

No. 13-15227

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

DRAKES BAY OYSTER COMPANY and KEVIN LUNNY,
Plaintiff-Appellants,

v.

SALLY JEWELL, in her official capacity as Secretary,
U.S. Department of the Interior; U.S. DEPARTMENT OF THE INTERIOR;
U.S. NATIONAL PARK SERVICE; and JONATHAN JARVIS, in his official
capacity as Director, U.S. National Park Service,

Defendant-Appellees.

On Appeal from the United States District Court
for the Northern District of California
(Hon. Yvonne Gonzales Rogers, Presiding)
District Court Case No. 12-cv-06134-YGR

**BRIEF OF DR. LAURA A. WATT, AMICUS CURIAE
IN SUPPORT OF PETITION FOR REHEARING EN BANC**

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FRAP RULE 29(c)(4) STATEMENT

This brief is filed pursuant to FRAP 29(a) and FRAP 29-2(a). All parties have consented to its filing.

Dr. Laura A. Watt is Associate Professor and Chair of the Department of Environmental Studies and Planning at Sonoma State University. Her interest in this case stems from her doctoral research at the University of California Berkeley, which examined the evolution of the working pastoral landscape at Point Reyes, after becoming a National Seashore in 1962. She is currently extending this research into a book manuscript, which is under contract for publication with the UC Press. Her depth of knowledge of the legislative history of the Seashore has led her to write numerous articles/op-eds in local media about the oyster farm controversy, as well as her academic work.¹

Counsel for Appellants, who are also counsel for Dr. Watt, have assisted in the drafting and filing of this brief.

¹ Dr. Laura A. Watt is not related to James Watt, former Secretary of the Department of Interior.

I. INTRODUCTION

Judge Watford’s dissent correctly concluded that, in the Point Reyes wilderness legislation of 1976, “all indications are that Congress viewed the oyster farm as a beneficial, pre-existing use whose continuation was fully compatible with wilderness status.” (Slip op. at 44, Watford, J., dissenting.)

This brief makes two points in support of that conclusion: (1) the Point Reyes National Seashore (PRNS) was established with the explicit intention to protect local agriculture, including aquaculture, rather than to erode or remove it; and (2) the 1976 legislation was intended to allow “potential wilderness” to be converted to “wilderness” once California ceded its reserved rights—and even then the oyster farm could continue within wilderness.

II. PROTECTION OF AGRICULTURE IN POINT REYES

For over a century before it became a national seashore, Point Reyes was famous for its agriculture. Starting in the 1850s, renowned dairy and beef ranches were established on privately-owned property across the peninsula. And in the 1930s, California began leasing its tidal and submerged lands in Drakes Estero for oyster farming.

Point Reyes was initially studied as a national park site in the 1930s, but efforts did not get serious until the 1950s, when National Park Service (NPS) Regional Chief of Recreation and Planning George Collins spearheaded a drive to create the National Seashore. (*See generally* House Hearing [etc.] on S.2428, 86th Congress, 2d Session (April 14, 1960), App. Ex. 1, at 5-11 (NPS Director Wirth

describing initial efforts).) As a Seashore, the primary focus was to provide recreation opportunities close to the metropolitan Bay Area, but even in the earliest discussions, a key concern was the possible effects of establishing a park on the local agricultural economy. As early as 1958, in a letter to Senator Clair Engle (one of the initial sponsors of the legislation), then-president of Marin Conservation League Caroline Livermore wrote: “As true conservationists we want to preserve dairying in this area and will do what we can to promote the health of this industry which is so valuable to the economic and material well being of our people and which adds to the pastoral scene adjacent to the proposed recreation project.”²

And so, in 1960, California Senator Clair Engel and Representative Clem Miller introduced legislation to create a new “national seashore” in Point Reyes, with a design that would retain existing agricultural uses. California’s other Senator, Thomas Kuchel, described the “novel” concept as one to “maintain the character” of the “historic” area:

[T]he bill before your subcommittee is perhaps a precedent setting proposal in that it would authorize the Federal establishment in the State of California of a novel type of reservation designed to protect the public interest in and maintain the character of rare scenic, recreational, inspirational, and historic features of a section of our lengthy Pacific seacoast.

(App. Ex. 1, at 3.)

² Letter from Mrs. Normal B. Livermore to Hon. Clair Engle, July 28, 1958, Anne T. Kent California Room, Marin County Library.

NPS supported this concept—and specifically supported maintaining the oyster farm as well as the historic ranches. NPS Director Conrad Wirth proposed that “the oyster cannery at Drakes Estero could be encouraged as concession operations to provide for further public recreation enjoyment.” (*Id.* at 7.) At the same hearing, NPS Regional Planning Chief George Collins added, “Existing commercial oyster beds—which we saw yesterday as we flew around there, a very important activity—and the cannery at Drake’s Estero ... would continue under national seashore status because of their public values.” (*Id.* at 14.)

California, through its Department of Fish and Game, also testified that “reasonable utilization of harvestable resources” should continue to be allowed under “California rules and regulations.” (*Id.* at 133.) Specifically, the oyster farm should continue: “[c]ommercial oyster beds exist in Drake’s Estero and ... [u]se of all these resources should be continued and enhanced.” (*Id.*)

These sentiments were echoed by Harold Gilliam, member of the Point Reyes Foundation (and author of *Island in Time: The Point Reyes Peninsula*), who declared that the bill “should scrupulously preserve the rights of individual residents who want to continue living or ranching on their property. ... I believe that it is possible both to protect the rights of present residents and to preserve the scenic beauty of the area for the crowded future.” (*Id.* at 199.)

NPS incorporated these concepts into planning documents for PRNS, released in 1961. NPS explained that land uses in a national *seashore* should be “less restrictive” than in a national *park*. (National Park Service, Proposed Point

Reyes National Seashore: Land Use Survey & Economic Feasibility Report (February 1961), App. Ex. 2.) In the proposed national seashore for Point Reyes, this meant that existing agricultural uses, including the oyster farm, should continue because of their “exceptional” public values:

Existing commercial oyster beds and an oyster cannery at Drakes Estero ... should continue under national seashore status because of their public values. The culture of oysters is an interesting and unique industry which presents exceptional educational opportunities for introducing the public, especially students, to the field of marine biology.

(*Id.*)

These proposals came before Congress later that year. (*See* Senate Hearing [etc.] on S.476 (“A Bill To Establish The Point Reyes National Seashore In The State Of California, And For Other Purposes”), 87th Congress, 1st Session (March 28, 30, 31, 1961) at 19-30 (reprinting February 1961 NPS Economic Feasibility Report), App. Ex. 3.) The Secretary of the Department of the Interior, Stuart Udall, testified that the proposals provided that “the oyster ... fisheries would be able to continue operation and provide both recreation and economic value to the seashore.” (*Id.* at 17.) The sponsors of the legislation, California’s Senators Engle and Kuchel and Representative Clem Miller, endorsed the proposal that “the oyster beds and oyster cannery on Drakes Estero ... continue in operation.” (*Id.* at 53.) NPS Director Wirth testified, in response to questioning, that NPS would “permit” the oyster farm for two reasons:

First, we think that the oyster operation is very interesting. A lot of people don’t know about it. Secondly, there are commercial oysterbeds out here

which we would not cut off. That is a natural way of development.

(*Id.* at 235.) And the California legislature unanimously passed a bill supporting the NPS proposal, which highlighted that: “the bills contain provisions safeguarding the legitimate interests of residents, ranchers, and fishermen in the proposed park area.” (*Id.* at 240-241.)

In 1962, Congress adopted NPS’s proposals by passing the Point Reyes National Seashore Act. (Pub. L. No. 87-657, 76 Stat. 538 (1962), codified at 16 U.S.C. §§ 459c et seq..) The purpose of that Act was to “save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing seashore of the United States that remains undeveloped.” (16 U.S.C. § 459c.) No one testified at any time in favor of shutting down existing ranching, dairying, or oystering operations. Instead, the legislation reflected a strong commitment to retaining and sustaining existing agricultural and aquacultural uses, as they served the public values that the new national seashore was created to protect.³

³ The Senate Report on the legislation explained:

[T]he oyster production..., in the thinking of the National Park Service planners, should continue under national seashore status because of [its] public values.

[...]

Under the present proposal, ... the existing oyster cannery at Drakes Estero would continue under private operation as at present, but with some added facilities such as entrance roads and parking areas.

(S. Rep. No. 87-807 at 8-9 (1962), App. Ex. 4.)

III. THE OYSTER FARM AS A PRE-EXISTING USE IN WILDERNESS

Two years later, Congress passed the Wilderness Act of 1964, Pub. L. No. 88-577, 78 Stat. 890 (1964), codified at 16 U.S.C. §§ 1131 et seq. The Wilderness Act is best read as a restriction on *new* uses in designated wilderness areas, but as allowing many existing uses to continue. (*See* 16 U.S.C. § 1133(a)(Wilderness Act is “supplemental” to other established purposes for public lands).) Although the Wilderness Act broadly prohibits “commercial enterprise, permanent or temporary roads, mechanical transports, and structures or installations” in Congressionally-designated wilderness areas (16 U.S.C. § 1133(c)), the Act contains a long list of exceptions for pre-existing rights and uses. For example, wilderness designation is “subject to existing private rights” (*id.*), and has no effect on “the jurisdiction or responsibilities of the several States with respect to wildlife and fish” (*id.* para. (d)(7)). The Act requires the federal government to allow States and individuals reasonable access to their property or inholdings on or through designated wilderness areas. (*Id.* § 1134.) And the Act allows “the use of aircraft or motorboats, where these uses have already become established.” (*Id.* § 1133(d)(1).)

The House Report also noted that “oyster farming” is not “incompatible” with the proposal, but that the government intended to negotiate a “right of first refusal” in the event the farm ever wanted to sell. (H. Rep. No. 87-1628 at 6 (1962), App. Ex. 5.) The owner of the oyster farm at the time, the Johnson Oyster Company, did end up negotiating a right of first refusal with the government. (ER 600 ¶14.) But when, in 2004, the Johnson Oyster Company decided to sell the oyster farm, the government did not exercise that option—and so Drakes Bay Oyster Company purchased the farm instead.

In 1976, Congress passed two laws designating Drakes Estero as “potential wilderness.” (Pub. L. Nos. 94-544 § 1; 94-567 § 1(k).) Some have argued that this meant that Congress intended the oyster farm to cease operations once its federal lease for its upland facilities ran out in 2012. The only statement that remotely hints at this intent is a single sentence in a House Report, and even that only suggests that the NPS “steadily remove” “obstacles” to full wilderness status from “potential wilderness” areas. (H.R. Rep. No. 94-1680, at 3 (1976)(“House Report”), App. Ex. 6.) “Steadily remove” does not mean “as soon as possible”; it is ambiguous about timeframe. And citing this sentence presumes that the oyster farm was seen in the 1970s as an obstacle to full wilderness. It wasn’t.

Rather, there was a remarkable consensus among the public that the oyster farm should remain operating under wilderness designation in perpetuity. The Sierra Club, while crediting the peninsula’s wilderness qualities to its “lingering ranching commitment,” argued that, in Drakes Estero, “The water area can be put under the Wilderness Act even while the oyster culture is continued—it will be a prior existing, non-conforming use.” (Sierra Club comment letter to National Park Service (May 30, 1973), *appended to* Department of Interior, Proposed Wilderness Point Reyes National Seashore California: Final Environmental Statement (“1974 FEIS”), at A41, A51 (April 1974), App. Ex. 7.) Colonel Frank Boerger, writing on behalf of the Citizens Advisory Commission for the Golden Gate National Recreation Area, recommended much the same thing to the Senate. (Senate Hearing [etc.] on S. 1093 and S. 2472 (“Senate Hearings”), at 359-361 (March 2,

1976), App. Ex. 8.) He observed that the oyster farm is “considered desirable by both the public and park managers,” and recommended that it be allowed to “continue unrestrained by wilderness designation.” (*Id.* at 361.) Jerry Friedman, Chairman of the Marin County Planning Commission, also wrote on behalf of many Marin County environmental organizations⁴ to endorse the recommendations of the Citizens Advisory Commission, and to specifically recommend “the continued use and operation of [the oyster farm] in Drake’s Estero.” (*Id.* at 356-358.)

The co-sponsors of the legislation, Senator Alan Cranston, Senator John Tunney, and Representative John Burton, all agreed that the oyster farm should continue. Senator Tunney wrote: “Established private rights of landowners and leaseholders will continue to be respected and protected. The existing agricultural and aquacultural uses can continue.” (*Id.* at 271.) Senator Cranston and Representative Burton both explicitly endorsed the Citizens Advisory Commission’s recommendations. (*Id.* at 265, 272-273.) And local California Assemblyman Michael Wornum concluded his testimony by observing: “Finally, I believe everyone concerned supports the continued operation of oyster farming in Drakes Estero as a non-conforming use.” (*Id.* at 355-356.)

⁴ Mr. Friedman represented the Environmental Action Committee of West Marin, Marin Conservation League, Tomales Bay Association, Inverness Association, Bay Area League of Women Voters, and the Marin and Sonoma Environmental Forum. (*Id.* at 356.)

House hearings held later that year echoed this sentiment and endorsed continued oyster farming. William Duddleston, former legislative assistant to Clem Miller and representing, among others, the Environmental Action Committee of West Marin, testified that designating Drakes Estero as wilderness would still “allow continued use and operation of [the oyster farm] at Drake’s Estero, as a pre-existing non-conforming use.” (House Hearings [etc.] on H.R. 8002, statement of William Duddleson at 3-4 (September 9, 1976)(“House Hearings”), App. Ex. 9.) The Wilderness Society’s representative, Raye-Page, agreed: “the oyster culture activity, which is under lease, has a minimal environmental and visual intrusion. Its continuation is permissible as a pre-existing non-conforming use and is not a deterrent for inclusion of the federally owned submerged lands of the Estero in wilderness.” (*Id.*, statement of Raye-Page at 6.)

In fact, nowhere in the legislative history does anyone make a specific objection to the oyster farm or discuss an end to its operation in the future; nor did Congress or the public give any indication that wilderness designation would be hindered by the farm’s continued presence.

IV. THE ONLY OBSTACLE TO WILDERNESS STATUS FOR DRAKES ESTERO WAS INCOMPLETE FEDERAL TITLE

If the oyster farm was not seen as incompatible with wilderness, why was Drakes Estero not designated as full wilderness? NPS argued, and Congress agreed, that areas where California retained mineral and fishing rights, resulting in

incomplete federal *title*, were “inconsistent with wilderness.” (House Report at 5-6, App. Ex. 6.) One such area was (and remains) Drakes Estero.⁵

NPS’s representative, Dr. Richard Curry, testified that tidelands should be designated as potential wilderness, “to become wilderness when all property rights are federal, and the areas are subject to [NPS] control.” (House Hearings, Statement of Dr. Curry at 3, App. Ex. 9.) NPS’s regional director also stated that wilderness areas “should not be left with the possibility—no matter how remote—that we do not completely control the property.” (Senate Hearings at 329, App. Ex. 8.)

Congressman Burton proposed the key compromise in the bill that Congress ultimately passed, which essentially adopted NPS’s proposal that Drakes Estero be designated as “potential wilderness” instead of full wilderness. In his written statement, he explained that “potential wilderness” areas “would be designated as wilderness effective when the State cedes [sic] these rights to the United States.” (House Hearings, Written Statement of Congressman Burton at 2-3, App. Ex. 9.)

⁵ In 1965, California conveyed Drakes Estero to the United States, but reserved certain mineral and fishing rights. (1965 Cal. Stat. Ch. 983 §§ 2-3.) When making its wilderness proposals for Point Reyes in the 1970s, NPS understood that the “rights reserved” by California allowed it to continue leasing Drakes Estero for oyster farming “indefinitely”:

Control of the lease from the California Department of Fish and Game, with presumed renewal indefinitely, is within the rights reserved by the State on these submerged lands ... and there is no foreseeable termination of this condition.

(1974 FEIS at 56, App. Ex. 7.)

In his oral statement, he elaborated that California's retained rights made these areas "ineligible for actual wilderness designation":

There are certain areas that we feel should be designated potential wilderness now because they would be ineligible for actual wilderness designation because of a statute on the books of California ... where the State reserved the subwater mineral rights. [¶] We have not been able to negotiate that out with the State of California at present

(*Id.*, Oral Statement of Congressman Burton at 4:22-5:5.)

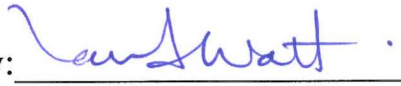
In the final version of the legislation, Congress designated Drakes Estero as "potential wilderness." That designation had never been used before and it remains undefined in the legislation. Potential wilderness areas become wilderness "upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased." (Pub. L. 94-567 § 3.) Since the oyster farm has leases to operate from California, and the farm long pre-dates the Wilderness Act, it never actually was a "use[] ... prohibited by the Wilderness Act" whose termination was a precondition for Drakes Estero to become wilderness. (*See* 16 U.S.C. § 1133 para. (c)(Wilderness Act "subject to existing private rights"); para. (d)(7)(Act has no effect on "the jurisdiction or responsibilities of the several States with respect to wildlife and fish"); para. (d)(1)(allowing motorboats in wilderness "where these uses have already become established").) Nevertheless, Congress seems to have intended this language in the 1976 legislation to mean that Drakes Estero could become full wilderness when California ceded its reserved rights, and the United States finally gained "full title" to the area. (S. Rep. No. 94-1357 at 7, App. Ex. 10.)

V. CONCLUSION

The federal government has now published a notice designating Drakes Estero as wilderness, despite the fact that it does not have full title. (77 Fed. Reg. at 71,826 (Dec. 4, 2012).) This wilderness designation, however, does not bar continued operation of the oyster farm because, as Judge Watford correctly concluded, “all indications are that Congress viewed the oyster farm as a beneficial, pre-existing use whose continuation was fully compatible with wilderness status.”

DATED: October 21, 2013

Respectfully submitted,

By: 

Dr. Laura A. Watt, Amicus Curiae

DATED: October 21, 2013

BRISCOE IVESTER & BAZEL LLP

By: 

Peter Prows

Attorneys for Dr. Laura A. Watt,
Amicus Curiae

CERTIFICATE OF COMPLIANCE

I certify, pursuant to Circuit Rule 29-2(c)(2), that this brief contains 2,889 words, excluding the parts exempted by FRAP 32(a)(7)(B)(iii); and that this brief complies with the typeface requirements of FRAP 32(a)(5) and the type style requirements of FRAP 32(a)(6) because this brief has been prepared in a proportionally-spaced typeface using Microsoft Word 2003 and 14 point Times New Roman.

/s/ *Peter Prows*

Peter S. Prows

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1. Excerpts from House Hearing [etc.] on S.2428 (April 14, 1960).
2. Excerpts from National Park Service, Proposed Point Reyes National Seashore: Land Use Survey & Economic Feasibility Report (February 1961).
3. Excerpts from Senate Hearing [etc.] on S.476 (March 28, 30, 31, 1961).
4. Excerpts from S. Rep. No. 87-807 (1962).
5. Excerpts from H. Rep. No. 87-1628 (1962).
6. H.R. Rep. No. 94-1680 (1976).
7. Excerpts from Department of Interior, Proposed Wilderness Point Reyes National Seashore California: Final Environmental Statement (April 1974).
8. Excerpts from Senate Hearing [etc.] on S. 1093 and S. 2472 (March 2, 1976).
9. Excerpts from House Hearings [etc.] on H.R. 8002 (September 9, 1976).
10. Excerpts from S. Rep. No. 94-1357.

EXHIBIT 1

POINT REYES NATIONAL SEASHORE

WIM - RS

HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
EIGHTY-SIXTH CONGRESS
SECOND SESSION

ON

S. 2428

A BILL TO ESTABLISH THE POINT REYES NATIONAL
SEASHORE IN THE STATE OF CALIFORNIA
AND FOR OTHER PURPOSES

KENTFIELD, CALIFORNIA

APRIL 14, 1960

Printed for the use of the Committee on Interior and Insular Affairs

W.I. Matthews



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1960

POINT REYES NATIONAL SEASHORE

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(The statement follows:)

STATEMENT OF U.S. SENATOR THOMAS H. KUCHEL, A U.S. SENATOR FROM THE
STATE OF CALIFORNIA

Mr. Chairman, the bill, before your subcommittee is perhaps a precedent-setting proposal in that it would authorize the Federal establishment in the State of California of a novel type of reservation designed to protect the public interest in and maintain the character of rare scenic, recreational, inspirational, and historic features of a section of our lengthy Pacific seacoast.

As a native-born Californian, I am an enthusiastic supporter of proposals to create a national seashore at Point Reyes because the astounding growth of our State, together with the heavy volume of tourists and vacationers, necessitates prompt and farsighted steps to preserve our unique and spectacular natural resources. The present generation has a duty to see they are perpetuated for generations to follow.

The California Division of Beaches and Parks, and likewise a number of our progressive communities, has done a commendable job in undertaking to set aside for the use of our people limited stretches of our Pacific Ocean shoreline.

The section of the coast at Point Reyes has greater significance and such remarkable values that it appears worthy of protection on a broader scale. The unusually varied terrain—ranging from wide sandy beaches and rugged bluffs to heavily-timbered uplands containing fresh-water lakes—measures up to the standards of our national parks, monuments, and forests which have been established all over the Nation for the benefit of all Americans.

A year ago it was my privilege to obtain an appropriation with which the National Park Service has been examining and appraising this region to determine what particular territory might justifiably be preserved through giving it Federal status. In seeking these funds, I was mindful of the constructive results from the establishment of America's first national seashore, on the historic and desolate Outer Banks of North Carolina.

After learning of the many benefits flowing from the Cape Hatteras project, I felt it would be a tragic loss to future generations of Americans if this similar undeveloped region on the Pacific Coast so close to large centers of population composed of teeming numbers of outdoor-loving people, were not set aside and safeguarded against commercialization and despoliation.

Considering the onrushing urban sprawl which rapidly has been enveloping our shorelines on the Atlantic coast and in some sections of California, we are indeed fortunate that this 45 miles of seashore and adjoining uplands still is relatively untouched and remains for the most part in its natural state. To have such attractive and semiprimitive stretches of beach, caves, rocks, bluffs, dunes, and forests so near our huge metropolitan area around San Francisco Bay is especially provident.

We cannot expect that, under pressure of the demand for homesites and for utilization of natural resources, that these conditions will prevail long without an adequate plan for protecting and perpetuating the most valuable and outstanding features for the future benefit and enjoyment of visitors from all over our country and residents of California as well.

The National Park Service, working with State and local authorities, has developed a plan which recognizes the importance of these values and which could establish and preserve for all time a seashore recreation area truly of national importance.

In addition to preserving the intrinsic natural values, the establishment of a National Seashore on Point Reyes would bring into focus a nearly forgotten event in the discovery, development, and expansion of our great Nation.

Point Reyes was probably one of the first sections of our west coast to be seen by the European explorers. Many historians, for instance, firmly believe that Sir Francis Drake repaired the *Golden Hind* here in 1579 on his historic voyage around the world. Physical evidence to support this theory has not yet been found. However, the possibility is so strong and so important to our heritage that the area should be preserved so that a thorough archeological search can continue unhandicapped by multiple ownerships and development.

It is important also that the whole Point Reyes Peninsula be preserved and administered as a consolidated unit. A national seashore area should encom-

POINT REYES NATIONAL SEASHORE

pass more than just the waterfront itself. Just as important as the beaches and bluffs are the dunes, the rolling hills, the forests that together create an atmosphere of solitude associated with the sea—that maintain a habitat necessary for the continued ecological processes of the plant and animal life associated with the sea.

As experience on the Atlantic coast has demonstrated, it is possible to conceive a program which will advance the public interest, prevent injury to existing local governments and well-conducted private enterprise activities, afford opportunity for carefully planned future development of facilities needed by visitors, and fairly compensate landowners uneasy about the future of their holdings.

I am sure that this committee and the Congress, with the guidance of our Department of the Interior, can perfect legislation which will satisfy skeptics and doubters. On this point, I wish to note that I have worked closely with the National Park Service people and followed their operations in other areas. As a result, I have great admiration for their objectives and their conscientious principles.

In developing our system of parks, monuments, and other reservations, the United States has followed a rule of equity. The fair market value of private lands desired for park purposes customarily is determiner by non-Federal, professional appraisers. Acquisition usually is effected through direct negotiations with private owners. The Park Service people in the past have gone to great lengths to make these negotiations agreeable to those whose holdings are desired. If dwellings are involved, the owner has been given the option of leasing and occupying for the rest of his life or for a specified period not exceeding his life expectancy.

In the case of Point Reyes, it might be several years, as a matter of fact, before landowners would be faced with this problem and the need for making decisions about proposals to let the Federal Government have their property. Establishment of a park takes time and initial appropriations usually are not sufficient to acquire all desired acreage at once.

I would like to allay fears of those who may be concerned about possible adverse economic consequences to Marin County. Far from inflicting serious and continuing injury, establishment of a park or recreational area is virtually certain to bring material financial benefits. While a temporary tax loss may result from Federal acquisition, I am confident that in a few years at the most the increased attractiveness of this region will yield measurable dividends. The value of adjoining lands undoubtedly will rise. Experience on the Atlantic coast has shown that safeguarding of such areas stimulates increased tourist and vacation business and so leads to greater revenues for merchants, service establishments and those furnishing lodging and other accommodations. The resulting revenues very likely would far exceed any initial loss through removal of undeveloped lands from tax rolls.

Our State as a whole, let alone the communities and counties in the immediate vicinity, has at every hand evidence of the advantages derived from protection of sections of extraordinary grandeur. As illustrations, we can measure the pulling power of our giant redwood groves, the breathtaking scenery of Yosemite, the phenomenon of the Salton Sea, and the unique appeal of the Joshua Tree monument, to cite only a few.

These and other areas which have been set aside for man's enjoyment constitute a unique magnet for and afford cherished opportunities to both our own people of California and their fellow Americans from every State of the Union. The economic importance of California's tourist-travel business is almost beyond measurement. Point Reyes as a national reservation would be a desirable addition to the safeguarded and cherished portions of our State which lure both visitors and those who make new homes here.

But, taking a broader view, these would be only fringe benefits. The greatest and most desirable dividends from preserving this outstanding natural shoreline resource would be the enjoyment and pleasure assured our people and their enhanced knowledge of topographic, geological, oceanographic, biological, and related features of a spectacular section of our Nation.

Senator Moss. Others that may wish to add something to the record after having heard the testimony today may do so within 10 days. Write directly to the Senate Interior Committee in Washington if you wish to supplement your remarks.

POINT REYES NATIONAL SEASHORE

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Senator Engle would like to make a few preliminary remarks at this time.

You may proceed, Senator.

**STATEMENT OF HON. CLAIR ENGLE, A U.S. SENATOR FROM THE
STATE OF CALIFORNIA**

Senator ENGLE. Mr. Chairman, I want to express my personal appreciation to you for taking your time in coming here to California to provide the people of this area this opportunity to be heard in regard to this important matter. We are deeply indebted to you for being here, and I know that Congressman Clem Miller joins me in expressing our appreciation for your presence here, that of Mr. Callaghan, the clerk of the Senate committee of the Committee on Interior and other members of the committee and the committee staff who have given their time in order to make this hearing possible.

I want to express my regret also to the board of supervisors that I was unable to be here yesterday to go over the area. I suspect you assumed that I had been over the area and have seen it rather completely. On the other hand, I do regret that I did not have the opportunity to enjoy your hospitality and to get acquainted with you.

I want to say in explanation that I have had two bills pending before the Committee on Interstate and Foreign Commerce of which I am a member. I was the author of those bills. One related to grapes and plums, and the other related to the merchant marine. And it was necessary for me to stay there to get my "oxen out of the mire" in the committee yesterday morning in order that that legislation could get on the floor of the U.S. Senate. And so I did get the bills out, I am glad to report that, and for two other of our very broad industries and interests here in the State of California.

Mr. Chairman, I do not wish to make a statement at this time. I will reserve my statement in deference to the time which will be permitted for those who are here from some distance and the local people to make their statement. Thank you very much, and I again want to say we appreciate your coming out here.

Senator Moss. Thank you, Senator.

We are fortunate to have with us today the Director of the National Park Service, Mr. Conrad Wirth. Mr. Wirth directs our farflung national parks, seashore areas, historic sites, and all of the properties that are managed by the Park Service for the Department of Interior. Mr. Wirth is one of the outstanding public servants of the United States. We are going to ask him to be our first witness to give whatever statement he has and to call any of the other representatives of the Park Service who wish to be heard at this time.

Please proceed, Mr. Wirth.

**STATEMENT OF CONRAD L. WIRTH, DIRECTOR, NATIONAL PARK
SERVICE**

Mr. WIRTH. My name is Conrad L. Wirth. I am Director of the National Park Service. With me are Regional Director Lawrence C. Merriam and Regional Chief of Recreation Resource Planning George L. Collins, of our region 4 office in San Francisco.

I would like to mention first that the Point Reyes Peninsula has a great personal interest to me. In 1935 I was asked by the then Secretary of the Interior to make an investigation and report on the area in connection with an earlier survey we were making of the Pacific coast. The outstanding combination of scenic, scientific, and historic values that I found seemed to me, unquestionably, to give the area national significance. I recommended the establishment of a 53,000-acre Point Reyes National Seashore Recreation Area at that time.

I have often regretted that some action in this direction could not have been taken then. In spite of this failure, however, much of the same opportunity yet remains, but at a higher cost.

