interest in regulating private development and land use. So I urge that you, as guardians of the nation's purse in this field, draft and push through Congress an act giving the Government explicit powers to seek injunctive relief, rather than going through the condemnation procedures. It will save us taxpayers a great deal of money.

Since the various Interior and U. S. attorneys involved do not think that they have these powers now, here is my estimate of what needs to be appropriated -- but not necessarily spent -- in order finally to complete the establishment of the Fire Island National Seashore:

- Acquisition of Dune District properties: $600,000
- Fund for enforcement of zoning (Needed to provide escrow funds): $1,450,000
- Acquisition of land for ferry terminal and Seashore headquarters: $750,000

These are speculative figures. For example, if the litigation on the desperately-needed terminal and headquarters moves along fairly rapidly, it may be that most of the acquisition will be completed by October. If a few swift actions by the National Park Service deter others from attempting adverse development, it may be that the nearly $1.5 million will turn out to involve an expenditure of less than a third of that amount.

But if this appropriation is not in the budget, the Park Service will be impotent. As a spokesman for owners of private property in the Seashore, I hate to ask for Federal intervention in our affairs. But, without it, most of the values we cherish would be destroyed. If this subcommittee will think
of the bulk of this appropriation as a "revolving fund," and think about the ultimate cost to the Government if this fund is not made available, I believe you must come to the conclusion that it should be included in the budget.

I also believe that, by having it in the budget, perhaps as much as half of it will not have to be spent and can be reprogrammed in 1981. Without it, we'll either have to reprogram the other way or permit some more rip-offs. Since we're talking about such small amounts of money, it's up to you to decide on the principle.
Mr. Biderman. Well, there are two basic comments. The first is an urgent plea for $2.8 million for fiscal year 1981, which is not a great deal of money as park budgets go. I have given a breakdown as to where that goes—primarily for the acquisition of a headquarters terminal, primarily a fund for the enforcement of zoning under the Cape Cod formula, and for the acquisition of dune district properties that Congress established for dune districts two years ago.

The reason for this basically, aside from the escalating land values, is that the municipalities which have jurisdiction over zoning have been quite lax in enforcement, and unless at this point we show the flag and make it very clear that this is a national park, there is going to be still further ripoffs of land within the seashore.

The second point is one that we made some time back, which is that rather than giving the Park Service the power of condemnation to enforce zoning, we recommend that the Congress enact injunctive relief, give the Park Service the power to get a preliminary injunction prior to a notice of taking.

We believe that that will stop the kind of activities which I have described in here and save the taxpayers a great deal of money.

Mr. Murtha. Let me ask you this question. What would happen if we were not able to fund it this year? You know the problems we are talking about, with the budgets. You know the acquisition problems in particular. It looks like the President is going to cut back on acquisition.

What kind of a problem would that cause if this particular project were not funded in the $2.3 million over the budget request which you have recommended?

Mr. Biderman. The problem would be that ultimately one or two things will happen. Building will continue, illegal building, in violation; will continue.

We are not talking about little shacks, either. The average cost per structure under current construction runs between $100,000 and $250,000 per. These are luxury vacation homes because of its location.

So that instead of say $20,000 per lot, the government will be faced with either paying these enormous sums to condemn structures that were built in violation, or will shrug its shoulders and walk away from the thing, which degrades the resource.

The resource then—

Mr. McKay. If they build there contrary to law, they have to hold it liable. We have no responsibility to pick up the cost of their buildings, if they illegally build there, do we?

Mr. Biderman. Well, the only power that the Park Service now has to prevent that type of illegal building is the power of eminent domain. Without the appropriation—and I don’t think that $2.8 million will be used if it is there.

Mr. McKay. What makes it illegal to build there?

Mr. Biderman. Under the Cape Cod formula, the municipalities have to enact zoning ordinances in conformity with criteria established by the Secretary of the Interior.

Mr. McKay. They are not doing it?
Mr. BIDERMAN. They have zoning boards of appeals who hand—I

told Mr. Yates a few years ago when I was describing this situation
to him—they hand out variances like popcorn at a movie theater.

That is where the basic problem arises.

Mr. DUNCAN. If they build in violation of those codes, then they

are not entitled, are they, to condemnation based on the value of

the improvements?

Mr. BIDERMAN. The way the courts have been construing these,
in the cases that have been brought—and there have been very few
cases brought because the appropriation has been so small—but in
the cases where the government has moved against these illegal
structures, the courts have held for fair market value.

Mr. DUNCAN. Of even the improvements built in violation of the

law?

Mr. BIDERMAN. Of the improvements built in violation of the

Secretary's standards, which is why we recommended and Senator
Javits a few years ago introduced a bill which the Park Service
asked be delayed—

Mr. DUNCAN. Excuse me for interrupting you. Can you tell me

the basis of the court's ruling? Is it that the Secretary's standards

are inapplicable and unlawful?

Mr. BIDERMAN. No, sir.

Mr. DUNCAN. Would you supplement the record and tell us, if

you can, the basis of the judgments. The judgment I am interested

in is that in a case where the improvements have been built in
violation of the Secretary's standards, and a condemnation action
brought, and damages awarded on the basis of the fair market
value, of not only the land but the improvements built in violation
of those standards. I would like to know the basis for those deci-

sions.

[The information follows:]
March 19, 1980

Honorable Members:

At the March 17, 1980 hearing, Mr. Duncan requested that I supplement the record by supplying your Subcommittee with specific instances of owners' receiving an award of full market value after having built or subdivided in violation of the Secretary's zoning regulations for the Fire Island National Seashore. This letter is submitted in response to that request.

I have been able to obtain from the Seashore information on only six such cases, although there are about 20 others still in the process of litigation or negotiation in which I expect the same pattern to obtain. These six, however, represent 75% of the acquisitions in developed section of the island, one other having been acquired by donation and another by negotiation during the period since 1976 to which my testimony referred.

In contrast, I would emphasize again that 53 other properties got away "home free" -- they were built in violation and the National Park Service took no action. In the preceding decade, from 1966 to 1976, probably more than ten times that number violated the standards. The individual property owner was not necessarily rapacious in many of these cases: his contractor, or lawyer, or real estate agent just said, "Don't worry about the National Seashore; we'll get a building permit and the Seashore never will bother you."

In the six completed acquisitions, I am listing the tract number (the Seashore would not divulge the owners' names), the estimated or appraised value of the property at the time action began, and the amount of the award.

<table>
<thead>
<tr>
<th>Tract</th>
<th>Appraisal (or Est.)</th>
<th>$ Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>2203</td>
<td>$485,000</td>
<td>996,000</td>
</tr>
<tr>
<td></td>
<td>(This is an undeveloped bay-to-ocean tract on which a declaration of taking first was filed in 1967, with an estimate of $175,000, then withdrawn and re vested in 1970, then made the subject of another DOT in 1979 after the owners obtained a building permit for a significant subdivision for vacation homes and a marina.)</td>
<td></td>
</tr>
<tr>
<td>2518</td>
<td>$30,000</td>
<td>42,500</td>
</tr>
<tr>
<td></td>
<td>(Dune District. Construction advanced only to the stage of having pilings for foundation installed.)</td>
<td></td>
</tr>
</tbody>
</table>
Tract | Appraisal (or Est.) | $ Awarded
--- | --- | ---
2536 | $20,000 | $63,900
[ Dune tract; construction partially completed. ]
2839 | $47,000 | 106,700
[ Dune District; house construction well advanced before DOT. ]
2887 | $35,000 | 185,000
[ Same as above. ]
2829 | $35,000 | 171,000
[ Same as above. ]

In each of these cases, the time lag between the initial expression of interest in acquisition by the National Park Service and the time that the declaration of taking took effect resulted in a geometrical increase in the cost to the taxpayer.

And this does not take into account the other violations against which the Government did not move because there was no appropriation to back up such action.

On just these six properties, the taxpayers lost about $1 million dollars because there was no capability to prevent adverse development until the DOT. And the degradation of the resource that has been permitted to continue as a result of the other violations can not be measured in dollars alone.

That is why I urge this Subcommittee to give the most careful consideration to the recommendations I made in my testimony.

Respectfully submitted,

George Biderman
President

GB:ceo
Mr. Murtha. Your time has expired, Mr. Biderman. Your entire statement will appear in the record, and we will take a look at it after you have filed the requested material with the committee.

Mr. Biderman. Mr. Chairman, I cannot stress enough this applies not only to Fire Island but to other places which have the Cape Cod formula—the importance we put on giving the power to go in and get a preliminary injunction because these people go ahead and build even though the Park Service has told them they are going to take the land because they know they are going to get paid for the improvements.

Mr. Murtha. Thank you very much.

Mr. Biderman. Thank you, sir.

[Committee Note.—Subsequent to the hearing the committee received several letters and mailgrams questioning Mr. Biderman's authority to present testimony on behalf of the Fire Island Association.]

[The information follows:]
Mr. Fred Harkman, Head of the House Appropriations Subcommittee for the Interior, Rayburn House Office Building, Room 8306, Washington DC 20515

I am communicating a dissent with March 17 testimony to your committee by George Biderman, President, Fire Island Association (FIA). I believe his support of appropriating more than $2 million dollars to condemn dune district and other property on Fire Island was done without his receiving support of a majority of FIA directors. There is majority support in the FIA for further revisions in seashore zoning standards as well before being considered final. Please inform Congressman Duncan. I am the former elected secretary of the FIA and have been a director for 17 years and now remain an alternate director. Also, I am former president of Davis Park Association and now hold position as chairman of "Guardians of the Dunes" representing 173 property owners on Fire Island. Business telephone 212-752-4530.

Robert Spencer, 69 MacDougal St, New York, NY 10012

2315f EST

MGM Comp MGM
I refer to George Biederman's unauthorized testimony before your subcommittee on March 17. Pending clarification of this testimony by Mr. Biederman, we ask that you put it aside. As a director of the Fire Island Association and as president of the Davis Park Association, which represents almost 300 homeowners in the Fire Island community of Davis Park, we advise that we reject entirely Mr. Biederman's testimony. We urge that not one cent of appropriations requested by him be made until we have been afforded the opportunity to present our own views. We would be happy to meet with you or your staff members or discuss this further with you at your convenience. Yours truly,

Louis Penaichio, President Davis Park Association

22460 EST

memcomp mgm
Congressman Sidney Yates, Chairman  
House Appropriation Subcommittee for  
Interior and Related Agencies  
B-308, Rayburn BOR  
Washington, D.C. 20515  

Dear Congressman Yates:  

In a mailgram directed to your committee yesterday I advised that the Davis Park Association, which represents the vast majority of owners of some 300 houses in the Fire Island community of Fire Island, would enter its own views regarding current requests for appropriations made by the National Park Service for the Fire Island National Seashore. We advised that Mr. George Riderman, president of the Fire Island, mistakenly projected the view that he was speaking for all 17 communities on Fire Island. We are hopeful that Mr. Riderman will clarify his original testimony and further that you will hear from other interested groups on Fire Island. We hope that time constraints will not render any opposing views worthless at this time.

This letter will cover our various stands with regard to the appropriations. I will deal with them separately.

1. $600,000 for the acquisition of dune district properties.

In the fall of 1978 Congress enacted a dune district for the Seashore which runs from the mean high water mark of the Atlantic Ocean up to the crest of the dunes thence 40' northward. The original intent of the Seashore was to eventually acquire, through condemnation or purchase, all properties - developed or not - within this district.

The objections to this plan was brought to the attention of Senator Jacob Javits. The Senator intervened and his amendments to the legislation provided protection for existing home owners in the dune district by "grandfathering" their homes.

DAVIS PARK ASSOCIATION • DAVIS PARK, NEW YORK 11772
Further, vacant, undeveloped plots could be retained by their owners as long as they were held in their natural state. The federal government however is obligated to purchase these lands if the owner wishes to dispose of them. Obviously most people cannot afford to maintain taxes on property which cannot be developed by law and which has only one potential customer - the government. Hence, funds for acquisition of these lands should be made available to the Seashore.

But, and this is an all important but, Congress should clearly earmark these funds for the acquisition of vacant dune plots only - not one cent should be used to acquire homes "grandfathered" by the Congress in 1978. With this restriction we can fully support this appropriation.

2. $1,450,000 to be used for condemnation of properties which are in violation of zoning ordinances,

We urgently request that none of these funds be appropriated pending an investigation by the Congress on how prior similar funds have been used and how that misuse has affected both acquisition costs on Fire Island and how this has failed to encourage adherence to zoning standards - which in essence seems to be the sole purpose for these funds.

The Seashore does not proceed with condemnation in the order that violations occur. Rather, it contents itself with registering complaints or objections to the local zoning boards, then proceeds to condemn only those properties in two areas where it has a keen desire to acquire lands, namely along the ocean dunes and the bayfront.

In our view this distorts the purpose of using federal condemnation funds. It is our view that a violation is a violation regardless of its geographical location on Fire Island. How can there be respect for these condemnation powers - or for the present administrators of the Seashore - if they use the funds and distort the intent of Congress to suit their own goals.
We feel too that upon investigation Congress will find
that a handful of people have profited handsomely because of
the Seashore's desire to acquire dune and bay lots - seemingly
at any cost to the taxpayer. And there is firm conviction on
our part that the acquisition of parcels within delineated
communities serves no purpose for the Fire Island National
Seashore unless they are continuing with their stated view
that all of Fire Island is to be eventually returned to the
natural state it enjoyed before the advent of colonization.

We would like to make the point here that we do not
believe that the proper role of the National Park Service
is involvement in local zoning problems. The energies of
the Seashore staff it would seem to us would be more advantageously
used in developing recreational use. The present preoccupation
of the Seashore staff with zoning and zoning enforcement is
suspect - they seem to relish the opportunity to use zoning
to acquire more and more of Fire Island. While this question
may not be pertinent in a direct way to the subject of
appropriations there is a relationship in terms of cost to
the taxpayer.

$750,000 - acquisition of land for a ferry terminal and
new headquarters.

At a time when the President and the Congress are feverishly
looking for ways to cut the budget we submit that every cent of
this fund be denied without harm to present or ongoing programs.

At this very time the Seashore is in the process of determin-
ing whether wilderness designation should be sought for the so-
called 8 mile zone on Fire Island which lies at the easterly part
of the Seashore. Until studies are complete, and until such time,
as studies can be made with regard to the actual real need for
any of this facility - ferry, parking lot, headquarters, etc.
can be made - no funds are necessary and none should be made
available.
Unbiased studies will reveal that even today there is no overuse of present facilities in terms of ferry service to the eight mile zone. Wilderness designation will clearly limit future growth in the need of additional ferry facilities. Unless the Seashore is planning for expansion or other growth at some distant date in the future which they have not yet divulged to the public or to Congress this is money that can easily be saved.

More important you should note that this $750,000 is just a mere beginning. Other requests for appropriations will be made for the development of a huge parking lot; a ferry terminal; a new headquarters (what is wrong with the present one which has served the Seashore adequately since 1963?); and subsidized ferry service. No funds should or need be appropriated until all future costs are known and certainly until a time when the Seashore can demonstrate in open hearings that there is justification for these vast future expenditures.

Present ferry service is adequate - in addition an existing bridge more than adequately serves the easterly approach to the eight mile zone.

To sum up - at present Davis Park supports the appropriation of funds to acquire now vacant dune plots only; it rejects the fiction that any sums are necessary at this time for additional condemnation of private homes or for the development of a probably needless facility.

At your convenience we will testify at future hearings with regard to Fire Island National Seashore and we will submit any information at our disposal if you desire it. We hope however that you will seriously consider these views.

