

ASSATEAGUE ISLAND NATIONAL  
SEASHORE, MARYLAND AND VIR-  
GINIA

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 20.

The PRESIDING OFFICER (Mr. MONDALE in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 20) to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia and for other purposes, which was, to strike out all after the enacting clause and insert:

That for the purpose of protecting and developing Assateague Island in the States of Maryland and Virginia and certain adjacent waters and small marsh islands for public outdoor recreation use and enjoyment, the Assateague Island National Seashore (hereinafter referred to as the "seashore") shall be established and administered in accordance with the provisions of this Act. The seashore shall comprise the area within Assateague Island and the small marsh islands adjacent thereto, together with the adjacent water areas not more than one-half mile beyond the mean high waterline of the land portions as generally depicted on a map identified as "Proposed Assateague Island National Seashore, Boundary Map, NS-AI-7100A, November, 1964", which map shall be on file and available for public inspection in the offices of the Department of the Interior.

SEC. 2. (a) Within the boundaries of the seashore, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, waters, and other property, or any interest therein, by donation, purchase with donated or appropriated funds, exchange, or in such other method as he may find to be in the public interest. The Secretary is authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein on the mainland in Worcester County, Maryland, for an administrative site. In the case of acquisition by negotiated purchase, the property owners shall be paid the fair market value by the Secretary. Any property or interests therein owned by the States of Maryland or Virginia shall be acquired only with the concurrence of such owner. Notwithstanding any other provision of law, any Federal property located within the boundaries of the seashore and not more than ten acres of Federal property on the mainland in Worcester County, Maryland, may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for purposes of the seashore.

(b) When acquiring lands by exchange, the Secretary may accept title to any non-Federal property within the boundaries of the seashore and to not more than ten acres of non-Federal property on the mainland in Worcester County, Maryland, and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary which he classifies as suitable for exchange or other disposal, and which is located in Maryland or Virginia. The properties 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 properties exchanged.

(c) The Secretary is authorized to acquire all of the right, title, or interest of the Chincoteague-Assateague Bridge and Beach Au-

thority, a political subdivision of the State of Virginia, in the bridge constructed by such authority across the Assateague Channel, together with all lands or interests therein, roads, parking lots, buildings, or other real or personal property of such authority, and to compensate the authority in such amount as will permit it to meet its valid outstanding obligations at the time of such acquisition. Payments by the Secretary shall be on such terms and conditions as he shall consider to be in the public interest. Any of the aforesaid property outside the boundaries of the national seashore, upon acquisition by the Secretary, shall be subject to his administration for purposes of the seashore.

(d) 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 or for hunting purposes, as hereinafter provided, for a term that is not more than twenty-five years. In such cases, the Secretary shall pay to the owner of the property the fair market value thereof less the fair market value of the right retained by such owner: *Provided*, That such use and occupancy shall be subject to general rules and regulations established by the Secretary with respect to the outward appearance of any buildings on the lands involved. The term "improved property" as used in this Act shall mean (1) any single-family residence the construction of which was begun before January 1, 1964, 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 noncommercial residential use of the building, and (2) any property fronting on the Chincoteague Bay or Sinepuxent Bay, including the offshore bay islands adjacent thereto, that is used chiefly for hunting and continues in such use: *Provided*, That the Secretary may exclude from improved properties any marsh, beach, or waters, together with so much of the land adjoining such marsh, beach, or waters as he deems necessary for public use or public access thereto.

Sec. 3. (a) If the bridge from Sandy Point to Assateague Island is operated by the State of Maryland as a toll-free facility, the Secretary is authorized and directed to compensate said State in the amount of two-thirds of the cost of constructing the bridge, including the cost of bridge approaches, engineering, and all other related costs, but the total amount of such compensation shall be not more than \$1,000,000; and he is authorized to enter into agreements with the State of Maryland relating to the use and management of the bridge.