I know of no other large area in the United States near population centers that has been left so unaltered by the hand of man. On the east coast, for instance, the 500-mile stretch between Boston, Mass., and Norfolk, Va., has become for all practical purposes a vast linear city. Opportunities to enjoy the seashore are rare, indeed, and to find any sizable natural area along that stretch of shoreline is out of the question. Much of the same situation prevails along the southern portion of the Great Lakes. And it is rapidly creeping around our entire seacoast—one of the Nation's greatest scenic and recreation assets.

Point Reyes Peninsula can little longer escape this same fate—a fate it does not deserve. Estimates provided by the Financial and Population Research Section, California Department of Finance, indicate that the current 4.4 million population in the San Francisco Bay region will be increased to 7.2 million in a short 20 years, and that by the year 2000, it will have exceeded 11 million.

Located only 24 highway miles from central San Francisco, Point Reyes has already received speculative interest as a potential site to accommodate this expanding metropolitan population. As time goes by, the pressures to subdivide the open spaces on the Point Reyes Peninsula are bound to intensify. If action is not taken soon on a broad scale, the intrinsic natural beauties of this area will be steadily replaced by a highly developed suburbia.

The present proposal to establish a Point Reyes National Seashore stems from a recreation area survey of the Pacific coast made during the past 3 years by the Park Service. A report on the results of the survey was published last March and widely circulated on the west coast.

This survey followed a similar study of the Atlantic and gulf coasts. Both studies were accomplished entirely with donated funds. The purpose was to determine what important natural areas yet remain that might be preserved, because of their outstanding scenic, scientific and other recreation values, for the enjoyment of future generations.

The natural values on Point Reyes Peninsula are, from the national point of view, of such outstanding natural and historical importance as to far outweigh the value of the area for subdivision and unintegrated commercial uses. For instance, the unique cool and moist climate of the peninsula is not particularly ideal for continuous residential use but it would provide a particularly welcome refuge for visitors coming from the hot and dry inland areas of our country.

These climatic factors, in combination with the great variations in topography and soils of the Point Reyes area, have produced an

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extraordinary diversity of forests, beachlands, grasslands, dune vegetation, and marshes. As a result the wildlife exhibits a corresponding diversity, ranging from salt water shore birds to birds and mammals typical of dense mountain forests. Some 136 species of birds and 43 species of mammals have been recorded. Six varieties of plants in the grassy lowlands zone and other wild flowers of the sand dune area are found only on the Point Reyes Peninsula.

Historically, the Point Reyes Peninsula provides a vast natural setting for the living pageant of the discovery and development of our west coast. For the Nation as a whole, the most significant part of the historical story relates to the possibility that Sir Francis Drake repaired his vessel, the *Golden Hind*, here in 1579 before starting out across the Pacific on his journey around the world. Until now, attempts to verify this fact have been unsuccessful. But continued and systematic study of the unaltered scene could possibly uncover the remains of Drake's stone fort—an event which would catapult the area into the ranks of our Nation's outstanding historical sites, since it would mark the scene of the first known English habitation within the boundaries of the present United States.

In addition to the prime qualities of scenic and educational importance the area offers a vast variety of recreation outlets that, if carefully planned as a consolidated unit and administered as a national seashore, could be enjoyed by thousands of people without disturbing the natural values I have just outlined. Through such a plan, the scenic spectacles of rocky cliffs and vast sand beaches would be retained in sufficient quantity for public enjoyment of the natural scene. The excellent Douglas fir stands combined with remaining specimens of Bishop pines, redwoods, and other coastal species would be protected from further cutting and the resulting soil erosion.

Under the proposed plan the existing villages would be provided with sufficient room for future expansion and enough room would be left for compatible and historical ranching operations to continue as an added economic support of the general area. Along with these land uses, strategically located areas for public camping, picnicking, beach use, and hiking trails could accommodate several thousand people simultaneously in an unobtrusive manner. Existing commercial operations, such as the pleasure boating facilities at the point and on Tomales Bay plus the oyster cannery at Drakes Estero could be encouraged as concession operations to provide for further public recreation enjoyment.

There is a wide support for establishment of this national seashore, from both national and statewide sources. The Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments has recommended that favorable consideration be given to achieving national seashore status for Point Reyes.

There are those who oppose the plan. Others favor it. Some feel that the proposed boundary is too extensive; or they are concerned about the effect of the area on their own property.

It should be pointed out that acquisition of private lands for park purposes is normally conducted through direct negotiation with the landowners based upon fair market value appraisals by non-Federal appraisers. Unless there is some special reason to initiate condemnation procedures, i.e., to clear title or to acquire land for a critically

needed public facility or to prevent adverse types of development, every reasonable effort is made to reach amicable agreements with the owners for the acquisition of their property.

In this connection, it is possible for dwelling buildings to be acquired subject to the right of the vendor to occupy the property for the remainder of his life or, if he desires, for a specified period not to exceed his life expectancy span. The value of the life tenancy is computed on the basis of the "expectation of life" of the record owners computed from life insurance tables of mortality.

Actually, it takes some time to establish a park area and several years are usually required to obtain funds to complete acquisition. During this period, except in emergency situations, acquisition is concentrated on undeveloped lands. It might be several years, therefore, before most owners would have to make a decision on whether to move or sell their property and retain a life interest.

Some questions have been raised concerning business installations within the proposed seashore. Generally, speaking, it is the policy of the Park Service to permit the development of commercial enterprises within the areas administered by this Service only to the extent that such facilities are necessary and appropriate for the use and enjoyment of the public, yet consistent with the preservation and conservation of the areas. Where adequate accommodations existing or can be developed by private enterprise outside of parks, accommodations are not provided within them. It is possible that some of the existing businesses within the proposed national seashore would be required to serve park visitors and would be continued, probably under concession contracts if such properties were purchased by the Government, examples would include the pleasure boating and oyster cannery which I mentioned earlier.

Concerning the size of the area, boundaries for the proposed Point Reyes National Seashore can be drawn precisely after completion of our final land use survey, and following these public hearings. S. 2428 and H.R. 8358 both limit the size of the area not to exceed 35,000 acres of land and such adjoining waters and submerged lands as may be required. H.R. 10519, introduced on February 17, provides for 55,000 acres. Land use surveys, made subsequent to introduction of the two first named bills, indicated that more than 35,000 acres are needed. Currently the proposal is for acquisition by the Federal Government of all the privately owned lands on the Point Reyes Peninsula west of State Highway 1 and Tomales Bay (with the exception of the villages and adequate surrounding lands required for their expansion). This would comprise about 53,000 acres. Of this total, 32,000 acres would be included in the public use area exclusively for the national seashore. The remainder, 21,000 acres, consist primarily of dairy lands and it is proposed that they would be leased back to the ranchers for continuance of that type of land use. An alternate proposal is that the Federal Government purchase in fee simple only the land needed exclusively for public uses, then purchase scenic easements over the remainder in order to guarantee perpetuation of the open space, but otherwise leave the dairy ranches under private ownership.

We have been asked, too, about fishing and hunting in the area should it be authorized for establishment. Fishing would be permitted in the area as would the shooting of migratory waterfowl,

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subject to existing State and Federal laws, except in areas of concentrated public use. The Service proposes that it be authorized to enter into an agreement with the State for the continuation of migratory waterfowl hunting in such locations as agreed upon. The National Park Service believes, however, that the hunting of upland game within the national seashore area would not be consistent with the conservation and public use objectives.

Finally, when an area is proposed for inclusion within the National Park System, there is always the question of local real estate tax losses. We have investigated the changes that have taken place in areas that have been established and we have found that the nearby communities have experienced increased employment opportunities; that commercial enterprises have expanded and new enterprises have been developed to meet the needs of recreationists; that local tax receipts have become greater, and that adjacent property values have risen.

In the case of Grand Teton National Park in Wyoming, for instance, local bank deposits at the nearby town of Jackson totaled but \$395,000 when the park was originally established in 1929. Today, with annual attendance of well over million visitors at Grand Teton National Park, deposits in Jackson banks by merchants and others doing business locally have swelled to some \$4,500,000—more than 11 times the previous volume of business.

An illustration as to the increased realty values in the Cape Hatteras area since establishment of this national seashore is the assessed valuation of lands in Dare County, in which the area is located. County tax records show the total assessed valuation of lands within the county was \$11,156,752 in 1950. In 1958, after a revaluation of beach property to the north of the national seashore, the assessed valuation totaled \$25,130,457. Thus, the assessed valuation increased 125 percent. At the same time, tax rates in the locality were reduced from \$1 to \$0.80 per hundred.

It is our belief that recreation resources, if properly managed and developed, offer the greatest opportunity for the economic advancement of this region. It is not the suggestion of the National Park Service, however, that an attempt be made to justify a Point Reyes National Seashore on the basis of a dollars and cents benefit to anyone. Such a justification could only be secondary or incidental to the real need of preserving this outstanding area, for all time, for the benefit and enjoyment of all the people of the Nation. We feel that this could be accomplished without personal hardship to anyone.

I should like to make it clear that the Department of the Interior is not endorsing the proposal that a Point Reyes National Seashore be established, at least at this time. Secretary Seaton recognizes fully the need for preserving more shoreline areas and has, in fact, sponsored legislation which would authorize the establishment of three such areas. The Department is studying the problem further and I can assure you that, although a definite position has not been taken on these separate bills to establish a Point Reyes National Seashore, the Secretary is keenly aware of its high standing among the Nation's last remaining natural seashore areas.

I am going to add a little to my testimony, Mr. Chairman, if I may. After I went to my room last night, I picked out of my briefcase a

few things that I had looked over before I fell asleep, and one of these was a publication entitled, "Parks, Recreation, and Open Space Projects." I would like to read one phase of this from a different section of the United States, but it outlines a philosophy which I think is of utmost importance in considering our recreation program, not only at it affects Point Reyes, but our whole way of life in the community, in the State and in the county and municipality. This is a public document put out by the tristate Newark metropolitan region. It goes clear across the country. And it says here:

No man can know the future. Perhaps it is just as well, for certainty would rob life of much of its zest. Yet it is equally true that civilized man does not live life of much of its zest. Yet it is equally true that civilized man does not live for today alone. He considers his own future needs and those of his children and his children's children.

Private and public decisions on investment and consumption all imply some view to the future. So balance the needs of the moment with those of anticipation for years ahead. Nowhere is this more important than in the consideration of needs for outdoor recreation. Today's needs are one thing. Those of the future surely will be larger and more intent. Every significant social and economic change capable of statistical measurement indicate a much larger future than present demand for outdoor recreation. The only real question is how large.

If future needs are to be met, hard decisions must be made now to acquire certain areas, develop others, or regretfully to pass up still others.

Recreation is emerging as one of the most important personal activities in the United States. It has had but little formal economic study. Statistics and other facts about it are scarce and sometimes unreliable. Even more seriously, sharp and meaningful concepts are notable for their absence. Under the circumstances, it is not surprising that a large area of uncertainty necessarily surrounds any estimate of future demand of outdoor recreation. Statistical and other techniques long used and widely known for projects in many branches of economic activity, have scarcely been applied at all to outdoor recreation. The present study, therefore, like any such study is less precise and less firm in its estimates than one would like. It is greatly to be hoped that the next few years will see the material improvement in concepts, techniques and analysis.

Nevertheless, though our studies fall somewhat short of what we would like, the indications of increased demands for outdoor recreation are so clear, and the extent of the increase is so large that with real confidence we can assert the need for major early acquisition of lands to meet our future needs, and they should be met.

When estimated increases and demands for outdoor recreation are compared to existing facilities, the only conclusion to be drawn is that there will have to be large additions of acreage for recreation.

And one other very short statement which is a governing factor, I believe:

Leisure is a sharper of civilization. Most of man's time has, of course, been spent at work. But leisure has had an impact upon society throughout history far beyond the scant hours that man has been able to devote to it. Leisure time is now increasing dramatically. It will be occupying so much more of our time that its impact will be unprecedented.

Problems and challenges are being raised, and one of the greatest of these is the need to provide and enhance opportunity for constructive, satisfying recreation, especially outdoor recreation.

Then just one more. This may be a little bit humorous, but I think it is cute and it emphasizes the point. This is taken from, "House Rules in a Carriage Shop in 1880":

The rules of this establishment: The employees working here shall dust the furniture, clear their desks, and sweep the floor daily. All windows shall be cleaned once a week. Each employee shall bring his own bucket of water and scuttle of coal for the day's work. Lamps will be trimmed and chimneys shall

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be cleaned daily. Working hours shall be 7 a.m. to 9 p.m. every evening but Saturday. On the Sabbath everyone is expected to be in the Lord's house. Employees are expected to trim their own pen nibs to suit themselves. It is expected that each employee shall participate in the activities of the church and contribute liberally to the Lord's work. All employees must show themselves worthy of their hire. All employees are expected to be in bed at 10 p.m. except each male employee may be given one evening a week for courting purposes and two evenings a week for the Lord's house. After an employee has been with the firm for 5 years he shall receive an added payment of 5 cents per day provided the firm has prospered in a manner to make it possible. It is the duty of each employee to put away at least 10 percent of his wages for his declining years so that he will not become a burden upon the charity of his betters. Any employee who is shaven in public parlors, frequents pool halls, or uses tobacco shall be brought before the management to give reason why he should be continued in employment.

I thought that those house rules were quite some rule. I don't expect as many changes in the next 80 years as in this 80 years but I think we are going to have some changes, and I would like to know what our present habits today will look like and what we are doing today will look like in the year 2000 as to the way we live and the way we have taken care of our leisure time.

That is my complete statement, and thank you very much.

I believe you have our list of other witnesses. I think Mr. George Collins, who is head of our recreational study in region 4 would be our next witness unless Mr. Lawrence Merriam, regional director, wishes to say anything at this time. Mr. Merriam indicates that he does not wish to testify.

Then we will call on Mr. Collins who is on Mr. Merriam's staff and who has conducted these studies and has prepared his report.

Senator Moss. Thank you, Mr. Wirth. We will hear now from Mr. Collins.

STATEMENT OF GEORGE L. COLLINS, REGIONAL CHIEF OF RECREATION AND RESOURCE PLANNING, NATIONAL PARK SERVICE, REGION 4, SAN FRANCISCO

Mr. COLLINS. Mr. Chairman, Senator Engle, Representative Miller, Mr. Callaghan, my name is George L. Collins. I am regional chief of recreation and resource planning, National Park Service, region 4, San Francisco.

What Mr. Wirth had to say a few moments ago about the working hours of people in 1880, I think, is a little exemplified today on both the side of opposition and advocacy of this proposal, because 14 hours would have been pretty easy for some of us in this last week in getting ready for today. However, I believe in the interests of time, Mr. Chairman, it would be good if I should introduce the various teams. It won't take very long. These specialists have created the thinking and done the material work of the exhibits we see around here this morning, and they will, I am sure, during the day have to assist in answering many of the questions which will be raised. So with your permission, I will introduce them. The team handling earth and life sciences, that is, exploring into the real physical meaning of the Point Reyes Peninsula is headed by James E. Cole, regional chief of the National Park Service of our branch of the national park system planning. Mr. Cole will stand.

Mr. COLE. May I introduce the two members of my team, Alan Galloway, geologist, and Lowell Sumner, a biologist. I think we will just stand by to answer questions you may have here.

Senator MOSS. We are happy to have you here today, gentlemen.

Mr. COLLINS. In the team for the work on the story of human occupation at Point Reyes, that is, history, prehistory and archeology, we have as our leader Dr. Robert H. Becker, who is historian with the Bancroft Library at the University of California and is a consultant with the National Park Service in that capacity. Dr. Becker, do you have Dr. Treganza with you?

Dr. BECKER. I haven't seen him.

Mr. COLLINS. There are on this team Dr. John A. Hussey who is not here today, Mr. Chairman. He was called away to Oregon on another mission there. And Dr. Aden E. Treganza, head of the Department of Anthropology, San Francisco State College. Dr. Becker will be here through the day to assist with any questions in the field of history and prehistory.

Then in the field of land use, we have as our leader, Robert S. Luntley, regional chief, branch of recreation surveys of the National Park Service.

Mr. LUNTEY. May I introduce the members of our team. Mr. Al Kuehl, supervising landscape architect; Mr. Ben Howland, landscape architect; Dave Hughes, landscape architect; West G. Consign; Don Koucks, National Park Service; and Mr. Barnett, realtor and appraiser and civil engineer.

Mr. COLLINS. Thank you, Mr. Luntley. The final team, the one covering the field of economics, is perhaps the most critical work of all to us here today, and by dint of very special persuasion they produced this preliminary or tentative report on the economic feasibility of the proposed Point Reyes National Seashore. This team is headed by Daniel F. Burroughs, regional chief, of our branch of State cooperation in the National Park Service.

Mr. BURROUGHS. I would like to introduce Prof. Thomas J. Kent, Department of City Planning of the University of California; Prof. Julius Margolis, business economist and in the School of Business Administration at the University of California; Prof. John W. Dyckman, who is a professor in the department of city and regional planning at the university.

Mr. COLLINS. Now, Mr. Chairman, those people represent the talents, the brains, the research, and planning and so on that have gone into the production of the various exhibits you see around the wall and the sense of our whole proposal. I think in the interest of time, and because the information is available in reports elsewhere, in some of the exhibits and reports that are on the table in the foyer for distribution, we will not attempt to have the teams on earth and life sciences, history and land use, speak at this time. But the essence of our entire proposal is embodied in the first two pages or so of this economic report, and I will read several of those paragraphs and say by way of preamble that we, as a group of professional planning people, those who have been introduced and myself, and Mr. Merriam and others of our associates, do feel that the Point Reyes National Seashore proposal is sound economically, socially and in every way, and we are dedicated to the principle of its establishment as indicated

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• or keynoted on the policymaking side of Government, the Congress, through Mr. Engle's S. 2428 and Mr. Miller's H.R. 8358, the companion measure which brought us here together today.

Now the area under consideration includes approximately 53,000 acres of land, plus bays, inland lakes, and tidal and submerged lands extending one-quarter mile to seaward from mean high tide, or average high tide. The State of California generally owns the submerged lands, part of which should in our thinking come within the overall boundaries of this proposed national seashore. We consider this area to be one of the five most outstanding segments of unspoiled seashore yet remaining along the Pacific coast. The others are Cape Flattery of the State of Washington, the Oregon Dunes, Santa Cruz Island, and San Miguel Island of the Channel Islands group off the coast of southern California.

The proximity of the proposed national seashore to one of the major metropolitan centers of the United States is a feature that adds greatly to the recreational importance of the area; and you will remember from our trip yesterday that it was only about 30 miles, and perhaps an hour and a half from the heart of San Francisco, and that is a fact that adds greatly, in our opinion, to the recreational importance of this area.

Practically all of the lands within the suggested boundary of the proposed area are in private ownership at the present time, Mr. Chairman. Unlike the Oregon Dunes situation where a very substantial amount of the land is in public ownership already, this Point Reyes proposal involves almost exclusively private lands, and they are largely devoted to various operations and beef cattle ranching. Under the present proposal the Point Reyes National Seashore would be operated under two types of land management. Of the 53,000 acres which would be acquired, 32,000 acres would be managed solely for public use. Of land situated in the central part of the peninsula, 21,000 acres would be leased for ranching purposes to preserve the present pastoral scene.

Of course, this is our opinion as to the preference between buying all of the 53,000 acres outright and then leasing back the 21,000 acres, which we call the ranching area, on our boundary maps. We are well aware of the fact that many authorities advocate scenic easements, or having ranchers buy an agricultural right. There are various proposals which, in the main, do result in some firm and legally constituted means of preserving scenic values and at the same time admitting such industrial activities as are economically feasible and would not ruin or spoil the area.

The suggested boundaries include a total of 15 dairy ranches which support approximately 7,000 dairy stock, with about 3,175 head in active milk production—that is, about half of them are actively engaged in the production of milk—and 10 beef cattle ranches with approximately 3,500 head of beef cattle. If the national seashore were established and managed in accordance with the present proposal, about half the dairy land beef cattle would continue operation under lease agreement. Ranching operations within a portion of the national seashore to be reserved for public use would be largely, if not wholly, discontinued.

Existing commercial oyster beds—which we saw yesterday as we flew around there, a very important activity—and the cannery at Drake's Estero, plus three existing commercial fisheries, would continue under national seashore status because of their public values.

Recreation now plays a relatively minor role in the land-use pattern within the designated boundaries of the proposed national seashore. Public lands are limited to two small developments along the shore. One is the county beach just near the Estero, and the other is farther north toward McClure's Point. They do not involve collectively more than, I would say, well, within 20 acres, although the people once on the beach had the run of it, of course.

Now the ranching area, as to taxes, our findings are that taxes for the entire 53,000-acre area we seek to embrace in the national seashore, the 1958-59 fiscal year, totaled \$68,696. Tax revenues from the proposed public use area, that is, the larger area which would be used exclusively for national seashore purposes, were \$32,607. The revenues from the suggested ranching area of 21,000 acres, \$36,089.

It is anticipated that the visitors who would use the facilities at the Point Reyes National Seashore would be derived from two groups: residents within the nine-county San Francisco Bay area, plus Sacramento and San Joaquin Counties, would account for most of the day-use attendance at the national seashore; and then tourists, together with residents outside the nine-county ring, who could be expected to supply the bulk of the overnight, weekend, and vacation attendance.

In consideration of the population growth which is expected within the nine-county bay area, and others who would visit the national seashore for day-use types of recreation, it is anticipated that the national seashore would receive at least 2.1 million day-use visitors annually by 1980. I am emphasizing that a little, Mr. Chairman, because there have been prognostications in the last year and a half as to who would use this place and how extensively, should it ever be established. And Mr. Burroughs, Professor Kent, and the other people in the economics team have studied this a great deal and they are pretty sure they have come up with something that they feel they can substantiate before you, sir, no matter how hard you work them over.

Assuming that sufficient campgrounds were provided within the national seashore, and that ample overnight accommodations were developed by private industry outside the boundaries, it is estimated that overnight, weekend, and vacation use could account for at least 250,000 additional visitors per year by 1980.

The value of the nonrecreational land use of the Point Reyes Peninsula to date has not been great. Relatively few land transactions have taken place during the recent year, and average practice per acre has been low. The economic survey so far indicates that the lands which would be removed from the tax rolls in the event of national seashore establishment would not necessarily result in increased tax burdens to other property owners, and that the possible loss of \$32,600 in annual tax revenues would be more than compensated for by the various taxes paid by private commercial activities needed to serve the visitors. These facilities would possibly be established around the periphery of the area and, as Mr. Wirth has indicated, in operation of such concessions as might be reasonably expected to develop within the area.

On the basis of research to date, the question of whether subdivision developments might occur if a national seashore were not established,

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and increase or decrease the tax burdens of the residents would depend largely upon the type of development. However, according to the Marin County tax assessor's office, most of the normal types of subdivisions in Marin County have been found to create a deficit. A national seashore clearly would have the consequence of holding to a minimum the need for resident taxes and the expenditure of local tax revenues for local and county services.

Now, Mr. Chairman, with those relatively brief paragraphs read in the record, I believe that the testimony on the initiative of the Service is completed, and that we stand ready as we have indicated here to attempt to answer any questions you may have.

Senator Moss. Thank you very much, Mr. Collins and gentlemen whom you introduced, the staff of experts that have made the study. We are pleased to have you here and as the hearing proceeds, there may be occasion when we wish to have you answer questions that may be raised. We have the studies that have been made, and they will be, of course, incorporated in the records of the committee.

Do either of you have questions? Apparently there are no questions at this time.

The county supervisors of Marin County were hosts to several of us who were given the opportunity to view the Point Reyes area and later were hosts at a dinner last night at the Inverness Lodge. It was very delightful. We flew over the area in Army helicopters, and I think we had a good view of all sections of the proposed seashore area from the air. Then we drove in automobiles over part of the area. So it was a very enlightening day.

I would like to call on the county supervisors if they have statements at this time. Mr. Castro is chairman. Mr. Castro, do any of your supervisors wish to make a statement at this point?

Mr. CASTRO. Yes; Mrs. Schultz and Mr. James Marshall.

Senator Moss. Mrs. Schultz, will you come forward and then Mr. Marshall will be the next witness after Mrs. Schultz. If you have a prepared statement, leave it with the reporter here. You may, as you care, read your statement in full or if you care to highlight it, you may do that. The entire statement will be included in the record.

Mrs. SCHULTZ. I think it might be best for the sake of all the people from Marin who are here if I read it.

STATEMENT OF SUPERVISOR VERA SCHULTZ, MARIN COUNTY

Mrs. SCHULTZ. Senators, distinguished guests, and friends, after yesterday's flying, riding, and walking excursion over the Point Reyes area, the members of this congressional committee will agree, I feel sure, that Marin County is a gem of creation endowed with an impressive variety of landscapes and seascapes.

It is being chosen by increasing thousands for their homesites, not by chance but because of appreciation of its great beauty, physical charm, and Mediterranean-type climate. Those who have made this choice, desire to protect, as they share, this unique natural environment.

Residents of the other counties around San Francisco Bay share our local enthusiasm for the beaches, wooded hills, streams, and rugged shores, and on weekends and holidays join us here in ever-increasing numbers, to the extent, in fact, that we now know we must design our

coastline, and the only place they are going to get it is in Washington, Oregon, and California.

Senator ENGLE. Do you have any preference as to how this is done?

Mr. DeTURK. Not at all. I have personally worked with the National Park Service for a long, long time, and regardless of who owns it or who controls it, I know that the management of it can be successfully worked out.

Senator ENGLE. Thank you very much.

Senator MOSS. Thank you, Mr. DeTurk.

Mr. Calkins, of the State department of fish and game.

STATEMENT OF ROBERT D. CALKINS, DEPARTMENT OF FISH AND GAME, STATE OF CALIFORNIA

Mr. CALKINS. Senator Moss, Senator Engle, my name is Robert D. Calkins. I am appearing here today on behalf of the director of the California Department of Fish and Game, Walter T. Shannon, who was required to attend a State senate hearing on salmon regulation at Asilomar. As a result, he was unable to be here.

I will briefly highlight the statement I have submitted for the record. The interest of the California Department of Fish and Game and support for establishment of the proposed Point Reyes National Seashore centers around our responsibility to assure that the fish and wildlife resource areas are maintained for posterity and are utilized in appropriate ways by the public.

In supporting the effort to make the Point Reyes Peninsula available to the public, we recommend that provision be made to allow reasonable utilization of harvestable fish and game resources under the State of California Game Rules and Regulations. In addition to the valuable fishery mentioned by Mr. Wirth, excellent deer and quail hunting and some duck and brant hunting exists now, and in public development should have a place in the planning of this area. These activities should be allowed to continue but controlled to preserve the public's safety.

Our support for the establishment of this seashore presumes that the following would be included in the process:

1. Private landowners would be equitably paid for their properties.
2. Management of fish and wildlife resources, including sport fishing and hunting, as well as commercial fishing, would continue or be further developed as a benefit of added public access under existing patterns of State regulation and control, in cooperation with the agency responsible for overall management of the area.
3. The area would be open to all appropriate varieties of outdoor recreation, and not be a single-purpose operation.

Senator Moss. Thank you, Mr. Calkins. Your entire statement will be in the record.

(The statement follows:)

CALIFORNIA DEPARTMENT OF FISH AND GAME FAVORS POINT REYES NATIONAL SEASHORE

(By Walter T. Shannon, Director, California Department of Fish and Game)

The California Department of Fish and Game, with responsibility for managing this State's fish and wildlife resources for the benefit of all the people, has a strong and material interest in the proposal to establish a Point Reyes national seashore as proposed in Senate bill 2428 and H.R. 8358.

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In managing the State's fish and wildlife resources, this department annually licenses more than 2 million anglers and hunters. In addition, about 1 million youngsters and other special groups fish and hunt and uncounted other citizens use these resources for enjoyment in such pursuits as photography, bird watching, scientific study or by just knowing that they are there.

INTEREST LOOKS TOWARD THE FUTURE

Our interest in establishment of the proposed Point Reyes National Seashore centers around our responsibility to assure that the fish and wildlife resources therein are maintained for posterity and are utilized in appropriate ways by the public.

The California Public Outdoor Recreation Committee, of which the director of the department of fish and game is a member, recently issued a preliminary report of findings which have a bearing on the public need for making the resources of Point Reyes available for use by the public.

The report, based on interviews and detailed studies of the outdoor recreation habits and desires of the people, shows the greatest need today is for areas to be made available to the public close to population centers. Land and water areas available for outdoor recreation close to year-round dwelling places are shrinking at a dramatic rate as urbanization grows in the Golden State. The greatest need is for multipurpose open public areas within 30 miles driving distance of population centers.

NEED IS GREAT IN BAY AREA

About one-quarter of the State's population today lives in the San Francisco Bay area. Places to fish and hunt and otherwise enjoy the outdoors in this area in which few public lands are located, are becoming increasingly hard to find for Californians and tourists as well.

If trends of the past 20 years continue, as every known factor indicates, California's population will double to about 29 million in the next 20 years. This means more than 7 million people will be living in this San Francisco Bay area. For 20 years, the number of anglers and hunters had increased at a faster rate than has the State's population as a whole and pressure on angling and hunting areas has grown apace.

The potential public good that a Point Reyes National Seashore would accomplish is obvious. There would be one large land and sea area in the vicinity of San Francisco which would provide for the outdoor recreational needs of the people of this area.

REASONABLE UTILIZATION RECOMMENDED

In supporting the effort to make the Point Reyes area available to public use, we recommend that provision be made to allow the reasonable utilization of harvestable resources under State of California rules and regulations. There is good surf and rock fishing from shore and a major salmon fishing grounds just offshore. There are good clamming beaches along Tomales Bay and in Drake's Estero while several rocky stretches along the ocean support abalone populations. Commercial oyster beds exist in Drake's Estero and commercial crab and salmon fishermen's docks are located on Drake's Bay. Use of all these resources should be continued and enhanced.