Yours truly,

DAVIS-PARK ASSOCIATION

Louis Pennachio
President
THOMAS KILLINGSWORTH
670 WEST 24 ST APT 11C
NEW YORK NY 10011

Mailgram

4-030453-087 03/27/80 ICS T78512424 MGM TO NEW YORK NY 134 03-27 0106P EST

HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR
RAYBURN HOB D108
WASHINGTON DC 20515

RE RIDEHANK STATEMENT 3/17, AS MEMBER ORGANIZATION OF FIRE ISLAND ASSOCIATION, AND REPRESENTING OVER 200 PARCELS OF PRIVATELY OWNED PROPERTY OR FIRE ISLAND, CANNOT SUPPORT REQUEST FOR FUNDING 2.6 MILLION DOLLARS FOR LAND ACQUISITION AND ZONING ENFORCEMENT, ZONING STANDARDS (FED REG 45-12, 36 CFR PART 28) NOT EVEN IN EFFECT YET AND ENGAGED THIS MOMENT IN ATTEMPT TO PERSUADE NPS TO CHANGE SUBSTANTIAL PORTIONS OF SUPPORT PRESIDENT'S DESIRE TO REDUCE FEDERAL BUDGET AND SUGGEST THIS FINE PLACE TO START. ALSO REFER GAO STUDY HIGHLY CRITICAL FEDERAL LAND ACQUISITION POLICY, DO SUPPORT NPS POLICIES RE UNDEVELOPED LANDS, BUT U.S. ALREADY OWNS OVER 1/3 ALL USA LAND, ENOUGH IS ENOUGH. URGENT YOU DELETE THIS APPROPRIATION.

JAMES HOCK
165 CHRISTOPHER ST
NEW YORK NY 1001410014

13106 EST

MGMCOMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL-FREE PHONE NUMBERS.

62-275 O - 80 - 29
WE WISH TO RESPECTFULLY CALL TO THE SUBCOMMITTEE'S ATTENTION THAT THERE ARE A VERY LARGE NUMBER OF HOME OWNERS AND VOTERS ON FIRE ISLAND WHOSE HOMES ARE IN THE EXEMPT COMMUNITIES NOW CONTROLLED BY THE NATIONAL SEASHORE WHO STRONGLY FAVOR THE BUDGET CUTS BEING CURRENTLY PROMULGATED FOR LAND ACQUISITION AND IN PARTICULAR ACQUISITIONS OF DUNE DISTRICT PROPERTIES.

IT HAS COME TO OUR ATTENTION THAT CERTAIN PERSONS MAY HAVE APPEARED BEFORE YOU RECENTLY PRESENTING THE VIEW THAT THEY REPRESENT THE MAJORITY OF FIRE ISLAND HOMEOWNERS AND THAT AS A GROUP WE SUPPORT THE RESTORATION OF FUNDS THAT HAVE BEEN MARKED FOR REDUCTION. ANY SUCH REPRESENTATIONS ARE GROSS EXAGGERATIONS. WE URGE THE SUB-COMMITTEE TO REMAIN FIRMLY TO THE CUTS WHICH HAVE BEEN MADE AND NOT TO RESTORE ANY FIRE ISLAND LAND ACQUISITION FUND.

DAVID ASH, PAST PRESIDENT OCEAN BAY PARK ASSOCIATION FIRE ISLAND NY 11733 EST

MGMCMP MGM

TO REPLY BY MAILGRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL-FREE PHONE NUMBERS.
AN ACT

To designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map entitled "Wilderness Plan—Fire Island National Seashore", dated December
1 1980. are hereby designated as the "Fire Island Wilderness". The southern boundary of the wilderness shall be the
2 toe of the primary dunes.
3
4 (b) As soon as practicable after this Act takes effect, a
5 map and a description of the boundaries of the wilderness
6 area shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and
7 the Committee on Energy and Natural Resources of the
8 United States Senate, and such map and description shall
9 have the same force and effect as if included in this Act:
10 Provided, That correction of clerical and typographical errors
11 in such map and description may be made. The map and
12 description of boundaries shall be on file and available for
13 public inspection in the offices of the Superintendent of the
14 Fire Island National Seashore and the Director of the Na-
15 tional Park Service.
16
17 (c) Lands which represent potential wilderness addi-
18 tions, upon publication in the Federal Register of a notice by
19 the Secretary of the Interior that all uses prohibited thereon
20 by the Wilderness Act have ceased, shall thereby be desig-
21 nated wilderness. Pending such designation, the Secretary
22 shall administer such lands in such manner as to preserve,
23 insofar as is possible, their wilderness or potential wilderness
24 character.
(d) Wilderness designation shall not preclude the repair of breaches that occur in the wilderness area, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

(e) Section 10 of the Act of September 11, 1964 (78 Stat. 928) is amended by changing the period to a comma, and by adding the following: "and, after the date of enactment of this provision, not more than $500,000 for development."

(f) Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts as are provided in advance in appropriation Acts.

Passed the House of Representatives December 10, 1980.

Attest: EDMUND L. HENSHAW, JR.,
Clerk.

By W. RAYMOND COLLEY,
Deputy Clerk.
H.R. 7814

96TH CONGRESS 2D SESSION

To designate certain lands of the Fire Island National Seashore as the “Otis Pike Fire Island High Dune Wilderness,” and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1980

Mr. Carney (for himself and Mr. Lent) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To designate certain lands of the Fire Island National Seashore as the “Otis Pike Fire Island High Dune Wilderness,” and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890) certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map, entitled “Wilderness Plan for Fire
1 Island National Seashore, New York", dated May 1980, are hereby designated as "The Otis Pike Fire Island High Dune Wilderness."

Sec. 2. As shown on the map below the boundaries of the wilderness shall be: The shoreline of the Great South Bay on the north; the toe of the primary dunes on the south; the westernmost point of the Smith Point West Nature Trail for the Handicapped on the east; and the eastern edge of the Watch Hill campsite on the west. The seventeen-acre Bellport Beach tract is specifically excluded from the wilderness area.

Sec. 3. With the exception of proposed developments at Talisman and the lighthouse, major Federal developments of any area in the Fire Island National Seashore west of the western boundary, as set forth in section 2 of the Act, shall require congressional approval.

Sec. 4. Wilderness designation shall not restrict vehicular traffic on lands seaward of the toe of the dune, beyond restrictions in effect in the remainder of the Fire Island National Seashore area.

Sec. 5. Wilderness designation shall not interfere with present maintenance practices for public utility cables within the wilderness area.

Sec. 6. Wilderness designation shall not preclude the making of an overall management plan for the wilderness area.
in the remainder of the Fire Island National Seashore, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

4. Sec. 7. (a) Upon a finding by the Suffolk County Department of Health that mosquito infestation on the Fire Island National Seashore, William Floyd Estate, Wertheim National Wildlife Refuge, or the Peters-Webster Estate, results in a danger to the health of Suffolk County residents, the county is authorized to use such resources as it deems necessary to eliminate such infestation, including breeding source reduction and the use of insecticides.

5. Sec. 8. Wilderness designation shall not preclude maintenance of boardwalk and other existing facilities in the vicinity of the Old Inlet.

6. Sec. 9. Any decision by the Federal Government to return Fire Island National Seashore to State and/or local governments shall terminate the wilderness status created by this Act.

7. Sec. 10. As soon as practicable after this Act takes effect, a map and description of the boundaries of the wilderness area of this Act shall be filed with the Energy and Natural Resources Committee of the House of Representatives and the Senate Committee on Environment and Public Works.
Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such map and description shall have the same force and effect as if included in the Act: Provided, however, That correction of clerical and typographical errors may be made. The map and description of boundaries shall be on file and available for public inspection in the Office of the Director of the National Park Service in the Office of the Superintendent of Fire Island National Seashore.

SEC. 11. Those lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Such potential wilderness additions shall be managed by the Secretary, insofar as practicable, as wilderness until such time as they are designated as wilderness.

SEC. 12. The wilderness designated by this Act shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.
To designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness", and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 19 (legislative day, JUNE 12), 1980

Mr. JAVITS (for himself and Mr. MOYNIHAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890) certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map entitled "Wilderness Plan for Fire Island Na-
tional Seashore, New York", dated May 1980, are hereby
designated as the "Otis Pike Fire Island High Dune
Wilderness".

Sec. 2. As depicted on the map above the boundaries of
the wilderness shall be: the shoreline of the Great South Bay
on the north; the toe of the primary dunes on the south; the
westernmost point of the Smith Point West Nature Trail for
the Handicapped on the east; and the eastern edge of the
Watch Hill campsite on the west. The seventeen-acre Bell-
port Beach tract is specifically excluded from the wilderness
area.

Sec. 3. With the exception of proposed developments at
Talisman and the Lighthouse, major Federal developments of
any area in the Fire Island National Seashore west of the
western boundary, as set forth in section 2 of the Act, shall
require congressional approval.

Sec. 4. Wilderness designation shall not restrict vehicu-
lar traffic on lands seaward of the toe of the dune, beyond
restrictions in effect in the remainder of the Fire Island Na-
tional Seashore area.

Sec. 5. Wilderness designation shall not interfere with
present maintenance practices for public utility cables within
the wilderness area.

Sec. 6. Wilderness designation shall not preclude the
repair of breaches that occur either in the wilderness area, or
in the remainder of the Fire Island National Seashore, in
order to prevent loss of life, flooding, and other severe eco-
nomic and physical damage to the Great South Bay and sur-
rounding areas.

Sec. 7. Wilderness designation shall not preclude main-
tenance of the boardwalk and other existing facilities in the
vicinity of the Old Inlet.

Sec. 8. Any decision by the Federal Government to
return Fire Island National Seashore to State and/or local
governments shall terminate the wilderness status created by
this Act.

Sec. 9. As soon as practicable after this Act takes
effect, a map and description of the boundaries of the wilder-
ness shall be filed with the Energy and Natural Resources
Committee of the United States Senate and the Interior and
Insular Affairs Committee of the House of Representatives,
and such map and description shall have the same force and
effect as if included in the Act: Provided, however, That cor-
rection of clerical and typographical errors may be made.
The map and description of boundaries shall be on file and
available for public inspection in the Office of the Director of
the National Park Service and in the Office of the Superin-
tendent of Fire Island National Seashore.

Sec. 10. Those lands which represent potential wilder-
ness additions, upon publication in the Federal Register of a
notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Such potential wilderness additions shall be managed by the Secretary, insofar as practicable, as wilderness until such time as they are designated as wilderness.

SEC. 11. The wilderness designated by this Act shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.
An Act

To designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness"; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map entitled "Wilderness Plan—Fire Island National Seashore", dated December 1980, are hereby designated as the "Fire Island Wilderness". The southern boundary of the wilderness shall be the toe of the primary dunes.

(b) As soon as practicable after this Act takes effect, a map and description of the boundaries of the wilderness area shall be filed with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, and such map and description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such map and description may be made. The map and description of boundaries shall be on file and available for public inspection in the offices of the Superintendent of the Fire Island National Seashore and the Director of the National Park Service.

(c) Lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Pending such designation, the Secretary shall administer such lands in such manner as to preserve, insofar as is possible, their wilderness or potential wilderness character.

(d) Wilderness designation shall not preclude the repair of breaches that occur in the wilderness area, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

(e) Section 10 of the Act of September 11, 1964 (78 Stat. 928) is amended by changing the period to a comma, and by adding the following: "and, after the date of enactment of this provision, not more than $500,000 for development.

Official Copy
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Dec. 23, 1980
[H.R. 7814]
(f) Authorizations of moneys to be appropriated under this Act shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts as are provided in advance in appropriation Acts.

Approved December 23, 1980.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 126 (1980):
Dec. 10, considered and passed House.
Dec. 18, considered and passed Senate.
EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4386. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Internal Auditing Can Be Strengthened in the Federal Reserve System," August 4, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC-4392. A communication from the President of the Federal Reserve Bank of New York, transmitting, pursuant to law, a report of the actions taken by the President of the Board of Directors of the Federal Reserve Bank of New York, June 26, 1980; to the Committee on Banking, Housing, and Urban Affairs.

EC-4394. A communication from the Chairman of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the proposed use of $8,000,000 of Research and Development funds, appropriated pursuant to the National Aeronautics and Space Administration Authorization Act, 1980 (93 Stat. 345), for design and modifications to Launch Complex 17B at Kennedy Space Center; to the Committee on Commerce, Science, and Transportation.


EC-4397. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, 46 Selected Acquisition Reports (SARs) and the SAR Index for the second quarter ending June 30, 1980; to the Committee on Armed Services.

EC-4398. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), transmitting, pursuant to law, a study entitled "Significant Savings Possible Through More Efficient Depot Maintenance of Army Combat Vehicles," August 7, 1980; to the Committee on Armed Services.

EC-4399. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), reporting, pursuant to law, that a study has been conducted with respect to converting the commissary shelf-stocking and custodial services functions at Hurlburt Field, Florida, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4400. A communication from the Acting Assistant Secretary of the Air Force (Research, Development, and Logistics), reporting, pursuant to law, that a study has been conducted with respect to converting the commissary shelf-stocking and custodial services functions at Tyndall Air Force Base, Florida, and a decision has been made that performance under contract is the most cost-effective method of accomplishment; to the Committee on Armed Services.

EC-4401. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on the operations of the Exchange Stabilization Fund (ESF) for fiscal year 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-4402. A communication from the Committee on Aging, Senate, reporting, pursuant to law, a report entitled "The Lump Sum Death Benefit—Should It Be Changed?" August 8, 1980; to the Committee on Finance.

EC-4403. A communication from the Committee on Aging, Senate, transmitting, pursuant to law, a report entitled "The Lump Sum Death Benefit—Should It Be Changed?" August 8, 1980; to the Committee on Finance.

EC-4404. A communication from the Secretary of Transportation, reporting, pursuant to law, the department's annual report on the findings of validation sample surveys of hospitals accredited by the Joint Commission on Accreditation of Hospitals (JCAH) for fiscal year 1979; to the Committee on Finance.

EC-4405. A communication from the Acting Attorney General, reporting, pursuant to law, in Greenwood v. Harris, No. CV 78-2120 (C.D. Cal.), decided April 8, 1980, that the District Court declared unconstitutional a portion of the Social Security Act and U.S.C. 833a; to the Committee on Finance.

EC-4406. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, reporting, pursuant to law, to the Committee on Foreign Relations, Department of State, transmitting a draft of proposed legislation which would authorize Executive agencies, under the direction of the President, to enter into assistance for Cuban and Haitian entrants; to the Committee on Foreign Relations.

EC-4407. A communication from the Acting Assistant Secretary of the Army for Research, Development, and Logistics, reporting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-4408. A communication from the Acting Assistant Secretary of the Army for Research, Development, and Logistics, reporting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-4409. A communication from the ACTING ASSISTANT SECRETARY OF THE ARMY (RESEARCH, DEVELOPMENT, AND LOGISTICS) regarding a contract between the United States Defense Department and the National Aeronautics and Space Administration for the development of a new system of records; to the Committee on Governmental Affairs.

EC-4410. A communication from the Acting Assistant Secretary of the Army for Research, Development, and Logistics, reporting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-4411. A communication from the Acting Assistant Secretary of the Army for Research, Development, and Logistics, reporting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-4412. A communication from the Secretary of the Army, reporting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-4413. A communication from the Secretary of the Army, reporting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC-4414. A communication from the Acting Attorney General, reporting, pursuant to law, a report concerning visas which the Service has approved according to the beneficiaries of...
such petitions third and sixth preference classification under the Immigration and Nationality Act was amended to the Committee on the Judiciary.