(b) The State of Maryland shall have the right to acquire or lease from the United States such lands, or interests therein, on the island north of the area now used as a State park as the State may from time to time determine to be needed for State park purposes, and the Secretary is authorized and directed to convey or lease such lands, or interests therein, to the State for such purposes upon terms and conditions which he deems will assure its public use in harmony with the purposes of this Act. In the event any of such terms and conditions are not complied with, all the property, or any portion thereof, shall, at the option of the Secretary, revert to the United States in its then existing condition. Any lease hereunder shall be for such consideration as the Secretary deems equitable; and any conveyance of title to land hereunder may be made only upon payment by the State of such amounts of money as were expended by the United States to acquire such land, or interests therein, and upon payments of such amounts as will reimburse the United States for the cost of any improvements placed thereon by the United States, including the cost to it of beach protection: *Provided*,

That reimbursement for beach protection shall not exceed 30 per centum, as determined by the Secretary, of the total cost of the United States of such protection work.

Sec. 4. When the Secretary determines that land, water areas, or interests therein within the area generally depicted on the map referred to in section 1 are owned or have been acquired by the United States in sufficient quantities to provide an administrable unit, he shall declare the establishment of the Assateague Island National Seashore by publication of notice thereof in the Federal Register. Such notices shall contain a refined description or map of the boundaries of the seashore as the Secretary may find desirable, and the exterior boundaries shall encompass an area as nearly as practicable identical to the area described in section 1 of this Act.

Sec. 5. The Secretary shall permit hunting and fishing on land and waters under his control within the seashore in accordance with the appropriate State laws, to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management or public use and enjoyment: *Provided*, That nothing in this Act shall limit or interfere with the authority of the States to permit or to regulate shellfishing in any waters included in the national seashore: *Provided further*, That nothing in this Act shall add to or limit the authority of the Federal Government in its administration of Federal laws regulating migratory waterfowl. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting and fishing activities. The provisions of this section shall not apply to the Chincoteague National Wildlife Refuge.

Sec. 6. (a) Except as provided in subsection (b) of this section, the Secretary shall administer the Assateague Island National Seashore for general purposes of public outdoor recreation, including conservation of natural features contributing to public enjoyment. In the administration of the seashore and the administrative site the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authority otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(b) Notwithstanding any other provision of this Act, land and waters in the Chincoteague National Wildlife Refuge, which are a part of the seashore, shall be administered for refuge purposes under laws and regulations applicable to national wildlife refuges, including administration for public recreation uses in accordance with the provisions of the Act of September 28, 1962 (Public Law 87-714; 76 Stat. 653).

Sec. 7. (a) In order that suitable overnight and other public accommodations on Assateague Island will be provided for visitors to the seashore, the Secretary shall select and set aside one or more parcels of land in Maryland having a suitable elevation in the area south of the island terminus of the Sandy Point-Assateague Island Bridge, the total of which shall not exceed six hundred acres, and the public use area on the Chincoteague National Wildlife Refuge now operated by the Chincoteague-Assateague Bridge and Beach Authority of the Commonwealth of Virginia, and shall provide or allow the provision of such land fill within the areas selected as he deems necessary to permit and protect permanent construction work thereon: *Provided*, That the United States shall not be liable for any damage that may be incurred by persons interested therein by

reason of the inadequacy of the fill for the structures erected thereon.

(b) Within the areas designated under subsection (a) of this section the Secretary shall permit the construction by private persons of suitable overnight and other public accommodations for visitors to the seashore under such terms and conditions as he deems necessary in the public interest and in accordance with the laws relating to concessions within the national park system.

(c) The site of any facility constructed under authority of this section shall remain the property of the United States. Each privately constructed concession facility, whether within or outside of an area designated under subsection (a) of this section, shall be mortgageable, taxable, and subject to foreclosure proceedings, all in accordance with the laws of the State in which it is located and the political subdivisions thereof.

(d) The Secretary shall make such rules and regulations as may be necessary to carry out this section.

(e) Nothing in this section shall be deemed to restrict or limit any other authority of the Secretary relating to the administration of the seashore.

Sec. 8. The Secretary of the Interior and the Secretary of the Army shall cooperate in the study and formulation of plans for beach erosion control and hurricane protection of the seashore; and any such protective works that are undertaken by the Chief of Engineers, Department of the Army, shall be carried out in accordance with a plan that is acceptable to the Secretary of the Interior and is consistent with the purposes of this Act.