EXCELLENT SPORT AVAILABLE

Excellent deer and quail hunting and some duck and brant hunting exist now and in public development should have a place in planning. These activities should be controlled to preserve the public safety.

Our support for the establishment of the Point Reyes National Seashore presumes that the following would be included in the process:

1. Private landowners would be equitably paid for their properties.
2. Management of fish and wildlife resources, including sport fishing and hunting as well as commercial fishing would continue or be further developed as a benefit of added public access under existing patterns of State regulation and control, in cooperation with the agency responsible for overall management of the area.
3. The area would be open to all appropriate varieties of outdoor recreation, and not be a single-purpose operation.

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2. That inevitably population pressures will cause downward changes in these values unless strong measures are taken soon to guarantee their preservation,

3. That these hunting and fishing opportunities should be preserved, and

4. That, to our knowledge, the proposal by the National Park Service is the only plan which has been proffered tending toward this goal.

It is to be noted that we are not specifically advocating any aspect of the Park Service proposal. Our interest is the preservation of hunting and fishing rights for a group of citizens and therefore must also be the preservation of all conservation aspects of this area. We support the proposal because of its conservation nature but our support will hinge on guarantees of continued hunting and fishing opportunity.

In closing may we note that the Park Service would have been well-advised to have consulted the views of the residents of the area before submitting a formal proposal, in fact, this would only seem to be commonsense. Assuming that the residents of the area involved are interested in preserving their local scene, it might very well be that they would wish to prepare at least the principles of an alternate proposal. We would, of course, support such an alternate proposal providing the preservation guarantees fitted our test.

As matters stand, we give qualified support to the proposal of the National Park Service.

May I add that, in addition to this, we include in our measure of hunting opportunities upland game and deer which are, by my own eyesight and in concurrence with the specialists with the fish and game department, in plentiful supply.

Representative MILLER. Dr. Adams, do you have any suggestions on your point No. 3 as to who should administer such hunting opportunities and fishing opportunities, State or Federal, or had you given that any thought?

Dr. ADAMS. This is under the present situation, I believe, the regulations of how many people hunt this area and in effect is covered by the local residents. The limits and so on are subject to State and, in some cases, Federal regulations. As to who might participate in the future is not really of interest to this club. Most of us, as a matter of fact, have no privilege in this area, but we know that if the people who currently do have privilege in this area have this privilege removed, they will then increase the hunting and fishing pressure on the areas which we currently do use.

Senator Moss. Thank you, Mr. Adams.

Dr. Harold Gilliam will be our next witness.

STATEMENT OF HAROLD GILLIAM

Mr. GILLIAM. My name is Harold Gilliam, and I am a member of the Point Reyes Foundation. I am a newspaper columnist, lecturer, and author of books on the San Francisco Bay region. In all three fields I have been particularly concerned with defining and maintaining the unique qualities of San Francisco and the bay area—qualities now threatened with extinction.

What happens to this region is of concern not only to its residents but to the country as a whole. San Francisco and the area of which it is the economic and cultural capital have traditionally been a symbol of certain special qualities in American life—qualities that have attracted not only residents but visitors by the millions from the rest of the Nation and the world. Actually the visitors outnumber the residents. In the course of a year San Francisco, with a population of about 800,000 attracts an estimated million visitors.

I am concerned that the special characteristics of this region—which are of significance to all Americans—may be obliterated as we develop here populations possibly exceeding in density those of the New York area. According to a Corps of Engineers survey, we may expect that there will ultimately be four times as many residents in the region as at present—a population explosion of ominous proportions.

One quality of life which sets this region apart from most other urban centers is the quality of perspective and proportion. Here the individual is not submerged in the monotony of vast sprawling suburbs or in a Manhattan-type jungle of concrete and steel and asphalt. Traditionally this has been a region in which the advantages of metropolitan life—access to cultural and economic opportunities—have been closely allied with the advantages of geographical space and physical freedom and opportunities for immediate contact with the natural environment. It has always been easy to get out of San Francisco and its neighboring cities for recreation of mind and body among rolling hills and forests and unspoiled beaches.

I am convinced that these opportunities for play and creative leisure in natural surroundings have been very important factors in giving residents and visitors alike a sense of perspective, in serving as an invaluable counterbalance to the tensions and the swift pace of urban living. These opportunities for access to open space have contributed strongly to San Francisco's international reputation as a city of a friendly, relaxed atmosphere where the graces of living are cultivated to a high degree.

I am equally convinced that these priceless opportunities for recreational experience in natural surroundings are rapidly diminishing and may be obliterated entirely as a burgeoning population puts additional pressure on already crowded park and recreational areas, converting them into Coney Islands of the future.

Several examples of such disappearing opportunities come to mind. A few years ago the State legislature authorized the purchase as a State park of the magnificent grove of redwoods on Butano Creek about 40 miles south of San Francisco. Because of a legislative delay this grove—comparable in some ways to Muir Woods National Monument—was logged over, and it was possible to salvage for park purposes only some groves of smaller trees on the fringe of the logged area.

Last year the legislature authorized purchase of a large redwood grove in Kent Canyon adjacent to Muir Woods, which is already badly suffering from overcrowding. Before the purchase could be made, loggers were destroying great trees hundreds and perhaps thousands of years old, and the virgin grove was destroyed forever.

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Recently, as you know, similar logging operations have been eating into the forest of Douglas-fir on Inverness Ridge, part of the contemplated Point Reyes park area. Just north of Point Reyes the beautiful promontory of Bodega Head juts into the ocean. This area was authorized by the legislature a few years ago as a State park, but before funds were available, the Pacific Gas & Electric Co. purchased the point and plans to erect a major powerplant there.

With variations these instances could be multiplied many times. Today in the newspapers I read that the Federal Government is planning to sell to subdividers some magnificent scenic property at Fort Baker on the Golden Gate—an area which the State had hoped to purchase for park purposes.

Without going into the pros and cons of these various situations, one fact is clear: Superb potential recreation areas remarkably close to this major center of population are being destroyed at an alarming rate. They could have been used as breathing spaces—sources of inspiration and creative leisure—for generations of future northern California residents and vacationers from all parts of the United States.

With the wildfire spread of subdivisions and industrial areas, we can expect the entire aspect of this region to undergo drastic changes. San Francisco will lose its traditional freedom of access to open spaces and become a boxed-in city. To a large degree these changes are inevitable. All we can hope to do is to reserve some of the few remaining scenic areas in order to save from extinction some of the qualities that have given this region worldwide fame and attractiveness.

In this region the Point Reyes area is doubtless the most outstanding piece of land that has not yet been bulldozed, subdivided, industrialized, or commercialized. Its period of isolation, however, is at an end. One way or another this splendid area will be changed very soon—and is being changed at this moment. As new high-speed roads are built, bringing it within easy commuting distance of San Francisco—relatively as close as Palo Alto, for example—it will doubtless be converted into mushrooming subdivisions as has been most of the peninsula area south of San Francisco. The other alternative is to preserve its spectacular natural beauty for the recreation and inspiration of future generations of residents and Americans from every part of the country.

It is understandable that there is strenuous opposition to this proposal—as there has been to virtually every proposal to create parks or maintain open space. I sympathize with the ranchers and other residents of the area who would prefer to have the Point Reyes Peninsula remain as it is than to have a park. I myself would prefer it that way. But with mounting economic and population pressures such an eventuality is obviously impossible.

I believe that any measures to create a national seashore area at Point Reyes should scrupulously preserve the rights of individual residents who want to continue living or ranching on their property. No individual should be deprived of land that is his means of livelihood. I believe that it is possible both to protect the rights of present residents and to preserve the scenic beauty of the area for the crowded future.

As a bay area resident I have hiked along the beaches and through the woods and hills of Point Reyes for many years. As a reporter I have talked to dozens of people in the area regarding the proposal for a park and believe that I have heard all points of view in the matter. I am convinced that this area should be preserved for park purposes because it is needed to help preserve the qualities that have made San Francisco and its surrounding area a symbol to all Americans of a particular style of living—a place where the individual can achieve the perspective afforded by a rich variety of cultural and recreational experiences.

AN UNIDENTIFIED WITNESS. I'd like to add something very briefly to that. As we look at these conservation projects, we are always thinking we are living in a Rip Van Winkle sort of world. We think because there are open spaces all around us that they will always be open, but the ones that are privately owned, which is the vast majority, will not always be opened. If we could take a photograph and then paint buildings on all the areas that are available for private housing development, I think we would be frightened out of our wits as we saw the results.

STATEMENT OF DR. ROBERT C. MILLER

Dr. MILLER. My name is Robert C. Miller, and my address is California Academy of Sciences, San Francisco. I am speaking as an individual, but I am a member of a number of conservation organizations, including the Izaak Walton League, the Sierra Club, the Wilderness Society, the National Wildlife Federation, the Save-the-Redwoods League, and the California Conservation Council; and I believe that my point of view is not dissimilar to that of these and other conservation organizations.

I know of no area on the west coast comparable to the Point Reyes Peninsula in its proximity to a major center of population along with its numerous values to be preserved. Geologically, it is of outstanding interest for its rift valley and its relationship to the 1,300-mile-long San Andreas Fault; botanically, for its extensive stands of the unique Bishop Pine, its virgin Douglas fir forest, and its enormous wildflower displays; zoologically, for both terrestrial and marine birds and mammals; anthropologically, for its extensive Indian mounds and sites; and esthetically for its magnificent vistas of land and sea.

In this morning's press a spokesman for the General Services Administration was quoted as stating that certain federally owned land immediately north of the Golden Gate is "too valuable for park purposes." On this kind of thinking, Golden Gate Park in San Francisco is too valuable for park purposes; Central Park in New York City is too valuable for park purposes.

The greater the pressure of urbanization, the more urgent it becomes to have open spaces, readily accessible to the people, where as much of wild nature as possible can be maintained for their enjoyment and spiritual re-creation. I would affirm that there is no land in the United States that is too valuable for park purposes.

It is our good fortune that the Point Reyes area has survived to this time practically untouched by urban development. Let us pre-

EXHIBIT 2



LAND USE SURVEY

& Economic Feasibility Report

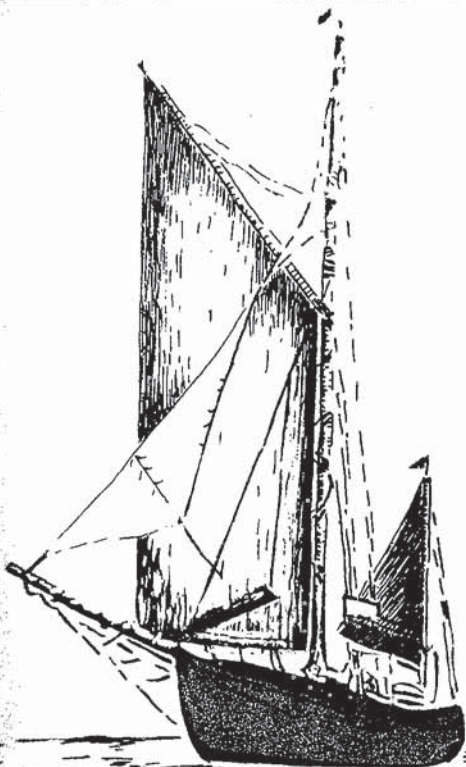
Proposed

POINT REYES
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LAND USE SURVEY

Proposed POINT REYES NATIONAL SEASHORE



prepared by
REGION FOUR OFFICE

Lawrence C. Merriam, Regional Director
180 New Montgomery Street
San Francisco 5, California

February 1961



UNITED STATES
DEPARTMENT OF THE INTERIOR
Stewart L. Udall, Secretary

L.U.S. NATIONAL PARK SERVICE
Conrad L. Wirth, Director



Introduction

LAND USE SURVEY

This is a LAND USE SURVEY of the proposed Point Reyes National Seashore located in Marin County, California, on the Point Reyes Peninsula. It is current as of April, 1960. The proposal embraces the entire Point Reyes Peninsula with the exception of the villages and adjacent expansion areas, the Tomales Bay State Park, the facilities operated by the U.S. Coast Guard, and certain radio communications facilities of critical international importance.

Included in the proposal are provisions for the continued operation of most of the dairy ranches, suggestions for expansion of commercial fisheries to furnish recreation opportunities commensurate with the purposes of the seashore proposal, and continuance of the oyster industry in Drakes Bay to supply additional recreation facilities. The area being considered approximates 53,000 acres of land and inland lakes, plus the included bays and esteros, and the tidal and submerged lands within one-fourth mile of the coast of the proposed seashore.

A national seashore is distinguished from a national park primarily in its method of development and management, which may be somewhat less restrictive than in a national park. The national parks are spacious land areas which require in their public use programs exacting application of protective controls to conserve, unimpaired, their compelling manifestations of nature.

A national seashore, although it may offer certain unique or outstanding natural history elements requiring absolute preservation just as in a national park, generally will be capable of sustaining as a major objective a varied public recreation program less restrictive than would be suitable in a national park. Both types of areas are administered under the laws, rules and regulations of the National Park Service. All of the recreation activities reasonably allowable in a national seashore are encouraged. Boating and other water and beach recreation, softball, golf and other sports and games may be highly consistent where they can be worked out without endangering other important considerations. Thus, public use opportunities could exert more recreation "pulling" force than is usually expected at a national park where the recreation is generally of a more passive or contemplative nature. (It is all a matter of basic policy, planning, and programming for the wisest use of resources.)

The LAND USE SURVEY, made with donated funds, proposes the dedication of about 53,000 acres of lands for the national seashore out of a total of roughly 64,000 acres on the Point Reyes Peninsula. The excluded 11,000 acres would consist of Tomales Bay State Park, together with private lands within it, villages on the Peninsula, and adjacent lands for their expansion. Within the exterior boundaries of the proposed seashore about 33,000 acres of the Peninsula would be used exclusively for a variety of public uses. The PUBLIC USE ZONE would make avail-

able for public enjoyment a 70-mile coastal area with many miles of sandy beaches, interspersed between steep bluffs containing marine caves and flanked by offshore rocks. Inland from the bluffs and beaches are grassy terraces, sand dunes, or rolling uplands covered with coastal brush, and wind-pruned trees.

On the southern half of the Peninsula, the Inverness Ridge rises to a height of 1,400 feet. Its seaward side supports broadleaf trees and Douglas firs in steep ravines and along its summit. The eastern side of the Inverness Ridge was solidly covered with a Douglas fir forest before 1958 when a lumbering operation commenced. About midway of the Peninsula where Inverness Ridge rises, and northward for some 8 miles, the forest is a mixture of broadleaf and coniferous trees with bishop pines predominating. The varied character of the proposed PUBLIC USE ZONE, its natural condition and proximity to a large urban center, make the area one of the five most outstanding segments of unspoiled seashore remaining along the Pacific Coast.

All of the lands on Point Reyes Peninsula suggested for administration by the National Park Service are in private ownership at the present time, and are devoted largely to dairy farming or beef cattle ranching. This LAND USE SURVEY proposes that 20,000 acres of land in the central part of the Peninsula would be leased for the operation of dairy ranches or the raising of beef cattle. The RANCHING AREA would preserve this portion of the proposed seashore as "open space" for its scenic pastoral qualities.

The proposed boundaries of Point Reyes National Seashore include a total of 15 dairy ranches which raise approximately 7,000 head of dairy stock, with about 3,200 head in active milk production, and 10 beef cattle ranches with approximately 3,500 head of beef cattle. If a national seashore were established and managed in accordance with the present proposal, about half the dairy and beef cattle ranches would continue operation under lease agreements. Ranching operations within the portion of the national seashore to be reserved for public use would be largely, if not wholly, discontinued.

The oyster beds and oyster cannery on Drakes Estero would add recreation and economic value to the seashore and should be continued. The commercial fisheries on Point Reyes likewise have valuable recreation and economic implications. The fishery operations could be expanded to furnish charter boat service for deep-sea sport fishing. Construction of a harbor of refuge in the west end of Drakes Bay where these fisheries are located, has been proposed by State of California authorities. A safe anchorage off Point Reyes Peninsula would significantly increase sport fishing and the use of this part of the Pacific Ocean by pleasure craft berthed in San Francisco Bay.

The two radio receiving installations on Point Reyes Peninsula would continue to provide communication ser-

REPORT ON THE

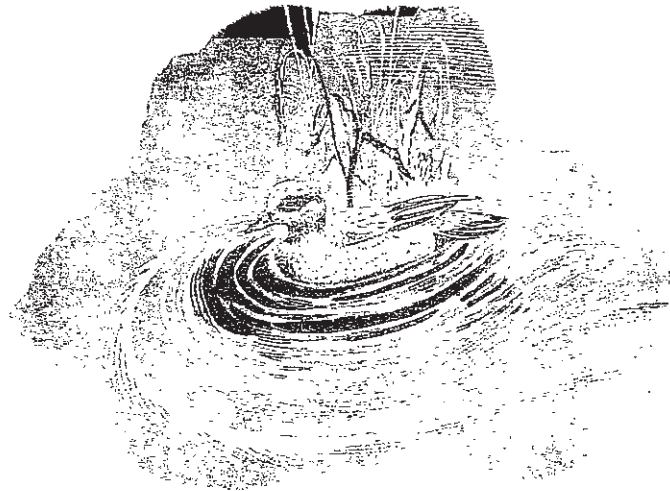
Economic Feasibility

of the

Proposed

POINT REYES NATIONAL SEASHORE

1961



prepared by

REGION FOUR OFFICE

Lawrence C. Merriam, Regional Director
180 New Montgomery Street
San Francisco 5, California

February 1961



UNITED STATES
DEPARTMENT OF THE INTERIOR
Stewart L. Udall, Secretary

NATIONAL PARK SERVICE
Conrad L. Wirth, Director



Report on the

Economic Feasibility

 of the PROPOSED POINT REYES NATIONAL SEASHORE

INTRODUCTION

This report concerns a survey of the economic consequences relating to the proposal to establish a Point Reyes National Seashore. The survey was conducted by the National Park Service in collaboration with University of California Professor John W. Dyckman of the Department of City and Regional Planning, and Professor Julius Margolis of the School of Business Administration. Marin County Assessor Bert Brommel and Executive Vice President Kenneth Davis of the Point Reyes National Seashore Foundation also made highly important contributions.

A tentative economic report, based on preliminary data, was completed in early 1960. The findings of that report were later supplemented by additional, more detailed information — especially concerning assessed valuation — which was brought out at a public hearing held in Kentfield, California, by a Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs.

Since the hearing, there has been opportunity to check further with Marin County officials, and the former tentative report has been edited to bring it into concert with the additional information presented at the Senate hearing. This document, which reflects the changes that have been made in the earlier report, represents a meeting of minds between the Marin County Assessor and the National Park Service with respect to assessed valuations.

So far as the investigators are concerned this report concludes the work to be done, at least for the time being, on the economics of the Point Reyes proposal. At some future time it may be feasible to develop other economic aspects of the Point Reyes proposal, and thus make a further contribution to the field of recreation economics, but there are no specific ideas in this connection on the part of the National Park Service at this time.

SUMMARY

The proposed Point Reyes National Seashore is situated on the Point Reyes Peninsula, a conspicuous promontory on the coast of Marin County, California. The highway entrance to the Peninsula is 30 to 35 miles northwest of San Francisco.

The area under consideration includes approximately 53,000 acres of land, plus bays, inland lakes, and tidal and submerged lands extending one-quarter mile to seaward from mean high tide. The varied character of the shoreline, with its wide sandy beaches, wave-swept caves and offshore rocks, and steep coastal bluffs combines with sand dunes and grasslands, chaparral and scenic fir and pine forest to make the area one of the most outstanding segments of unspoiled seashore yet remaining along the Pacific Coast.

The proximity of the proposed national seashore to one of the major metropolitan centers of the United States is a feature that adds greatly to the recreation importance of the area.

Practically all of the lands within the suggested boundary of the proposed area are in private ownership and

those in productive use are largely devoted to dairy operations and beef cattle ranching. Under the present proposal the Point Reyes National Seashore would be operated through two types of land management. Of the 53,000 acres which would be acquired, 33,000 acres would be managed solely for public use. Some 20,000 acres of land situated in the central part of the Peninsula would be leased for ranching purposes to preserve the present pastoral scene.

The suggested boundaries as of April 1960 include a total of 15 dairy ranches which support approximately 7,000 dairy stock, with about 3,175 head in active milk production, and 10 beef cattle ranches with approximately 3,500 head of beef cattle. If the national seashore were established and managed in accordance with the present proposal, about half the dairy lands and beef cattle lands would continue operation under lease agreements. Ranching operation within the portion of the national seashore to be reserved for public use would be largely, if not wholly, discontinued. Two existing trans-Pacific radio receiving stations, maintained by the Radio Corporation of America and the American Telephone and Telegraph Company, respectively, would remain and would continue operation. Additional installations, consisting of public utilities in the form of electric power and telephone services, not only would remain in operation but would require expansion in connection with national seashore development.

Existing commercial oyster beds and an oyster cannery at Drakes Estero, plus three existing commercial fisheries, should continue under national seashore status because of their public values. The culture of oysters is an interesting and unique industry which presents exceptional educational opportunities for introducing the public, especially students, to the field of marine biology. Continuation of commercial fishing, with expansion of existing facilities to include sea food restaurants and markets and charter boat service for deep sea sport fishing would be compatible with the seashore concept.

Almost all of the Peninsula is privately owned and there is very limited access to the shoreline. Thus recreation now plays a relatively minor role within the boundaries of the proposed national seashore. Public areas are limited to two small developments along the shore.

On the basis of Marin County tax records, the total assessed valuation of lands and improvements within the 53,000 acres of the proposed national seashore is approximately \$2,695,000. This figure includes approximately \$1,726,000 in lands and improvements that are assessed locally (by the County) and \$968,550 in the State-assessed communications and power utilities already mentioned, which would remain if a national seashore were established. Of the locally-assessed lands and improvements, approximately \$1,291,000 represents the assessed valuation within the proposed PUBLIC USE AREA and approximately \$435,000 the value within the proposed RANCHING AREA.

EXHIBIT 3

POINT REYES NATIONAL SEASHORE

1453-1

HEARINGS
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS
OF THE
COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE
EIGHTY-SEVENTH CONGRESS
FIRST SESSION
ON

S. 476

**A BILL TO ESTABLISH THE POINT REYES NATIONAL
SEASHORE IN THE STATE OF CALIFORNIA,
AND FOR OTHER PURPOSES**

MARCH 28, 30, AND 31, 1961

Printed for the use of the Committee on Interior and Insular Affairs



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1961

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POINT REYES NATIONAL SEASHORE

will be overwhelming. I think we are fortunate to have such an area still available. I am very much in favor of it, although I naturally want to hear all the arguments on the other side.

Secretary UDALL. Senator, my reaction is the same as yours, looking at this map. I am astounded that it is as untouched as it is, and that it is available as a resource. I think San Francisco is extremely fortunate that we have been alerted in time and that we are ready to act.

Senator BIBLE. Thank you very much, Mr. Secretary.

Again, may I express the personal pleasure of myself as the chairman, and I think I speak for the subcommittee, for the fact that you have taken time out from your busy schedule to appear here personally on this bill. We appreciate that.

I know you have other commitments, but we would appreciate it if the Under Secretary and Mr. Wirth would remain with us.

Thank you, Mr. Secretary.

Secretary UDALL. Thank you.

(The prepared statement of Secretary Udall follows:)

STATEMENT OF STEWART L. UDALL, SECRETARY OF THE INTERIOR

Mr. Chairman and members of the committee, I am very glad to appear here in behalf of the proposed Point Reyes National Seashore. The preservation of our few remaining undeveloped seashores is one of the most important conservation jobs before us today. This was pointed out in the President's recent special message on natural resources. In fact, the President singled out the Point Reyes Peninsula as one of the three finest seashore conservation opportunities before the Congress.

This outstanding area of great scenic, scientific, historic, and recreational values is only 30 miles from San Francisco. No other large area in the United States near a dense population center has been left so unaltered by man until now.

With population in the San Francisco Bay region now totaling 4.4 million, and threatening to nearly double within the next 20 years, development is mushrooming. It is now a race between subdividers and those who would preserve a few of these remaining natural areas for the health, inspiration, and enjoyment of the people of the United States and, more important, those to follow us.

Right now, today, bulldozers are working overtime leveling off a 1,000-acre subdivision overlooking the beach along Drake's Bay. A sawmill is at work a little farther back from the ocean.

I urge, with as much emphasis as I can, that the Congress take early action in authorizing the acquisition and preservation of this important area.

Recently, the National Park Service, with the use of private funds donated for the purpose, conducted comprehensive surveys of the Nation's entire coastal and Great Lakes shoreline. The findings were little short of appalling. Nearly every attractive natural area had either been taken over for commercial or residential use. The few remaining areas were shrinking at an alarming rate. Such is the case at Point Reyes.

The Point Reyes Peninsula deserves a better fate. The natural values are of such importance to the general public as to far outweigh the value of the area for subdivision and commercial use. The unique cool and moist climate of the outer peninsula is not particularly ideal for continuous residential use anyway. On the other hand, this same climate provides delightful relaxation for visitors coming from the hot and dry inland areas of our country.

This same climate, in combination with the great variations in topography and soils of the area, has produced an extraordinary diversity of forests, beachlands, grasslands, dune vegetation, and marshes. As a result, the wildlife exhibits a corresponding diversity—ranging from saltwater shore birds to birds and mammals of dense mountain forests.

In addition to these prime qualities of scenic and scientific importance, the area also is historically important. From the national standpoint is the wide belief that Sir Francis Drake may have repaired his vessel, the *Golden Hind*, here in

POINT REYES NATIONAL SEASHORE

1-1

1570 before starting out across the Pacific on his journey around the world. If the area is preserved, we hope to be able to locate the remains of Drake's stone fort. Such a discovery would mark one of our Nation's most important historic sites—the first known English habitation within the boundaries of the present United States.

If carefully planned as a consolidated unit and administered as a national seashore, these scenic, scientific, and historic values could be preserved. At the same time, thousands of visitors would be able to enjoy a 70-mile coastal area with many miles of sandy beaches, interspersed between steep bluffs containing marine caves and flanked by offshore rocks.

This proposed legislation provides a balanced use between the public and private interests concerned. Most of the dairy ranches could continue operation, the two radio-receiving installations would be able to provide satisfactory communication services to the Orient (as there would not be the interference which would otherwise result from residential and commercial development of the area), and the oyster and commercial fisheries would be able to continue operation and provide both recreation and economic value to the seashore.

Under the plan proposed by the National Park Service and provided for in the Point Reyes National Seashore bill, the existing villages would be provided with sufficient room for future expansion and enough room would be left for compatible and historically worthwhile ranching operations to continue as an economic support of the general area. Outside the exterior boundaries of the proposed seashore, 11,000 acres will be left for Tomales Bay State Park, the villages on the peninsula, and adjacent lands for their expansion. Within the exterior boundaries of the proposed seashore, 20,000 acres of land in the central part of the peninsula would be designated as a pastoral zone to be kept as open space. The bill provides that the Secretary is authorized to acquire this land subject to continued use and occupancy for ranching purposes; or he is authorized to acquire the fee title and then lease it back for ranching purposes. This would provide, within the seashore, 33,000 acres for exclusive public uses including camping, picnicking, hiking, nature study, beach use, and scenic enjoyment.

The proposed bill, therefore, would cause a minimum of injury or inconvenience to individuals. It also provides that owners of private noncommercial dwellings constructed before September 1, 1950, may retain the right to use and occupy the dwellings for residential purposes for a term ending at the death of the owner, the death of the owner's spouse, or until the owner's last surviving child reaches the age of 30, whichever is the latest. This seems to the Department to be a most equitable provision.

It is estimated that the Point Reyes National Seashore would receive more than 2½ million visitors annually by 1950. To accommodate these visitors, planned development in the seashore will include beach facilities, picnic areas, campgrounds, trails for horseback riding and hiking, access roads and parking lots. The development of overnight accommodations outside of the national seashore by private industry will further the preservation objective of the natural area. At the same time, these developments occasioned by the demand for visitor services will broaden the tax base of the localities and offset tax losses which might otherwise result. This latter aspect is pointed out in an economic survey made by the National Park Service in collaboration with professional people from the University of California and local tax authorities.

The survey report indicates that a national seashore would attract taxable commerce and facilities beyond what would otherwise be required to serve the visiting public. Such expansion would add to the property, sales, gasoline, and other tax bases of the county. In addition, the proximity of a national seashore would attract new commercial enterprises to the region because they would find that the recreation advantages of Marin County would make it easier to hold skilled labor and professional forces, especially of the substantial types Marin County is trying to attract.

As further evidence that local taxpayments would more than compensate for tax losses, a study by the Marin County Planning Department shows that one 65-unit motel with restaurant and swimming pool on 5 acres of land in Marin County pays an annual tax revenue to the county of nearly \$8,000.

These questions of the effect of the establishment of parks on the local economy have been raised many times. In every case that we know of, the economic status of the local communities has been greatly improved. We will be glad to give you some examples for the record if the committee so desires.

POINT REYES NATIONAL SEASHORE

It is not our intent, however, to justify a Point Reyes National Seashore on the basis of a dollars-and-cents benefit to anyone. The primary need is to preserve this outstanding area, for all time, for the benefit of all the people of the Nation.

There was a time when national parks could be carved out of the public domain. In a few instances lands for national parks were acquired in the east by purchase and donation by States and private fortunes. These opportunities are few today. Acquisition of large blocks of park lands, especially seashores, is beyond the resources of any single group. It now remains the responsibility of the Federal Government.