EC-4418. A communication from the Secretary of Education, transmitting, pursuant to law, the final regulations for the Territorial, Teacher, Training Program, to the Committee on Labor and Human Resources.

EC-4420. A communication from the Secretary of Education, transmitting, pursuant to law, the draft regulations for Organizational Processes on Education, to the Committee on Labor and Human Resources.

EC-4421. A communication from the Secretary of Education, transmitting, pursuant to law, the draft regulations for Grants for Research on Knowledge Tests and School Improvement, National Institute of Education; to the Committee on Labor and Human Resources.

EC-4422. A communication from the General Counsel, U.S. General Accounting Office, reporting, pursuant to law, on the status of budget authority that was proposed for rescission, but for which Congress failed to pass a rescission bill as defined in section 1010 of the Impoundment Control Act; to the Committee on Appropriations, the Committee on the Budget, and the Committee on the Judiciary, jointly, pursuant to order of January 30, 1976.

EC-4423. A communication from the General Counsel, U.S. General Accounting Office, reporting, pursuant to law, on the status of budget authority that was proposed for rescission, but for which Congress failed to pass a rescission bill as defined in section 1010 of the Impoundment Control Act; to the Committee on Appropriations, the Committee on the Budget, the Committee on Energy and Natural Resources, and the Committee on Labor and Human Resources, jointly, pursuant to order of January 30, 1976.

EC-4424. A communication from the Comptroller General of the United States, reporting, pursuant to law, on the President's eleventh message for fiscal year 1980, transmitted to the Congress on July 20, 1979, pursuant to the Impoundment Control Act of 1974; to the Committee on Appropriations, the Committee on Budget, and the Committee on Armed Services, and the Committee on Foreign Relations, jointly, pursuant to order of January 30, 1976.

REPORTS OF COMMITTEES

The following reports of committees were made:

By Mr. RANDOLPH, from the Committee Environment and Public Works, without amendment:}

S. Res. 504. An original resolution to waive section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 3041 for fiscal year 1981 for the Disaster Relief Act. Referred to the Committee on the Budget.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced the first and second time, by unanimous consent, and referred as indicated:

By Mr. JAVITS (for himself and Mr. MOYNIHAN):

S. 301. A bill to designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness," and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KEENZ (for himself, Mr. RANDOLPH, Mr. OWENS, and Mr. BAYH):

S. 3042. A bill to amend the Internal Revenue Code of 1954 to provide a graduated tax rate for corporations; to the Committee on Finance.

STATMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. MOYNIHAN):

S. 3041. A bill to designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness," and for other purposes; to the Committee on Energy and Natural Resources.

PRESIDENTIAL WILDERNESS

Mr. JAVITS. Mr. President, I am pleased to introduce today with my colleague, Senator MOYNIHAN, a bill to designate certain lands within the Fire Island National Seashore as the Fire Island High Dune Wilderness.

In 1964 the Fire Island National Seashore was established for the express purpose of preserving and preserving for the use of future generations certain unspoiled and undeveloped beaches, dunes and other natural features. The 7th(b) of the act specifically addresses an area of the seashore known as the "8 mile zone" and stipulates:

Access to that section of the seashore lying between the easterly boundary of the Borough of Brookhaven and the westerly boundary of the Smith Point County Park shall be provided by ferries and footpaths only. All roads shall be constructed in this section except such minimum roads as may be necessary for park maintenance. No development or plan for the convenience of visitors shall be undertaken. therein which is incompatible with the protection of the flora and fauna and the phytogeographic condition of the area. Every effort shall be exerted to maintain and preserve this section of the seashore.

The subsequent General Management Plan for Fire Island National Seashore by the National Park Service recommended that an 8 mile zone be protected under a special classification—environmental protection/}

primitive zone and, further, recommended that these lands be studied for inclusion in the Wild and Scenic Rivers System, the lands have been maintained as a primitive area and continue to support a rich variety of vegetation and wildlife.

Last January the National Park Service issued a preliminary proposal recommending that approximately 1,300 acres of land be designated as wilderness. The proposal has been received by New York's over with overwhelming support and great pride as this is the first Federal wilderness preserve in New York State.

Mr. President, H.R. 7814, the companion bill, contains a provision which has been omitted from the Senate bill. Section 7 of the House bill authorizes the Suffolk County, upon a finding by the health department of a health risk to residents from mosquito infestation, to enter the Fire Island National Seashore to spray the infested areas. I request that the Fire Island National Seashore enabling legislation, management of the seashore is vested exclusively in the National Park Service. I believe it would be inappropriate to include the House language which, in effect, would take away this authority.

Rather, the issue can and should be addressed during hearings on the legislation and accommodated in the legislative history. Furthermore, authority already exists to allow for necessary measures to protect the health of the residents.

The FNIS general management plan states:

In the event of an officially declared health emergency determined by the U.S. Public Health Service, the Director of the National Park Service must approve use of any pesticide or other chemical control substances.

I seek unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act (73 Stat. 547) certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three acres, and potential wilderness. Additionally those two thousand approximately eighteen acres, as depicted on the following diagram entitled "Wilderness Plan for Fire Island National Seashore," dated May 1980,
are hereby designated as "The Otis Pike Fire Island National Seashore." Sec. 2. As depicted on the map above the boundaries of the wilderness shall be: the southernmost point of the Smith Point; the northernmost point of the Fire Island National Seashore from the north; the eastern boundary of the area as east of the Watch Hill camping on the East; and the eastern edge of the Watch Hill camping on the East. The seventeen square miles that the tract is specifically included from the wilderness area.

Sec. 3. With the exception of proposed developments at Talmage and the Lighthouse west of the boundaries any area in the Fire Island National Seashore west of the Western boundary, as set forth in Sec. 1, act, shall require congressional approval.

Sec. 4. Wilderness designation shall not re-strict vehicular traffic on lands seaward of the toe of the dune, beyond restrictions in effect in the remainder of the Fire Island National Seashore area.

Sec. 5. Wilderness designation shall not interfere with present maintenance practices for public utility cables within the Wilderness area.

Sec. 6. Wilderness designation shall not preclude the repair of beaches the area, or any rem-ainder of the Fire Island National Seashore, in order to prevent loss of life, flooding, and other conditions physically adjacent to the Great South Bay and surrounding area.

Sec. 7. Wilderness designation shall not preclude maintenance of the boardwalk and other existing facilities in the vicinity of the Old Inlet, or any other.

Sec. 8. Any decision by the federal govern-ment to return fire Island National Seashore to State and/or local governments shall ter-minate the Wilderness status created by this Act.

Sec. 9. As soon as practicable after this Act takes effect the description of the boundaries of the wilderness shall be filed with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such map and description shall have the same force and effect as if included in the Act: Provided, however, That correction of clerical and typographical errors may be made. The map and description of boundaries shall be on file and available for public inspection in the Office of the Director of the National Park Service, National Park Service, and the Park Superintendent of Fire Island National Seashore.

Sec. 10. Those lands which represent poten-tial wilderness areas, upon publication in the Federal Register of a statement by the Secretary of the Interior that such areas have been determined to be suitable for designation as wilderness, such potential wilderness addi-tions shall be managed by the Secretary, in-sofar as practical, as wilderness until such time as they are designated as wilderness.

Sec. 11. The wilderness designated by this Act shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act go-verning wilderness areas. The wilderness area, except that any reference in such provisions to the effective date of the Wilder-ness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a refer-ence to the Secretary of the Interior.

By Mr. HEINZ (for himself, Mr. RANPOLE, Mr. GLENN, and Mr. HEAVER). S. 2042. A bill to amend the Internal Revenue Code of 1954 to permit the current spent amount of paid or in-creased in connection with the construct-or erection, pollution control facilities; to the Committee on Finance.

Mr. HEINZ. Mr. PRESIDENT, I have introduced in revised form legislation that first proposed more than 3 years ago designed to encourage the in-stallation of pollution control equipment by industry and thereby speed compliance with existing law.

The growing public awareness over the past 10 years of the seriousness of our environmental problem has pro-duced a series of laws relating to air, water, solid waste, noise, and toxic sub-stances designed, in short, to clean up America. I recognize that the qual-ity of our lives and the health of our surroundings are as important as the quality of our goods is a development that all Americans sup-port.

We must recognize, however, that there is a cost to achieving that objective which must be paid. In the steel industry, for example, the American Iron, and Steel Institute, using studies done by Arthur O. Little, projects capital expenditures of at least $600 million per year through 1985 to bring existing plants into compliance with air and water pollution standards. This is a total of $4 billion in that period for the steel industry alone.

Other industries face even greater expenses. For example, in 1979 the chemical industry spent $5 billion to meet those standards. This is a total of $4 billion in that period for the chemical industry alone.

In examining this investment, it should be made clear that it is not "productive" in the classic sense of investment that contributes to improvements or increases in production or reduction in product costs, etc. While investment in pollu-tion control facilities helps produce cleaner factories and cleaner methods and in some cases cleaner—or quieter—products, it does not in the strictest sense, contribute to the economic growth of the companies initiating it. Obviously these are not investments that earn a mone- tary return to the investor. To the con-trary, in addition to the cost of capital, pollution control investments usually cost a considerable amount of money to operate and maintain and it goes without saying that the billions invested in pollution control are not available for other job creating investments that are designed wilderness.

Thus there is clearly a price to be paid for our efforts to control pollution, but there is no question in my mind that this is a price worth paying and that we should continue to pay it to clean up our environment.

These efforts will be more successful, more quickly accomplished, and ultimat-ely more consistent with economic growth if we provide appropriate incen-tives to industry to install pollution con-trol equipment rather than leaving it to the industry to stand alone. Our environmental laws mandate compliance, and without a doubt compliance will occur. Since the Federal Government is imposing the burden, however, and all the taxpayers share in the cost, it is appropriate that we absorb some of the costs more equitably and more equitably than through higher consumer prices.

We have already moved in this direc-tion to some degree through section 109 of the Internal Revenue Code which pro-vides for the amortization over 5 years on qualified pollution control facilities, but this is really insufficient as an in-centive to deal with the expenditures required. I am proposing instead to reduce the 5-year period to 1 year, to permit its application to pollution control facilities added to new plants as well as existing ones, and to permit as well the option of taking either the full investment tax credit or one-half. the investment tax credit and find in conjunction with the use of in-dustrial development projects.

The Joint Committee on Taxation esti-mates the cost of this bill as follows:

| Year | Revenue Loss (mil.) loss (mil.) loan (mil.) |
|------|----------------|----------------|----------------|
| 1981 | 3,163 | - | - |
| 1982 | 1,722 | 1,000 | 722 |
| 1983 | 1,091 | 700 | 391 |
| 1984 | 1,550 | 1,000 | 550 |
| 1985 | 1,501 | 1,000 | 501 |

Let me emphasize that this proposal is not an effort to use the tax code as an incentive to obtain socially desirable actions, though that is a part of it. Rather it is an effort to move away from the overtaxation and overregulation that business—particularly small business—feels has been imposed on it, and to assure that sufficient capital remains available for economic growth. This legislation will be particularly useful to small businesses, many of which suffer from chronic cash flow problems and the burdens of Federal regulations that will become more so as compliance deadlines come closer.

This is an expensive task, one that will become more so as compliance deadlines come closer.

In examining this investment, it should be made clear that it is not "productive" in the classic sense of investment that contributes to improvements or increases in production or reduction in product costs, etc. While investment in pollution control facilities helps produce cleaner factories and cleaner methods and in some cases cleaner—or quieter—products, it does not in the strictest sense, contribute to the economic growth of the companies initiating it. Obviously these are not investments that earn a monetary return to the investor. To the contrary, in addition to the cost of capital, pollution control investments usually cost a considerable amount of money to operate and maintain and it goes without saying that the billions invested in pollution control are not available for other job creating investments that are designed wilderness.

Thus there is clearly a price to be paid for our increased efforts to fight pollution, but there is no question in my mind that this is a price worth paying and that we should continue to pay it to clean up our environment.

These efforts will be more successful, more quickly accomplished, and ultimately more consistent with economic growth if we provide appropriate incentives to industry to install pollution control equipment instead of leaving it to the industry to stand alone. Our environmental laws mandate compliance, and without a doubt compliance will occur. Since the Federal Government is imposing the burden, however, and all the taxpayers share in the cost, it is appropriate that we absorb some of the costs more equitably and more equitably than through higher consumer prices.

We have already moved in this direc-tion to some degree through section 109 of the Internal Revenue Code which pro-vides for the amortization over 5 years on qualified pollution control facilities, but this is really insufficient as an in-centive to deal with the expenditures required. I am proposing instead to reduce the 5-year period to 1 year, to permit its application to pollution control facilities added to new plants as well as existing ones, and to permit as well the option of taking either the full investment tax credit or one-half. the investment tax credit and find in conjunction with the use of in-dustrial development projects.

The Joint Committee on Taxation esti-mates the cost of this bill as follows:

| Year | Revenue Loss (mil.) loss (mil.) loan (mil.) |
|------|----------------|----------------|----------------|
| 1981 | 3,163 | - | - |
| 1982 | 1,722 | 1,000 | 722 |
| 1983 | 1,091 | 700 | 391 |
| 1984 | 1,550 | 1,000 | 550 |
| 1985 | 1,501 | 1,000 | 501 |
sum of the amounts paid or incurred by the taxpayer with respect to such facility, or the construction, or erection of a qualified pollution control facility (as defined in subsection (a) of section 169), shall not be treated as items not chargeable to capital account.

(b) Election.—The election provided by subsection (a) shall be made at such time, in such manner, and in such form as the Secretary may prescribe.

(c) Termination of Election.—A taxpayer who has elected under subsection (a) to take the deduction provided by subsection (a) may, at any time after making such election, discontinue the deduction with respect to the remainder of the amounts paid or incurred with respect to the facility. Any such discontinuance shall begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary before the beginning of such month. The depreciation deduction provided by section 167 shall be allowed, beginning with the first month as to which the election under subsection (b) does not apply, and the taxpayer shall not be entitled to any further deduction under this section with respect to such facility.

(b) Deduction to Apply to New Construction as Well as Existing Plants and Property.—Subsection (b) of section 169 of such Code (relating to depreciation deductions for purposes of section 169, which depreciation is allowable) is amended by striking out "in subparagraph (D) of paragraph (3) thereof" and inserting in lieu thereof "which is allowable in the area of innovation, the prime emphasis has been made under section 169, such property shall for purposes of the preceding section be treated as property with respect to which the depreciation deduction is allowable, except that the amount of such deduction shall be treated as item not chargeable to capital account when the taxpayer elects under subsection (b) to take the deduction provided by subsection (a) of this section.

(c) Amendment of Section 162.—Paragraph (b) of section 162 of such Code (relating to general rules for determining gain from dispositions of certain depreciable property) is amended—

(1) by striking out "in subparagraph (B) of section 1082(a) of such Code (relating to exchanges subject to section 1031 of such Code)" and inserting in lieu thereof "in subparagraph (B) of section 1082(a) of such Code (relating to exchanges subject to section 1031 of such Code)"

(2) by striking out "in paragraph (2) thereof" and inserting in lieu thereof "in paragraph (2) thereof"

(3) by striking out "in subparagraph (D) of paragraph (3) thereof" and inserting in lieu thereof "in subparagraph (D) of paragraph (3) thereof"

(d) Repeal of Section 3043.—Section 3043 of such Code (relating to the Internal Revenue Code of 1954) is repealed.

(e) Technical and Conformng Amendments to Other Code Provisions.—(1) The table of sections for part VI of title 1 of such Code is amended by redesignating section 6651 as section 6651A.