Sec. 9. (a) The Secretary of the Interior is authorized and directed to construct and maintain a road from the Chincoteague-Assateague Island Bridge to the area in the wildlife refuge that he deems appropriate for recreation purposes.

(b) The Secretary of the Interior is authorized and directed to construct a road, and to acquire the necessary land and right-of-way therefor, from the Chincoteague-Assateague Island Bridge to the Sandy Point-Assateague Bridge in such manner and in such location as he may select, giving proper consideration to the purpose for which the wildlife refuge was established and the other purposes intended to be accomplished by this Act.

Sec. 10. The Secretary of the Interior is authorized to purchase from a public utility any facilities of that utility which are no longer of value to it as a result of the establishment of the Assateague Island National Seashore and shall pay for such facilities an amount to the cost of constructing such facilities less depreciation.

Sec. 11. There are hereby authorized to be appropriated the sum of not more than \$16,250,000 for the acquisition of lands and interests in land and such sums as may be necessary for the development of the area authorized under this Act.

Mr. BIBLE. Mr. President, the matter under consideration is whether or not the Senate should concur in the House amendments to S. 20, the bill to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia, and for other purposes.

Most of the amendments are minor in character, but there are two that should be commented on. The first has to do with the construction of a road through the seashore area. The Senate-passed bill provides for construction through wildlife area on the Virginia side of the island and continuing through the seashore to connect with the Sandy

Point-Assateague Bridge in Maryland. The House amended this section by providing for two separate roads and leaves the selection of the route to the Secretary of the Interior. This could very well mean that the ultimate recommendation will be for a very expensive bridge, road, and causeway running north from the town of Chincoteague. When funds are requested for construction of the road, I expect, as a member of the Appropriations Committee, to examine carefully into the proposal. I trust that the Park Service will be able to substantially justify whatever their recommendation may be.

Following its usual custom, the Senate Committee on Interior and Insular Affairs wrote into the bill an authorization limitation on both land acquisition and development costs. Both bodies agree that \$16,250,000 should be sufficient to acquire the properties. The House did, however, remove the \$7,765,000 that was authorized for development and provided an open authorization for this purpose. The reasoning behind the deletion was that no one had made a study of the cost of the road and this expenditure had not been included in the \$7,765,000. This, too, is a matter that the Appropriations Committee should and will give careful consideration.

It is rather obvious that it is impossible to give an estimate at this early date of the ultimate cost, so it seems to me that the House position on the deletion of the development ceiling is a correct one, because the subject will be under constant survey by the Committees on Appropriations as appropriations are made from year to year during the 5-year development program.

Mr. President, after conferring with Senator ROBERTSON, of Virginia and Senators BREWSTER and TYDINGS, of Maryland, and finding that they are satisfied with the measure that passed the House, I move that the Senate concur in the House amendment to S. 20, the bill to provide for the establishment of the Assateague Island National Seashore in the States of Maryland and Virginia.

The motion was agreed to.

Mr. TYDINGS. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. TYDINGS. I commend the distinguished Senator from Nevada for the diligence and expertise which he has brought to bear in assisting my senior colleague from Maryland [Mr. BREWSTER] and myself and the other members of the Maryland delegation in steering to successful final passage the bill which the Senate has just passed, to create the Assateague Island National Seashore Park.

This is highly important legislation. The preservation of this beautiful natural seashore will mean much to all who live in the eastern section of the United States. The manner in which the Senator from Nevada persevered in the consideration of this piece of legislation, even though the area to be benefited by the Assateague Seashore Park will be far from his native State, is deeply appreciated by my distinguished senior colleague from Maryland, by me, and by

every other Marylander. We wish to thank the Senator from Nevada for his efforts in obtaining the passage of the bill, for his most valuable assistance in preserving Assateague Island from spoilation, for his assistance in making the dream of an Assateague Island National Seashore Park a living reality.

Mr. BIBLE. Mr. President, I appreciate those sentiments. I am happy that the committee of which I am honored to be the chairman was unanimous in reporting the bill.

We all recognize the great need to preserve some of these beautiful areas, particularly in the great population centers, where it is more difficult and expensive to preserve them.