We must acquire these few remaining seashore areas at once. It cannot be a piecemeal proposition. Every day sees us losing ground to commercial development, and once the land slips away, it is for all practical purposes gone forever.

I again want to point out the urgency of the situation, and urge this committee to take all possible action to forestall the loss of this great recreational area and to bring about authorization for its establishment as Point Reyes National Seashore.

Senator BIBLE. At this point in the record I think that it would be appropriate to have placed the document entitled "Report on the Economic Feasibility of the Proposed Point Reyes National Seashore," compiled by the National Park Service.

(The report referred to is as follows:)

Report on the
Economic Feasibility

of the Proposed
POINT REYES NATIONAL SEASHORE
1961

NATIONAL PARK SERVICE
Conrad L. Wirth - Director
Region Four Office - San Francisco
Lawrence C. Merriam - Regional Director

Report on the Economic Feasibility of the PROPOSED POINT REYES NATIONAL SEASHORE

INTRODUCTION

This report concerns a survey of the economic consequences relating to the proposal to establish a Point Reyes National Seashore. The survey was conducted by the National Park Service in collaboration with University of California Professor John W. Dyckman of the Department of City and Regional Planning, and Professor Julius Margolis of the School of Business Administration, Marin County Assessor Bert Brommel and Executive Vice President Kenneth Davis of the Point Reyes National Seashore Foundation also made highly important contributions.

A tentative economic report, based on preliminary data, was completed in early 1960. The findings of that report were later supplemented by additional, more detailed information — especially concerning assessed valuation — which was brought out at a public hearing held in Kentfield, California, by a Public Lands Subcommittee of the Senate Committee on Interior and Insular Affairs.

Since the hearing, there has been opportunity to check further with Marin County officials, and the former tentative report has been edited to bring it into concert with the additional information presented at the Senate hearing. This document, which reflects the changes that have been made in the earlier report, represents a meeting of minds between the Marin County Assessor and the National Park Service with respect to assessed valuations.

So far as the investigators are concerned this report concludes the work to be done, at least for the time being, on the economics of the Point Reyes proposal. At some future time it may be feasible to develop other economic aspects of the Point Reyes proposal, and thus make a further contribution to the field of recreation economics, but there are no specific ideas in this connection on the part of the National Park Service at this time.

SUMMARY

The proposed Point Reyes National Seashore is situated on the Point Reyes Peninsula, a conspicuous promontory on the coast of Marin County, California. The highway entrance to the Peninsula is 30 to 35 miles northwest of San Francisco.

The area under consideration includes approximately 53,000 acres of land, plus bays, inland lakes, and tidal and submerged lands extending one-quarter mile to seaward from mean high tide. The varied character of the shoreline, with its wide sandy beaches, wave-swept caves and offshore rocks, and steep coastal bluffs combines with sand dunes and grasslands, chaparral and conic fir and pine forest to make the area one of the most outstanding segments of unspoiled seashore yet remaining along the Pacific Coast.

The proximity of the proposed national seashore to one of the major metropolitan centers of the United States is a feature that adds greatly to the recreation importance of the area.

Practically all of the lands within the suggested boundary of the proposed area are in private ownership and

those in productive use are largely devoted to dairy operations and beef cattle ranching. Under the present proposal the Point Reyes National Seashore would be operated through two types of land management. Of the 53,000 acres which would be acquired, 33,000 acres would be managed solely for public use. Some 20,000 acres of land situated in the central part of the Peninsula would be leased for ranching purposes to preserve the present pastoral scene.

The suggested boundaries as of April 1960 include a total of 15 dairy ranches which support approximately 7,000 dairy stock, with about 3,175 head in active milk production, and 10 beef cattle ranches with approximately 3,500 head of beef cattle. If the national seashore were established and managed in accordance with the present proposal, about half the dairy lands and beef cattle lands would continue operation under lease agreements. Ranching operation within the portion of the national seashore to be reserved for public use would be largely, if not wholly, discontinued. Two existing trans-Pacific radio receiving stations, maintained by the Radio Corporation of America and the American Telephone and Telegraph Company, respectively, would remain and would continue operation. Additional installations, consisting of public utilities in the form of electric power and telephone services, not only would remain in operation but would require expansion in connection with national seashore development.

Existing commercial oyster beds and an oyster cannery at Drakes Estero, plus three existing commercial fisheries, should continue under national seashore status because of their public value. The culture of oysters is an interesting and unique industry which presents exceptional educational opportunities for introducing the public, especially students, to the field of marine biology. Continuation of commercial fishing, with expansion of existing facilities to include sea food restaurants and markets and charter boat service for deep sea sport fishing would be compatible with the seashore concept.

Almost all of the Peninsula is privately owned and there is very limited access to the shoreline. Thus recreation now plays a relatively minor role within the boundaries of the proposed national seashore. Public areas are limited to two small developments along the shore.

On the basis of Marin County tax records, the total assessed valuation of lands and improvements within the 53,000 acres of the proposed national seashore is approximately \$2,695,000. This figure includes approximately \$1,726,000 in lands and improvements that are assessed locally (by the County) and \$969,550 in the State-assessed communications and power utilities already mentioned, which would remain if a national seashore were established. Of the locally-assessed lands and improvements, approximately \$1,291,000 represents the assessed valuation within the proposed PUBLIC USE AREA and approximately \$435,000 the value within the proposed RANCHING AREA.

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Lands and improvements in Marin County are presently assessed at 25 percent of market value. On that basis, the value of the locally-assessed lands and improvements within the proposed area is estimated at about \$7,500,000, of which some \$3,610,000 represents the value within the proposed PUBLIC USE AREA and \$1,890,000 the value within the proposed RANCHING AREA. Since it is likely that land is somewhat under-assessed for the reason that assessments are presently based on a 1956 market level, the actual fair market value will be greater than the figures indicate.

Taxes on property for the entire 53,000-acre area in the 1959-1960 fiscal year totalled slightly less than \$160,000. Tax revenues from the proposed PUBLIC USE AREA amounted to \$102,000 and revenues from the proposed RANCHING AREA \$58,000.

It is anticipated that the visitors who would use the facilities at the Point Reyes National Seashore would be derived from two groups: residents within the nine-county San Francisco Bay Area, plus Sacramento and San Joaquin Counties, who would account for most of the day use attendance at the national seashore; and tourists, together with residents outside the nine-county ring, who would contribute substantially to the overnight, weekend and vacation attendance.

In consideration of the population growth which is expected within the nine-county Bay Area, and others who would visit the national seashore for day use types of recreation, it is estimated that the national seashore would receive at least 2.1 million days of visitor use annually by 1980. Assuming that sufficient campgrounds were provided within the national seashore and that ample overnight accommodations were developed by private interests outside the boundaries, it is estimated that overnight, weekend and vacation use could account for at least 250,000 additional visitors per year by 1980.

The value of the non-recreation land of the Point Reyes Peninsula up to 1950 has not been great. Relatively few land transactions have taken place during the recent past, and average prices per acre have been low.

According to the Marin County Tax Assessor, if the Point Reyes National Seashore is established and managed as presently proposed (assuming that all taxable property except utilities on the 33,000 acres designated for public use would be removed from the tax rolls, and the taxable value of 20,000 acres designated for ranching adjusted to a possessory interest tax basis), there would result a local and county tax loss of possibly \$60,000 annually. The economic survey indicates that the removal of lands from the tax rolls in the event of national seashore establishment would not necessarily result in increased tax burdens to other property owners. Also it indicates that any possible loss in annual tax revenues as estimated above unquestionably would be more than compensated for by the various taxes paid by existing and new facilities and services that would be essential to serve the visitors.

On the basis of research to date the question of whether subdivision developments, which might occur if a national seashore were not established, would increase or decrease the tax burdens of other residents would depend largely upon the types of developments. However, accord-

ing to Marin County fiscal officials, the addition of the average tract home to the tax base does not react favorably to the tax position of property owners in general. This is so because the added tax revenue realized from the new home is less than the costs of education and other governmental functions needed to service that home.

Marin County has fewer industrial properties in proportion to residential properties than other counties in the Bay Area—over 67 percent of the tax base is in improved residential property. This fact, in turn, has resulted in a property tax burden on households which is greater than for any other Bay Area county. A national seashore would serve in the same role as industrial property in that it would attract taxable commerce and facilities beyond what would otherwise be required to serve the visiting public. Such expansion would add to the property, sales, gasoline and other tax bases of the county. In addition, the proximity of a national seashore would attract new commercial enterprises to the region because they would find that the recreation advantages of Marin County would make it easier to hold skilled labor and professional forces, especially of the substantial types Marin County is trying to attract.

CRITERIA FOR NATIONAL SEASHORE DEVELOPMENT

A brief review of the criteria with which we are concerned in this case is necessary before proceeding with the economic appraisal itself. Since there is as yet but one established national seashore, an explanation of how this type of area differs from other units of the National Park System is in order.

A national seashore is distinguished from a national park primarily in its method of development and management, which may be somewhat less restrictive than in a national park. The national parks are spacious land areas which have suffered little or no alteration by man, and require exacting application of protective controls to conserve, unimpaired, their compelling manifestations of nature. A national seashore, although it may offer certain unique or outstanding natural history elements requiring absolute preservation just as in a national park, generally will be capable of sustaining as a major objective a varied public recreation program less restrictive than would be suitable in a national park. Both types of areas are administered under the laws, rules and regulations of the National Park Service.

The proposed Point Reyes National Seashore exemplifies critically significant ecological processes involving varieties of earth and life resources which combine to produce rare scenery and a diversity of recreation opportunities. All of the recreation activities reasonably allowable at a national seashore are frankly encouraged. Boating and other water and beach recreation, softball, and other sports and games may be highly consistent where they can be worked out without endangering other important considerations. Thus, public use opportunities could exert more recreation "pulling" force than is usually expected at a national park where the recreation use is generally of a more passive or contemplative nature. Preservation of the unique attractions of the natural

scene is an obligation which should not be evaluated by economic techniques. Hence, such an evaluation is outside the scope of the report.

THE POINT REYES AREA

Location

The Point Reyes Peninsula is situated on the coast of Marin County, California. The Peninsula extends northward along 45 miles of seashore from a point some 15 miles north of the entrance to the Golden Gate Channel of San Francisco Bay. The highway entrance to the Peninsula is 30 to 35 miles from downtown San Francisco.

Character of the Area

The proposed Point Reyes National Seashore is one of five coastal areas identified in the Pacific Coast Recreation Area Survey, published in 1959, as possessing scenic, scientific, and recreation values of possible national significance. That survey describes the area as follows:

"The shoreline varies in character, with wide sandy beaches, wave-swept caves, offshore rocks, steep coastal bluffs and one three-mile long sandspit. The upland consists of sand dunes and grassland graduating into chaparral and magnificent fir and pine forests. Also included are such features as Drakes Estero with its 26 miles of shoreline, 9 inland fresh-water lakes plus Abbotts Lagoon of several hundred acres, several fresh and salt water marshes, and an interesting variety of birds and mammals."

Two other commanding facts of the proposed national seashore which have to do with its location are particularly worthy of attention.

First, it is extremely rare for such a large unspoiled area of great natural interest to be within such easy reach of a major metropolitan area (The San Francisco-Oakland Metropolitan Area) as is the Point Reyes Peninsula. The values inherent in superlative natural areas identify and characterize them, of course, regardless of their geographic relation to user populations; and it so happens that most of them are far more distant from population centers than is Point Reyes.

The second locational attribute is that found in the rising attractiveness of water-related recreation. The most rapidly growing recreation activities are those of boating and other water-related uses. Where conservation objectives can include the creation of opportunities for recreation water use, an impressively large volume of benefits can result, as the reservoirs impounded by the U. S. Bureau of Reclamation, the Corps of Engineers, and other agencies attest.

These two factors of the Point Reyes area, its nearness to major populations and the added recreation lure of swimming and boating water, would be important factors in the total benefits accruing from national seashore development.

Access

The Point Reyes Peninsula is well located with respect to both the large northern California metropolitan popu-

lation, and the sizeable volume of national tourists who visit California each year.

At present, two highway routes provide major access to the Peninsula. U. S. Highway 101, the main arterial traffic route through San Francisco, is less than 15 miles to the east of the proposed national seashore. State Highway 1, which follows the coastline and connects with U. S. 101 about 13 miles south of Bolinas Bay and 4 miles north of the Golden Gate Bridge, is immediately east of the Peninsula.

Additional access is afforded by certain county spur roads which connect these two main highways at frequent intervals north of the above junction. These are slow-speed and scenically interesting roads.

East-west U. S. 40 inter-connects San Francisco and Oakland with Sacramento on U. S. 99, which roughly parallels U. S. 101 about 70 miles to the east. U. S. 50 connects the same two cities with Stockton; U. S. 40 joins trans-continental U. S. 30 at Salt Lake City; and other major trans-continental routes connect with U. S. 99 at various points. The improvement of U. S. Highways 30 and 99 as part of the Federal Interstate and Defense Highway System will further the presently good access to Point Reyes by national routes.

In addition, the completion of routes now approved for the California Freeway and Expressway System, all scheduled within the next 20 years, will bring virtually all sections of the Peninsula in direct contact with the major freeway systems. Legislative Route No. 69, over the existing Sir Francis Drake Highway which connects Point Reyes Station with the Marin County seat at San Rafael and U. S. 101, will be brought up to freeway standards over its 25-mile length. Legislative Route No. 252, which will join the Sir Francis Drake Highway near Nicasio five miles southeast of Point Reyes Station, will feed in from Novato on U. S. 101 and will provide direct access to Point Reyes from points within the Sacramento Valley. Legislative Route No. 51 will extend from the community of Valley Ford, about seven air miles northeast of Tomales Point, to the City of Santa Rosa on U. S. 101, serving the Sonoma Valley. Legislative Route No. 56 calls for the improvement of California State Highway 1, the Coast Highway, to freeway standards over a 48-mile stretch reaching from its junction with U. S. 101 near the Golden Gate Bridge to its intersection with Legislative Route No. 51 at Valley Ford, thus greatly reducing time-distances to Point Reyes from both north and south.

These Federal and State programs will greatly improve and speed access to Point Reyes; connections between it and major U. S. travel routes, such as U. S. 99 and local traffic interchanges at San Francisco, will provide further ready access. Interior access, however, now is extremely limited by large ranch holdings which are not traversed by public roads. Suggested development for the proposed national seashore calls for construction of approximately 25 miles of new roads, the improvement of an additional 40 miles of existing roads, interior road bridges, an entrance road tunnel and about 25 miles of horse and hiking trails.

With these improvements, a wide range of attractions would be opened to the visitors. In addition to the natural

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attractions the area possesses, which could be opened to public use merely by providing access such as the suggested hiking and riding trails and scenic overlooks, many others would have supporting facilities and developments for full public use and enjoyment.

The National Seashore Proposal

Preliminary plans provide for the acquisition of approximately 53,000 acres of land for the proposed Point Reyes National Seashore. The suggested boundaries also include tidal and submerged lands extending one-quarter mile to seaward from mean high tide. The existing communities of Bolinas and Inverness, plus lands required for their expansion, and the existing 1,019-acre Tomales Bay State Park, administered by the California State Division of Beaches and Parks, are excluded from the boundaries. Although they are situated within the exterior boundaries as presently proposed, 120 acres of land comprising the U. S. Coast Guard Point Reyes Lighthouse Reservation and the Coast Guard's Lifeboat Station of about 12 acres, also are excluded from the proposal.

Two types of land management are proposed within the exterior boundaries of the proposed national seashore. Thirty-three thousand acres of land, including the promontories of Point Reyes and Tomales Point and the forested eastern and southern portions of the Peninsula, plus inter-connecting strips along the coastline, would be managed solely for public use. The 20,000 acres of land situated in the central part of the Peninsula also would be acquired in fee simple by the Federal Government, but would be leased back to the ranchers to preserve the present pastoral scene which is such an important quality in the Point Reyes Peninsula landscape.

Present Land Uses

Though the Point Reyes Peninsula is within the San Francisco-Oakland Standard Metropolitan Area, it has been off the main path of urban development to date. With the lag in development until recently, land prices on the Peninsula have remained relatively low and use of the land has remained at a relatively low intensity. Nearly 70 percent of the Peninsula is taken up by brushlands and grasslands which are used for the grazing of livestock. Forest lands total about 12,000 of the 53,000 acres within the exterior boundaries of the proposed national seashore. The forest consists mainly of Douglas fir, Bishop pine and several species of broadleaf trees. Spectacular dunes and sea cliffs account for about 5,000 acres.

Considerable land on the Point Reyes Peninsula was under cultivation during World War II. Since that time, however, this form of land use has been almost entirely discontinued, due largely to the problem of obtaining and holding the labor required in connection with cultivated crops. At the present time, only a very minor fraction of the total acreage on the Peninsula is devoted to this use. It consists of grain crops and grain-type hay for livestock, rather than the more diversified crops that are raised elsewhere in Marin County. The major types of existing land uses are indicated in the following table:

TABLE I
Acreage in
Existing Major Land Uses

	Within Exterior Boundaries of Proposed National Seashore	In Public Use Area	In Ranching Area
Forest	12,000	11,000	1,000
Brushland and Grazing Dunes and Cliffs	30,000	10,000	10,000
Cultivated Land:			
Grain-type hay	500	80	200
Grain crops	1,100	700	400
Total Acreage	53,000	33,000	20,000

As the large acreage of brush and grazing lands in the foregoing table would indicate, dairying and beef cattle ranching are the dominant land uses at the present time on the Point Reyes Peninsula.

A National Park Service field survey of land ownership, conducted in March and April of 1950 on a personal interview basis, showed 15 dairy ranches totalling about 19,000 acres and 10 beef cattle ranches with a total of 23,000 acres to be located within the presently designated boundaries of the proposed national seashore. The survey also showed that on the Point Reyes Peninsula (as in many parts of California) the practice of renting dairy farms is prevalent. It was found, for example, that 18 of the 25 ranches within the proposed national seashore boundaries are operated on a rental basis. Eleven of the 18 ranches so operated have completely absentee owners, and the other 7 are operated on a tenancy basis through family or estate arrangements.

Although the major part of the acreage comprising the dairy and beef cattle ranches is in brushlands and grazing lands, it also includes a considerable amount of forested land as well as unvegetated dunes and cliffs. Lands usable for agriculture are limited to the brushlands and grazing lands, improved pastures and hay acreage. Thus, of the 19,000 acres that are estimated to comprise the dairy ranches, some 20,000 actually are used for dairying operations. Of the 23,000 acres of beef cattle ranches, about 20,000 acres consist of lands that are actually used for that purpose.

The above-mentioned field survey also revealed that the 15 existing dairy ranches support approximately 7,000 dairy stock, with about 3,175 head in active milk production, and that the 10 beef cattle ranches support approximately 3,500 head of beef cattle. The dairy stock within the proposed boundaries constitutes about 16 percent of the 43,000 total dairy stock in Marin County, based on the Annual Livestock and Agricultural Report of the County for 1959. The beef cattle total represents slightly less than 90 percent of all stock of that type in the County for 1959.

If the proposed Point Reyes National Seashore were established and managed in accordance with the suggested acquisition program about half the dairy lands and some 37 percent of the beef cattle lands would be situated within the proposed ranching area and would continue operation

under lease agreements. The rest of the lands now used for dairying and beef production would be included within the proposed public use area, and ranching operations there would be largely if not wholly discontinued.

Although exact data on the annual catch are not available, commercial fishing, together with oyster farming and processing, is of undoubted economic importance to the Point Reyes area and Marin County. The economic advantages of this location are clear and undisputed.

Commercial oyster beds are located in Drakes Estero. The beds are leased from the State, and an oyster cannery is situated on the upper reaches of an arm of the Estero.

Three commercial fisheries, operating on a year-round basis, are located on the west shore of Drakes Bay. Each commercial fishing company owns one wharf and, in addition, leases a small amount of land from the land owner. Information obtained during the 1960 field survey indicated that the annual catch consists of crab, salmon, and bottom fish. Part of the catch is trans-shipped to San Francisco via boat, and the remainder is taken out in trucks to the various processing plants. In addition to fishing with their own boats, the companies purchase fish from independent operators. In the opinion of company representatives, the annual catch of salmon alone amounts to one million pounds.

Both the oyster production and the commercial fishery operations, in the thinking of the National Park Service planners, should continue under national seashore status because of their public values.

The promontory of Point Reyes has long served as a lookout and beacon to ships at sea. Here the United States Coast Guard maintains one of the most important Pacific Coast lighthouses. Lands comprising the Point Reyes Light consist of 120 acres. In addition, the Coast Guard maintains a lifeguard rescue station on a small property of about 12 acres. The station is situated at the west end of Drakes Bay, about three miles east of the Point Reyes Light.

Two religious organizations also engage in agricultural pursuits in the proposed area. The Church of the Golden Rule conducts dairying operations on 3,100 acres of land situated on the southern part of the Peninsula and, according to field information, has about 700 acres under cultivation, plus a plant nursery. However, this ranching operation (with the exception of the nursery) is conducted solely for the benefit of the religious organization rather than for general commercial purposes. It is one of the 15 dairy ranches mentioned above.

The Vedanta Society has a religious retreat, also situated on the southern part of the Peninsula within the proposed seashore boundaries. The lands are primarily forested, although a few livestock are kept. There is some development including living quarters, resthouse and tool-house for monastic and lay workers.

Two trans-Pacific radio receiving stations are maintained on the Peninsula by the Radio Corporation of America and the American Telephone and Telegraph Company respectively. The former owns 1,474 acres of land, while the latter owns 821 acres. In addition to serving radio communications, these lands also are leased for dairying or cattle ranching operations.

Recreation now plays a relatively minor role in the land use pattern within the designated boundaries of the proposed national seashore, and is limited to two small public areas. Both are very popular. One of these, known as McClure's Beach, comprises about one-half mile of excellent beach frontage located near Tomales Point. The private land owner has made the area accessible to the public through cooperation with Marin County.

Drakes Beach County Park, developed and managed by Marin County, is the only other recreation area within the proposed boundary that is open to the general public. It includes 52 acres of lands situated on the shore of Drakes Bay a short distance west of the entrance to Drakes Estero.

A third area, known as the Bolema Club, comprises 681 acres of land north of the promontory known as Double Point, near the southern end of the Peninsula. It is restricted to members of the Bolema Club, a sportsmen's organization.

Although the forests do not constitute timber of good commercial quality in the view of experts who have studied the national seashore proposal, timber rights have been sold in several instances, and logging operations have been conducted over the past year and a half. Some 800 acres were logged up to mid April 1960.

Assessed Valuation and Tax Revenues

The Marin County tax base is made up largely of private homes, neighborhood shopping and servicing facilities for the homeowners, dairying, and a few industrial enterprises.

An analysis of tax records for the year 1959-60 shows the total assessed valuation of all land, improvements, secured and unsecured personal property within the proposed national seashore to be approximately \$3,244,000. This figure includes \$2,695,000 for lands, improvements and secured personal property and \$549,000 for unsecured personal property. It represents not quite 1.5 percent of the total county tax base.

Assessed valuation of State-assessed public utilities (the Trans-Pacific receiving facilities of the Radio Corporation of America, the American Telephone and Telegraph Company and electric power and telephone facilities) amounts to approximately \$968,550. The portion of the tax base formed by these utilities amounts to nearly 30 percent of the total tax base within the proposed national seashore.

Secured and unsecured personal property and State-assessed public utilities must be taken into consideration in analyzing the effects on the local tax base of national seashore establishment. Even though included within the national seashore area, neither the personal property nor the public utilities would be acquired by the Federal Government. The personal property situated within the proposed public use area would, however, be removed from the tax rolls together with the land and improvements. The taxable property within the proposed ranching area would be adjusted to a possessory interest basis for tax purposes, while the public utilities would continue in operation.

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The total assessed valuation (tax base) of the lands and improvements within the proposed public use area is approximately \$1,291,000 and approximately \$435,000 for the proposed ranching area. This totals about \$1,726,000.

These assessed valuations represent 23 percent of the fair market value appraisals made in relation to 1956 market levels. The 1956 value of locally assessed private lands and improvements within the area now proposed as a national seashore is estimated at approximately \$7,500,000. Of this total approximately \$5,610,000 represents the value of lands and improvements within the proposed public use area and \$1,890,000 the value of lands and improvements within the proposed ranching area.

According to the Marin County Tax Assessor, adjustment of the market value of the lands and improvements within the boundaries of the proposed national seashore to reflect current conditions results in a maximum figure somewhat in excess of \$10,300,000. It is emphasized that this amount would not necessarily represent the final cost to the Federal Government in the event the area were acquired for national seashore purposes. The national seashore proposal itself has generated considerable interest in the area and there has been a substantial increase in real estate sales and subdividing during the past two years. It is logical to believe, therefore, that the longer acquisition is delayed, the greater the land costs will be.

Taxes for the entire 53,000-acre area in the 1959-60 tax year totalled slightly less than \$160,000. Tax revenues from the proposed public use area amounted to some \$102,000, while revenues from the proposed ranching area totalled about \$38,000.

POPULATION CHARACTERISTICS AND TRENDS

It has been found that urban centers in this country generate upwards of 90 percent of the day use of accessible outdoor recreation areas. Records at national and state parks and recreation areas suggest that where they are located within close proximity to a major population center, that center may be expected to dominate the visitor use at the area.

The population growth of the 9-county San Francisco Bay Area and the 13-county San Francisco Bay Region, therefore, may be expected to be primary factors in the demand for recreation at the proposed Point Reyes National Seashore. The counties within the Bay Area and Bay Region are listed below. Those preceded by an asterisk are within the nine-county San Francisco Bay Area.

*Alameda	Sacramento	*Santa Clara
*Contra Costa	*San Francisco	Santa Cruz
*Marin	San Joaquin	*Solano
*Napa	*San Mateo	*Sonoma
	Yolo	

In terms of future travel time and ease of access, the San Francisco-Oakland Standard Metropolitan Area, the Sacramento Urban Area, and the Stockton Urbanized Area of San Joaquin County could be expected to provide most

of the visitor use of the National Seashore from within the entire 13-county San Francisco Bay Region. The population of the San Francisco-Oakland Standard Metropolitan Area was estimated in 1959 at more than two and three-quarters million persons,¹ or nearly two-thirds of the resident population in the entire 13-county San Francisco Bay Region.

In addition to the growth trends that have been recorded for the 9-county Bay Area and the 13-county Bay Region, several independent population studies employing various prediction methods have been made recently by such agencies as the U. S. Department of Commerce,² the California Department of Finance, the San Francisco Bay Area Council, and the Bay Area Rapid Transit District.

Taking into account the recorded growth trends and the population predictions made in the studies mentioned above, the population of the 9-county Bay Area (estimated at 3.6 million as of July 1, 1959,) could well be expected to grow to a level of about 6 million by 1980 and to 8.3 million by the year 2000. Thus, during the next 40 years some 4,700,000 persons probably will be added to the Bay Area. More than 2,000,000 persons, by conservative estimation, will be added to the Bay area population in the twenty years from July 1, 1959.

TRAVEL TRENDS

A study of travel trends in California was conducted in 1957 and 1958 by the Department of Public Works as a partial basis for a State-wide plan of freeways and expressways. The findings of this study are embodied in the report "The California Freeway and Expressway System" which was published in September 1958. Many of these findings have a direct bearing upon the proposed Point Reyes National Seashore and its importance to the people of California, particularly those in the San Francisco Bay Area, as well as to the Nation.

The report reveals that California's travel is dominated by the metropolitan areas of Los Angeles and the San Francisco Bay Region.³ The residents of these areas generate two-thirds of California's vehicle miles. Bay Area residents were found to travel widely through the northern and central regions of California. The report states that they "even contribute nearly seven percent of all travel in the Santa Barbara region," a distance of some 300 miles to the south. Northern California receives about 37 percent of the travel generated by Bay Area residents, and the Monterey section of south central California about 24 percent. In contrast, the Point Reyes Peninsula is located at a radial distance of but 40 miles from

1/ Estimate by Financial and Population Research Section, California Department of Finance.

2/ Future Development of the San Francisco Bay Area, 1960-2020, December 1959.

3/ The San Francisco Bay Region, as defined by the California report, includes nine counties.

the central core of the San Francisco-Oakland Standard Metropolitan Area. A 50-mile radius from Point Reyes encompasses all but the outlying portions of the Metropolitan Area.

A finding of particular interest, in that it reveals much about the importance of recreation in the day-to-day lives of Californians, is that 29 percent of all travel in the State is for social and recreation purposes.

The increasing mobility of California residents is illustrated by yet another finding of the freeway study. The 7,492,000 motor vehicles registered in the State in 1957 meant about one auto or truck for every two residents during that year. The report found that the number of vehicles is increasing slightly faster than the population, and estimates that by 1980 the persons-per-vehicle ratio will decline to about 1.85. About 80 percent of all vehicles by that date are expected to be of the registered commercial type.

Further findings concerning travel characteristics are contained in a travel survey for Yosemite National Park, published in December, 1953. ⁴ The survey shows that three districts of population concentration -- the southwestern, the San Francisco Bay Area, and the Central Valley -- contributed some 90 percent of the park's California visitors during the calendar year.

Travel by out-of-state tourists is another important facet of the California travel pattern and is of major economic importance to the State. According to the travel research agency, Californians, Inc., manufacturing, agriculture, and the tourist industry in that order are the three most important industries in the State as sources of basic income.

Travel in California by out-of-state tourists since 1950 is shown in Table 2.