(2) Paragraph (5) of section 6651A of such Code (relating to accrued interest on outstanding tax) is amended—

(A) by striking out "in subparagraph (A) of section 6651A" and inserting in lieu thereof "in subparagraph (A) of section 6651A"

(B) by striking out "in subsection (a) of section 163" and inserting in lieu thereof "in subsection (a) of section 163"

(C) by striking out "in subparagraph (D) of section 169" and inserting in lieu thereof "in subparagraph (D) of section 169"

(D) by striking out "in subparagraph (B) of section 169" and inserting in lieu thereof "in subparagraph (B) of section 169"

(E) by inserting a period at the end of paragraph (4) thereof and inserting in lieu thereof "and paragraph (4) thereof"

(f) Repeal of Section 169.—Section 169 of such Code (relating to the deduction of amortizable basis for purposes of section 166) is repealed.
The New York EPA office and the Citizens for Clean Air. Then there were national EPA officials, according to the Washington Council of Local Governments to give Ketcham the money from

The $2 Million a Year
EPA gives the council. But even the council got cold feet on this one and is refusing to go along with the scheme. If Ketcham wants to reward the Citizens for Clean Air for battling Westway, it looks as if he'll be the only one.

We're all for protecting the environment, but we draw the line when appointed federal officials overrule local elected officials in decisions that go beyond the issues of air or water pollution. What good is a project like Westway that one federal agency okayed and another does everything and anything it can to block?

And what is a federal agency doing trying to launder money for local political battles? We wish someone somewhere in Washington would start a big investigation of everything the New York regional EPA office has done to fight Westway in the past few years. If this federal EPA tyranny doesn't stop soon we might as well cancel local elections in New York and recognize the appointed federal emperors for what they are.

U.S. SENATE,
WASHINGTON, D.C., AUGUST 16, 1980.
HON. SIMON B. STAA, Chairman, General Accounting Office, Washington, D.C.

DEAR COMMISSIONER STAATS: I write to request the General Accounting Office to investigate a matter concerning the use of discretionary grant funds by the Environmental Protection Agency to support innovative research concerning transportation and air quality falling outside the boundaries of regional planning activities.

Under Section 175 of the Clean Air Act, $2,000,000 has been earmarked for this purpose.

A recent Daily News editorial asserts that the EPA is using metropolitan planning organizations such as the Council of Governments in Washington, D.C. to distribute and administer Section 175 grants. The Daily News states: "In what strikes us as a serious and scandalous conflict of interest, the federal Environmental Protection Agency is trying to circumvent New York City officials and give $150,000 to the biggest anti-Westway group of all." If this report is factual, it raises a number of questions which I would hope your investigation could answer.

First, what circumstances necessitate EPA's use of the Council of Governments or any other organization to distribute Section 175 funds?

Second, on what basis does the EPA select recipients?

Third, what has been the character of grant proposals which EPA has sought to fund through other organizations?

In addition to your review of the general procedures under Section 175, I request that you investigate the handling of a grant proposal submitted by a New York citizens group called Citizens for Clean Air, directed by Mr. Brian Ketcham.

The Daily News, Mr. Ketcham is widely known for his opposition to the Westway Highway project currently under construction. The collapsed West Side Highway, which has been subject to a series of delays imposed by the administrative actions of the EPA.

The Daily News reported that Mr. Ketcham's relationship with the EPA charged that last year Citizens for Clean Air sought funding from the Tri-State Regional Planning Commission for the complexities of air pollution. The program was to be conducted throughout the New York metropolitan area. The Tri-State Commission suggested a more modest program restricted to the Borough of Queens, Citizens for Clean Air were no longer interested. The West Side Highway is in Manhattan.

The Daily News continues by alleging Mr. Ketcham subsequently sought funding from EPA, which referred the grant request to the Council of Governments in Washington, D.C. The Council of Governments declined the request by EPA to use funds EPA would have given them to support the Ketcham proposal. The grant request is still under consideration by EPA.

The information provided by the Daily News is accurate, I find EPA's handling of this proposal highly questionable. I therefore urge you to commence a thorough investigation of this matter at the earliest possible date. Given the specific nature of my request, I would hope that your report would be completed within the next four weeks. Please advise me of your intended schedule.

Best,

DANIEL PATREICK MOTHYAN.
Mr. Shields is sympathetic. "We certainly aren't trying to block construction of the dam," he says. "We believe the dam is needed in the national interest." But he adds that the Endangered Species Act "says that if we err, it must be in favor of the fish." Thus the squawfish affair is shaping up as another small dam battle. Utah has 40 percent of all tar-sands deposits. Rich In oil shale and tar sands, the state is expected to be a rich source of the synthetic fuels in northeastern Utah, an area considered essential for development of synthetic fuels. No permit for the White River dam to go into effect before the dam was found. Utah officials are staggered. "On the whole thing's crazy," says Jim Butler, assistant natural resources coordinator for the state. "We certainly aren't trying to block construction of the dam," he says. "We believe the dam is needed in the national interest." But he adds that the Endangered Species Act "says that if we err, it must be in favor of the fish." Thus the squawfish affair is shaping up as another small dam battle. Utah has 40 percent of all tar-sands deposits. Rich In oil shale and tar sands, the state is expected to be a rich source of the synthetic fuels in northeastern Utah, an area considered essential for development of synthetic fuels. No permit for the White River dam to go into effect before the dam was found. Utah officials are staggered. "On the whole thing's crazy," says Jim Butler, assistant natural resources coordinator for the state.
Mr. CARNEY (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be printed as read and printed in the Record.

The SPEAKER pro tempore (Mr. ROBERTS). Is there objection to the request of the gentleman from New York? There is no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, H.R. 1196 is a bill to revise and improve the laws relating to the documentation of vessels. It was passed by the House on September 17, 1979. The original text as passed by the House has not been substantially altered or changed by the Senate and continues to allow for the elimination of antiquated procedures while retaining substantive vessel documentation law intact.

H.R. 1196 is before us again primarily because the Senate added a part that concerns itself with procedures to simplify the tonnage measurement of vessels. This is not new to the House, since it incorporates the provisions of H.R. 1197, which was passed by the House on September 17, 1979.

During August of 1980, the Senate considered H.R. 1197, and added an amendment related to surface mining and reclamation—a subject of considerable controversy. This led to the appointment of conferees from the Committee on Interior for the Surface Mining Act amendment—and from the Committee on Merchant Marine and Fisheries for the tonnage measurement provisions. To date, the conferees have not met nor are their efforts expected to be complete.

In order to salvage this needed legislation to permit reforming and simplifying tonnage measurement procedures, the Senate has added the provisions of H.R. 1197 to H.R. 1196. The bill before us contains the same provisions concerning vessel documentation and vessel admeasurement that were acted upon by the House over a year ago. At that time, there was no controversy over their enactment. I again request their passage by unanimous consent.

Mr. YOUNG of Alaska. Mr. Speaker, we are considering today H.R. 1196, the Vessel Documentation Act as passed yesterday by the Senate. This bill incorporates two bills already passed by the House: H.R. 1196, the Vessel Documentation Act and H.R. 1197, the Tonnage Measurement Simplification Act. Several conforming and technical amendments have been made to the House version of the Documentation Act. Among these amendments are provisions permitting the documentation of vessels under the laws of the United States which have been forfeited and which have wrecked and been repaired in U.S. shipyards.

In addition, the Senate version of H.R. 1196 includes three other amendments. First is an extension of the Delta Queen exemption from certain vessel laws for an additional 5 years. Second is a feasibility study of constructing a railroad bridge across Coos Bay, Oreg. Finally is the transfer of a vessel for use as a maritime museum in Superior, Wis.

Mr. Speaker. I have no objection to this unanimous-consent request. This legislation completes all legislation pending before Congress from the Coast Guard and Navigation Subcommittee. I want to take this opportunity to commend Chairman Biaggi, the other members of the committee and the staffs for their efforts during this Congress in bringing about these legislative achievements.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York? There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

Mr. Speaker, there was no objection.

OTIS PIKE FIRE ISLAND HIGH DUNE WILDERNESS

Mr. PHILLIP BURTON, Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (H.R. 7814) to designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness," and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. CARNEY. Mr. Speaker, it is a request to discharge the Committee on Interior and Insular Affairs from further consideration of the bill (H.R. 7814), to designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness," and for other purposes, and ask for its immediate consideration.

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The Speaker read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?
The Fire Island National Seashore was established in 1964 in order to preserve a relatively unspoiled area in a sparsely populated region of the country. The mosque area lies south of Suffolk and Nassau Counties in Long Island. Approximately 3 million people live in this bicounty area, and the wilderness is only a few hours drive from New York City and its suburbs.

In 1974 and 1975 the bureau of vector control of the Department of Health, Education, and Welfare requested that provisions be included to permit the commission to treat the properties in question on an annual basis for mosquito infestation. The commission's requests were ignored and the legislation failed to include any provision for mosquito control by the Suffolk County Mosquito Control Commission. As a result, mosquito control could only be accomplished with the written permission of the Superintendent of the Fire Island National Seashore.

Prior to 1975, written permission from the Superintendent of the Fire Island National Seashore was obtained on an annual basis, but the superintendent always had the activities of the Mosquito Control Commission carefully monitored. In 1974 the mosquito control commission was abolished as part of a major reorganization of county agencies. In its place, the county legislature established the bureau of vector control which is a subagency of the Suffolk County Department of Health.

In 1976 a written agreement was prepared by the bureau of vector control and the National Park Service regarding conditions for mosquito control during the period July-December 1976. When the bureau of vector control attempted to negotiate a second agreement for the continuation of the Superintendent of the Fire Island National Seashore indicated that there would be no further agreements for the following reasons:

First, he was convinced that the mosquito control program in the Federal land preserves was unnecessary. Second, he was of the opinion that the continuation of the mosquito control program would have a devastating impact on the environment.

Third, he was of the opinion that the continuation of the mosquito control program would endanger marine life.

Each year since 1977, the bureau of vector control has prepared a proposed mosquito control program and has submitted that proposal to the National Park Service. Those proposals have all been denied.

Despite my repeated efforts, the National Park Service refuses to permit spraying or ditching for mosquito control. The Park Service recognizes the mosquitoes are a "very real nuisance" to residents of the area, but that, failing any proof of a public health emergency, the Federal Public Health Service, they would not permit spraying.

The county health department and the U.S. Public Health Service (the CDC) relies on data provided by the State Health Department in order to declare a health emergency. Neglect of mosquito breeding sites is inconsistent with the responsibilities and duties of the U.S. Public Health Service as well as the local health authorities. The whole idea of mosquito control in the eastern United States including Suffolk County is to prevent the need of an emergency declaration. With both Suffolk County and the State of New York having strong and responsive health departments, the need or desirability for the federal health authorities to intervene is minimal, at best.

In the past, we have acknowledged the Seashore's commitment to the environment. We have asked the Senate to endorse the request from the Seashore to you for a proposal for mosquito control. In turn, we have made it clear that near the seashore should not be subjected to high mosquito populations. Having made clear our position on an anticipated having laid the groundwork for compromise, I believe that you have fulfilled your part. It is unreasonable that the Seashore is still unwilling to reach a compromise solution.

Mr. Speaker, the National Park Service must learn to coexist with its neighbors. By requiring the Park Service to permit the county to enter Park Service lands to handle a recognized health problem, a major sticking point between local citizens and the Federal Government will be removed. Although the committee has refused to include such a requirement in this legislation, I will, during the 97th Congress, urge expanded efforts to curb the tyranny that currently works against the will of the residents of Long Island.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. Lagomarsino. Further reservation is in order to the right to reply, Mr. Speaker. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me ask the gentleman from New York (Mr. CARNEY) this question: The development ceiling authorization of $500,000 effected by this bill does not in any way express disapproval of or require any modification of the development slated in the approved general management plan for Fire Island?

Mr. CARNEY. Mr. Speaker, if the gentleman from California will yield, no, we support the proposals in that plan—this provision only requires that the Park Service come to the Interior Committee for the development authorizations. Funds are already appropriated, and the $500,000 in this provision, have been exhausted.
Mr. DOWNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it has been an ambition of mine for many years to see the establishment of a wilderness area in the high dune district of Long Island. It is an area of great scenic beauty in a unique location in close proximity to densely populated Long Island and the New York metropolitan area. Such a unique and unspoiled area richly deserves the added protection which wilderness designation will confer upon it, so that future generations may enjoy the natural beauty of the dunes as I have and as many hundreds of my constituents on Long Island and visitors from all across the Nations have over the years.

It is particularly appropriate that this proposed wilderness should bear the name of my good friend and former colleague from Long Island, Otis Pike, whose lifelong commitment to the protection of the Fire Island seashore is legendary. It is highly fitting that the Otis Pike High Dunes Wilderness should be the first wilderness area to be established in the great State of New York.

I want to congratulate my friend and colleague, Mr. CARKERE, for introducing this legislation and for his patience and thoughtfulness during the lengthy process of working out the final language. It is equally important that both my colleague from Long Island and I acknowledge the invaluable assistance we were provided to us by the gentleman from California, Mr. PHILIP BURTON, whose expertise in the area of wilderness legislation is well known. Without his advice and assistance we would not be discussing this important measure here today.

Mr. LAGOMARSIANO. Mr. Speaker, further restricting the right to object. I urge support of this bill.

Mr. Speaker, this bill deals with wilderness designation in the Fire Island National Seashore in New York. While the area designated is not large—comprising 1,363 acres and representing only a portion of the length of the entire seashore—it is most significant in that it is located in the most densely populated part of the United States. I believe it is most fortunate that we can make this type of commitment to land management in this area.

This bill has not had the opportunity for close scrutiny and action by the committee, but its provisions and implications have been widely discussed and worked over by those staff members and our Committee with the consideration of input from the National Park Service and interest groups of various types which are concerned about issues relevant to the action we take here. It is my further understanding that the action we are proposing has the knowledge and concurrence of all affected Members of the New York congressional delegation. In that regard, we would not be able to consider this bill today were it not for the strong interest and support from our New York colleagues, the Honorable BILL CANTY and the Honorable TOM DOWNEY, assisted by their able staff members, Mr. Ken Merin and Mr. David Smith, respectively.

Since there are a number of issues related to the wilderness designation which could bear some clarification, I believe it is important to comment on some of them at this point.

**BOUNDARY LINE**

The boundary is as generally depicted on the map referred to in the bill text. More specifically, its location is as follows: along the shoreline of the Great South Bay from the toe of the primary dunes on the south; a generally north-south line which forms the western boundary of the present Smith Point County Park excluding the Federal visitor center but within a distance of 100 feet from that present development on the east: and along the immediate eastern perimeter of the existing nature trail and campground at Watch Hill on the west.

The location on the south side as represented by the toe of the dunes is intended to not be disruptive to whatever uses will be phased out and continues to be deemed appropriate in that area seaward of the toe of the dunes.

Moreover, the toe of the dunes represents a distinguishable boundary that should always be fairly easy to identify on the landscape. As the line shifts and moves through time, so moves the wilderness line. Except for essential management needs as permitted by the Wilderness Act, no motorized vehicular use of any type would be permitted within the wilderness proper.

**POTENTIAL WILDERNESS ADDITIONS**

Essentially and eventually, no facilities or indications of man's presence or works should be retained within the wilderness. There are a number of existing facilities within the proposed wilderness which are inconsistent with wilderness designation. These sites have been designated as "potential wilderness additions," within which the inconsistent uses will be phased out and eliminated through time as the opportunity presents itself in each individual case. At such time as this occurs, the sites will automatically become wilderness by act of the Secretary of the Interior, by publication of notice to that effect in the Federal Register.