The creation of this seashore park has really been too long delayed, and I am delighted that we have been able to make the progress that we have accomplished.

Mr. BREWSTER. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield.

Mr. BREWSTER. Mr. President, on September 10, 1963, I introduced a bill to establish a national seashore on Assateague Island, Md. Today, September 15, 1965, that bill has just come before the Senate for final action prior to Presidential signature.

In testimony before the House and Senate committees, and in many speeches here on the floor of the Senate, I have, over the past 2 years, described the recreational potential of this barrier reef. I have pointed out that Assateague's wide, sloping beach, clear water, mild climate, and extensive marshland, rank it among the finest places in the world for swimming, surfing, boating, camping, fishing, and hunting.

I have emphasized that Assateague's accessibility to the great population centers of Baltimore, Washington, Wilmington, and Philadelphia, make the development of Assateague for the recreational needs of these great urban centers, a prudent investment of the public money.

Mr. President, the bill which is before us for final action today is the embodiment and distillation of the most careful study by a host of governmental and private groups, officials, and citizens. It has been the subject of hearings at the local, State, and Federal level. It has been amended and improved upon at every stage.

Just a few weeks ago, the House Committee on the Interior added the final touches, making language changes and clarifications which met with the wholehearted approval of the bill's congressional sponsors and the members of the Senate committee.

The prompt reporting of the final version of this bill to the floor of the Senate is the work of the distinguished chairman of the subcommittee on parks and recreation, the senior Senator from Nevada [Mr. BIBLE].

Mr. President, on behalf of my colleagues in the House and Senate who sponsored this legislation, on behalf of the State of Maryland; on behalf of hundreds of thousands of Maryland citizens, the citizens of States adjacent to my own, and the millions of Americans the length

and breadth of this land, let me say "thank you" to the senior Senator from Nevada [Mr. BIBLE] and to the other Members of his subcommittee, who have so nobly spearheaded recent efforts to preserve and protect the natural beauties of our land.

The record of dedicated service, sincere interest, and forthright action which the Senator from Nevada and the other Members of the committee have made in recent years in the conservation of priceless American resources is a record which will remain for all to see. Every American living today and every American which follows will have reason to be grateful and appreciative of their statesman-like conduct in discharging the responsibilities of your high office.

Mr. President, the public acquisition of Assateague Island, now authorized by the Congress, guarantees that each resident of Worcester County and every American, will be forever free to enjoy the beauties or profit from the proximity of this new park.

Today, Assateague is the largest undeveloped seashore between Cape Cod and Cape Hatteras. Tomorrow, it will rival both in attracting visitors from every State.

Mr. President, this island has been a precious, but neglected, possession. Its preservation and protection required bold thinking and bold action. Final approval today represents the culmination of years of effort by many of us to preserve this wild island for our citizens.

I am confident that every American, caught up in a growing megalopolis, will appreciate the foresight and determination of the many citizens and officials who have devoted themselves to this cause.

Mr. President, it is appropriate that the RECORD bear the names of Secretary Udall; Governor Tawes; every Member of the Maryland congressional delegation; Mr. Joseph Kaylor of the Bureau of Outdoor Recreation; my legislative assistant, Ellery Woodworth; Mr. Claude Callegary, and Mr. Porter Hopkins, of the Citizens Committee for the Preservation of Assateague Island.

In the effort which we have been making as individuals, we enjoyed the support of distinguished conservationists and conservation groups—of the Maryland Wildlife Federation, the Maryland Farm Bureau, the Maryland State Division of the Izaak Walton League, the General Federation of Women's Clubs, and the National Council of State Garden Clubs. We have also had the unswerving support of newspapers, television and radio stations who sought to assist us in the protection of the public interest.

To these people and to the thousands of Maryland citizens who have helped us, I want to say a deep and sincere "thank you." We have all worked hard for this day, but I am confident that our children and our children's children—this generation and the next—will be grateful for our thoughtful and timely action.

Mr. BIBLE. Mr. President, I thank the Senator from Maryland. It was a worthwhile project, and the hearings were most helpful.

Mr. President, I yield the floor.