TABLE 2
Tourist Travel Trends in California*
(in thousands)

Tourists		% Incr. or Decr. over 1950	Expend- itures	% Incr. or Decr. over 1950
1950	2,968	0	\$560,168	0
1951	3,330	12.2	625,489	11.7
1952	4,191	41.2	653,128	16.6
1953	4,354	46.0	771,833	37.8
1954	4,370	43.9	692,353	23.6
1955	4,614	48.7	734,719	31.2
1956	4,732	59.4	775,058	38.4
1957	4,763	60.5	787,289	40.5
1958	4,537	52.9	700,172	25.0
1959	4,877	64.3	839,983	50.0

*Californians, Inc.

Total visits to California by out-of-state tourists have shown a strong upward trend since 1950, though they are somewhat sensitive to changes in the economic climate, as shown by the decline in visits and in tourist spending during the recession year of 1958.

Out-of-state tourist travel to the San Francisco Bay Area increased 10.5 percent in 1959 over 1958. The total

number of such visits to the Bay Area in the latter year was 1,622,923, according to statistics by Californians, Inc.

Reducing the two-thirds growth in out-of-state tourists to California, which was achieved in the fifties, to allow for the effect of a somewhat slower rate of growth in the future, it is still possible to arrive at an estimate of over 2,000,000 out-of-state tourists who will visit the Bay Area annually by 1980, and over 2,500,000 out-of-state tourists to the 14-county Bay Region. With the increases in leisure time, mobility and disposable income per capita expected in the decades ahead, the tourist total could be much greater.

PROPOSED NATIONAL SEASHORE DEVELOPMENT

If the Point Reyes National Seashore were established, the following types of facilities would be provided on the land in the Public Use portion of the area:

Interior access would be provided by a road system, utilizing existing roads wherever feasible, but about 25 miles of new roads also would be built as outlined in a previous section of this report. These would be supplemented by hiking and riding trails, also mentioned in the previous section on access.

Campgrounds, with tables, grills, sanitation facilities, utilities and parking areas, would be established in suitable locations.

Bathhouses, shelters, comfort stations, water, food concessions, picnic facilities and parking areas would be available at Tomales Beach and Drakes Beach to create more favorable conditions for swimming and beach use.

Picnic areas, with tables, grills, sanitation and potable water and parking, would be provided at such areas as McClure Beach, Abbotts Lagoon, Llantour Spit, Bear Valley and Double Point.

Docks would be constructed to make possible the enjoyment of pleasure boating.

The visitor would have the opportunity of learning firsthand the full story and the meaning of the earth and life resources of the Point Reyes Peninsula through a system of interpretive devices and structures, such as self-guiding trails and interpretive signs and markers. Through this medium, his enjoyment of the area and his total seashore experience would be enhanced.

Riding stables would be developed in the area and would be operated on a concession basis.

Five overlook developments would be programmed to take advantage of the many landscapes and seascapes which are outstanding features of the Point Reyes Peninsula.

Under the present proposal, the existing commercial fisheries at Drakes Bay and the existing oyster cannery at Drakes Estero would continue under private operation as at present, but with some added facilities such as entrance roads and parking areas.

A headquarters development would be programmed, to include employee housing, utility buildings, an administration and public contact building, and necessary roads, power service, water and sewage disposal.

4/ Conducted by National Park Service in cooperation with California Division of Highways and U. S. Bureau of Public Roads.

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ESTIMATED ATTENDANCE

Extent of the Market and Area Capacity

The visitors who would be expected to use the facilities at the Point Reyes National Seashore can be divided into two groups for purposes of estimation: those residing in nearby counties and those residing in other places.

The volume of actual visits in each case would be generated from three main sources: the growth of population, the increase of leisure time and disposable income, and a certain number of visits which would result from the substitution of the Point Reyes experience for recreation at other points.

The geographical extent of the market for visits is determined by the character of use that is anticipated. The day-use portion of the market will be derived predominantly from the nine-county San Francisco Bay Area, plus Sacramento and San Joaquin Counties. The overnight, weekend and vacation visitors would be drawn largely from vacation tourists traveling from all sections of the United States.

Over the past years, total attendance at State parks has been increasing more rapidly than population growth.⁵ But, if the rate of park attendance were stabilized at the 1954 national average of 1.05 guest days per capita of state population the population growth alone would mean 3.8 million visits in 1960 and 6.3 million in 1980 for the nine-county Bay Area. This is a most conservative assumption, especially in view of the fact that in 1958 the national average of guest days per capita rose to 1.38, and to 1.43 per capita in California the same year. If the Point Reyes National Seashore were to attract one-third as many visitors as State parks in the Bay Area, based only on population in the nine-county Bay Area (again a conservative figure) it would receive 2.1 million visitors in 1980.

The tourist component of the estimated total annual attendance would be made up of two parts: (1) the growth of California's tourist population, which would contribute many trips to the National Seashore; and (2) the additional tourism which would be induced by the establishment of the National Seashore.

It is difficult to estimate the volume of tourism which would be generated by the addition of a national seashore in this area. California already contains several units of the National Park System — such as Yosemite National Park — which attract many national visitors. A Point Reyes National Seashore would provide an attractive extension, or sidetrip, for many of the visitors to Yosemite, as it would for many visitors to San Francisco. The highway improvements mentioned above would permit visitors to reach Point Reyes from Yosemite National Park in a half day's normal driving time. It is not possible to estimate the marginal increment to the total visits to Yosemite which would result from adding a stay at the Point Reyes National Seashore to the journey of the Yosemite visitor, but it is safe to say that it would be a positive factor.

The actual volume of the overnight market at the National seashore would depend heavily on the facilities

provided. If sufficient campgrounds were provided within the national seashore, and sufficient overnight cabins, lodges, and motels were made available by private industry outside the boundaries, overnight stays could easily account for 250,000 visitors per year by 1980 in addition to the 2.1 million estimated above.

Tourist visits depend in large measure upon the nature and cost of accommodations which are available. The tourist potential if the Point Reyes National Seashore were established would be likely to exceed the available accommodations for some time after its development.

In summary, it is seen that while the present population would support a substantial use the largest single factor in the increased demand for recreation at the proposed Point Reyes National Seashore would inevitably be the population growth of the northern California region as a whole.

A 1957 study by staff members of the School of Forestry of the University of California found that growth of California population was a good indicator of growth in numbers of visits to national parks located in the State even where there had been no significant increase in facilities at those parks.⁶

The more conservative population growth forecasts for the San Francisco Bay Area indicate a growth in number sufficient to generate at least as much attendance at a Point Reyes National Seashore as there was at Yosemite, Kings Canyon and Sequoia, and Lassen Volcanic National Parks combined in 1955 (2,362,707 visitor days).

EFFECTS OF NATIONAL SEASHORE ON THE ECONOMY

Of the Point Reyes Peninsula

Using market evidence, it is relatively easy to establish that the value of the non-recreation use in the past of the Point Reyes Peninsula has not been great. Relatively few land transactions have taken place in the area during recent years, and the prices per acre have been low on the average.

Under present proposals for the Point Reyes National Seashore, Marin County would not lose the total value of the output of the dairy and beef cattle herds. From the figures cited in the previous section, "Present Land Uses," it would seem that the area in question is very important to Marin County for beef cattle. But the total size of beef herds, and the yield from that activity, are both low, and in fact Marin County is not an important beef producer.

Similarly, dairy use of the particular acres of the proposed seashore now used for that purpose is not a unique or critical factor in the total dairy production of Marin County. For one thing, the combined output is not large compared to the total output of the County, and

5/ Attendance figures from National Park Service, State Park Statistics.

6/ J. Zivmaka and A. Shideler, "A Projection of the Recreational Use of Public Forest Areas in California to 1965," Forest Science, September, 1957.

probably could be compensated for by adjustments in output in other nearby milk-producing areas, or by relocation of the Point Reyes herds and contracts to other areas in West Marin. But even more significant, there is no consistent relationship between the available acreage within a given ranch and the number of stock or milk-producing cows on the premises. Vegetative cover on the brushlands and grasslands does not furnish the forage needed to support dairy ranching operations in most cases. Much of the hay and grain concentrate required is imported, and the lands are used primarily as holding areas. Much of the available pasturage is used for dry and young stock, while some pasturage is used for the milk-producing herd in the spring. As a result, the discontinuance of approximately half the acreage of the dairy lands would not necessarily mean a proportionate reduction in the gross dairy product of the Peninsula.

In view of the present day surpluses of milk in California any diminution of the relatively small supply coming from Point Reyes Peninsula would not necessarily result in any overall, critical disadvantages to the dairy industry or to the consumer. This is borne out by the dairy information bulletins issued monthly by the California Crop and Livestock Reporting Service.

In Marin County, there are more than one hundred tax code districts. It might perhaps be argued that if the area becomes a public reservation and is removed from the tax rolls the property owners who are in the same tax district as the National Seashore would suffer, since they would then have to pay a larger share of the tax burden. The fear of this undue burden on the neighboring property owners is often magnified by the belief that if left in private hands and permitted to develop in urban uses, the lands would produce substantial tax revenues for the local governments and would relieve some of the tax burden from neighbors. In analyzing the probable effects, it is necessary to consider both the current and the prospective tax situations.

A considerable portion of the monies that are now collected in taxes from properties on the Point Reyes Peninsula need not be lost from the tax rolls under the present national seashore proposal. The two trans-Pacific radio receiving stations, for example, would continue to be privately operated as long as these facilities are needed. In addition, other public utilities, such as electric power and telephone service, would be needed for national seashore operation and by the private lessees within the ranching area. Basically, therefore, all the public utilities not only would remain in operation if a national seashore were established, but development of the seashore for public use would require additional installations of public utilities and thus increase that portion of the present tax base.

Further, the proposal to lease the lands within the proposed ranching area back to private individuals if a national seashore is established would not mean the loss of taxes now paid to the County by the ranch operators. Each lessee, by virtue of the temporary rights he would receive under the lease, would be subject to possessory interest taxation, and the taxable value of the ranches would be adjusted to a possessory basis (which would however, be

less than the tax on an unimpaired interest). Within the legal framework, this would also apply to any concessions developed within the national seashore.

The Marin County Assessor has estimated that a maximum of about \$60,300 (of the \$160,000 total 1959-60 tax revenue) would be lost to county-wide and local governments if the national seashore were managed as presently proposed, and if the Federal Government made no compensatory arrangements for in lieu tax payments, and if there were no taxable public use developments by private interests. This loss would result in a reduction in the current county tax base of .58 of 1%. The largest loss in tax revenue would be sustained by the four local school districts serving the Point Reyes area.⁷

It should be pointed out, however, that losses to the school districts could be largely mitigated, or the present situation perhaps even improved, through reorganization of the districts, which is currently under study. Such reorganization would be contingent on the will of the people to reorganize the districts, and no recommendations therefore can be made in this connection.

The full loss in tax revenue would not be shifted to other groups in the district. Associated with the transfer of property would be a transfer of services. The decline in resident population within the national seashore would reduce the volume of local services such as police and fire protection and road maintenance within the national seashore, because they would be largely assumed by the Federal Government.

Associated with the national seashore would be an increase of commercial activities nearby to serve the visitors, and income producing property, income and sales taxes. Motels, gas stations, restaurants, and stores would develop. The area itself would have a substantial payroll from resident staff, and would provide from time to time construction and maintenance projects of financial value to the local economy. These would provide private property and sales taxes in amounts far greater than the increase in local public expenditures necessary to protect or service them. While it would be difficult to estimate reliably the local tax payments of the new establishments which would be built near and on account of the National Seashore, those tax payments certainly would far exceed the amount of \$60,300 which the County Tax Assessor estimates would be lost in the event of national seashore establishment. For example, \$150,000 accrues to Marin County annually from concessions in Yosemite National Park, and it is estimated that additional tax income from businesses in the vicinity, which are supported by visitors to the Park, totals \$278,000 annually. As further evidence that local tax payments would more than compensate for tax losses, a study by the Marin County Planning Department shows that one 65-unit motel with restaurant-bar and swimming pool on five acres of land in Marin County pays an annual tax revenue to the County of nearly \$8,000.

7/ West Marin Union School; Tomales Union High School; Point Reyes School; and Bolinas School.

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Therefore, eight such motels (which would incidentally, accommodate a total of only \$20 visitors per night) would more than compensate for the maximum \$60,300 which could be lost in the event that Point Reyes National Seashore were established.

Assuming that the Point Reyes Peninsula would be devoted primarily to subdivision developments if a national seashore were not established, it is by no means clear whether such development would lighten or aggravate the tax burdens of the present neighboring populace. A development of low density, high income homes with few children would mean property tax payments which would exceed the needs of the residents for public services. This type of development it is believed would also result in lower sales taxes and higher subventions to the units of government within the County. A more intensive urban settlement might result in a higher volume of property added to the tax rolls but, at the same time, a more than proportionate increase in demands for urban services. In this case, the neighboring property owners could well find their tax burdens increased materially.

The fact that residential uses may have associated public expenditures which are greater than their tax payments has been borne out by several studies, both in California and elsewhere in the Nation. This also has been found to be the case in many instances in Marin County, according to a statement made in October 1959 by the Marin County Tax Assessor to the Citizens' Advisory Committee on Development of Marin County, which was included in a report of the Committee and presented to the Marin County Board of Supervisors in March 1960. The Tax Assessor stated that, although there are residential areas in Marin County which simply carry their load, most of the normal type of subdivisions in the County tend to create a burden on property owners in general. Those residential developments which are self-supporting in taxes in the County consist of residences from \$25,000 to \$50,000 in value, situated on half-acre to one-acre sites.

There is no way in which the National Park Service at this time can speak with confidence about the patterns of possible urban settlement on the Peninsula if a National Seashore is not established. More investigation than time has permitted to date would be required in answering that question. Suffice it to say that a burdening of the local people with greater taxes than they have now would be as likely as a lightening of them.

Setting aside the question of taxes borne by local people and turning to other points, one could reasonably assert that the local people, who have found almost perfect tranquility in living in this vicinity, would benefit in some ways if the Peninsula were accorded national seashore status.

Their proximity to the national seashore would permit them to use it far more intensively than could any other part of the metropolitan area or Nation. This is borne out by the pattern of usages at existing state and national parks in California. The immediate neighbors of the National Seashore would benefit greatly by the increased demand for commercial facilities to accommodate the visitors. These facilities in large part

would not be desired within the National Seashore. For the rest of Marin County, the existence of the National Seashore would be a marginal inducement for the location of new or additional limited commercial businesses. There are many firms which rank recreation opportunities highly in locating their plants. Often, rather than expanding engineering and research facilities or by offering higher wages, such firms prefer to find locations with greater living and working advantages which attract and hold more highly qualified professional personnel. The presence of a national seashore would certainly enhance the desirability of Marin County for such firms.

The main concern of Marin residents at present is the possible loss of tax revenues. There is a strong feeling among the residents that compensation should be made by the Federal Government to offset any loss in such revenues, if a Point Reyes National Seashore is established.

Of the Surrounding Area

Once the pattern of settlement of a given region has developed, the acquisition of park spaces to match rising population and recreation demands poses a difficult problem. Park agencies — city, regional and national — because of various controlling factors tend to acquire land where it is available on reasonable terms, but this often results in the parks being located well away from the population groups which need them most. In some cases the outcome is park usage far below that which would yield the economic benefits contemplated at the time of expenditure. When a major natural recreation resource like the contemplated Point Reyes National Seashore is also within easy access of a large population center and major tourist center, the potential economic returns are exceptionally high.

Many of the tourists who visit California annually would be inspired primarily by the anticipation of visiting such a place as Point Reyes to plan a tour of many of California's scenic and recreation attractions. Collaterally, it would put visitors in a position to enjoy the business and vacation advantages of the nearby metropolitan center. Motels, lodges and other facilities which would grow up in the vicinity of the seashore development also would be in a favorable position, as a result of their easy access to both downtown San Francisco and Point Reyes, to attract some of those visitors whose primary trip motive to San Francisco would be other than recreation.

Though the San Francisco Bay Area is rather well provided with open space at present, its tremendous growth prospect in the near future threatens to greatly reduce this favorable balance. Certain recreation resources, such as usable ocean beaches, are in short supply even now. The great potential use of water recreation localities in metropolitan areas is suggested by the experience of the largest metropolitan centers in the East. A recent memorandum of the National Outdoor Recreation Resources Review Commission observes that "The beaches of New York City, for example, handle a visitor load equivalent to that of the National Parks; and the Palisades Interstate Park on Labor Day weekend handled 157,000 visitors, which almost equals the total

season visits (1956) to Mesa Verde National Park."

Thus a very real benefit of national seashore establishment, through the coincidence of geographic location, would be that of preserving the amenities of open space within the inner ring of the metropolitan area in the face of strong development pressures.

To recapitulate, the specific benefits of a national seashore at the Point Reyes Peninsula are traceable through several sources, outlined as follows:

One, the major criterion for reservation and development of this type of national area—preservation of a

unique natural attraction through controlled use—as established by the basic Act (August 25, 1916) creating the National Park Service.

Two, the provision of maximum personal recreation benefits as measured by the estimated number of users and the value to the user.

Three, the tangible benefits to the whole metropolitan area of which the natural seashore would be a part.

Four, important economic benefits found in commercial opportunities which would occur as a consequence of seashore establishment.

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land in the name of the first Queen Elizabeth was apparently first found near Drake's Bay in 1933. Fleet Admiral Chester W. Nimitz (USN-ret.), one of the many San Francisco Bay area residents who have become fascinated by "the Drake mystery," has described "the discovery of Drake's 'Port of New England,'" here as an "historical discovery of major importance." He has no doubt, Admiral Nimitz says, that "in time the public will come to recognize the importance and value of this long-lost site, and will rank it with other national historic sites such as Roanoke, Jamestown, and Plymouth."

Point Reyes Peninsula today is little changed since the day when the white cliffs of Drake's Bay reminded the adventurous English seaman of his own Sussex coast. The peninsula remains in this remarkable condition primarily because of two circumstances: First, its off-current location west of the mainstream of travel and development north of San Francisco; second, since Spanish days, the area has remained in relatively few large ranch holdings whose owners have effectively protected it from despoliation. Isolated from the mainland geographically by salt water and Inverness and Bolinas ridges, and geologically by the San Andreas fault, the peninsula has been accurately described as "an island in time."

The author of the 1935 Park Service report considered it "almost a miracle that this choice area, but 30 miles from the San Francisco metropolitan population of over a million persons, should still be virtually unknown." Today this is no longer the situation. Point Reyes is the object of speculative interest on the part of many individuals. (Already, in addition to the proposed Drakes Bay subdivision, logging is proceeding on Bolinas Ridge, on the edge of the proposed park area.)

Portions of the peninsula are also the object of public concern. It must be recognized that time is of the essence; decision on the future of Point Reyes cannot be postponed much longer. The Park Service's 1937 report put it plain: "This is the eleventh hour as far as the opportunity or possibility of preserving this area is concerned."

Results of the economics assay of this prospect should be known by next spring or summer. If it should prove out, we hope that all interested in the future of Point Reyes will most carefully consider which of the alternatives for this beautiful island in time is the best for ours and succeeding generations.

JOINT STATEMENT OF SENATOR CLAIR ENGLE, SENATOR THOMAS H. KUCHEL, AND REPRESENTATIVE CLEM MILLER UPON INTRODUCING POINT REYES NATIONAL SEASHORE BILLS IN THE 87TH CONGRESS, JANUARY 1961

This bill is the result of years of study by the National Park Service and by interested parties in California, including the authors. Each of us has examined the proposals put forth by the National Park Service, and has discussed them with many local officials as well as authorities on park needs and legislation. The proposed Point Reyes National Seashore has been, to date, the subject of three favorable National Park Service studies and reports. Today's bill substantially embodies the proposal first recommended by the Park Service last April, at a public hearing conducted in Marin County by the Senate Committee on Interior and Insular Affairs. Last August, this proposal was favorably recommended to the Congress by the Secretary of the Interior.

We feel that this legislation is justified only on the basis of a strong showing that this is the most effective means of achieving highest and best use of the peninsula for present and future generations, that the area is of national significance, and that the proposal is consistent with advancement of local community and economic interests.

We believe that this bill, individually designed for this area, provides a workable framework for equitable harmonizing of the various National, State, county, local, and private interests involved in a project of this nature and magnitude.

We have tried to set this proposal against the perspective of history, the needs of the future, and the need to protect the interests of the local residents. Seashores suitable for family recreational uses and near large centers of population are a very limited part of our heritage today. We have seen what has happened in many of our Atlantic and Great Lakes States where developments of many kinds are often crowded together so as to destroy or bar public access to the very natural attractions which most people go to the seashore to enjoy.

We were impressed with the Park Service's 1957 preliminary report which described an immediate recreation potential of the first magnitude at Point Reyes: "This relatively undeveloped region, from its 45 miles of seashore to forest-covered Inverness Ridge, a scant 2 miles away, provides a combination of scenic, recreation, and biologic interests which can be found nowhere else in this country as near a large center of population. * * * The opportunity as a matter of good government for the people to preserve and enjoy this superlative seashore is unusual, if not unique."

Following this preliminary appraisal, we requested that funds be provided by the last Congress for a more detailed National Park Service land-use survey and economic feasibility study. This report is now published—"Proposed Point Reyes National Seashore Land Use Survey," Department of the Interior, 1960. The report confirms and, we believe, justifies the Park Service's belief that the area should be included within the national park system.

The natural character of Point Reyes Peninsula is compounded of many elements: ocean, beach, cliff, offshore rock, bay shore, marsh, pond, dunes, open space, and forest, as well as unique geological features and plant and animal life, including marine, waterfowl, and upland game. To these natural features is added the additional ingredient of historical interest as the probable location of the first English landing—by Sir Francis Drake, in 1579—in what is now the United States.

The peninsula is located 30 to 35 miles north of San Francisco, the center of one of the fastest growing metropolitan regions in the fastest growing part of the Nation. A number of population studies tell us that the 18-county San Francisco Bay region alone, estimated to have a population of nearly 4½ million in 1950, is expected to grow to at least 7.2 million by 1980, and to nearly 11.7 million by the year 2000. In addition, more than 2½ million out-of-State tourists are expected to visit the bay region annually by 1980. Several already programmed road construction improvements would speed access to the proposed park area.

The National Park Service estimates that the proposed park would attract about 2,350,000 days of visitor use annually by 1980. This would be more than visited Yosemite, Kings Canyon, Sequoia, and Lassen National Parks, combined, 5 years ago.

Under the development plan recommended by the Park Service, recreational activities would include a wider range than is permitted in national parks. These would include hiking, nature study, camping, golf, boating, sailing, fishing, riding, and cycling. Existing fishery operations could be expanded to furnish charter-boat service for deep-sea sport fishing. The southern half of the peninsula—considered the most scenic part—would become accessible to the public for the first time in more than a century.

Throughout our consideration of this proposal we have tried to keep at heart the sentiments of the present residents of the peninsula. It is essential that their legitimate interests be met. While the bill specifies exact proposed boundaries, final determination will of course be worked out by the Congress following the hearings on this legislation by the appropriate committees. The bill includes provisions which seem to us to afford reasonable protections to the residents and to the ranchers within the proposed ranching area.

In this connection, several features of the bill are worth special mention:

First. Of the total area of not more than 53,000 acres, not less than 20,000 would be designated by the Secretary of the Interior as a ranching area or pastoral zone in which private dairy and beef cattle ranching would continue under lease agreements.

Second. Owners of improved residential property, on which construction was begun before September 1, 1950, could, as a condition of sale to the Government, retain the right of use and occupancy for life, or for a term ending at the death of his spouse, or until his last surviving child reaches the age of 30, whichever is the latest.

Third. The Secretary could acquire property in the area by exchange of any federally owned property under his jurisdiction within California and adjacent States.

Fourth. The proposed boundaries leave expansion areas for residential and commercial growth of the established communities of Inverness and Bolinas.

The preliminary Park Service proposal and the Point Reyes bill introduced in the last Congress in 1950 provided for a smaller maximum acreage than the 53,000 provided for in this bill. Since 1950 the Park Service has completed its

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land-use plan and final report on the proposal. The report recommends that the park should encompass approximately 53,000 acres. Virtually all the difference in acreage between the proposal embodied in today's bill and that of the earlier bill is represented by the proposed ranching area or pastoral zone, as distinguished from the public use zone.

In order to provide adequate facilities for the public, so as to permit reasonable use and enjoyment of the area, and to permit proper administration of it, the Park Service has had to consider the need for, and location of, campgrounds, picnic areas, roads, trails, and other developments. While certain ranch and other open lands not required for actual development purposes could continue in their present uses, it is considered necessary to have control over them.

We fully appreciate the firm desire of many owners to maintain fee title to their lands and their intentions to continue ranching. However, there is no assurance that they might not change their minds at a later date, or that increasing land values and taxes might not make it economically impossible to continue these operations. Without this control we might find ourselves with subdivisions, a manufacturing center, or other incompatible development in the middle of the park's beautiful natural setting. Such a situation would seriously impair public use and enjoyment of the area. The Park Service report states that about half of the existing dairy and beef cattle lands on the peninsula would continue operation under lease agreements covering lands within the proposed ranching zone.

The Park Service also recommends that the commercial fisheries at Point Reyes, the oyster beds and oyster cannery on Drakes Estero, and the two transpacific radio receiving stations continue in operation.

We are pleased to note that the economic survey made last year by the National Park Service, in cooperation with the University of California economists and other authorities—incorporated in "Proposed Point Reyes Seashore Land Use Survey," 1960—makes these points:

First. Removal of lands from the tax rolls in the event of national seashore establishment would not necessarily result in increased tax burdens to other property owners in Marin County.

Second. Any possible loss in tax revenues unquestionably would be more than compensated for in a short time by the various taxes paid by new and expanded facilities and services outside the proposed park area that would be essential to serve the visitors. A national seashore would serve for Marin County in the same role as industrial property, in that it would attract taxable commerce and facilities to serve visitors. Such expansion would add to the property, sales, gasoline, and other tax bases of the county, which has few industrial properties in proportion to residential properties, and thereby has a property-tax burden on households which is greater than for any other San Francisco Bay area county.

Third. The proximity of a national seashore park would help attract new commercial enterprises to the region, because they would find that the increased recreation advantages of Marin County would make it easier to hold skilled labor and professional forces, especially of the substantial types Marin County is trying to attract.

In summary, we strongly believe it is in the national interest to capitalize now on the few remaining clear opportunities to save our vanishing shoreline for public recreational use, particularly the very few still unspoiled and outstanding shoreline areas near large concentrations of population. By any standard, it seems to us and to most of the citizens and public leaders from whom we have heard that Point Reyes Peninsula presents such a clear opportunity.

The National Park Service first recommended, in 1935, consideration of this peninsula for a 53,000-acre national seashore recreation area. The author of the 1935 report considered it almost a miracle that this choice area, but 30 miles from the San Francisco metropolitan population of over a million persons, should still be virtually unknown. Today this is no longer the case. The peninsula is already the object of speculative interest on the part of a number of potential subdividers.

Time is of the essence. The public decision on the future of this beautiful island in time cannot be postponed much longer; the peninsula soon will be developed in one way or another.

Those who prevented purchase of Point Reyes and certain other proposed shoreline recreation areas in 1936 only succeeded in leaving the Nation diminished opportunity to accept a lesser program at an enormously increased cost.

POINT REYES NATIONAL SEASHORE

It is our hope that this Congress will authorize establishment of this and other national seashores this year, so that we may begin to meet the public need in this field and so be better prepared for the future.

If we act sensibly and foresightedly now, while the opportunity remains, we shall have preserved for America and for California and for the people of Marin County a priceless heritage to be enjoyed many times over, not only by our generation but also by those which follow.

EXHIBIT B

RESOLUTION NO. 0050 OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN,
STATE OF CALIFORNIA

Be it resolved, That the Marin County Board of Supervisors is opposed to the 63,000-acre Point Reyes National Seashore Park; and be it further

Resolved, That said board recommends that no more than 20,000 acres be included in said proposed seashore park, in the southern portion of the peninsula and within the area described in the attached description, and particularly to include these properties whose owners have expressed an interest in selling.

Passed and adopted at a regular meeting of the Board of Supervisors of said County of Marin, State of California, this 20th day of March 1961, by the following vote, to wit:

Ayes: Supervisors J. Walter Blair, George H. Ludy, William A. Gnoss, William D. Fusselman.

Noes: Supervisor Walter Castro.

WILLIAM D. FUSSELMAN,
Chairman of the Board.

Attest:

GEO. S. JONES, Clerk.

(ATTACHED DESCRIPTION)

The area comprising that portion of the land and waters located on Point Reyes Peninsula, Marin County, California, described as follows by reference to that certain boundary map, designated NS-PR-7001, dated June 1, 1960, on file with the Director, National Park Service, Washington, District of Columbia:

Beginning at a point where the boundary line common to Rancho Punta de Los Reyes (Sobrante) and Rancho Las Baulines meets the average high tide line of the Pacific Ocean; running thence from said Point of Beginning on the southwesterly prolongation of the boundary line common to said Ranchos, for a distance of 1320.0 feet to a point off shore; thence in a northwesterly direction, paralleling the average high tide line of the shore of the Pacific Ocean to its intersection with a line running S. 20°00' W. from the southeasterly corner of the lands of Robert Denkmann Marshall, said corner being more particularly described as the "Point of Beginning" in the Deed from Julia Shafter Hamilton to Leland S. Murphy, recorded December 2, 1920, in Volume 186 of Official Records, at page 332, Marin County Records; thence from said point of intersection, running N. 20°00' E. 1320.0 feet, more or less, to said corner hereinabove referred to, thence northeasterly and along the common boundary between the lands of Robert Denkmann Marshall and Grace H. Kelham for a distance of 15,021.0 feet, more or less, to the corner common to the lands of Marshall, Kelham and Dwight E. Ghechrist, thence leaving the lands of Marshall and running easterly along the common boundary between the lands of Grace H. Kelham and Arthur R. and Mamie Forster; thence southeasterly along the common boundary between the lands of said Kelham and Forster to the lands of Chester R. Noren; thence southeasterly, northeasterly, northwesterly along the common boundary between the lands of Kelham and Noren to the southerly right of way of the Bear Valley Road; thence southeasterly along said right of way line to a point approximately 1,000.0 feet west of the intersection of Bear Valley Road and Sir Francis Drake Boulevard (State Highway Route No. 1) in the Village of Olema; thence south approximately 1,700.0 feet to the northwest corner of the property now owned by Helen J. and Mary S. Shafter, containing 8.8 acres, more or less; thence southeasterly along the southwesterly boundary of said Shafter property

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Senator DWORSHAK. In other words, you will have control and supervision of the area included within the seashore, but outside of the area you will have realistic problems to deal with.