Numerous private residences will be phased out in 1992 and 1993—and one at the end of a life tenancy—and will thereafter be removed from the landscape. The boardwalk, shower and toilet facilities at Old Inlet will at some future time disappear as it is practical for this to occur; deteriorated condition and or storm damage should be a major determinant in this decision, as well as the necessity for retention for wilderness type use of the area. The boardwalk trail at the eastern end of the wilderness will be phased out if and when it can be replaced to another suitable nonwilderness location, or if it becomes substantially destroyed by storm action.

While not directly related to wilderness designation, the bill sets a development ceiling for the seashore at $500,000. It has come to be standard practice for Congress to establish such a special initial ceiling amount for all park system units which have a ceiling. That ceiling may be subsequently elevated to accommodate development provided major Federal developments of any area in the Fire Island National Seashore west of the western boundary, as set forth in section 2 of the Act, shall require congressional approval.

Sec. 4. Wilderness designation shall not restrict vehicular traffic on lands seaward of the toe of the dune, beyond restrictions in present maintenance practices for public utility cables within the wilderness area.

Sec. 5. Wilderness designation shall not interfere with present maintenance practices for public utility cables within the wilderness area.

Sec. 6. Wilderness designation shall not preclude the repair of breaches caused by either in the wilderness area, or in the remainder of the Fire Island National Seashore, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

Sec. 7. (a) Upon a finding by the Suffolk County Department of Health that mosquito infestation on the Fire Island National Seashore, William Floyd Estates, Westham Estate, or the Peters-Webster Estate, results in a danger to health of Suffolk County residents, the county is authorized to use such resources as it seems necessary to attack the infestation by source reduction and the use of insecticides.

(b) The county is authorized to enter such lands for the purpose of spraying and treating mosquito-infested areas.
Sect. 8. Wilderness designation shall not preclude maintenance of the boardwalk and parking facilities in the vicinity of the Old Inlet.

Sect. 9. Any decision by the Federal Government to authorize the acquisition of certain lands in Douglas County, Wis., and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. Moakley). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (g) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1275) is amended by adding at the end thereof the following new sentence: "A one-thousand-three-hundred-and-eighty-acre portion of the area commonly known as the Velel Estate, located adjacent to the Saint Croix River in Douglas County, Wisconsin, as depicted on the map entitled "Boundary Map/Velel Estate—Archives of Senator D.C. Vellel—Riverway" dated September 1980, and numbered 630-99,001, may be acquired by the Secretary without regard to any acreage limitation set forth in subsection (a) or (b) of section 8 of this Act."

Mr. PHILIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILIP BURTON. Mr. Speaker, I would like to commend one and all of the participants in this very, very important effort. I would particularly note the sustained interest of the Audubon Society and of Dupit Cutter in this matter.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. PHILIP BURTON).

The amendment in the nature of a substitute was agreed to. The bill was ordered to be engrossed and asked for its immediate consideration.

The SPEAKER pro tempore. There was no objection.

Mr. Speaker. I cannot speak too highly of the long years of dedication and leadership of Senator Nelson on issues of environmental concern. S. 3096 is the latest of the long list of legislation that Senator Nelson has spearheaded to make our country a better place to live.

Mr. Speaker, I ask unanimous consent that I may be permitted to revise and extend my remarks.

TEN WILDERNESS ACQUISITIONS

S. 3096 authorizes the Secretary of the Interior to acquire the Vellel Estate as part of the Saint Croix Wild and Scenic River in the State of Wisconsin. This magnificent estate, in single ownership, of approximately 1,380 acres has been protected by private landowners since 1893, but is now in the hands of real estate developers who, in the absence of Federal purchase, would subdivide the lands. Subdivision would not only destroy this outstanding resource, but would impair the values of the existing Saint Croix Wild and Scenic River.

Mr. Speaker, I call up the conference report on the Senate bill (S. 3142) authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursu-
in a trade for which certificates of documentation are issued under the vessel documentation act of 1954, or to any other certificate of documentation issued by a registry, the vessel is liable to a civil penalty of $500 for each port at which it arrives without the proper certificate of documentation, and if it has on board any merchandise of foreign growth or manufacture (sea stores excepted), or any taxable domestic spirit, wine, grain, or other alcoholic liquors, on which the duties or taxes have not been paid or secured to be paid, the vessel, together with its equipment and cargo, is liable to seizure and forfeiture; and

(b) A vessel shall be remeasured if-

(1) striking the first sentence and inserting, in lieu thereof, the following:

"Whenever a vessel, entitled to be documented and not so documented, is employed

CONGRESSIONAL RECORD—HOUSE

H 12271

Revised statutes

Revised statutes

Revised statutes

Sec. 127. REPLACEMENT.
The following laws are repealed, except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this title:

SEC. 128. EFFECTIVE DATE.

This title shall be effective on the first day of the eighteenth month following the month in which enacted.

Sec. 202. MEASUREMENT.—Section 4148 of the Revised Statutes of the United States, as amended (46 U.S.C. 71) is further amended to read as follows:

"(b) A vessel required to be measured under subsection (a) of this section, which has not been measured under subsection (b) of this section, shall be measured as prescribed in sections 4151 and 4153 of the Revised Statutes of the United States, as amended, and to the extent applicable, as prescribed in Public Law 80-216, September 29, 1945 (79 Stat. 691; 46 U.S.C. 369(b)); or

"(1) striking the word "licensed" in the first sentence and inserting in lieu thereof the word "documented" and

"(2) striking the last sentence.

Sec. 203. APPLICATION.—A vessel measured prior to the effective date of this title, pursuant to sections 4151 and 4153 of the Revised Statutes of the United States, as amended, is considered as having been measured under section 4148(b) of the Revised Statutes of the United States, as amended by this Act.

Sec. 204. EFFECTIVE DATE.—The provisions of this title shall take effect on the first day of the twelfth month following the month in which enacted.
the Secretary of Commerce is hereby authorised—without reimbursement, the title and ownership of V-4-M-AI ocean tug Scotch Cap to the Superior-Douglas County Museum in Superior, Wisconsin, for use as a maritime museum. The vessel shall be delivered to the museum at the place where the vessel is located on the effective date of this Act, in its present condition, without cost to the United States. While the vessel is owned by the Superior-Douglas County Museum, it shall be used solely as a maritime museum, and such vessel shall not be used for operation or transportation of any nature however. In the event that the United States should need the vessel, the Superior-Douglas County Museum, on request of the Secretary of Commerce shall make the vessel available to the United States without cost. In the event that the Superior-Douglas County Museum no longer requires the vessel for the purposes of this Act, such vessel shall be conveyed back to the United States in as good condition as when received, except for ordinary wear and tear, to be delivered by the Superior-Douglas County Museum to the point of original delivery without any cost to the United States.

Mr. BIAGGI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York (Mr. ROBERTS)?

The SPEAKER pro tempore. The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, H.R. 1196 is before us again primarily to revise and improve the laws related to surface mining and reclamation—a subject of considerable controversy. This led to the appointment of conferees from the committee on Interior and Insular Affairs and the House version of the Documentation Act and H.R. 1197, the Ton- nage Measurement Simplification Act. Several conforming and technical amendments have been made to the House version of the Documentation Act. Among these amendments are provisions permitting the documentation of vessels under the laws of the United States which have been forfeited and which have wrecked and been repaired in U.S. shipyards.

In addition, the Senate version of H.R. 1196 includes three other amendments. First is an extension of the Delta Queen exemption from certain vessel laws for an additional 5 years. Second is a feasibility study of constructing a railroad bridge across Coos Bay, Ore. Finally is the transfer of a vessel for use as a maritime museum in Superior, Wis.

Mr. Speaker, I have no objection to this unanimous-consent request. This legislation completes all legislation pending before Congress from the Coastal Guard and Navigation Subcommittee. I want to take this opportunity to commend Chairman Biscet, the other members of the committee and the staffs for their efforts during this Congress in bringing about these legislative achievements.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from New York for general leave?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York for general leave?

There was no objection.

OTIS PIKE FIRE ISLAND HIGH DUNE WILDERNESS

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the bill (H.R. 7814) to designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness," and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California for general leave?

Mr. LAGOMARSINO. Mr. Speaker, I ask unanimous consent that the chairmen of the committee (Mr. PHILLIP BURTON) if he will explain what the bill does and why it is being taken up at this time.

Mr. PHILLIP BURTON. Mr. Speaker, if the gentleman will yield, I have an amendment at the desk, and if it is in order, I will offer the amendment.

The SPEAKER pro tempore. The Chair will ask that the gentleman withhold his amendment now as an offer of it later.

Mr. PHILLIP BURTON. Mr. Speaker, I understand the gentleman from New York (Mr. CARNEY), as well as the gentle- man from New York (Mr. DOWNEY), would like to engage in a colloquy with reference to this matter, and I am prepared to do that at this time.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I am in support of this legislation, and I now yield to the gentleman from New York (Mr. CARNEY) so that he may engage in a colloquy with the chairman of the subcommittee.

Mr. CARNEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, it is my understanding that the boundary referred to in the bill are the shoreline of the Otis Pike on the north; the toe of the primary dunes on the south; the western boundary of the Smith Point County Park on the east; and the eastern boundary of the Watch Hill Campground on the west. Is that correct?

Mr. PHILLIP BURTON. Mr. Speaker, if the gentleman from California will yield, the answer to the question is yes.

Mr. CARNEY. The 17-acre Bellport Beach tract is specifically excluded from the wilderness area?

Mr. PHILLIP BURTON. That is correct.

Mr. CARNEY. Wilderness designation shall not restrict vehicular traffic on lands seaward of the toe of the dunes beyond restrictions in effect in the remainder of the seashore—is that your understanding?

Mr. PHILLIP BURTON. That is correct.

Mr. CARNEY. The bill places a ceiling of $50,000 on the funds available for development in the Fire Island National Seashore. It is my understanding that even this $500,000 will not be available until and unless specifically appropriated by Congress, and further, that no additional funds above that $500,000 will be available until and unless both authori- zed and appropriated by Congress—is that correct?

Mr. PHILLIP BURTON. That is correct. This language limits development expenditures more rigidly than does existing law.

Mr. CARNEY. Mr. Speaker, it is my understanding that the facilities at Old Inlet, which are inside the wilderness boundary are designated as "Potential Wilderness Additions," and may be re- leased as long as they remain in serviceable condition and are deemed appropriate for retention for wilderness type use.

Mr. PHILLIP BURTON. That is correct.
Mr. CARNEY. Mr. Speaker, it is a pleasure to rise today in support of legislation similar to that which I introduced in July of this year (H.R. 7814), to create a wilderness area within the Fire Island National Seashore.

The purpose of the establishment of a National Wilderness Preservation System was to preserve that present and future generations of Americans would have available to them America's greatest natural resource—the lands and waters that comprise our great Nation. Congress needs to preserve the raw beauty that has so captivated explorers and immigrants over the past five centuries.

The Fire Island National Seashore was established in 1964 in order to preserve a relatively unspoiled area in very close proximity to one of the most densely populated areas on this continent. That enabling legislation envisioned a wilderness area by prohibiting development in the so-called 8-mile zone between Davis Park and Smith Point County Park.

Presently, the National Park Service has no plans to develop the 8-mile zone. However, designation of the zone as wilderness will strengthen the protection of this area. Developing the formal designation will serve as a reminder to us all of the fragile nature of our environment and of the humble yet unparalleled surroundings in which our forefathers first settled this country.

The wilderness area to be created by this legislation will be unique in another sense. Fire Island National Seashore lies south of Suffolk and Nassau Counties in Long Island. Approximately 3 million people live in this bicounty area, and the wilderness is only a few hours drive from New York City and its suburbs.

Documents provided to the committee staff make a strong case for a wilderness area. I want to explain that H.R. 7814 was drafted only after I listened staff make a strong case for a wilderness area. I want to explain that H.R. 7814 was drafted only after I listened to presentations that Wildlife Service refused to include such a requirement in the enabling legislation. That enabling legislation envisioned a wilderness area by prohibiting development in the so-called 8-mile zone between Davis Park and Smith Point County Park.

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Documents provided to the committee staff make a strong case for a wilderness area. I want to explain that H.R. 7814 was drafted only after I listened to presentations that the wilderness designation might have on their historical and traditional use of the area. With few exceptions, the provisions of H.R. 7814 met the recommendations of the environmental and recreational community as well as local residents.

One provision is absolutely critical to this bill. Under the provisions of H.R. 7814, the wilderness designation would apply to lands as if the wilderness designation would apply to lands north of the southern boundary of the Fire Island National Seashore. The boundary was established in 1964. The Wilderness Act of 1964 recognizes the need to protect the environment. The wilderness designation might have on their historical and traditional use of the area.

Mr. Speaker, I recognize the sensitivity of local citizens to disruption of traditional use of the area. Correspondence submitted to the committee indicates the cooperation that existed between disparate interest groups in the development of support for this legislation.

Recognize the sensitivity of local citizens to disruption of traditional usage of the area. Correspondence submitted to the committee indicates the cooperation that existed between disparate interest groups in the development of support for this legislation.

Mr. CARNEY. Mr. Speaker, if the gen-
tlemenn from California will yield, no, we support the proposals in that plan—this provision only requires that the Park Service come to the Interior Committee for approval. After funds already appropriated, and the $500,000 in this provision, have been exhausted.

Mr. DOWNEY. Mr. Speaker, I thank the gentleman. Mr. Speaker, it has been an ambition of mine for many years to see the establishment of a wilderness area in the high dune district of Fire Island. It is a matter of great beauty in a unique location in close proximity to densely populated Long Island and the New York metropolitan area. Such a unique and unspoiled environment deserves the added protection which wilderness designation will confer upon it, so that future generations can enjoy the natural beauty of the high dune areas. Hundreds of my constituents on Long Island and visitors from all across the Nations have over the years.

It is particularly appropriate that this proposal for wilderness designation should bear the name of my good friend and former colleague from Long Island, Otis Pike, whose lifelong commitment to the protection of Long Island seashores is legendary. It is highly fitting that the Otis Pike High Dunes Wilderness should be the first wilderness area to be established in the great State of New York. I want to congratulate my friend and colleague from Long Island, Otis Pike, and acknowledge the invaluable support provided to us by the gentleman from California (Mr. Phillips Bowron) whose expertise in the area of wild and as legislation is well known. Without his advice and assurance we would not be discussing this important measure here today.

Mr. LACOMARISNO. Mr. Speaker, further, reserving the right to object, I urge support of this bill.

Mr. Speaker, this bill deals with wilderness designation in the Fire Island National Seashore in New York. While the area designated is not large—compris- ing 1,368 acres and representing only a portion of the length of the entire seashore—it is located in the most densely populated part of the United States, I believe it is most fortunate that we can make this type of commitment to land management in this area.

This bill has not had the opportunity for close scrutiny and action by the Committee, but its provisions and implications have been widely discussed and worked over by the staffs of both affected members and our Committee, with the consideration of input from the Fire Island Preservation Group, various types of groups which are concerned about issues relevant to the action we take here. It is my further understanding that the President has issued a statement regarding the concurrence of all affected Members of the New York congressional delegation. In that regard, we would not be able to consider this bill today were it not for the strong interest and support from the Honorable Bill Carney and the Honorable Tom Downey, assisted by their able staff members, Mr. Ken Merin and Mr. David Smith, respectively. Since there are a number of issues related to the wilderness designation which could bear some clarification, I believe it is important to comment on some of them at this point.