Mr. WIRTH. Yes. We have a 400-foot right-of-way through here.

Senator DWORSHAK. Who owns that now?

Mr. WIRTH. That is privately owned.

Senator BIBLE. In any event, it is obvious that you would have to acquire an easement to get into the park?

Mr. WIRTH. Yes.

Senator ALLOTT. I have just one quick question. As I understand it, the oyster cannery is within the boundary of the park.

Mr. WIRTH. Yes.

Senator ALLOTT. You would permit its operation under the general provisions of the laws the Secretary of the Interior has relating to national parks?

Mr. WIRTH. That is right.

Senator ALLOTT. And not by virtue of anything in this bill?

Mr. WIRTH. That is right. First, we think that the oyster operation is very interesting. A lot of people don't know about it. Secondly, there are commercial oysterbeds out here which we would not cut off. That is a natural way of development.

Senator ALLOTT. Where are the oysterbeds? Is it in Drake's Bay?

Mr. WIRTH. Yes; that is my understanding.

Senator DWORSHAK. Finally, what are you going to do with Hawk Island? Is that included in the area?

Mr. WIRTH. Hawk Island?

Senator DWORSHAK. There is Hawk Island in Tomales Bay. You don't know about it?

Mr. WIRTH. No, sir; I do not. I have never been to Hawk Island.

Senator DWORSHAK. That is a very significant name. That could develop into quite a commercial enterprise.

Senator BIBLE. It looks very interesting, but at the present time it is not within the prospective acquisitions.

Senator DWORSHAK. He doesn't know whether it is.

Mr. WIRTH. The boundary line is drawn so that Hawk Island will be outside.

Senator DWORSHAK. You are sure Hawk Island will be outside?

Mr. WIRTH. Yes, sir.

Senator BIBLE. Do you have anything further to add?

Senator ALLOTT. Mr. Chairman, later I would like to ask Mr. Wolfsohn one question.

Senator BIBLE. We will give him 4 minutes to answer.

We appreciate your presence here, Mr. Wirth, and your patience.

Mr. WIRTH. Thank you very much.

There is an element of urgency here. It is expressed in letters dated May 13, 1950, from the Acting Secretary of the Interior to the President of the Senate and Speaker of the House proposing legislation "to save and preserve for the public use and benefit, a portion of the remaining undeveloped shoreline area of the United States." The Assistant Secretary said enactment of the proposed legislation is "urgent and highly desirable in the public interest." He referred to a recently concluded Department survey of the Nation's shorelines to determine remaining opportunities to preserve outstanding natural shore areas, and said, "The few that are left are * * * relatively small, and they are going fast. Even many of * * * (the inaccessible sites) are now being purchased by real estate interests for subdivision purposes."

The Pacific coast portion of the recently concluded survey "Pacific Coast Recreation Area Survey," a report by the U.S. Department of the Interior, 1950, states that the Point Reyes Peninsula—located just north of San Francisco and within 75 miles of a present population of 3 million—"provides a combination of scenic, recreation, and biologic interests which can be found nowhere else in this country as near to a large center of population. This coastal area is believed to warrant national status."

The \$15,000 study which we recommend and request would provide a factual basis for evaluating feasibility of the proposal.

MARIN COUNTY PLANNING COMMISSION,
San Rafael, Calif., February 20, 1961.

Re Drakes Bay Pines.

Congressman CLEM MILLER,
Old House Office Building,
Washington, D.C.

DEAR SIR: As you have previously requested, we are forwarding to you a tentative subdivision map¹ being filed with this agency for processing. The area proposed for subdivision is located within the intended boundaries of the Point Reyes National Seashore. This is the fifth proposal for subdivision within the proposed park area within a year.

Very truly yours,

MARY SUMMERS, Planning Director.

[California Legislature, 1961 Regular (General) Session]

ASSEMBLY JOINT RESOLUTION No. 27

Assembly Joint Resolution No. 27—Relative to the establishment of the Point Reyes National Seashore, Marin County, California, as a part of the national park system.

Whereas the proposed Point Reyes National Seashore has been the subject of three favorable National Park Service studies and reports, including a detailed land use survey and economic feasibility study; and

Whereas the National Park Service's 1957 preliminary report described the Point Reyes area as having immediate recreation potential of the first magnitude and possessing recreation, scientific and cultural resources of major importance warranting national acquisition; and

Whereas this report specifically stated that the Point Reyes National Seashore "provides a combination of scenic, recreation, and biologic interests which can be found nowhere else in this country as near a large center of population," and that "the opportunity as a matter of good government for the people to preserve and enjoy this superlative seashore is unusual, if not unique"; and

Whereas this area is located only about 35 miles north of San Francisco, and is easily accessible to the rapidly growing 18-county metropolitan Bay Region having a present population of 4½ million, and an estimated population, in 1980, of 7.2 million and in the year 2000 of almost 11.7 million; and

Whereas there are on the Pacific Coast of the United States less than 200 miles of shoreline warranting national park status, and it is estimated that by 1980 the San Francisco Bay Region will attract annually more than 2½ million out-

¹ Filed with the committee.

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of-State visitors and that the park would attract about 2.3 million visitor-days of use—more than did all of the National Parks in California combined in 1955; and

Whereas Senator Clair Engle and Senator Thomas Kuchel have introduced S. 476, and Representative Clem Miller has introduced an identical bill, H.R. 2275, calling for the establishment of the Point Reyes National Seashore, both of which bills embody the proposal submitted by the National Park Service to the Senate Committee on Interior and Insular Affairs at its public hearing conducted in Marin County in April 1960, and favorably recommended to the Congress by the Secretary of the Interior in August 1960; and

Whereas these bills contain provisions safeguarding the legitimate interests of residents, ranchers, and fishermen in the proposed park area; and

Whereas Governor Edmund G. Brown strongly endorsed this pending legislation in his statement to the committee at its April hearing in Marin County, and noted the acute need of both this State and of the Federal Government to capitalize now on one of the few clear remaining opportunities to save our vanishing shoreline for public recreational use, particularly an area so unspoiled and outstanding and located so near to a huge metropolitan population concentration: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact legislation now pending for the establishment of the Point Reyes National Seashore; and be it further

Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

[From the San Rafael Independent-Journal, Mar. 16, 1961]

UNANIMOUS VOTE—POINT REYES PARK BACKED BY ASSEMBLY

SACRAMENTO (CNS)—The State assembly officially went on record today in favor of Federal acquisition of the Point Reyes Peninsula as a national seashore area.

The assembly, by unanimous vote and without debate, passed AJR 27, which memorializes Congress and the President to pass bills currently before both the House and the Senate establishing the area.

The joint resolution, introduced by John A. O'Connell, Democrat, of San Francisco, and 17 other assemblymen, but not including Marin-Sonoma Assemblyman William T. Bagley, had previously won approval of the assembly rules committee.

It notes that Federal acquisition has been "strongly endorsed" by Gov. Edmund G. Brown and that the "acute need of both this State and of the Federal Government to capitalize now on one of the few clear remaining opportunities to have our vanishing shoreline for public recreational use."

The measure now goes to the Senate for consideration.

[From the San Francisco Chronicle, Mar. 24, 1961]

McCARTHY BLOCKS SENATE ACTION ON POINT REYES PARK PROPOSAL

(By Jackson Doyle)

SACRAMENTO, March 23.—The Senate Rules Committee, on the eve of congressional hearings on the project, refused today to approve an assembly passed resolution favoring creation of a Point Reyes National Seashore Park.

The committee delayed action on the measure, introduced by Assemblyman John A. O'Connell, Democrat, of San Francisco, after Senator John F. McCarthy, Republican, of San Rafael, objected to details of the project.

Meanwhile, Gov. Edmund G. Brown released an all-out endorsement of the project to be read when the park proposal comes before a House Interior Subcommittee in Washington tomorrow.

EXHIBIT 4

Calendar No. 789

87TH CONGRESS
1st Session

SENATE

REPORT
No. 807

POINT REYES NATIONAL SEASHORE, CALIF.

August 29, 1961.—Ordered to be printed

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

REPORT

[To accompany S. 476]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 476) to establish the Point Reyes National Seashore in the State of California, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

At page 6, line 11, change the word "The" to "the" and insert prior thereto the words "Except as provided in section 4,".

At page 7, strike all of the language in section 4 and insert in lieu thereof the following:

Within such area the Secretary shall designate approximately 26,000 acres of ranch or dairy land as a pastoral zone in which the existing open space and pastoral scene shall be preserved, the zone being generally depicted on Map No. NS-PR-7002, dated August 15, 1961, on file with the Director, National Park Service, Washington, D.C. No parcel within the designated pastoral zone, exclusive of that land required to provide access for purposes of the national seashore, shall be acquired without the consent of the owner so long as it remains in its natural state or is used exclusively for ranching and dairying purposes, including housing directly incident thereto.

(a) In acquiring access roads within the pastoral zone, the Secretary shall give due consideration to existing ranching and dairying uses and shall not unnecessarily interfere with or damage such use.

(b) So long as that tract of land generally known as Duck Cove, situated on the west side of Tomales Bay and contain-

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ing approximately 16 acres, is held by Duck Cove, Inc., and is devoted to the sole purpose of noncommercial, residential uses, the Secretary shall not acquire said land by condemnation.

At page 6, after line 5, insert the following:

Notwithstanding the foregoing description, the Secretary is authorized to include within the Point Reyes National Seashore the entire tract of land owned by the Vedanta Society of Northern California west of the center line of Olema Creek, in order to avoid a severance of said tract.

At page 9, line 14, delete the sentence reading "The owner shall elect the term to be reserved."

At page 10, line 20, strike all of section 7(b) and insert in lieu thereof the following:

The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State and Federal law. The Secretary shall consult with officials of the State of California and any political subdivision thereof who have jurisdiction of hunting and fishing prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative agreements with such officials regarding such hunting and fishing as he may deem desirable.

At page 11, line 5, change the period to a comma and add the following:

except that no more than \$14,000,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act.

Delete the commas at page 7, line 5, after the word "value"; at page 8, line 13, after the word "Act"; and at page 11, line 10, after the word "invalid".

HISTORY OF POINT REYES PENINSULA

The Point Reyes Peninsula is more than a place of recreation. It is a place which increases our understanding of the past and causes us to think about the course of our future, for here is a great sweep of shore, lowlands, and hills virtually unchanged since it was seen by the first explorers. Here, for those who can read it, is the scene of a vast historical pageant. Coast Miwok Indians lived on the Point Reyes Peninsula. Their habitations along the west side of Tomales Bay, around Drakes Estero and the seaward shores evidence their dependence upon the marine animals for food.

Around the year 1500 A.D. there were probably more Indians living on the peninsula than there are Caucasians at the present time. Doubtlessly not all of the 113 known aboriginal village sites were occupied at the same time, but the number of sites suggests a fairly heavy population. While there are not many known archeological or prehistorical sites of critical importance on the peninsula—perhaps

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not over two dozen at the most—the point is that early people did utilize the peninsula and lived there.

Here with a vivid sense of immediacy, one recalls the courage of pioneer navigators who braved the unknown Pacific coast in their cockleshell vessels. Here one thinks of the results—good and evil—of political and religious rivalries. Here one relives the wonder of men who saw these meadows and hillsides literally moving with migrating elk and with wheeling flocks of waterfowl. Here one honors the heroism of those who braved the shattering seas in attempts to rescue the many unfortunates wrecked on this section of the coast. And here one compares the way of life of the Mexican and American ranchers, whose isolation and unhurried calm were in such vivid contrast to the urban bustle of our lives today.

For the Nation as a whole, the most significant part of this story relates to the possibility that Sir Francis Drake, the English seaman and the scourge of Spain, may have repaired his vessel, the *Golden Hinde*, here in 1579 before starting out across the Pacific on his journey around the world. Although historians do not agree as to his exact landing place along the central California coast, Drakes Bay has long been considered as the most probable location. At any time, the remains of Drake's stone fort may be discovered, an event which would catapult the area into the ranks of the Nation's outstanding historical sites; since it would mark the scene of the first known English habitation within the boundaries of the present United States.

Point Reyes figured prominently in the annals of exploration along the Pacific coast. Drakes Bay was then, as now, a harbor of refuge sheltered from northerly winds but exposed to southern storms. Here in 1595 the Spanish explorer, Sebastián Rodríguez Cermeno, suffered the first recorded shipwreck in California waters when his vessel, the *San Agustin*, was blown ashore near the mouth of Drakes Estero. Archeologists have recovered from Indian mounds on the shores of Drakes Estero lots of porcelain which almost surely came from the *San Agustin*. Seven years later, in 1602, the expedition of Sebastián Vizcaino, coming north from Mexico, stopped briefly near Point Reyes, giving the anchorage the name of Puerto de los Reyes or Port of the Kings.

The attempt of the Spanish to establish a settlement in this port led to the discovery of one of the best natural ports in the world. The Don Gaspar de Portola expedition traveling by land up the coast from San Diego in 1769 was thwarted in its search for Puerto de los Reyes by the estero now called San Francisco Bay. Six years later and 173 years after Vizcaino visited Drakes Bay, Juan Manuel de Ayala in the *San Carlos* made the first recorded passage through the Golden Gate. Thereafter, the anchorage in Drakes Bay was overshadowed by the Port of San Francisco.

During the early 19th century, Drakes Bay was familiar to the traders, whalers, and fur hunters of the United States, Mexico, Great Britain, and Russia and here the well-known trading vessel, the *Ayacucho* went ashore in 1841.

Several large Mexican cattle ranches were established on the peninsula and later it became famed for its fine dairy products, as it is today. For many years the produce from Point Reyes Peninsula was transported from Drakes Estero and Tomales Bay to the San

Francisco markets in shallow-draft, coastal schooners. In 1870 the Point Reyes Lighthouse was installed to protect shipping on this dangerous section of the coast, the scene of many tragic wrecks. A colorful chapter is formed by the activities of smugglers in the region during the prohibition period. During World War II artillery observation posts and beach patrols were located on the Point Reyes Peninsula to defend San Francisco.

This, in brief, is the human story told by Point Reyes Peninsula. Perhaps nowhere else on the entire California coast have the scenes of such a broad panorama of events been left so untouched by the hand of man. As an unspoiled bit of the country described by California's early visitors, it is unique. It enables us to place ourselves in the footsteps of these pioneers and to understand more vividly their reaction to the scene. And it enables us to contrast what they saw with the situation in most of the rest of California today and makes us think about the direction in which our civilization is taking us.

The National Park Service would carefully plan the location of developments and guide the recreation activities in a manner which would leave important known historic and archeological sites undisturbed so that specialists would have opportunity to study them further and recommend a course of action for preservation of important sites. It is recommended that every possible attempt be made to preserve for future study all types of archeological sites on Drakes Bay, even those of modern derivation, on the assumption that any spot indicative of aboriginal occupation may yield data pertaining to the Drake landing question.

Criteria for national seashore development

A national seashore is distinguished from a national park primarily in its method of development and management, which may be somewhat less restrictive than in a national park. The national parks are spacious land areas which have suffered little or no alteration by man, and require exacting application of protective controls to conserve, unimpaired, their compelling manifestations of nature. A national seashore, although it may offer certain unique or outstanding natural history elements requiring absolute preservation just as in a national park, generally will be capable of sustaining as a major objective a varied public recreation program less restrictive than would be suitable in a national park. Both types of areas are administered under the laws, rules, and regulations of the National Park Service.

The proposed Point Reyes National Seashore exemplifies critically significant ecological processes involving varieties of earth and life resources which combine to produce rare scenery and a diversity of recreation opportunities. All of the recreation activities reasonably allowable at a national seashore are frankly encouraged. Boating and other water and beach recreation, softball, and other sports and games may be highly consistent where they can be worked out without endangering other important considerations. Thus, public use opportunities could exert more recreation "pulling" force than is usually expected at a national park where the recreation use is generally of a more passive or contemplative nature.

The Point Reyes Peninsula

Location.—The Point Reyes Peninsula is situated on the coast of Marin County, Calif. The peninsula extends northward along 45

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miles of seashore from a point some 15 miles north of the entrance to the Golden Gate Channel of San Francisco Bay. The highway entrance to the peninsula is 30 to 35 miles from downtown San Francisco.

Character of the area.—The proposed Point Reyes National Seashore is one of five coastal areas identified in the Pacific Coast Recreation Area Survey, published in 1959, as possessing scenic, scientific, and recreation values of possible national significance. That survey describes the area as follows:

The shoreline varies in character, with wide sandy beaches, wave-swept caves, offshore rocks, steep coastal bluffs and one 3-mile long sandspit. The upland consists of sand dunes and grassland graduating into chaparral and magnificent fir and pine forests. Also included are such features as Drakes Estero with its 28 miles of shoreline, 9 inland fresh-water lakes plus Abbotts Lagoon of several hundred acres, several fresh and salt water marshes, and an interesting variety of birds and mammals.

Two other commanding facts of the proposed national seashore which have to do with its location are particularly worthy of attention.

First, it is extremely rare for such a large unspoiled area of great natural interest to be within such easy reach of a major metropolitan area (the San Francisco-Oakland metropolitan area) as is the Point Reyes Peninsula. The values inherent in superlative natural areas identify and characterize them, of course, regardless of their geographic relation to user populations; and it so happens that most of them are far more distant from population centers than is Point Reyes.

The second locational attribute is that found in the rising attractiveness of water-related recreation. The most rapidly growing recreation activities are those of boating and other water-related uses. Where conservation objectives can include the creation of opportunities for recreation water use, an impressively large volume of benefits can result, as the reservoirs impounded by the U.S. Bureau of Reclamation, the Corps of Engineers, and other agencies attest.

These two factors of the Point Reyes area, its nearness to major populations and the added recreation lure of swimming and boating water, would be important factors in the total benefits accruing from national seashore development.

Access.—The Point Reyes Peninsula is well located with respect to both the large northern California metropolitan population, and the sizable volume of national tourists who visit California each year.

At present, two highway routes provide major access to the peninsula. U.S. Highway 101, the main arterial traffic route through San Francisco, is less than 15 miles to the east of the proposed national seashore. State Highway 1, which follows the coastline and connects with U.S. 101 about 13 miles south of Bolinas Bay and 4 miles north of the Golden Gate Bridge, is immediately east of the peninsula.

Additional access is afforded by certain county spur roads which connect these two main highways at frequent intervals north of the above junction. These are slow-speed and scenically interesting roads.

East-west U.S. 40 interconnects San Francisco and Oakland with Sacramento on U.S. 99, which roughly parallels U.S. 101 about 70

miles to the east. U.S. 50 connects the same two cities with Stockton; U.S. 40 joins transcontinental U.S. 30 at Salt Lake City; and other major transcontinental routes connect with U.S. 99 at various points. The improvement of U.S. Highways 30 and 99 as part of the Federal Interstate and Defense Highway System will further the presently good access to Point Reyes by national routes.

In addition, the completion of routes now approved for the California freeway and expressway system, all scheduled within the next 20 years, will bring virtually all sections of the peninsula in direct contact with the major freeway systems. Legislative Route No. 69, over the existing Sir Francis Drake Highway which connects Point Reyes Station with the Marin County seat at San Rafael and U.S. 101, will be brought up to freeway standards over its 25-mile length. Legislative Route No. 252, which will join the Sir Francis Drake Highway near Micasio 5 miles southeast of Point Reyes Station, will feed in from Novato on U.S. 101 and will provide direct access to Point Reyes from points within the Sacramento Valley. Legislative Route No. 51 will extend from the community of Valley Ford, about 7 air-miles northeast of Tomales Point, to the city of Santa Rosa on U.S. 101, serving the Sonoma Valley. Legislative Route No. 56 calls for the improvement of California State Highway 1, the coast highway, to freeway standards over a 48-mile stretch reaching from its junction with U.S. 101 near the Golden Gate Bridge to its intersection with Legislative Route No. 51 at Valley Ford, thus greatly reducing time-distances to Point Reyes from both north and south.

These Federal and State programs will greatly improve and speed access to Point Reyes; connections between it and major U.S. travel routes, such as U.S. 99 and local traffic interchanges at San Francisco, will provide further ready access. Interior access, however, now is extremely limited by large ranch holdings which are not traversed by public roads. Suggested development for the proposed national seashore calls for construction of approximately 25 miles of new roads, the improvement of an additional 40 miles of existing roads, interior road bridges, an entrance road tunnel and about 25 miles of horse and hiking trails.

With these improvements, a wide range of attractions would be opened to the visitors. In addition to the natural attractions the area possesses, which could be opened to public use merely by providing access such as the suggested hiking and riding trails and scenic overlooks, many others would have supporting facilities and developments for full public use and enjoyment.

Present land uses.—Though the Point Reyes Peninsula is within the San Francisco-Oakland standard metropolitan area, it has been off the main path of urban development to date. With the lag in development until recently, land prices on the peninsula have remained relatively low and use of the land has remained at a relatively low intensity. Nearly 70 percent of the peninsula is taken up by brushlands and grasslands which are used for the grazing of livestock. Forest lands total about 12,000 of the 53,000 acres within the exterior boundaries of the proposed national seashore. The forest consists mainly of Douglas-fir, Bishop pine and several species of broadleaf trees. Spectacular dunes and sea cliffs account for about 3,000 acres.

Considerable land on the Point Reyes Peninsula was under cultivation during World War II. Since that time, however, this form of

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land use has been almost entirely discontinued, due largely to the problem of obtaining and holding the labor required in connection with cultivated crops. At the present time, only a very minor fraction of the total acreage on the peninsula is devoted to this use. It consists of grain crops and grain-type hay for livestock, rather than the more diversified crops that are raised elsewhere in Marin County.

As the large acreage of brush and grazing lands would indicate, dairying and beef cattle ranching are the dominant land uses at the present time on the Point Reyes Peninsula.

A National Park Service field survey of land ownerships, conducted in March and April of 1960 on a personal interview basis, showed 15 dairy ranches totaling about 19,000 acres and 10 beef cattle ranches with a total of 23,000 acres to be located within the presently designated boundaries of the proposed national seashore. The survey also showed that on the Point Reyes Peninsula (as in many parts of California) the practice of renting dairy farms is prevalent. It was found, for example, that 18 of the 25 ranches within the proposed national seashore boundaries are operated on a rental basis. Eleven of the 18 ranches so operated have completely absentee owners, and the other 7 are operated on a tenancy basis through family or estate arrangements.

Although the major part of the acreage comprising the dairy and beef cattle ranches is in brushlands and grazing lands, it also includes a considerable amount of forested land as well as unvegetated dunes and cliffs. Lands usable for agriculture are limited to the brushlands and grazing lands, improved pastures and hay acreage. Thus, of the 19,000 acres that are estimated to comprise the dairy ranches, some 20,000 actually are used for dairying operations. Of the 23,000 acres of beef cattle ranches, about 20,000 acres consist of lands that are actually used for that purpose.

The above-mentioned field survey also revealed that the 15 existing dairy ranches support approximately 7,000 dairy stock, with about 3,175 head in active milk production, and that the 10 beef cattle ranches support approximately 3,500 head of beef cattle. The dairy stock within the proposed boundaries constitutes about 16 percent of the 43,000 total dairy stock in Marin County, based on the annual livestock and agricultural report of the county for 1959. The beef cattle total represents slightly less than 90 percent of all stock of that type in the county for 1959.

Although exact data on the annual catch are not available, commercial fishing, together with oyster farming and processing, is of undoubted economic importance to the Point Reyes area and Marin County. The economic advantages of this location are clear and undisputed.

Commercial oyster beds are located in Drakes Estero. The beds are leased from the State, and an oyster cannery is situated on the upper reaches of an arm of the Estero.

Three commercial fisheries, operating on a year-round basis, are located on the west shore of Drakes Bay. Each commercial fishing company owns one wharf and, in addition, leases a small amount of land from the landowner. Information obtained during the 1960 field survey indicated that the annual catch consists of crab, salmon, and bottom fish. Part of the catch is transshipped to San Francisco via boat, and the remainder is taken out in trucks to the various proc-

essing plants. In addition to fishing with their own boats, the companies purchase fish from independent operators. In the opinion of company representatives, the annual catch of salmon alone amounts to 1 million pounds.

Both the oyster production and the commercial fishery operations, in the thinking of the National Park Service planners, should continue under national seashore status because of their public values.

The promontory of Point Reyes has long served as a lookout and beacon to ships at sea. Here the U.S. Coast Guard maintains one of the most important Pacific coast lighthouses. Lands comprising the Point Reyes Light consist of 120 acres. In addition, the Coast Guard maintains a lifeboat rescue station on a small property of about 12 acres. The station is situated at the west end of Drakes Bay, about 3 miles east of the Point Reyes Light.

Two religious organizations also engage in agricultural pursuits in the proposed area. The Church of the Golden Rule conducts dairying operations on 3,100 acres of land situated on the southern part of the peninsula and, according to field information, has about 700 acres under cultivation, plus a plant nursery. However, this ranching operation (with the exception of the nursery) is conducted solely for the benefit of the religious organization rather than for general commercial purposes.

The Vedanta Society has a religious retreat, also situated on the southern part of the peninsula within the proposed seashore boundaries. The lands are primarily forested, although a few livestock are kept. There is some development including living quarters, rest-house and toolhouse for monastic and lay workers.

Two transpacific radio receiving stations are maintained on the peninsula by the Radio Corp. of America and the American Telephone & Telegraph Co., respectively. The former owns 1,474 acres of land, while the latter owns 521 acres. In addition to serving radio communications, these lands also are leased for dairying or cattle ranching operations.

Recreation now plays a relatively minor role in the land-use pattern within the designated boundaries of the proposed national seashore, and is limited to two small public areas. Both are very popular. One of these, known as McClure's Beach, comprises about one-half mile of excellent beach frontage located near Tomales Point. The private landowner has made the area accessible to the public through cooperation with Marin County.

Drakes Beach County Park, developed and managed by Marin County, is the only other recreation area within the proposed boundary that is open to the general public. It includes 52 acres of lands situated on the shore of Drakes Bay a short distance west of the entrance to Drakes Estero.

A third area, known as the Bolema Club, comprises 681 acres of land north of the promontory known as Double Point, near the southern end of the peninsula. It is restricted to members of the Bolema Club, a sportsmen's organization.

Although the forests do not constitute timber of good commercial quality in the view of experts who have studied the national seashore proposal, timber rights have been sold in several instances, and logging operations have been conducted over the past year and a half. Some 800 acres were logged up to mid-April 1960.

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Proposed national seashore development

If the Point Reyes National Seashore were established, the following types of facilities would be provided on the land in the public use portion of the area:

Interior access would be provided by a road system, utilizing existing roads wherever feasible, but about 25 miles of new roads also would be built. These would be supplemented by hiking and riding trails.

Campgrounds, with tables, grills, sanitation facilities, utilities and parking areas, would be established in suitable locations.

Bathhouses, shelters, comfort stations, water, food concessions, picnic facilities and parking areas would be available at Tomales Beach and Drakes Beach to create more favorable conditions for swimming and beach use.

Picnic areas, with tables, grills, sanitation and potable water, and parking would be provided at such areas as McClure Beach, Abbotts Lagoon, Limantour Spit, Bear Valley, and Double Point.

Docks would be constructed to make possible the enjoyment of pleasure boating.

The visitor would have the opportunity of learning firsthand the full story and the meaning of the earth and life resources of the Point Reyes Peninsula through a system of interpretive devices and structures, such as self-guiding trails and interpretive signs and markers. Through this medium, his enjoyment of the area and his total seashore experience would be enhanced.

Riding stables would be developed in the area and would be operated on a concession basis.

Five overlook developments would be programed to take advantage of the many landscapes and seascapes which are outstanding features of the Point Reyes Peninsula.

Under the present proposal, the existing commercial fisheries at Drakes Bay and the existing oyster cannery at Drakes Estero would continue under private operation as at present, but with some added facilities such as entrance roads and parking areas.

A headquarters development would be programed, to include employee housing, utility buildings, an administration and public contact building, and necessary roads, power service, water and sewage disposal.

COMMITTEE AMENDMENTS

As introduced, S. 476 proposed the dedication of about 53,000 acres for the national seashore out of a total of roughly 64,000 acres on the Point Reyes Peninsula. The excluded 11,000 acres would consist of Tomales Bay State Park, together with the private lands within it, villages on the peninsula, and adjacent lands for their expansion. Within the exterior boundaries of the proposed seashore about 33,000 acres of the peninsula would be used exclusively for a variety of public uses and some 20,000 acres of ranch land would be designated as a pastoral zone. Within the proposed pastoral zone, the Secretary of the Interior would acquire scenic easements in all of the acreage in order to preserve the pastoral scene or would have authority to acquire the fee title to the land and enter into lease agreements for its continued use for ranching purposes in a manner that would satisfy the preservation objective.

By its principal amendment to section 4, the committee has provided for the designation of a pastoral zone of 26,000 acres which shall not be acquired by the Secretary without the consent of its owners as long as the land remains in its natural state or is used exclusively for ranching or dairying purposes. Such a provision permits a reduction of land acquisition costs as well as the fostering of long-established ranching and dairying activities which, in the committee's judgment, will not interfere with the public enjoyment and use of those areas on the Point Reyes Peninsula most suitable for recreational pursuits.

The new language in section 4(a) is designed as a safeguard of ranching and dairying interests in those areas where the National Park Service must necessarily acquire rights-of-way for the development of access roads through the pastoral zone.

Section 4(b) permits the retention in private ownership of that area within the proposed seashore boundaries known as Duck Cove. This area on Tomales Bay is a closely held property presently devoted to seasonal occupancy by its owners; as long as it is maintained for private, noncommercial, residential use it will not be acquired by condemnation. The developed property enjoys a somewhat secluded location that would neither benefit the park development scheme if acquired nor obstruct development plans if permitted to remain in its present ownership.

The revised language of section 7(b) clarifies the procedure to be followed in the event the Secretary of the Interior determines that hunting and fishing are consistent with seashore objectives and requires that hunting and fishing, if and when permitted, be conducted under applicable local, State, and Federal laws.

By its amendment to section 8, the committee has limited expenditures for land acquisition purposes to \$14 million. Original estimates for the acquisition of 53,000 acres or certain rights therein approximated \$20 million. A reduction in that estimate has been effected by the provision permitting the retention in present ownership of some 26,000 acres to be designated in the pastoral zone.

The remaining amendments are of a perfecting nature.

SPECIAL AGREEMENTS

The committee desires to make specific reference in this report to special agreements that have been entered into between the Department of the Interior and certain landowners within the seashore's proposed boundaries for the retention of such lands in private ownership. Set forth below is correspondence of a self-explanatory nature between the Department of Interior and representatives of the American Telephone & Telegraph Co. and RCA Communications, Inc., a letter from the Vedanta Society of Northern California to the Department, and a letter bearing thereon from the Department to Senator Alan Bible, chairman of the Subcommittee on Public Lands. This correspondence recites the reasons for and the nature of the agreements entered into whereby the landowners cited above will be permitted to retain the ownership of the property they now hold within the proposed boundaries of the Point Reyes National Seashore. In each instance, the committee advocated the entering into of such agreements as an alternative to providing a legislative device in S. 476 to meet each unique

EXHIBIT 5

87TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
2d Session } } No. 1628

POINT REYES NATIONAL SEASHORE, CALIF.

APRIL 19, 1962.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany S. 476]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 476) to establish the Point Reyes National Seashore in the State of California, 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 6, strike out all of lines 16, 17, 18, and 19, and insert in lieu thereof the following:

SEC. 3. (a) Except as provided in section 4, the Secretary is authorized to acquire, and it is the intent of Congress that he shall acquire as rapidly as appropriated funds become available for this purpose or as such acquisition can be accomplished by donation or with donated funds or by transfer, exchange, or otherwise, the lands,

Page 7, line 23, strike out everything through page 8, line 9, and insert in lieu thereof the following:

SEC. 4. No parcel of more than 500 acres within the zone of approximately 26,000 acres depicted on map number NS-PR-7002, dated August 15, 1961, on file with the Director, National Park Service, Washington, D.C., exclusive of that land required to provide access for purposes of the National Seashore, shall be acquired without the consent of the owner so long as it remains in its natural state, or is used exclusively for ranching and dairying purposes including housing directly incident thereto.

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Page 8, line 10, strike out the subsection designation "(a)".

Page 8, lines 14 to 19 inclusive, strike out all of subsection (b).

Page 11, line 23, through page 12, line 2, strike out all of section 9.

PURPOSE

The purpose of S. 476 and its companion bills (H.R. 2775 by Congressman Clem Miller and H.R. 3244 by Congressman Cohelan) is to establish the Point Reyes National Seashore, Calif.

GENERAL BACKGROUND

The recent report of the Outdoor Recreation Resources Review Commission—a Commission created by act of Congress and composed of four Members of the House, four Members of the Senate, and seven members appointed by the President—points out that, although the United States (exclusive of Alaska and Hawaii) has about 60,000 miles of shoreline, only about 21,000 miles can be considered as suitable for recreation use. The report continues:

Less than 2 percent of the total shoreline [about 6 percent of the 21,000 miles] is in public ownership for recreation—only about 336 miles on the Atlantic Coast and 296 miles on the Pacific Coast. Yet both coasts are centers of population, and they will be more so in the future. The present supply of publicly owned shoreline for recreation is not adequate, and acquisition will be needed.

The cry is not a new one. Nearly 25 years ago, the then Secretary of the Interior put it this way:

When we look up and down the ocean fronts of America, we find that everywhere they are passing behind the fences of private ownership. The people can no longer get to the ocean. When we have reached the point that a nation of 125 million people cannot set foot upon the thousands of miles of beaches that border the Atlantic and Pacific Oceans, except by permission of those who monopolize the ocean front, then I say it is the prerogative and the duty of the Federal and State Governments to step in and acquire, not a swimming beach here and there, but solid blocks of ocean front hundreds of miles in length. Call this ocean front a national park, or a national seashore, or a State park or anything you please—I say the people have a right to a fair share of it.

Secretary Ickes' call to action evoked little by way of a tangible response.

As far as the Federal Government is concerned, there are only three sizable frontages on the Atlantic coast which are within, or authorized for inclusion in, the national park system—Acadia National Park in Maine, Cape Cod National Seashore in Massachusetts, and Cape Hatteras National Seashore Recreational Area in North Carolina. On the Great Lakes, there is only one, the Isle Royale National Park in Michigan; on the gulf coast, Everglades National Park in Florida; and on the Pacific coast, the ocean strip portion of Olympic National Park in Washington. Taken together, these do not add up to more than a few hundred of the 21,000 miles that are suitable for recreational use.

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Considering the fact that these shores are shores not only for the people who live along the margins of the 27 outer States, other than Hawaii and Alaska, but of the many more who live in the interior of these same States and in the 21 land-locked States, there is great merit to the proposal to expand this mileage even though it can be done only through the reacquisition of land that has passed into private ownership.

These shores offer a great variety of attractions to a great variety of people. They are of interest to the geologist and oceanographer. They are, many of them, of interest to the historian and archaeologist. They are of interest to students, professional and amateur alike, of living things who want to know and understand what happens to animal life and vegetation at the front where sea and earth meet each other. They are of interest to the artist, the photographer, and the many who like merely to watch the roll of the ocean and hear the break of the surf. They are of interest to the conservationist who wishes to see preserved at least a few samples, large enough to be relatively unspoiled by adjacent urbanized and industrialized areas, of the shores that the first explorers and settlers came to. Finally, when accompanied by sufficient of the upland, they are of great interest to the increasing numbers of recreation-seekers that our expanding population and our increasing leisure time is giving us—the family that likes to camp or picnic, the individual or the group that appreciates hiking, the men and women and children who want to swim, ride horseback, or bicycle. That there are millions of such people now, and that there will be increasingly large numbers of them in the future, is the conclusion of the Outdoor Recreation Resources Review Commission. As its report points out, our 15-percent increase in population from 1951 to 1959 was accompanied by an 86-percent increase in the number of visits to national parks and a 143-percent increase in the number of visits to all State and Federal recreation centers combined.

THE POINT REYES NATIONAL SEASHORE

In this context, the establishment of a national seashore on the Point Reyes Peninsula will serve many ends. It lies at the western end of Marin County, Calif., 30 miles northwest of downtown San Francisco. There is ready access between the two via the Golden Gate Bridge. Five million people live within about 100 miles of Point Reyes; by the year 2000, there are expected to be 12 million. Its boundaries include nearly 25 miles of frontage on the Pacific Ocean proper, 25 miles on Drakes Bay, 12 miles on Drakes Estero, and 10 miles on Tomales Bay. Included within these boundaries are 53,000 acres of land. Its greatest length is about 26½ miles and its extreme width about 13 miles. Average daily maximum temperatures at the Point Reyes Lighthouse range from a high of 86° in September to a low of 64° in January; average daily minimum temperatures from a high of 49° in August and September to a low of 39° in January. The weather at the lighthouse is bright over half the time, rainy 2 days a month, cloudy about 7 days a month, and foggy an average of 8 days a month. Inland temperatures are considerably higher and fogs less frequent. The National Park Service summarized some of Point Reyes' attractions thus:

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This relatively undeveloped region, from its * * * seashore to forest-covered Inverness Ridge * * * provides a combination of scenic, recreation, and biologic interests which can be found nowhere else in this country near a large center of population.

These few facts indicate the strategic importance of Point Reyes. It is strategic for national seashore purposes because it is easily accessible to a large population center—a population center which itself attracts well on to 2 million visitors and tourists each year from outside the State. It is strategic, moreover, because it is still relatively unspoiled notwithstanding its accessibility and notwithstanding recent incursions of subdividers. It is strategic because it offers a great variety of scenery within a relatively small compass—ocean beaches and high cliffs, sand dunes and low but rugged mountains, forested areas and expanses of pasturelands, small fresh water lakes and ponds, and that delight of the geologist, the San Andreas fault.

Point Reyes does not offer only scenery. Its recreational potential is equally great. The tentative plans of the National Park Service call for the development of boating facilities on Tomales Bay and Drakes Bay, trails for hiking, picnic areas sufficient to accommodate 2,000 people at a time, campgrounds at 3 different locations (on Inverness Ridge in the highlands, on Drakes Estero, and in the Bolema area) sufficient for 500 units, riding stables, and boating facilities. Many of these developments will be undertaken by concessionaires.

Finally, the Point Reyes Peninsula offers a good site for archeological and historical exploration. It was the home of the Miwok Indians before the white man arrived on the scene, and there are 113 known aboriginal sites, many of which are believed to be worth exploring. Tradition, supported by most historians who have studied the subject (see, e.g., the article by Adm. Chester W. Nimitz entitled "Drake's Cove: A Navigational Approach to Identification" in *11 Pacific Discovery* 22 (1958)) has it that it was here that Sir Francis Drake stopped to repair his *Golden Hind* in 1579 before starting across the Pacific. The remains of the stone fort he built may yet be found here. The first recorded shipwreck on the California coast occurred here in 1595. And the very history of landownership on the peninsula—beginning with the first grants in 1836 by the Mexican Government to James R. Berry (35,000 acres) and Rafael Garcia (8,800 acres) and continuing to the present when, though 99 percent of the land within the national seashore is still owned by only 25 persons, subdivision is a serious threat—is one that is worth noting.

All of these factors plus others—particularly the expected increase in population in the vicinity and continued growth of America's travel habits—lend substance to the belief that Point Reyes will attract over 2 million visitors a year by 1980 and that those seeking overnight accommodations in the area will add another quarter of a million people to this number.

In short, Point Reyes is admirably adapted to be one of those general outdoor recreation areas for which the Outdoor Recreation Resources Review Commission pointed out our great need—areas which have "the ability through development of facilities to sustain a large and varied amount of activity, such as camping, picnicking, fishing, water sports, nature walks, and outdoor games." It has, in addition,

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the advantages of a superlative setting and of great beauty that should be preserved for future generations.

LOCAL ATTITUDES

The establishment of the Point Reyes National Seashore has the endorsement of the Marin County Board of Supervisors, the Governor of California, and the California State Park Commission. In a vote taken on January 17, 1962, the supervisors reversed a prior recommendation that a seashore of no more than 20,000 acres be established and recommended that the entire 53,000 acres be included. This action was taken after the electors of the county had recalled, at a special election in which the size of the national seashore was a principal issue, one of the opponents of the 53,000-acre proposal.

LAND OWNERSHIP

When the National Park Service completed a survey of lands within the proposed national seashore boundaries in April 1960, 25 parties owned 99 percent of the land, as has already been pointed out. Of these 25, 6 owned 48 percent. The remaining 1 percent was held in small parcels. During the last 2 years, and particularly during the last year, subdividers have been active on the peninsula. As of January 15, 1962, 135 subdivision lots were reported to have been sold: construction of homes had been begun, however, on only a handful of these.

Forty-two thousand acres are owned or leased by dairy and beef ranchers, but of these 42,000 at least 9,000 or 10,000 are sand dunes, cliffs, and heavily forested land which is unsuitable for grazing. The smallest dairy ranch in the area is about 600 acres and the smallest beef ranch nearly 1,500 acres. Twenty-six thousand of the 32,000 acres which are actually used for dairy and beef ranches will remain so, under the provisions of section 4 of the bill, as long as their owners wish to continue this use. This section which, both in its original form and in its amended form, forbids the exercise of condemnation against lands within what has been designated a pastoral area (as opposed to the public use portion of the national seashore) is modeled on a similar provision in the act governing the Everglades National Park (Public Law 85-482, 16 U.S.C. 410j). Section 4 has the dual purpose of protecting the owners of ranches within the described area against involuntary alienation of their land and of protecting the Government's investment in the remainder of the national seashore if adverse uses in the protected area threaten to develop. In addition, it is built on a recognition of the value to the Government and the public of continuation of ranching activities, as presently practiced, in preserving the beauty of the area. Though somewhat different in form, the amended section has precisely the same meaning as, it is understood, the original section was intended to have.

Further protection to the owners of property within the proposed national seashore which was improved before September 1, 1959 is afforded by section 6 of the bill. This section provides that the owner of a private noncommercial dwelling constructed before that date may, at the time the Government acquires title to it, elect to retain use and occupancy rights in it and in such amount of the land

on which it is located as the Secretary finds to be reasonable. These rights may be retained for the lifetime of the owner or his spouse or until his last surviving child reaches the age of 30, whichever occurs last. The committee has been advised that about 20 properties, other than ranching properties, are eligible under section 6.

The committee notes that there are several tracts, totaling about 4,000 acres within the national seashore boundaries which are owned by the Radio Corp. Communications, Inc., and the American Telephone & Telegraph Co. for their overseas communications systems, by the Vedanta Society of Northern California for religious purposes, and by several small organizations engaged in oyster farming and fishing operations on Drakes Estero, Tomales Bay, and Point Reyes Cover. The committee has been advised that none of these activities, as presently conducted, is incompatible with the plans of the National Park Service. It notes, moreover, that agreement has been reached between the Department of the Interior and the owners of certain of these properties for their inclusion within the park with the understanding that the Government will have, in effect, a right of first refusal in the event the owners wish to dispose of them. Although these agreements are not incorporated in the bill by reference or otherwise, the committee commends the Department and the owners for their willingness and ability to work out this amicable settlement. It wishes to make it clear that its amendment to section 3 of the bill is not intended to upset these understandings in any way and that, since the Department has control over requests for funds to implement this section, it will be expected not to ask for appropriations to acquire these properties as long as the owners faithfully observe the terms of the understandings. The texts of the exchanges of correspondence setting forth the agreements reached are set out in the printed hearings of the committee on H.R. 2775 and H.R. 3244 at pages 130-138 and in Senate Report No. 807, 87th Congress, at pages 11-19.

A considerable amount of time was spent by the committee in trying to find a way to meet the plea that some means be found to assure property owners—particularly the owners of ranches—that the National Park Service will be in a position to buy their property at such time as they are ready to sell. No workable means of incorporating a firm assurance to this effect in the bill could be found, since the basic problem is that of being certain that sufficient appropriated funds will be available at the time the owner wishes to sell. The committee went as far as it thought it could properly go by its amendment to section 3 which states the intent of Congress that, within the limits of money made available to the National Park Service for the purpose, the Secretary shall acquire the property within the seashore boundaries as rapidly as he can. The committee recognizes, and it urges that property owners also recognize, that Federal funds cannot be appropriated overnight. It therefore points out to property owners in the area the importance of their giving notice to the National Park Service as far in advance as possible—at least 1 year—of their desire to sell so that the Park Service may know whether any extraordinary call on its funds is likely to be encountered and, if so, will be able to request appropriations accordingly without disturbing its then existing normal land acquisition program.

EXHIBIT 6

G. Suck - EMD

DESIGNATING CERTAIN LANDS IN THE POINT REYES NATIONAL SEASHORE, CALIFORNIA, AS WILDERNESS, DESIGNATING POINT REYES NATIONAL SEASHORE AS A NATURAL AREA OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES

SEPTEMBER 24, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

[To accompany H.R. 8002]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 8002) to designate certain lands in the Point Reyes National Seashore, California, as wilderness, to designate Point Reyes National Seashore as a natural area of the National Park System, and for other purposes, having considered the same, reports favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

That, in furtherance of the purposes of the Point Reyes National Seashore Act (76 Stat. 538; 16 U.S.C. 459c), and of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131-36), and in accordance with section 3(c) of the Wilderness Act, the following lands within the Point Reyes National Seashore are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act: those lands comprising twenty-five thousand three hundred and seventy acres, and potential wilderness additions comprising eight thousand and three acres, depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612-90,000-B and dated September 1976, to be known as the Point Reyes wilderness.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of the Interior shall file a map of the wilderness area and a description of its boundaries with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such map and descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such map and descriptions may be made.

Sec. 3. The area designated by this Act as wilderness 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 areas, except that any reference in such provisions 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.

SEC. 4. (a) Amend the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-6a), as follows:

In section 6(a) insert immediately after the words "shall be administered by the Secretary" the words "without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration and preservation of the natural environment within the area."

(b) Add the following new section 7 and redesignate the existing section 7 as section 8:

SEC. 7. The Secretary shall designate the principal environmental education center within the Seashore as "The Clem Miller Environmental Education Center," in commemoration of the vision and leadership which the late Representative Clem Miller gave to the creation and protection of Point Reyes National Seashore.

Amend the title so as to read:

To designate certain lands in the Point Reyes National Seashore, California, as wilderness, amending the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-6a), and for other purposes.

PURPOSE

H.R. 8802,¹ as amended by the Committee on Interior and Insular Affairs, provides for the designation of certain lands as wilderness at Point Reyes National Seashore, Calif., clarifies the basic management objectives for the area, and directs the specific naming of an environmental education center at the Seashore.

BACKGROUND AND NEED FOR LEGISLATION

Point Reyes National Seashore was authorized by Act of Congress in 1962 to preserve a portion of the rapidly diminishing undeveloped coastal shoreline of the United States. Located along the Pacific Ocean coast north of San Francisco, Point Reyes National Seashore extends some distance up the coastline and inland, embracing fine beaches, estuarine areas, coastal grasslands, brush covered headlands and steep forested slopes. The area's pastoral appearance constitutes a major contrast to the developed landscape of the San Francisco bay region.

In conformance with the Wilderness Act of 1964, Point Reyes National Seashore, among other areas, was studied by the National Park Service to determine the suitability of designating any of its lands as wilderness. In late 1973 the report of this study was transmitted to the Congress with recommendations for wilderness designation for parts of the Seashore. Action by the Congress to statutorily

¹ H.R. 8802 was introduced by Representative John Burton and cosponsored by Representatives Miller of California, Risenhoover, Leggett, Edwards of California, Van Deerlin, Rees, McCloskey, Anderson of California, and Stark. Similar bills before the Committee related to the same subject matter were: H.R. 8003 by Representative John Burton and cosponsored by Representatives Haley, Taylor of North Carolina, Johnson of California, Udall, Phillip Burton, Kastenmeier, Mrs. Mink, Meeds, Kazen, Vigorito, Melcher, Roncallo, Bingham, Selberling, Runnels, Won Pat, de Lugo, Eckhardt, Byron, Benitez, Howe, Weaver, Carr, and Don H. Clausen; H.R. 7198 by Representative Sebelius; and H.R. 5823 by Representative Selberling.

designate some of these lands as wilderness will have the effect of ensuring a higher level of protection and preservation for these lands by reserving them for all time from development or the direct influence of man's technology and civilization.

LEGISLATIVE HISTORY

In September 1976, the Subcommittee on National Parks and Recreation conducted hearings on several bills whose principal purpose was to provide for the designation of certain lands as wilderness within the Point Reyes National Seashore. Later that month further action was taken by the Subcommittee and the Full Committee, and the bill was reported for the consideration of the House.

SECTION-BY-SECTION ANALYSIS

Section 1 provides for the designation of 25,370 acres of the Seashore as wilderness, and 8,003 acres as potential wilderness addition, all of which are depicted on a specifically referenced map. The lands so designated are to be known as the Point Reyes Wilderness and are to be administered under the applicable provisions of the Wilderness Act.

The committee concurred with the proposal to include several isolated and rather narrow lengths of beachfront along the coastline within wilderness in order to assure the continued preservation and use of those areas in their current primitive condition. It is thereby understood that administrative access and travel within those areas is to be under such conditions as to be in conformance with the full retention of wilderness values, and that any variance with that would be strictly for emergency purposes only. In like manner, vehicle use could be made as required of previously existing fire trails in time of emergency only, such as for suppression of fire to prevent its spread beyond the boundaries of the seashore.

As is well established, it is the intention that those lands and waters designated as potential wilderness additions will be essentially managed as wilderness, to the extent possible, with efforts to steadily continue to remove all obstacles to the eventual conversion of these lands and waters to wilderness status. The committee specifically noted that the utility lines, easements and rights-of-way through the Muddy Hollow Corridor should be eliminated as promptly as possible.

Section 2 is standard language providing for the filing of a final map and boundary description with the Committees on Interior and Insular Affairs of the Congress.

Section 3 is standard language which provides that this wilderness is to be administered in accordance with the appropriate and applicable provisions of the Wilderness Act.

Section 4 amends the enabling act authorizing the Point Reyes National Seashore as follows:

Subsection (a) inserts additional phrasing in section 6(a) which underscores the intention that the Seashore is to be managed for the protection of its natural environment and values. The bill was amended to delete language which would have required by law that

the area be managed under the policies for the "natural" area management category, as administratively defined by the National Park Service, and thereby remove the area from the "recreational" area management category under which it is currently placed by the Service. The committee's action thus has the effect of intending this administrative recategorization, without going so far as to recognize or sanction by statute, the existence or propriety of this administrative policy categorization system.

Subsection (b) adds a new section 7 which requires the Secretary to designate the principal environmental education center within the Seashore as the "Clem Miller Environmental Education Center", to commemorate the vision and leadership of the late congressman in the establishment of the Point Reyes National Seashore. The committee felt this would be a most suitable approach for recognizing the contributions of this individual, and would be consistent with both the committee's and the National Park Service's policies with regard to the application of names of persons to and within units of the National Park System.

COST

There is no cost entailed with this legislation.

BUDGET ACT COMPLIANCE

There are no budgetary implications associated with this legislation.

INFLATIONARY IMPACT

There is no inflationary impact associated with this legislation.

OVERSIGHT STATEMENT

There were no activities or discussions relating to oversight matters relating to this legislation. No recommendations were submitted to the committee pursuant to rule X, clause 2(b) (2).

COMMITTEE AMENDMENTS

The committee adopted amendments relating to (1) the acreage to be designated as wilderness and potential wilderness addition, (2) the general direction of management for the Seashore, and (3) the dedication of an environmental education center within the Seashore.

COMMITTEE RECOMMENDATIONS

On September 16, 1976, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 8002, by voice-vote, and recommends that the bill as amended be enacted.

DEPARTMENTAL REPORT

The report of the Department of the Interior is here printed in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 8, 1976.

HON. JAMES A. HALEY,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to the request of your committee for the views of this Department on H.R. 7198, a bill "To designate certain lands in the Point Reyes National Seashore, California, as wilderness; to designate Point Reyes National Seashore as a natural area of the National Park System, and for other purposes," and similar bills H.R. 8002 and H.R. 8003.

We recommend the enactment of H.R. 7198, if amended as described herein.

H.R. 7198 would designate approximately 10,600 acres of the Point Reyes National Seashore as wilderness and 20 acres of the Seashore as a potential wilderness addition. H.R. 7198 is consistent with the President's earlier wilderness proposal in the 93rd Congress on Point Reyes.

On March 2, 1976, this Department testified before the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs recommending that the Administration's proposal be expanded to designate 25,480 acres as wilderness and 20 acres as a potential wilderness addition. At the March hearings, this Department concurred in the view that the Limantour Estero of about 550 acres and Abotts Lagoon of about 200 acres should be designated as potential wilderness additions instead of wilderness, because both are subject to mineral and fishing rights owned by the State of California. With this modification, the Administration proposal consists of 24,730 acres for immediate wilderness designation and potential wilderness additions of 770 acres (Limantour Estero, Abotts Lagoon and the 20 acre private parcel). We recommend that H.R. 7198 be amended to effect this modification and that it be enacted.

H.R. 8002 and the companion bill, H.R. 8003, would (1) designate approximately 38,700 acres as wilderness within Point Reyes National Seashore, (2) designate that wilderness, consisting of three units, as the Point Reyes Miwok Wilderness, the Point Reyes Esteros Wilderness, and the Point Reyes Clem Miller Wilderness, and (3) amend subsection 6(a) of the Point Reyes Act of September 13, 1962 (76 Stat. 541; 16 U.S.C. 459-c6(a)), as amended, to provide for administration of the national seashore "as a natural area of the National Park System. . . ." The reference to subsection 6(a) appears to be a technical error; we believe it should be 7(a).

H.R. 8002 and H.R. 8003 would designate as wilderness approximately 38,700 acres, or approximately 13,200 acres more than the Administration's proposal. We do not recommend the inclusion of this additional acreage (which includes the following major components) for wilderness designation for the following reasons:

(1) Tidelands extending $\frac{1}{4}$ mile offshore. The State of California retains mineral and fishing rights over the submerged lands. The reservation of such rights is inconsistent with wilderness.

(2) Drakes Estero. Commercial oyster farming operations take place in this estuary and the reserved rights by the State on tidal lands in this area make this acreage inconsistent with wilderness.

(3) Certain portions of the seashore's former "pastoral zone." The "pastoral zone" was established pursuant to section 4 of the 1962 Act (76 Stat. 540; 16 U.S.C. 459c-3), which was repealed by subsection 2(b) of the Act of April 3, 1970 (84 Stat. 90)). The portions of the former "pastoral zone" included as wilderness in S. 2472 are now in Federal ownership but are subject to a special use permit which permits the use of roads, mechanical equipment, fences, water impoundments, and corrals, as well as the use of pesticides and herbicides. These uses would continue in wilderness under S. 2472. While it is expected that these uses will terminate in about 30 years, the land has been managed for grazing for at least three generations and does not appear to be in a wilderness condition.

(4) Muddy Hollow Road corridor. A portion of the area included as wilderness in H.R. 8002 and H.R. 8003 consists of a road and overhead electric power and telephone lines. While the National Park Service plans to remove and relocate the power and telephone lines eventually, there are no plans to do so in the near future. Designation of this corridor as wilderness now would be inconsistent with the definition of wilderness in the Wilderness Act, inasmuch as the facilities are works of man which are quite noticeable. We recommend that the corridor not be designated wilderness, but if the Committee wishes to designate it as potential wilderness we would have no objection.

H.R. 8002 and H.R. 8003 would designate, as a wilderness, three units which would be given separate wilderness names. We believe that it is unnecessary and confusing to have separate names for various wilderness units within National Park System areas, and we recommend that the entire wilderness area carry only the name of the park and be called the Point Reyes Wilderness. Use of the park name would be consistent with all National Park System wilderness names previously designated by the Congress as well as others pending before the Congress.

The effect of section 4 of H.R. 8002 and H.R. 8003 would be to change an administratively established management classification for the Point Reyes National Seashore from a "recreational area" to a "natural area." Lands within units of the National Park System are not arbitrarily managed according to such classifications as "recreational area," "historical area" or "natural area," but are managed according to a single system of *land classification* under which lands are classified as: natural zone; historic zone; development zone; or special use zone. Regardless of administrative designation of natural, historical, or recreational areas, land management is based on the inherent nature of the park resources and the suitability of the land for the proposed uses. We believe that under this classification system the natural values as well as other features are appropriately recognized and managed.

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,

JOHN KYL,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the Bill, as 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) :

ACT OF SEPTEMBER 13, 1962 (76 STAT. 538), AS AMENDED

(16 U.S.C. 459C-6A)

* * * * *

SEC. 6. (a) Except as otherwise provided in this Act, the property acquired by the Secretary under this Act shall be administered by the Secretary, *without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration and preservation of the natural environment within the area,* subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and in accordance with other laws of general application relating to the national park system as defined by the Act of August 8, 1953 (67 Stat. 496), except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act.

(b) The Secretary may permit hunting and fishing on lands and waters under his jurisdiction within the seashore in such areas and under such regulations as he may prescribe during open seasons prescribed by applicable local, State, and Federal law. The Secretary shall consult with officials of the State of California and any political subdivision thereof who have jurisdiction of hunting and fishing prior to the issuance of any such regulations, and the Secretary is authorized to enter into cooperative agreements with such officials regarding such hunting and fishing as he may deem desirable.

SEC. 7. *The Secretary shall designate the principal environmental education center within the Seashore as "The Clem Miller Environmental Education Center," in commemoration of the vision and leadership which the late Representative Clem Miller gave to the creation and protection of Point Reyes National Seashore.*

[SEC. 7.] *Sec. 8.* There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, except that no more than \$57,500,000 shall be appropriated for the acquisition of land and waters and improvements thereon, and interests therein, and incidental costs relating thereto, in accordance with the provisions of this Act: *Provided*, That no freehold, leasehold, or lesser interest in any lands hereafter acquired within the boundaries of the Point Reyes National Seashore shall be conveyed for residential or commercial purposes except for public accommodations, facilities and services provided pursuant to the Act of October 9, 1965 (Public Law 89-249, 79 Stat. 969).