**BOUNDARY LINE**

The boundary is as generally depicted on the map referred to in the bill text. More specifically, its location is as follows:

- Along the shoreline of the Great South Bay on the north; along the toe of the primary dunes on the south; a generally north-south line which forms the western boundary of the present Smith Point County Park (excluding the Federal visitor center) but within a distance of 100 feet from that present development on the east; and along the immediate perimeter of the existing nature trail and campground at Watch Hill on the west.

**PETITIONAL WILDERNESS ADDITIONS**

Essentially and eventually, no facilities or improvements may be constructed within the wilderness. There are a number of existing facilities within the proposed wilderness which are inconsistent with wilderness designation. These facilities have been designated as "potential wilderness additions" and may be eliminated through time as the opportunity presents itself in each individual case. At such time as this occurs, the sites will automatically become wilderness by act of the Secretary's publication of notice to that effect.

Numerous private residences will be phased out in 1992 and 1993—and one at the end of a life tenancy—and will thereafter be removed from the landscape. The boardwalk, shower and toilet facilities at Old Inlet will at some future time disappear as it is practical for this to occur; deteriorated condition and storm damage should be a major determinant in this decision, as well as the non-conformity with the wilderness type use of the area. The boardwalk trail at the eastern end of the wilderness will be phased out if and when it can be replaced with another suitable non-wilderness location, or if it becomes substantially destroyed by storm action.
(b) The county is authorized to enter such Federal lands for the purpose of identifying and outlining the proposed boundaries.

Sec. 8. Wilderness designation shall not preclude maintenance of the boardwalk and other facilities in the vicinity of the Old Trail.

Sec. 9. Any decision by the Federal Government to transfer the island National Seashore to state or local governments or otherwise terminate the wilderness status created by this Act.

Sec. 10. As soon as practicable after this Act takes effect, a map and description of the boundaries of the wilderness shall be filed with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the United States House of Representatives. The map and description shall be made available for public inspection in the offices of the Superintendent of the Fire Island National Seashore and the Director of the National Park Service.

Sec. 11. Those lands which represent potential wilderness additions, upon publication in the Register of a notice by the Secretary of the Interior, by rule or order, shall be designated "wilderness" and such designations shall be made available for public inspection in the offices of the Superintendent of the Fire Island National Seashore and the Director of the National Park Service.

Sec. 12. The wilderness designated by this Act shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference to such provisions shall be deemed to refer to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to refer to the Secretary of the Interior.

Mr. PHILIP BURTON. Mr. Speaker, I offer an amendment in the nature of a substitute.

Mr. PHILIP BURTON. Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. Moakley). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

H 12275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (6) of section 3 (a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274) is amended by changing said paragraph to read as follows:

"(6) Land which represents potential wilderness additions, upon publication in the Register of a notice by the Secretary of the Interior, in accordance with the Wilderness Act shall be designated "wilderness" and such designations shall be made available for public inspection in the offices of the Superintendent of the Fire Island National Seashore and the Director of the National Park Service.

Sec. 11. Those lands which represent potential wilderness additions, upon publication in the Register of a notice by the Secretary of the Interior, by rule or order, shall be designated "wilderness" and such designations shall be made available for public inspection in the offices of the Superintendent of the Fire Island National Seashore and the Director of the National Park Service.

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AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. PHILIP BURTON. Mr. Speaker, I offer an amendment in the nature of a substitute.

Amendment in the nature of a substitute offered by Mr. PHILIP BURTON: Strike all after the enacting clause and insert in lieu thereof:

That, in accordance with section 3(a) of the 98 Stat. 38; 16 U.S.C. 1274 (c), certain lands in the Fire Island National Seashore, New York, comprising approximately 3,380 acres of land and approximately 1,332 acres of water, shall be transferred to the State of New York for use as a wilderness area.

Sec. 2. The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PHILIP BURTON. Mr. Speaker, I ask unanimous consent that the following be indefinitely laid on the table:

ACQUISITION OF CERTAIN LANDS IN DOUGLAS COUNTY, WIS.

Mr. PHILIP BURTON. Mr. Speaker, I ask unanimous consent that the following be indefinitely laid on the table:

CONFERENCES REPORT ON S. 1143, KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. LEVITAS. Mr. Speaker, I call up the conference report on the Senate bill (S. 1143) with the following recommendations to the Secretary of the Interior:

1. To make the Conference report necessary to the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore.
The Speaker: Mr. LEVITAS, Mr. Speaker, I yield myself such time as I may consume.

Mr. LEVITAS asked and was given permission to revise and extend his remarks.

Mr. LEVITAS. Mr. Speaker, the agreement reached by the conferees authorizes to be appropriated to the Secretary of the Department of the Interior $4,287,000 for the fiscal year ending September 30, 1980, and not to exceed $4,400,000 for the fiscal year ending September 30, 1981, acting through the National Park Service to provide maintenance, security, information, interpretation, and other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

In this regard, the National Park Service is responsible for the maintenance, repair, security, and administration of numerous Presidential memorials in the Nation's Capital. Thus, the Congress directed upon enactment of Public Law 92-313, in 1972, that those memorial-type functions of the Kennedy Center be administered under the supervision of the National Park Service. Subsequently, the Park Service and the Kennedy Center entered into an agreement whereby the Park Service is allocated 78.2 percent of the operation and maintenance costs and the Kennedy Center is allocated 21.8 percent. The authorities contained in the conference reflect the appropriate allocation formula.

Section 2 of the bill designates Ralph E. Becker, an Honorary Trustee of the John F. Kennedy Center for the Performing Arts, in recognition of his service as a founding trustee and general counsel for the Center from 1958 to 1976.

Mr. HARSHA. Mr. Speaker, I yield myself such time as I may consume.

Mr. HARSHA asked and was given permission to revise and extend his remarks.

Mr. HARSHA. Mr. Speaker, I rise in support of the conference report on S. 1142 and H.R. 3051, 96-1530.

The funds authorized by this legislation are consistent with Public Law 85-874, the John F. Kennedy Center Act, as amended, and the cooperative agreement entered into between the Department of the Interior and the John F. Kennedy Center on July 1, 1972, which requires the John F. Kennedy Center to annually pay 23.8 percent of the maintenance cost to the Department of the Interior. The remaining 76.2 percent is provided by the Interior Department. I would like to point out, however, that the 23.8 and 76.2 percent ratio has recently been investigated by the General Accounting Office. That office determined that the Kennedy Center is paying a larger share than they are currently paying. However, because of the grave financial dilemma the Kennedy Center is currently experiencing it is difficult to determine whether the Center would be in a position to do so. The Committee on Public Works and Transportation intends to conduct hearings early in the 97th Congress, in order to find an answer solving the many problems at the Center.

In the meantime, Mr. Speaker, I would like to urge my colleagues to join me in passage of the conference report.

Mr. Speaker, before I yield back the balance of my time, I yield to the gentleman from Maryland (Mr. BAUMAN).

(Without unanimous consent, Mr. BAUMAN was allowed to proceed out of order.)

"Twas the week of adjournment.

Mr. BAUMAN. Mr. Speaker, I appreciate the gentleman's yielding to me.

I thought I would take this time, since this is the bill dealing with the nonperforming arts, and say that I would suspect what the gentleman from Maryland has to say will definitely fall into the category of arts nonperforming.

"Twas the week of adjournment and all through the House, The Members were stirr
ing; they all wanted out.

The Lame Ducks were packing their junk up with a clatter. Happy Christmas to all. and Washington I thought I would take this time, since this is the bill dealing with the nonperforming arts, and say that I would suspect what the gentleman from Maryland has to say will definitely fall into the category of arts nonperforming.

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... The purpose of the Cheshire Foundation is to act merely as a guide for the Homes. The only financial support they provide, if necessary, is the initial stipend to get the new Home started, and few of the new Homes ever refuse that monetary help.

In Africa recently, a new Home was started. The1 addition to the main dining room, there are kitchens and ten areas so that residents may be able to prepare their own food. The government does not offer any subsidizing funding.

A few major resources for the Cheshire Homes is support from the local community members. The active participation of communities and neighborhoods has added immeasurably to the success of the housing network. According to Michael Teague, Chairman of the Board of Directors of the Cheshire Foundation, the local community plays an important role in the Homes future.

"We try to involve the twopople right from the start," Teague reported. "We inform them and discuss our plans and let them know what Cheshire Homes are all about. By including the neighboring community into the plan for the development of the Home, a good rapport is generated from the beginning." Another reason cited as to why the community tends to support these Homes is because they are "small". These not Institutions and have no intentions of becoming grand scale operations. "Small is beautiful," it works! Teague announced with a smile.

All applicants to the Homes are considered without regard to sex, race, creed, national or ethnic background. When a new Home opens, the Cheshire Board of Trustees selects residents who are representative of the local community. An already established Home, new members are chosen by an admissions committee composed of other residents and a member of the local board.

Residents who hold jobs pay what they can for their room and board. Others rely on insurance such as Medicare, Social Security, and VA benefits to cover the living costs.

Attendant care is an additional costly burden to disabled residents in the United States and to disabled people in most other countries. Medical insurance, again, is relied upon to cover these costs. In Canada, however, and in some other countries, national health policies cover these costs.

In the States, Cheshire Homes are beginning to spring up all over. In California, there are already Three Homes, one of which is run strictly on a rented room basis. (Because of lack of funds, each resident must pay for a bed.) In Mississippi, another Home has been established which differs from the rest in that it is specially adapted to accommodate residents who are physically disabled ones. The Nevada Self Help Group is also in the process of beginning a Home in Reno.

In a rather amusing scheme of all," Michael Teague explained, "is the undertaking in New Jersey." Recently, ground-breaking ceremonies took place to launch the building of a new Cheshire Home which, when finished, will accommodate 35 disabled people.

The Home has a barrier-free design and will be one of the largest of the Cheshire Homes in the world. The land for the housing complex was purchased by the New Jersey Urban Mass Transportation Act of 1934, and the money for the Home's construction was raised by a federal loan and through private contributions.

The new Home is expected to be completed in about a year. The Home will consist of single and double rooms, each being large enough to be spacious and to accommodate "work space." Also, each room will open onto a patio.

In an effort to provide a freedom of choice for disabled people, one of the nattest problems that this Home will face, as do many of the others throughout the world, is the selection of its residents. Presently, there are well over 100 applicants on file at the Home in New Jersey alone and more just apply by its expected opening next August.

A similar facility, the Good Shepherd Home in Allegheny, Pa., currently has a five-year waiting list. The only encouraging factor is that many of the applications were submitted in 1978 when the plans for the Home were still in the planning. Some of these applications may not be valid today.

The founder of the Homes, Leonard Cheshire, in speaking at the groundbreaking ceremonies in New Jersey, may have described the Homes most accurately. Cheshire stated that automaton to the Homes is not to create an atmosphere of independence, but rather to provide a freedom of choice for disabled people in where they can live."

Inquiries about the Cheshire Home in New Jersey may be addressed to Dr. David M. Gray, Cheshire Home, Inc. 1 Madison Avenue, Madison, NJ 07940. For information about other Cheshire Homes in the United States and those in Spain contact the Leonard Cheshire Foundation, Inc., 1211 Connecticut Avenue, N.W., Washington, DC 20036.

Mr. RANDOLPH. Mr. President, will my colleague yield?

Mr. MATI'IAS. It is a great pleasure to yield to my distinguished colleague from West Virginia.

Mr. RANDOLPH. Mr. President, it is not a cursory comment I make, but a commendation, I am here to reflect, that the service of Senator Mathias in reference to matters of concern for the handicapped of this country is commendable.

These men, women and children deserve our careful attention and, where possible, our affirmative action. This is but another indication of the Senator's concern, which is reflected in what we are now doing.

Mr. MATI'IAS. Mr. President, I am very grateful to the senior Senator from West Virginia for those generous remarks.

I can only say that when any Member of the Senate, any Member of the Senate, does anything in the area of assistance to enter into a unanimous-consent agreement, I ask unanimous consent that the Senate would object to any agreement. Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move that motion on the table be agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROBERT C. BYRD. To any agreement as to time?

Mr. LUGAR. To no agreement.

Mr. ROBERT C. BYRD. The Senator would object to any agreement?

Mr. LUGAR. I would object.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. WILLIAMS. Mr. President, I am sure it was the hope of most Members that this was to be the last day of this session of the Congress. May we hope that this hope is not as real now as it was a couple of hours ago. At any rate, we are certainly not the last few days of this session of Congress.

If we should return on Monday, I wonder if there would be a possibility then that we might enter into an agreement on this message?

Mr. LUGAR. Respectfully, I would say I do not see that possibility. I would ob-
Mr. President, since the Federal public transportation program began 20 years ago, the Congress has grown increasingly supportive of it. The program has become the linchpin in so many of our urban programs and policies as an essential part of our energy conservation efforts. Its benefits have been extended to small urban and rural areas where it has begun to have an impact on the lives of millions of Americans in small towns and rural areas.

Mr. President, the record votes that have already been taken on this bill in the Senate and in the House provide the best evidence that the vast majority of us have got this message. Surely, those who elected us appreciate that public transportation is crucial to the fulfillment of local plans as well as an essential part of our energy conservation efforts. Its benefits have been extended to small urban and rural areas where it has begun to have an impact on the lives of millions of Americans in small towns and rural areas.

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Mr. the,
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(E). OP.xtf 'PYaICD. yoi• purposes of. this
tion on this measure and there is no Re- .
publican.position in the Senate on this. subsection, the term "open period- means on H.R. 7956.
The.F'RESIDIN[} OFFICER laid before
measure. .I have not participated in .this with respect to any taxPayer, all taxable
years which begin before January 1, 1980. the Senate the following message from
debate until':this moment.
But. -}j2St as. clearly, I intend to pro- and which begin after December 81, 1971^ the House of Representatives:'
Resolved, That the House agree to the
teCt the rights of those on this side who and for which, on December at, 1990; the
of s sefund, or the assessment of a amendments of the Senate numbered 1, 2,
object to the passage of this bill in this ^
deficleacy, was barred by any law oi rule of 8, 4, 5, 6, 21, 28, 26, 29, 28, 29, 30, and 31
form. We need not be lectured on our law.
to the bill (H-R• 7g5Q) entitled "An Act to
responsibility. We accept that responsi(3) ALLOWANCE or raloa nEOIICiTONS IN CAM make various changes in the tax laws,••
or
Czt4'AIN
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PLANBLbility. It is the responsibility that we will
Resolved, That the House agree to the
(A) IN cmmul.u
assume gladly as the majority beginning
amendment Of the Senate numbered 8 to
(1) the taxpayer elects to have this .Pam- the aforesaid bill, with an • amen
on January- 5. I fully expect that that
amendment as
new majority and the new administra- graph apply, and
follows:
(1)
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In lieu
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Proposed toinsert:
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transit that will be presented to the thereon) arising from all erroneous deduc- "204".
Senate.
"
tions,
Reao2ved. That the House agree to the
Mr. President, I believe the Senator then an amount equal to 1/15th of the ag- amendment of the Senate numbered 9 to
from Indiana has rendered a distinct gregate of the prior deductions which would the aforesaid bill, with • an amendment as
service to the Senate and to the country
have been allowable if the amendments made follows:
by his careful attention to this measure, by this section applied to taxable years be.
In lieu of the matter proposed to be in.
as have other Members on this side who ginning before January 1, 19e0, shall be 8erted by the Senate amendment., insert:
allowed as a deduction for the taxpayere first
105".
have spoken at length on this subject.
Several Senators addressed the Chair. taxable year beginning in 1980, and an equal
Resolved,
the House agree to the
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shall be allowed for each of the sue- amendment That
of the Senate numbered 10 to
The PRESIDING OF'FiCER. The Sen- amount
ceedin
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with an amendment as
ator from Louisiana•
(B) Pa:os DsDOarioN. Por the purposes of follows:
subparagraph (A), the term "prior deduc-In lieu of the matter proposed to be inDISCLOSURE OF CERTAIN MAILING tion" means a deduction with respect to a serted by the Senate amendment, Insert:
qualified funded plan (within the meaning "108".
ADDRESSES BY THE INTERNAL of section 404A(i) (1) of the Internal RevResolved, That the House agree to the
REVENIIE'$ERVICE
eaue-Code of 1954) of the taxpayeramendment of the Senate numbered 11 to
(1) which the taxpayer claimed for a tax- the aforesaid bin, with an amendment as
Mr. LONG. Mr. President, I ask that able year (or could have claimed if the follows:
the Chair lay before the Senate a mes- amendments made by this section applied to
In lieu of the matter proposed to be in4155. e House of Representatives. taxable
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years beginning before January 1, serted by the Senate amendment. Insert:
oII H.R.
January
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The PRESIDING OFFICER laid beResolved, That the House agree to the
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Decemfore the Senate the following message
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amendment
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bar 1, 1980, the assessment of a deficiency the
aforesaid
bill,
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from the House of Representatives:
was not barred by any law or rule Of law.
Resolved, That the House
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amendment of the Senate to the^t^tlo the
Ilk ben of the matter proposed. to be !naonra
bill ( H.lt 4155) entitled "An. Act to amend
by the Senate amgndment, Insert:
(A) ^y,_^ election under •paragraph serted
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1954 to allow
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Resolved, That the House agree to the
the Internal Revenue ^^
the due date (lactudin g xtensy iona).
mailing addresses of Individuals who have
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defaulted on certain student loans solely for
of -the Internal Revenue Code
of 19b4
for its 1 the aforesaid bill. with an amendment as
follows:
purposes. of collecting such loans."
first taxable year ending' on or after.DecemIn the matter- proposed to ^ be Inserted by
Resolved, That the House agree to the her 31, 1980.
amendment of the Senate to the teat'of the ( B) 'MnNNae^Aa electioh under
the ^^^ ^^^^+ strike out "8eo. 108"
meL aL- aad Insert: "6ea. 109'•,
(2) may be 'made only by, astatean
aforesaid bill with amendments as follows:
8eaoived. Tliat'the ;
(1) Page 11, line 24, of the Senate en- tached ^.t^-'tgxPayer•a.return•for.-its:Srat
House agree to-the
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(2) Page 19, line 14, strike out "nine", and
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°itti:the Secretary of the.`Treasury or h1a
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(8) 'Page:22, Strike -out line 1, over to'and
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Including line 8 on.page 24, and insert: :
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Resolved.. That the E[ouse "s?ee to..'the
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(m) Employees of an Affiliated Service Group.—

(1) In general.—For purposes of the employee benefit requirements listed in paragraph (a), the principles of section 272 (c) shall apply to the extent otherwise provided in regulations, all employees of the members of an affiliated service group shall be treated as employed by a single employer.

(2) Plans in existence on November 30, 1980.—In the case of a plan in existence on November 30, 1980, the amendments made by this section shall apply to plan years beginning after November 30, 1980.

Resolved, that the Senate agrees to the amendments of the Senate numbered 7, 16, 18, 19, 20, 22, and 23.

Mr. LONG. Mr. President, this measure has two amendments that the Senate has been informed about. Both of these amendments were contained in the bill the House originally sent us. The first deals with an abuse of the tax law by certain so-called professional corporations and other businesses. These companies would incorporate their professionals, for example, in one corporation and their secretaries and various office help in another corporation. Under the bill as passed, they could provide pension benefits for themselves and not provide pension benefits for their secretaries and their office help or provide such benefits in much lesser amounts for them. Obviously, that is the kind of thing that the House has said it would not approve. The Treasury found this practice highly repugnant and urged us to correct it. The House finally eliminated this abuse by expanding the aggregation rules with respect to the treatment of certain service organizations and related organizations for purposes of satisfying the requirements for qualified retirement plans, medical reimbursement plans, cafeteria plans, and simplified employee pensions.

We struck that provision from this bill, H.R. 7959. Initially, because we had had a complaint about it and we had not had a chance to find out what the basis of the complaint about the measure was. We understood it, and we are persuaded that the House is right about the matter. The Treasury is also strongly in support of the House position.

So we believe, Mr. President, we should concur in the amendment that the House had sent us initially and we believe, in hindsight, we should have agreed to it.

Mr. President, may I say that as a result of this section, we will increase revenue. It is conservatively estimated that the budget receipts will be increased by $50 million for fiscal year 1981, $75 million for 1982, and $100 million for 1983 through 1985. I know that will be good news to our friends on the Budget Committee who are fretting even now as to how they will find money to cover costs and provide for national defense, and other matters.

The general amendment deals with the investment tax credit for certain rehabilitated buildings. Under the present investment tax credit rules, generally no credit is allowed for property used by a tax-exempt organization or governmental unit. This amendment allows the investment tax credit for rehabilitated buildings which we leased to a tax-exempt organization or governmental unit.

Mr. President, we have reviewed this matter again and now believe we should concur in the House provision.

Mr. President, I move that the Senate concur in the House amendments and recede from its amendments numbered 7, 16, 18, 19, 20, 22, and 23. The reason, Mr. President, is that there are so many amendments I am referring to here is some of these section numbers, technical amendments.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. Dole. Mr. President, no one questions the goal of the legislation, which teted buildings which are leased to a tax-exempt organization or governmental unit. These companies, we believe, in the Senate. But I am concerned that at least we have had some indications that this legislation may be too broad in scope. Of course, we should not be enacting legislation where there is not any abuse. For that reason, it would have been better if the Finance Committee had held hearings on this bill.

I have not been interested in some, however. It has a number of worthwhile provisions and should not be blocked because this pension provision may have minor technical problems.

If it turns out that there are problems with this provision in practice, I would hope we would have early hearings next year to take whatever corrective action might be necessary.

On the basis of some of the changes made, I certainly think it is probably best to proceed at this time. I have no objections.

Mr. LONG. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DOMENICI. Mr. President, I just want to make this observation: I did not get to add up the figures as the Senator from Louisiana mentioned the tax receipts that would accrue because of one of these amendments, but it is somewhere around $300 million in 4 years. Is that approximately correct?

Mr. LONG. Yes, that is roughly correct.

Mr. DOMENICI. Mr. President, when I walked on the floor about 10 minutes, the distinguished Senator from New Jersey, for whom I have the greatest respect, was talking about a bill that my good friend from Indiana has been resisting for a few days until we can look at it more carefully. I would like to put the cost of that bill into perspective with the savings that the Senator talked about.

That bill would only have cost $25 billion and had we passed it and had it received the appropriations that it obviously demands. So we have a very good comparison here of what has been going wrong with our country.

The Senator from Louisiana is here talking about raising about $500 million in taxes and somebody else has raised just a Senator who says in the last 4 minutes of this session let us not pass a bill that will cost $25 billion but will cost $25 billion.

I thank the Senator for his effort, I thought we ought to draw that comparison.
The purpose of the Cheshire Foundation is to act merely as a guide for the Homes. The only financial support they provide, if necessary, is that of the group family being taken care of by the Home in operation. But some of the new Homes even refuse that monetary help.

Thus, a new Home was started, but the residents turned down our help. They wanted to make it on their own. Cheshire Homes relies totally on voluntary, private contributions for daily operations. The government does not offer any subs. diving with 2.5 million dollars being added to the Home's budget.

One of the major resources for the Cheshire Homes is support from the local community. The active participation of community people has added immensely to the success of the housing network. According to Michael Teague, Chairman of the Board of Directors of the Cheshire Foundation, the local community plays an important role in the Homes' future.

"We try to involve the townpeople right from the start," Teague reported. "We inform them and discuss our plans and let them know that Cheshire Homes is all about. By including the neighboring community into the plan for the development of the Home, a bigger support is generated from the beginning.

Another reason cited as to why the community expressed enthusiasm for the Homes is because they are "too small." They are not institutions and have no intentions of being grand scale operations. "Small is beautiful. It works!" Teague announced with a smile.

All applicants to the Homes are considered without regard to sex, race, creed, financial status, or ethnic background. When a new Home opens, the Cheshire Board of Trustees selects residents who are representative of the local community. In an already established Home, new members are chosen by an admissions committee composed of other residents and a few members of the local Board. Residents who hold jobs pay what they can for their room and board. Others rely on insurance, Medicaid, Social Security, and VA benefits to cover the living costs.

Attendant care is an additional costly burden to disabled residents in the United States and to disabled people in most other countries. Medical insurance, again, is relied upon to cover these costs. In Canada, however, and in some other countries, national health policies cover these costs.

In the States, Cheshire Homes are beginning to be recognized. In California, there are presently three Homes, one of which is run strictly on a rented room basis. (Because of lack of funds, each resident must pay a rental.) In Mississippi, another Home has been established which differs from the rest in that it is free of resident's payment. Residents are physically disabled, the Nevada Self Help Group is also in the process of beginning a Home in Reno.

"The most ambiguous scheme of all," Michael Teague explained, "is the undertaking in New Jersey. Recently, ground-breaking ceremonies took place to launch the building of a new Cheshire Home which, when finished, will accommodate 35 disabled people.

The Home has a barrier-free design and will be one of the largest of the Cheshire Homes in the world. The land for the housing complex was donated by the Exxon Corporation, and the money for the Home's construction was raised by a federal loan and through private contributions. The 1.8 million dollar home is expected to be completed in about a year. The Home will consist of single and double rooms, each being 12 ft. 6 x 12 ft. personalized and to accommodate "work space." Also, each room will open onto a patio.

Dining and recreational rooms are located in the building. As are hobby rooms, a library, TV lounges, a personal care center, and a "laundry shop." In addition to the main dining room, there are kitchenette and den areas so that residents may entertain guests.

One of the main problems that this center faces is making sure as many of the others throughout the world, is the selection of its residents. Presently, there are well over 100,000 applicants on file at the Home in New Jersey. When the Home opens, many more will apply by its expected opening next August. A similar facility, the Good Shepherd Home in Allegheny County, Pennsylvania, has a five-year waiting list. The only encouraging factor is that many of the applicants were submitted over a year ago when the plans for the Home were still in the making. Some of those applications may not be valid today.

"The founder of the Homes," Leonard Cheshire, in speaking at the groundbreaking ceremonies in New Jersey, may have described the Homes most accurately. Cheshire stated that "the idea of the Homes is not to create an atmosphere of independence, but rather to provide a freedom of choice for disabled people in where they can live.

Inquiries about the Cheshire Home in New Jersey may be addressed to Dr. David M. Grayzel, Chairman, Cheshire Home, Inc. 1 Madison Avenue, Madison, NJ 07940. For information about other Cheshire Homes in the United States or elsewhere, contact the Leonard Cheshire Foundation, Inc., 1211 Connecticut Avenue, N.W., Washington, DC 20036.

Mr. RANDOLPH, Mr. President, will my colleague yield?

Mr. MATHIAS. It is a great pleasure to yield to my distinguished colleague from West Virginia.

Mr. RANDOLPH. Mr. President, it is not a cursory comment I make, but a reflection, rather, that the service of Senator Mathias in reference to matters of concern for the handicapped of this country is commendable.

These men, women and children deserve our careful attention and, where possible, our affirmative action.

This is but another indication of the Senator's concern, which is reflected in what we are now doing.

Mr. MATHIAS, Mr. President, I am very grateful to the senior Senator from West Virginia for those generous remarks.

I can only say that when any Member of the Senate, any Member of the Senate, does anything in the area of assistance to the handicapped, he walks in the footsteps of the Senator from West Virginia.

RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

Mr. ROBERT C. BYRD. Mr. President, would the Senator be willing to settle for 2 hours?

Mr. LUGAR, Mr. President, reserving the right to object, I am not prepared to enter into a unanimous-consent agreement, and I would have to object to the majority leader's propounding it.

Mr. ROBERT C. BYRD. To any agreement as to time?

Mr. LUGAR. To no agreement.

Mr. ROBERT C. BYRD. The Senator to no agreement.

Mr. LUGAR. To any agreement.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator.

Mr. WILLIAMS. Mr. President, I am sure it was the hope of most Members that this bill was to be the last day of this session of Congress. Maybe that hope is not as real now as it was a couple of hours ago. At any rate, we are certainly within the last few days of this session of Congress. If we should return on Monday, I wonder if there would be a possibility then that we might enter into an agreement on this message?

Mr. LUGAR. Respectfully, I would say I do not see that possibility. I would ob-
Memorandum

To: Assistant Secretary for Fish and Wildlife and Parks
From: Director, National Park Service

Subject: H.R. 7814, a bill "To designate certain lands of the Fire Island National Seashore as the 'Otis Pike Fire Island High Dome Wilderness,' and for other purposes."

Transmitted for your review and signature is the enclosed memorandum to the Legislative Counsel concerning the subject legislation. FWS has reviewed the memorandum and expresses no objection.

Please note we recommend enactment of the bill if amended as directed herein.

Enclosure

bcc:
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Regional Director, NARO (2)
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Honorable James T. McIntyre  
Director, Office of Management and Budget  
Attention: Assistant Director for  
Legislative Reference  
Washington, D. C. 20503

Dear Mr. McIntyre:

This responds to your request for our views on enrolled bill H.R. 7814, "To designate certain lands of the Fire Island National Seashore as the "Otis Pike Fire Island High Dune Wilderness", and for other purposes."

We recommend that the President approve the enrolled bill.

Enrolled bill H.R. 7814 would designate certain lands of the Fire Island National Seashore as the Otis Pike Fire Island High Dune Wilderness. The bill would also establish a development ceiling of $500,000 for the Fire Island National Seashore.

We are seriously concerned about the $500,000 development ceiling. This provision will disrupt projects already underway at Fire Island, i.e., restoration of the William Floyd Estate and the Patchogue Ferry terminal. These projects are identified and supported by a General Management Plan completed in 1978. The $500,000 ceiling was determined without any consultation with the Department of the Interior. We believe that it will be necessary to seek separate legislation as soon as possible to raise the development ceiling to $4.1 million to continue the ongoing projects.

We also note that the southern boundary of the wilderness area designated pursuant to H.R. 7814 would extend no farther than the "toe of the dune." The National Park Service had hoped the southern boundary would extend to the "Mean High Water Mark," to better protect the fragile root structures of the beach grasses which stabilize the dunes from off-road vehicle use. Because the majority of vehicular users find it easier to drive on the hard-packed sand below the Mean High Water Mark, we trust the significance of this legislation will be limited in its impact.
There is virtually no legislative history pertaining to H.R. 7814, with the exception of a dialogue between Messrs. Carney and Burton at the time the measure was considered in the House. No committee reports were filed on the legislation. As a consequence, some issues, which were addressed in the original version of H.R. 7814, are not clarified. Most notable of these are two underground utility lines which run through the center of the wilderness area. No indication is given as to whether the lines are permissible, what level of maintenance the Long Island Lighting Company is permitted, and/or whether the company would be permitted to lay additional lines through the area, as it now appears ready to propose. We will seek clarification from the committees of Congress through correspondence to document legislative intent.

Although we have these concerns and we believe them to be serious, we do not believe that they are serious enough to merit the withholding of approval by the President. Perhaps, if the 96th Congress was still in session, we would recommend that the President disapprove the legislation, requesting that the Congress consider the matter further.

Sincerely,

(SGD) DOE HERBST

SECRETARY

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Memorandum

To: Legislative Counsel
From: Assistant Secretary for Fish and Wildlife and Parks (Sgd) Bob

Subject: H.R. 7814 — Fire Island National Seashore Wilderness, New York

We recommend, with reservations, that the President sign H.R. 7814, a bill "To designate certain lands of the Fire Island National Seashore as the 'Otis Pike Fire Island High Dune Wilderness,' and for other purposes," which cleared Congress on December 15, 1980. It is our opinion that this otherwise worthwhile legislation unduly interferes with the orderly administration and development of Fire Island National Seashore. In specific terms, our reservations are as follows:

1. Paragraph (e) of H.R. 7814 places a development ceiling of $500,000 on the national seashore. This provision is unrelated to the wilderness legislation, and the $500,000 authorization ceiling is unrealistic. It will disrupt projects already underway at Fire Island, i.e., restoration of the William Floyd Estate and the Patchogue Ferry terminal. These projects are identified and supported by a General Management Plan completed in 1978. The $500,000 ceiling was determined without consultation with the Department of the Interior. We will propose separate legislation as soon as possible after the convening of the 97th Congress to raise the development ceiling to $4.1 million to continue the ongoing projects.

2. The wilderness map referred to in paragraph (a) of the bill has not been seen or reviewed by this Department. We assume the map's configuration generally follows the National Park Service's preliminary Fire Island wilderness proposal released to the public in March 1980.

3. The southern boundary of the wilderness area designated pursuant to H.R. 7814 would extend no farther than the "toe of the dune." The National Park Service had hoped the southern boundary would extend to the "Mean High Water Mark," to better protect the fragile root structures of the beach grasses which stabilize the dunes from off-road vehicle use. Because the majority of vehicular users find it easier to drive on the hard-packed sand below the Mean High Water Mark, we trust the significance of this legislation will be limited in its impact.

4. There is virtually no legislative history pertaining to H.R. 7814, with the exception of a dialogue between Senators Carnes and Burton at the time the measure was considered in the House. No committee reports were filed on the legislation. As a consequence, some issues, which were addressed in the original
version of H.R. 7814, are not clarified. Most notable of these are two underground utility lines which run through the center of the wilderness area. No indication is given as to whether the lines are permissible, what level of maintenance the Long Island Lighting Company is permitted, and/or whether the company would be permitted to lay additional lines through the area, as it now appears ready to propose. We will seek clarification from the committees of Congress through correspondence to document legislative intent.

bcc: Secretary's RF (2) CL SOL FW Regional Director, NARO (2) 001-RF 002 160 170-Lambe 170-Whitehead 170-suspense 190 FNP: AEck: paj: 12/17/80 REWRITTEN: FNP: AEck: paj: 12/18/80 BASIC RETAINED IN 170(W)
Memorandum

To: Legislative Counsel

From: Assistant Secretary for Fish and Wildlife and Parks

Subject: H.R. 7814, a bill "To designate certain lands of the Fire Island National Seashore as the 'Otis Pike Fire Island High Dune Wilderness,' and for other purposes."

This legislation is not part of the Department's legislative program for the Second Session of the 96th Congress.

I. Summary of legislation:

If enacted, H.R. 7814 would designate 1,363 acres of immediate and 18 acres of potential wilderness at Fire Island National Seashore, New York, as depicted on a wilderness plan map dated May 1980. The area would be known as the "Otis Pike Fire Island High Dune Wilderness."

Section 2 of the bill generally describes by physical features the wilderness area depicted on the map referred to in section 1. One serious discrepancy arises, however, on the eastern boundary of the wilderness area. According to section 2 the boundary terminates at the "westernmost point of the Smith Point West Nature Trail for the Handicapped." This conflicts with the map and acreage figures in the previous section, which indicate all lands surrounding the trail would be made wilderness and the trail itself designated as potential wilderness. The National Park Service has no plans at this time to abandon the Smith Point West Nature Trail for the Handicapped and we will propose in the final section of this memorandum to resolve the discrepancy between sections 1 and 2 in favor of the written description, representing a wilderness area of 1,327 acres for immediate designation and 20 acres as potential wilderness. This section also introduces the concept of using the "toe of the dune" as the physical feature defining the southern boundary of the wilderness area. We will propose this be changed to the "mean high water mark" so as to remain consistent with other national seashore parks. The significance of this issue is discussed in further detail in section VIII of this memorandum.

Section 3 of H.R. 7814 requires congressional approval for any major Federal developments in that portion of Fire Island National Seashore west of the wilderness area, except for proposed projects at Talisman and the lighthouse. This section ignores the congressional appropriations process, which results in congressional approval of any significant construction item in the National Park Service budget. We will propose to strike this section of the bill.
Section 4 would ensure continued vehicular traffic seaward of the "toe of the dune," as may be provided elsewhere in the national seashore, regardless of wilderness designation. This provision ignores the fact that certain resources in different areas of the national seashore may merit different management. Removal of this section would not interfere with the temporary access corridors (designated potential wilderness) used by homeowners under limited terms of use and occupancy.

Section 5 would guarantee that present maintenance practices for public utility cables continue in the wilderness area. We will propose that this be changed to permit continued maintenance of the utility system, but retain the option to regulate these practices so as to ensure minimum impact on the area.

Section 6 would ensure that wilderness designation does not preclude the repair of breaches throughout the national seashore, in order to prevent loss of life or severe damage in the Great South Bay and surrounding areas. The relevance of wilderness designation to areas outside the wilderness area in matters relating to beach repairs is unclear and can only serve to confuse, rather than guide, decision making. We will propose, as appropriate in wilderness legislation, that the section be revised to pertain only to the area designated as wilderness.

Section 7 would authorize the Suffolk County Department of Health to determine when a mosquito infestation at Fire Island National Seashore poses a hazard to the health of county residents; and in the event of such finding, take such steps as the county deems necessary to eliminate the infestation, including the use of insecticides. Suffolk County would be authorized to enter onto Federal lands in the course of making its determination or treating infested areas. These Federal lands include not only the national seashore, but the Seatuck and Wertheim National Wildlife Refuges. We strongly oppose this section and will not recommend enactment of H.R. 7814 unless section 7 is deleted from the bill. Tests for encephalitis have proved negative to date. Despite this, the staffs of Fire Island National Seashore and Target Rock National Wildlife Refuge met in 1978 with Suffolk County officials, and agreed to consider the county's position provided it be fully supported by an assessment of alternatives. Thus far, no such assessment has been forthcoming.

Section 8 provides for the continued maintenance of the boardwalk and other existing facilities in the vicinity of Old Inlet. We shall propose, in keeping with wilderness guidelines, that "existing facilities" be further defined as those compatible with wilderness.

Section 9 terminates the wilderness designation at Fire Island in the event the park is transferred back to the State or subdivision thereof. This is essentially a useless provision, since specific legislation would be required to deauthorize the seashore, and it can be assumed the question of wilderness would be addressed at that time.
Section 10 provides for the filing of a wilderness boundary description and map with the appropriate committees of Congress as soon as practicable. This is standard phrasing in park wilderness legislation.

Section 11, also standard, authorizes the Secretary to upgrade potential wilderness to full wilderness, upon cessation of incompatible use, by publication of a notice in the Federal Register.

Similarly, section 12 is standard language intended to bring this legislation into conformity with the Wilderness Act of 1964.

II. Reason for the bill:

Since the enactment of the original Fire Island National Seashore legislation in 1964, the area proposed for wilderness designation pursuant to H.R. 7814 has been recognized as an outstanding primitive area. Section 7(b) of the Act of September 11, 1964, referring specifically to that portion of Fire Island between Davis Park and Smith Point County Park (popularly known as the "8 mile zone") states: "access ... shall be provided by ferries and footpaths only ... no development or plan for the convenience of visitors shall be undertaken therein which would be incompatible with the preservation of the flora and fauna or the physiographic conditions now prevailing, and every effort shall be exerted to maintain and preserve this section of the Seashore ... in as nearly (its) present state and condition as possible."

The General Management Plan for the seashore was approved in 1978. That plan recommended a wilderness review be initiated by 1980 for lands in the "8 mile zone", or "High Dunes Management Unit" as it's called in the GMP. The draft wilderness study report was released to the public on March 26, 1980, and formal public hearings on the Fire Island wilderness proposal were conducted in Patchogue, New York, on May 2, 1980.

The National Park Service is in the final stages of preparing its proposal based on the comments received during the public review stage. Local interest in the creation of a Fire Island wilderness area has been strong and quite supportive. The position assumed in this memorandum is based on the Park Service's recommendations.

III. Alternatives:

A. No action - Current law already provides for special management for the High Dunes area sensitive to its natural character. While wilderness designation would appear a logical complement to existing law and a means by which to define the management of the dunes even further, failure to enact H.R. 7814 or a modified form thereof would not abandon the area to environmental degradation.

B. Wilderness recommendation - H.R. 7814 anticipates the regular wilderness review process, usually resulting in a proposal submitted by the President to Congress. H.R. 7814 could be recommended for deferral pending completion of this process, though it is generally felt we should take advantage of the opportunity afforded to us by the present legislation.
IV. Results of enactment:

H.R. 7814, either as introduced or as we would propose to amend it, would incur no additional obligations to the Federal Government.

V. Summary of legislative interest:

H.R. 7814 was introduced by Representatives William Carney (R-NY) and Norman Lent (R-NY) on July 24, 1980. Mr. Carney represents that portion of the Fire Island National Seashore located in Suffolk County. Mr. Downey (D-NY), who also represents a portion of the seashore, similarly favors wilderness, but objects to the particulars of the Carney legislation, especially the mosquito control provision. Senators Javits and Moynihan introduced a bill similar to Carney's, S. 3041, on August 19, 1980. It is identical to H.R. 7814, except that the mosquito control section has been deleted entirely.

VI. Public statements:

None.

VII. Summary of major policy questions raised by legislation:

A major issue raised by H.R. 7814 is the use of the "toe of the dune," rather than the "mean high water" line, to define the landward limit of the beach. This is important because where vehicular use is permitted along beaches in national park areas along the east coast, the "mean high water" line is consistently used to denote the upper beach perimeter. Both terms have their respective weaknesses, but mean high water is generally quite visible because of the "rack line," or line of wood, shell and seaweed deposition left behind as the tide recedes from its maximum surge. Moreover, the use of this term ensures that the sand is more firm and that vehicular tracks are regularly erased with the following tide. The "toe of the dune" is also readily seen, being the seaward base of primary dunes above the beach. The term is deceptive, however, in that beach grasses and natural forces are often at work beyond the toe. Consequently, this demarcation does not constitute a natural division between ecological communities. Finally, the rehabilitative power of frequent cleansing by tidal action is not assured when limited to a "toe of the dune" boundary for vehicular traffic. It is very important the "mean high water" line continue to be the standard for regulating off-road vehicles in parks throughout the Atlantic Coast line.

VIII. Recommendation of support or opposition:

For reasons stated in section I of this memorandum, we recommend that H.R. 7814 be enacted if amended as follows:

Strike all after the enacting clause and insert the following:
"That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890) certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and seventy-seven acres, and potential wilderness additions comprising approximately 20 acres, as depicted on the map, entitled, 'Wilderness Plan for Fire Island National Seashore, New York', dated September 1980 and numbered 615-80,001, are hereby designated as 'The Otis Pike Fire Island High Dune Wilderness.'

"Sec. 2. As depicted on the map above the boundaries of the wilderness shall be: The shoreline of the Great South Bay on the north, the mean high water line on the south; the westernmost point of the Smith Point West Nature Trail for the Handicapped on the east; and the eastern edge of the Watch Hill campground on the west. The seventeen-acre Bellport Beach tract is specifically excluded from the wilderness area.

"Sec. 3. The Secretary shall permit maintenance of public utilities on non-Federal easements and rights of way within the wilderness.

"Sec. 4. Wilderness designation shall not preclude the repair of breaches that occur in the wilderness area in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

"Sec. 5. Wilderness designation shall not preclude maintenance of the boardwalk and other existing wilderness compatible facilities at Old Inlet.

"Sec. 6. As soon as practicable after this Act takes effect, a map and description of the boundaries of the wilderness shall be filed with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such map and description shall have the same force and effect as if included in the Act: Provided, however, That correction of clerical and typographical errors may be made. The map and description of boundaries shall be on file and available for public inspection in the Office of the Director of the National Park Service and in the Office of the Superintendent of Fire Island National Seashore.

"Sec. 7. Those lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Such potential wilderness additions shall be managed by the Secretary, insofar as practicable, as wilderness until such time as they are designated as wilderness.

"Sec. 8. The wilderness designated by this Act shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that
Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior."
To designate certain lands of the Fire Island National Seashore as the “Otis Pike Fire Island High Dune Wilderness,” and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 1980

Mr. CARNEY (for himself and Mr. LENT) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To designate certain lands of the Fire Island National Seashore as the “Otis Pike Fire Island High Dune Wilderness,” and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890) certain lands in the Fire Island National Seashore, New York, comprising approximately one thousand three hundred and sixty-three acres, and potential wilderness additions comprising approximately eighteen acres, as depicted on the map, entitled “Wilderness Plan for Fire
Island National Seashore, New York”, dated May 1980, are hereby designated as “The Otis Pike Fire Island High Dune Wilderness.”

SEC. 2. As depicted on the map above the boundaries of the wilderness shall be: The shoreline of the Great South Bay on the north; the toe of the primary dunes on the south; the westernmost point of the Smith Point West Nature Trail for the Handicapped on the east; and the eastern edge of the Watch Hill campsite on the west. The seventeen-acre Bellport Beach tract is specifically excluded from the wilderness area.

SEC. 3. With the exception of proposed developments at Talisman and the lighthouse, major Federal developments of any area in the Fire Island National Seashore west of the western boundary, as set forth in section 2 of the Act, shall require congressional approval.

SEC. 4. Wilderness designation shall not restrict vehicular traffic on lands seaward of the toe of the dune, beyond restrictions in effect in the remainder of the Fire Island National Seashore area.

SEC. 5. Wilderness designation shall not interfere with present maintenance practices for public utility cables within the wilderness area.

SEC. 6. Wilderness designation shall not preclude the repair of breaches that occur either in the wilderness area, or
in the remainder of the Fire Island National Seashore, in order to prevent loss of life, flooding, and other severe economic and physical damage to the Great South Bay and surrounding areas.

Sec. 7. (a) Upon a finding by the Suffolk County Department of Health that mosquito infestation on the Fire Island National Seashore, William Floyd Estate, Wertheim Estate, or the Peters-Webster Estate, results in a danger to the health of Suffolk County residents, the county is authorized to use such resources as it deems necessary to eliminate such infestation, including breeding source reduction and the use of insecticides.

(b) The county is authorized to enter such Federal lands for the purpose of identifying and treating mosquito-infested areas.

Sec. 8. Wilderness designation shall not preclude maintenance of the boardwalk and other existing facilities in the vicinity of the Old Inlet.

Sec. 9. Any decision by the Federal Government to return Fire Island National Seashore to State and/or local governments shall terminate the wilderness status created by this Act.

Sec. 10. As soon as practicable after this Act takes effect, a map and description of the boundaries of the wilderness shall be filed with the Energy and Natural Resources
Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such map and description shall have the same force and effect as if included in the Act: Provided, however, That correction of clerical and typographical errors may be made. The map and description of boundaries shall be on file and available for public inspection in the Office of the Director of the National Park Service in the Office of the Superintendent of Fire Island National Seashore.

SEC. 11. Those lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses prohibited thereon by the Wilderness Act have ceased, shall thereby be designated wilderness. Such potential wilderness additions shall be managed by the Secretary, insofar as practicable, as wilderness until such time as they are designated as wilderness.

SEC. 12. The wilderness designated by this Act shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.