EXHIBIT 7

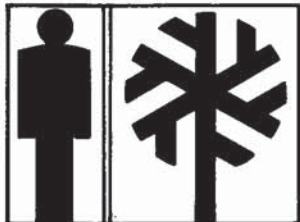
Watt ~~Watt~~

final
environmental statement

FES 74-18

**PROPOSED
WILDERNESS**

POINT REYES



NATIONAL SEASHORE ● CALIFORNIA

DEPARTMENT OF THE INTERIOR

FINAL
ENVIRONMENTAL STATEMENT

Proposed
WILDERNESS
POINT REYES NATIONAL SEASHORE
CALIFORNIA

FES 74 - 18

Prepared By
Western Region
National Park Service
Department of the Interior


ACTING Director, National Park Service

APR 23 1974

9. Drakes Estero Unit, Including Drakes Beach to Headland (2,200 acres)

In addition to the entire water area of Drakes Estero, this alternative unit includes the curving strip of combined coastline and offshore tideland reaching west from the estero's mouth to the Point Reyes headland vicinity. Thus almost all of the unit consists of submerged lands which are part of those on which the State reserved the fishing and mineral rights. The unit's thin strip of land on the western shore of Drakes Bay is the 200-yard-wide margin between the pastoral zone and the mean high tide line. A gap in this part of the unit is accounted for by the Drakes Beach developed area where visitor use is concentrated.

Drakes Estero is classified as one of the seashore's outstanding natural areas--an aquatic museum with a rich and varied concentration of marine invertebrates and birds. It merits the protection of wilderness designation and might qualify for such status except for one significant factor: it is the site of the previously described \$200,000-per-year operation of the Johnson Oyster Company, with a lease valid until the year 2015. Areas identified in the lease for oyster-culture facilities are dispersed throughout the estero, and motor-powered boats are used to service them. This is the only oyster farm in the seashore. Control of the lease from the California Department of Fish and Game, with presumed renewal indefinitely, is within the rights reserved by the State on these submerged lands.

The existence of the oyster-farm operation renders the estero unsuitable for wilderness classification at present, and there is no foreseeable termination of this condition. If future wilderness designation were ever to come about, this fragile estuary would of course be given more protection from such incompatible uses as the activities of the oyster farm, powerboats, and thousands of visitors annually who could reach it by virtue of potential road access. The estero would be returned to a more natural condition by the removal of the extensive oyster racks and related farm structures and operations. However, wilderness status would cause the loss of some compensating values. Besides its economic benefits to the community, the farm has decided interpretive importance as a popular "living exhibit," where visitors have the unique opportunity to observe the operation and to purchase freshly grown oysters. These are appropriate purposes at Point Reyes, a recreational-category park.

As for the coastal extension of the Drakes Estero Unit along the shore of Drakes Bay, this strip has nonwilderness characteristics similar to those of the Point Reyes Beach alternative unit, discussed above. In summary, none of the Drakes Estero alternative unit is considered suitable for wilderness.



by Ansel Adams in *This Is the American Earth*

SIERRA CLUB

Mills Tower, San Francisco 94104

May 30, 1973

Mr. Howard Chapman, Regional Director
Western Region
National Park Service
450 Golden Gate Avenue
San Francisco, California

Dear Mr. Chapman,

The Sierra Club is grateful for this opportunity to comment on the draft Environmental Impact Statement for Point Reyes National Seashore proposed wilderness area.

We hope that our comments and those of other groups will be taken into consideration before the final EIS is filed.

We are attaching our comments in a two-part statement: the first part deals with the concept of wilderness and why we believe it is important at Point Reyes. The second lists our comments to specific statements in the draft EIS.

Again, thank you for requesting our response.

Sincerely,

Bob Rutemoeller
Bob Rutemoeller
Chairman, San Francisco Bay Chapter
Sierra Club

Sonya Thompson
Sonya Thompson
Sierra Club Point Reyes
Task Force

ONLY BACKPACKERS NEED APPLY?

a comment on 'Wilderness' designation for
Point Reyes National Seashore

Point Reyes National Seashore, the subject of books, articles, arguments and master plans, will there be anything left of you? When everyone gets finished tugging to the left, and the right, will the cliffs and the deer, and the esteros be as they have been since the time of west coast man began? If it is true that all things persist in their own beings, then Point Reyes will persist magnificently, for it has no enemies, save man. We, endowed with the touch of blacksmiths, must try to save it from ourselves.

But where do we fit in among the dunes and the tidepools?

There is a place for man here. Wilderness is only mighty to the eye of the hawk. Close up it is fragile, humble and afraid. For that reason alone it needs us. In our modern, mechanical world it needs a friend.

The Challenge we face today is to make it possible for us, the public, to enjoy the peninsula's natural values without destroying them. It may seem surprising that a stretch of coast only thirty miles from San Francisco can still be a candidate for addition to the Wilderness system. Were it not for the peninsular location and a lingering ranching commitment the case would doubtless be otherwise. Happily, however, the roadlessness and other credentials required under the Wilderness Act are still found in diverse areas within Point Reyes perimeter.

Also within the Point Reyes perimeter lies Black forest, southernmost outpost of the Northwest's Douglas fir; Mount Wittenberg, whose modest 1,407 foot summit is the peninsula's boldest; 25 miles of ocean and bayshore; sea lion coves; tidepools; and white cliffs

to controlling the numbers of exotic deer). If the numbers of either the exotic deer or the native California black-tail are to be controlled, we urge the Park Service to manage this by a monitored, ecologically sound program, not by merely issuing depredation permits which will, in effect, allow private hunting parties to enjoy the privileges of taking the best of the herds.

- V. The Park Service is to be commended for their efforts to protect marine wildlife at Point Reyes by establishing two natural research areas, and by proposing wilderness for an eight mile stretch of coastline. The draft EIS mentions these areas and then goes on to describe the offshore rocks, the unique abalone nursery, the marine mammal shelters and the rugged surf of the Point Reyes Beach, implying that these, too, will be protected. Indeed, they should be protected and the draft EIS describes why, yet the National Park Service does not propose them for wilderness status. All of the areas mentioned should be designated wilderness for the very reasons which the NPS draft EIS so eloquently sets forth. The statements on page 11 are certainly justification for insuring that no motored pleasure craft will ever disturb the waterfowl or that no motorcycle or dune-buggy will every violate the sanctuary of the isolated tip of Limantour Spit.

Specifically regarding Point Reyes Beach, the visitor facilities behind the dune line will not be an imposition on wilderness, as the EIS suggests, nor will the ranches (which have reserved possession only as close to the dunes as 100 yards above mean high tide). Wilderness designation here will simply aid the NPS by keeping careless cyclists and dune-buggy drivers away from the hazardous surf.

- VI. The draft Environmental Impact Statement implies that none of Drakes Estero can be classified as wilderness because of Johnson Oyster Farm. This is misleading. The company's buildings and the access road must be excluded but the estero need not be. The water area can be put under the Wilderness Act even while the oyster culture is continued --- it will be a prior existing, non-comforming use. The Reed memo previously cited seems to be speaking to such uses as this. The harvesting operation might be made more compatible if the Park Service were to require Johnson to use electric powered boats.

- VII. The Sierra Club does not agree that the existing camps must be excluded from wilderness. First of all, the Reed memo of June 24, 1972 to the Director specifies that wilderness campsites should be considered for inclusion. (Please see memo, page 2, "Visitor. Use Structures and Facilities"). At least the two more remote campgrounds should be studied with this in mind.

The impact on these camps is expected to be high, as it has been in the past. Indeed, this presents a challenge for skillfull management. We understand that Back Country Management Plans are now being prepared; this could be an opportunity for planning innovative resource protection at the camps.

EXHIBIT 8

WILDERNESS ADDITIONS—NATIONAL PARK SYSTEM**HEARINGS****5** BEFORE THE**SUBCOMMITTEE ON PARKS AND RECREATION**

OF THE

COMMITTEE ON**INTERIOR AND INSULAR AFFAIRS****UNITED STATES SENATE****NINETY-FOURTH CONGRESS****SECOND SESSION****ON****S. 885 and S. 1096****A BILL TO DESIGNATE CERTAIN LANDS
IN THE SHENANDOAH NATIONAL
PARK, VIRGINIA, AS WILDERNESS****S. 1085 and S. 1675****A BILL TO DESIGNATE AS WILDER-
NESS CERTAIN LANDS WITHIN ISLE
ROYALE NATIONAL PARK, IN THE
STATE OF MICHIGAN****S. 731 and S. 1069****A BILL TO DESIGNATE CERTAIN LANDS
IN THE BANDELIER NATIONAL MONU-
MENT, NEW MEXICO, AS WILDERNESS****S. 1068****A BILL TO DESIGNATE CERTAIN LANDS
IN THE BADLANDS NATIONAL MONU-
MENT, SOUTH DAKOTA, AS WILDER-
NESS****S. 72 and S. 1092****A BILL TO DESIGNATE CERTAIN LANDS
IN THE PINNACLES NATIONAL MONU-
MENT IN CALIFORNIA AS WILDERNESS****S. 1093****A BILL TO DESIGNATE CERTAIN LANDS
IN THE POINT REYES NATIONAL SEA-
SHORE, CALIFORNIA, AS WILDERNESS****S. 2472****A BILL TO DESIGNATE CERTAIN LANDS
IN THE POINT REYES NATIONAL SEA-
SHORE, CALIFORNIA, AS WILDERNESS;
TO DESIGNATE POINT REYES NA-
TIONAL SEASHORE AS A NATURAL
AREA OF THE NATIONAL PARK SYS-
TEM, AND FOR OTHER PURPOSES****S. 97 and S. 1099****A BILL TO DESIGNATE CERTAIN LANDS
IN THE YOSEMITE NATIONAL PARK IN
CALIFORNIA AS WILDERNESS****FEBRUARY 5, 19, AND MARCH 2, 1976****JUN 30 1976****Printed for the use of the
Committee on Interior and Insular Affairs****LIBRARY
UNIVERSITY OF CALIFORNIA****U.S. GOVERNMENT PRINTING OFFICE****WASHINGTON : 1976**

Senator JOHNSTON. We are very pleased to have the Honorable Alan Cranston, the Senator from California, to testify on all three.

If you would like, Senator Cranston, we would be glad to hear you on all three.

STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator CRANSTON. Thank you very much.

I appreciate very much, Mr. Chairman, this opportunity to again testify before you.

I am testifying in support of wilderness designation for areas within three national parks in California: Pinnacles National Monument, Yosemite National Park, and the Point Reyes National Seashore.

Regarding the Pinnacles, I'm particularly pleased that the committee is considering legislation S. 72 and S. 1092, to establish a Pinnacles Wilderness area. The Pinnacles proposal was first introduced in the Senate in the 90th Congress by my distinguished predecessor, Senator Tom Kuchel.

I'm going to abbreviate my testimony now.

Senator JOHNSTON. The full text will go into the record.

Senator CRANSTON. I suppose the wilderness designation of about 13,000 acres within the 14,777.77-acre Pinnacles National Monument. This proposal is somewhat larger than the current proposal of the National Park Service for a 10,980-acre Pinnacles Wilderness.

I want to commend the National Park Service for reevaluating its earlier wilderness proposals for Pinnacles and enlarging its wilderness recommendation for the moment. However, I feel that certain additional lands qualify for wilderness designation. These include land close to the Chaparral campground and ranger station, land close to the Bear Gulch campground and reservoir, and the administrative road which presently extends beyond the Chalone campground.

I then touch upon several points that are particularly relevant to the conclusion that I and others have come to, that this is an appropriate bill, despite a few questions which have arisen which I think are very, very minor.

As to Yosemite, Yosemite National Park is located in the central portion of the Sierra Nevada Mountains, in portions of Tuolumne, Mariposa and Madera Counties.

Known as one of the most beautiful and scenic units of our National Park System, Yosemite National Park in recent years has experienced tremendous increases in visitor usage resulting in congestion, intolerable crowding, and confusion around campsites in the valley floor. Yet in areas away from the campsites, solitude and natural serenity can be readily found.

To insure that this rich resource is not endangered, I believe we should designate a total of 692,500 acres as the Yosemite Wilderness as proposed in S. 97. The wilderness would be in two units, north and south, with some additional lands in wilderness reserve.

The National Park Service supports the designation of 646,700 acres as the Yosemite Wilderness. While the difference between the acreage figures is not great, important areas have been excluded in the

Park Service proposal, S. 1092. I strongly urge the inclusion of several additional areas.

As to Point Reyes, as a cosponsor of Senator Tunney's bill, S. 2472, to designate lands within the Point Reyes National Seashore as wilderness, I want to add a few words in support of that measure.

The Point Reyes National Seashore is one of two large areas along the California coast where the natural beauty of the coastline is not broken by a major highway. That's an exceedingly important point, with regard to this particular bill.

This undeveloped coastal area is only 35 miles north of San Francisco. Because of the newly created Golden Gate National Recreation Area immediately to the south of Point Reyes, which can provide tremendous outdoor recreational opportunities, the Point Reyes National Seashore should be protected as a natural area.

S. 2472 calls for the designation of 38,700 acres of the seashore as the Point Reyes Wilderness.

Since this bill was introduced, several compromises have been worked out with the Golden Gate National Recreation Area Citizens Advisory Commission, which also serves the Point Reyes National Seashore. I endorse their proposals which you will be hearing about in some detail this morning from individuals who are here from California.

I understand there is now broad public support for the designation of 36,000 acres as the Point Reyes Wilderness.

Mr. Chairman, I have testimony from two members of the Congress who wanted to be present but could not: First, by Senator John V. Tunney; and, second, by Congressman John L. Burton of San Francisco. I ask that they go into the record.

Senator JOHNSTON. Without objection, that will be introduced in the record following your statement.

Senator CRANSTON. Mr. Chairman, I want to thank you and your subcommittee very, very much for helping us on another major California matter, the Santa Monica Mountains Park which is a tremendous step forward. As you know, that's now passed the Senate, and I'm very grateful to you particularly, Mr. Chairman, for your very hard work on a matter far removed from your own State. I thank the subcommittee and all its members, including the distinguished Senator from Wyoming, for their great cooperation on that matter.

Senator JOHNSTON. It was very kind of you to say so, and also write that nice note. Now all we have to do is get funding, and I hope we can do so with dispatch because it's important, not only in itself, but hopefully as a model for future park acquisitions, a model by which we can serve the taxpayers' money and spread it further, and at the same time keep these irreplaceable areas such as Santa Monica.

With respect to Yosemite, I camped there about 20 years ago. There's an area, as I recall, called May Lake. Are you familiar with it, with that area? Would that area be in the wilderness?

Senator CRANSTON. I'm not personally familiar with that particular area, no.

Senator JOHNSTON. Is someone there familiar with it?

Mr. EVERHARDT. Mr. Chairman, we have the Regional Director from our western region, Mr. Howard Chapman, here today. I'm

PINNACLES

I'm particularly pleased that the Committee is considering legislation, S. 72 and S. 1092, to establish a Pinnacles wilderness area. The Pinnacles proposal was first introduced in the Senate in the 90th Congress by my distinguished predecessor, Senator Tom Kuchel. He proposed five wilderness areas in California, four of which have been established. The approval of a Pinnacles wilderness bill would complete Congressional action on all of Senator Kuchel's wilderness proposals and help preserve a unique and beautiful area in California.

The Pinnacles National Monument is about 90 miles south of San Francisco in one of the coastal mountain ranges, the Gabilan Mountains. The monument is noted for its tall pinnacle rock formations and its two talus caves which actually are very narrow canyons covered by large boulders wedged between canyon walls. Wind and water erosion, combined with the movements of two large faults, carved the unique spires and created the narrow passages.

The semi-arid land is covered primarily with dry, leathery chaparral. Throughout the monument are many species of wildlife, including the endangered peregrine falcon and the golden eagle.

I support wilderness designation of about 13,000 acres within the 14,777.77-Pinnacles National Monument. This proposal is somewhat larger than the current proposal of the National Park Service for a 10,980-acre Pinnacles wilderness.

I want to commend the National Park Service for re-evaluating its earlier wilderness proposals for Pinnacles and enlarging its wilderness recommendation for the monument. However, I feel that certain additional lands qualify for wilderness designation. These include land close to the Chaparral campground and ranger station, land close to the Bear Gulch campground and reservoir, and the administrative road which presently extends beyond the Chalone campground.

I am not aware of any National Park Service plans for extension of facilities in the Chaparral campground and ranger station area. The area between the campground and the Chalone cave is of high scenic value and merits wilderness classification. I feel it should be included in the Pinnacles wilderness area.

I also am unaware of any Park Service plans for the Bear Gulch area which would justify the exclusion of the surrounding land from the wilderness.

In addition, I feel that the administrative service road which extends beyond the Chalone campground should be permanently closed to motor vehicles and included in the wilderness. The road is unpaved.

Because of the small size of Pinnacles National Monument, I feel there should be no new roads within its boundaries. Additional roads would only fragment the monument and detract from its natural and scenic values. I am pleased the Park Service is now recommending wilderness designation of the northern portion of the monument, an area previously proposed for a road.

I urge wilderness designation of 13,000 acres within Pinnacles National Monument.

YOSEMITE

Yosemite National Park is located in the central portion of the Sierra Nevada Mountains, in portions of Tuolumne, Mariposa and Madera Counties. Known as one of the most beautiful and scenic units of our national park system, Yosemite National Park in recent years has experienced tremendous increases in visitor usage resulting in congestion, intolerable crowding, and confusion around campsites on the valley floor. Yet in areas away from the campsites, solitude and natural serenity can readily be found.

There are outstanding geological, biological, and scenic resources—exceptional glaciated topography, sheer massive granite walls, magnificent waterfalls, virgin conifer forests, mountain lakes, streams, and meadows. The park provides a home for mule deer, black bear, wildcat, and the rare mountain lion.

To insure that this rich resource is not endangered, I believe we should designate a total of 692,500 acres as the Yosemite wilderness as proposed in S. 97. The wilderness would be in two units, north and south, with some additional lands in wilderness reserve.

The National Park Service supports the designation of 646,700 acres as the Yosemite wilderness. While the difference between the acreage figures is not

great, important areas have been excluded in the Park Service proposal, S. 1092. I strongly urge the inclusion of several additional areas.

The Park Service has excluded nine enclaves, including the five High Sierra camps in the Yosemite backcountry, the stone ski hut at Ostrander Lake, and three areas proposed for new High Sierra camps. I feel that the five camps should be included in the Yosemite wilderness as pre-existing non-conforming uses. They are now served by mule and horse back, and wilderness designation should not interfere within their continued operation. Wilderness designation would preclude expansion of the facilities there and construction of new backcountry camps.

S. 97 includes the Old Tioga Road. This road is unpaved, but has been maintained for administrative purposes. There appears to be no need for continued use of this corridor as it parallels the Tioga Road. The Park Service previously suggested the Old Tioga Road be reopened to the public as an interpretive motor nature trail. As there are already too many cars in Yosemite and efforts are being made to remove them from the park, I see no justification in opening up another road.

S. 97 also calls for the inclusion of Little Yosemite Valley within the Yosemite wilderness. I understand that National Park Service is concerned that this area is heavily used and needs a high level of maintenance. However, development of a new campground there could intensify the problem of overuse. As wilderness, the use of the area could be regulated by the wilderness permit system. The Little Yosemite Valley fully qualifies as wilderness.

The lower Illilouette Valley area also is included in S. 97, but excluded from the Park Service's proposal. A tramway to Glacier Point has been proposed for this area. During the recent meetings on the new Yosemite Master Plan, the public opposed this plan.

The wilderness boundaries in S. 97 exclude the road to Hetch Hetchy Reservoir and the dam, but include the land above the high water line. It is intended that the dam be set aside in wilderness reserve until such time as the dam is removed. Lake Eleanor is included in the wilderness, but the Committee may wish to put this dam in wilderness reserve, too.

I urge the designation of the full 692,500 acres as the Yosemite wilderness as set forth in S. 97.

POINT REYES

As a cosponsor of Senator Tunney's bill, S. 2472, to designate lands within the Point Reyes National Seashore as wilderness, I want to add a few words in support of this measure.

The Point Reyes National Seashore is one of two large areas along the California coast where the natural beauty of the coastline is not broken by a major highway. This undeveloped coastal area is only 35 miles north of San Francisco. Because the newly created Golden Gate National Recreation Area immediately to the south of Point Reyes can provide tremendous outdoor recreational opportunities, the Point Reyes National Seashore should be protected as a natural area.

S. 2472 calls for the designation of 38,700 acres of the seashore as the Point Reyes wilderness.

Since this bill was introduced, several compromises have been worked out with the Golden Gate National Recreation Area Citizens Advisory Commission which also serves the Point Reyes National Seashore. I endorse their proposals which you will be hearing about in some detail this morning from individuals who are here from California. I understand there is now broad public support for the designation of 36,000 acres as the Point Reyes wilderness.

There is still a problem with the State of California about the inclusion of the tidelands and submerged waters. I strongly feel that these areas should be included in the wilderness, and I hope that an understanding with the State can be reached in the near future.

Thank you for your consideration of these proposals.

STATEMENT OF HON. JOHN V. TUNNEY, A U.S. SENATOR
FROM THE STATE OF CALIFORNIA

Mr. Chairman, I very much appreciate this opportunity to testify in support of three bills which Senator Cranston and I have introduced, S. 72, S. 97, and S. 2472. They provide for the creation of wilderness area within the National Park system in California.

The first of these, S. 72, designates approximately 13,000 acres as wilderness within Pinnacles National Monument. This area, which lies about 125 miles south of San Francisco Bay, was first proposed for wilderness in the 90th Congress by then Senator Thomas Kuchel and has been reintroduced in each of the following Congresses by Senator Cranston.

It is important that we ensure the preservation of this unique area that in prehistoric times, was the site of an enormous volcano. The new semi-arid land has remained virtually unaltered since that time except as a result of wind and water erosion and the effects of the movements of two large faults. Man now has the opportunity to enjoy the solitude and seclusion of the area interrupted only by the activities of the golden eagle, the peregrine falcon and other forms of wildlife that now roam freely throughout the Monument. This valuable resource must not be allowed to disappear.

That is why I am delighted that the Committee is now considering this legislation and I sincerely hope that action can be completed by the Senate before the end of this year.

Secondly, because of the steadily increasing demands for development of day use facilities and further recreational opportunities, there is a real possibility that the beauty and splendor of Yosemite National Park will be destroyed if S. 97 is not quickly enacted. This legislation would ensure the preservation of some of this nation's most beautiful parklands, by including approximately 692,500 acres within the National Wilderness Preservation System.

Yosemite National Park is of importance not only to Californians who visit the area in droves each year, but also to the rest of the country because of the huge number of out-of-state tourists. While the floor of the Park's magnificent valley offers a richly varied recreational experience for those who enjoy camping, snow related activities, mountain climbing etc., it is overcrowded, cramped and noisy. The present situation can only deteriorate unless further expansion is brought to a halt and a reasoned master plan is put into effect.

However, even without a plan for the developed portion of the Park, there is no reason to delay action which would protect those areas not yet part of the Parks Commercial activities. Mr. Chairman, it is absolutely essential that the Congress act expeditiously in creating the Yosemite wilderness, thereby guaranteeing that further generations will find, at least part of the Park, in its original untouched state. Yosemite National Park must be preserved and passage of S. 97 is the first and most important step toward that goal.

Finally, there are only two sizable areas remaining on the Pacific Coast where the natural grandeur of the ocean shore is not scarred by main paved highways. The bill which I introduced a month ago, S. 2472, would provide protection for one of them: the Point Reyes Peninsula, which lies only 35 miles north of San Francisco.

In 1962, the Congress authorized a superlative unit of the national park system here—the Point Reyes National Seashore.

By 1975, after an extended and difficult period of land acquisition, sufficient funds have been appropriated so that the National Park Service has acquired almost all of the land now authorized for public use within the West Coast's only national seashore.

Because the major land acquisition phase at Point Reyes has been accomplished, we should proceed to completing this great work of land conservation begun more than a decade ago. Now that public ownership of this magnificent peninsula is secure, the time has come to make certain that its highest values for public use, education and enjoyment are not lost or degraded by management policies designed for other, less natural areas of our National Park System.

Mr. Chairman, this is fine wilderness land, with rugged ridges, dense and shadowed stands of Bishop pine, Douglas fir and brilliant lakes, as well as 7 miles of ocean shoreline. But the current Park Service proposal, which covers less than one-fifth of the seashore, is unfortunately far too small. Further it is almost disjointed by nonwilderness corridors which penetrate it.

In contrast, my bill would ensure protection of nearly 60% of the 64,995 acre Point Reyes National Seashore as open and natural lands and waters—open to a broad and diverse range of public recreational and educational pursuits for many millions of visitors a year, but not open to invasion by motor vehicles or highways.

Existing paved roads and developed campgrounds will continue to exist. Additional public transportation, such as is provided by the already popular Point Reyes shuttle buses will be encouraged. Established private rights of landowners and leaseholders will continue to be respected and protected. The existing agricultural and aquacultural uses can continue.

This legislation, which has also been introduced on the House side by Congressman John Burton, enjoys the strong support of a number of groups in the San Francisco Bay Area, including People for a Golden Gate National Recreation Area, the Golden National Recreation Area Citizens Advisory Commission, the Marin County Board of Supervisors, and numerous others.

Early in September, the G.G.N.R.A. Citizens Advisory Commission, which oversees management of both Golden Gate National Recreation Area and the Point Reyes National Seashore, recommended several changes in my bill which would serve to strengthen and further clarify its goal of providing a quality wilderness experience for visitors to the area. I support the following changes and hope that the Committee will give them every consideration.

There are a number of trails and service roads within the proposed wilderness which are being used as fire trails or for other administrative purposes by the Park Service. For that reason, it has been suggested that they be excluded from consideration because of the need for frequent maintenance. In my view, there is no reason to exclude these areas from the bill as it has been clearly established in past legislation, such as the Agua Tibia Wilderness in Southern California, that "Under existing guidelines when hand tools cannot successfully do the job, mechanized equipment may be used to maintain trails in wilderness under special or emergency cases involving health and safety of wilderness users or for the protection of wilderness values. This equipment shall be the minimum mechanized tool needed . . . However, fire roads and motorized fire-fighting equipment are permitted in wilderness if necessary to prevent unacceptable loss of wilderness values, loss of life or the spread of wildfire to lands outside of wilderness." Therefore, I think this question of maintenance of the existing areas can best be resolved by including language within the Committee report reiterating this concept and directing the Park Service to continue such minimal maintenance as required.

Presently included within my bill are two areas known as Muddy Hollow, which is now a corridor between two wilderness units, and Murphy Ranch, located between Drakes Estero and Limantour Estero. It is clear that, at least for the present time, that these areas should not be included within the wilderness. A power line now crosses the Seashore through the Muddy Hollow corridor, so the area would not be eligible. However, as the power line will either be removed or undergrounded in the near future, I recommend that the area be designated as a "potential" wilderness as it will be able to qualify shortly.

With regard to Murphy Ranch, because of its present day operation which requires the frequent use of mechanized equipment and because there is a deed reservation and special use permit for 30 years, the area is not now entitled to wilderness designation. As with Muddy Hollow, I recommend that it be identified as a "potential" wilderness and that the Park Service be directed, in the Committee report, to manage the area with this objective in mind.

The last issue of concern to the Advisory Commission involved the management of the tidal zone off Point Reyes and protection of Drakes Estero. This issue, which concerns the question of the State's right to control fishing in the area is one which I believe can be resolved to everyone's satisfaction.

When the State conveyed some 10,000 acres of tide and submerged lands to the Federal Government for the Seashore, it reserved both commercial fishing and mineral rights. However, transference of that land eliminated any possibility that exploratory mineral development would be permitted in the area. Therefore, what remains to be determined is how managing the lands as wilderness can be coordinated with any fishing activities which might be permitted by the State.

I hope this issue can be dealt with in the Committee report by clarifying both the State's rights and the Park Service's responsibilities in this regard.

Mr. Chairman, the National Park Service's Regional Office in San Francisco has endorsed the substance of my bill, with some modifications, and all of the interested groups in the area have agreed to these proposed changes. After long years of hard effort and much compromise, it now appears likely that we can finally have a wilderness set aside at the Seashore. It is extremely

important that this beautiful stretch of land be preserved forever in its natural state and I look forward to working with this Committee on moving this bill at the earliest possible time.

STATEMENT OF HON. JOHN L. BURTON, A U.S. REPRESENTATIVE
FROM THE STATE OF CALIFORNIA

Thank you, Mr. Chairman, and Members of the Committee, for giving me the opportunity to discuss with you a matter which concerns me and my constituents very much.

The Point Reyes National Seashore is a uniquely beautiful and unspoiled coastline area and the only National Seashore on the Pacific Coast. Furthermore, it has the unusual characteristic of being located where you would least expect to find it: right on the outskirts of one of our larger metropolitan population concentrations.

The Congress authorized this unit of the National Park System in 1962 and, at this time, the major land acquisition phase at Point Reyes has been completed. The Congress now has an opportunity to finish this great work of land conservation begun more than a decade ago. It is now time to complete the basic policy making necessary to protect this area from inappropriate uses which could damage and destroy its highest natural values. We must insure that these values are not lost to the people because of inappropriate planning and management.

The bill before you today has extremely wide public support throughout the San Francisco Bay Area. It consists of a two-part proposal which would (1) establish the management of the entire Point Reyes National Seashore under a "natural area" designation and (2) establish three wilderness units within the Point Reyes National Seashore. This legislation is intended to preserve the present diverse uses of the Seashore but to protect the area from possible future, incompatible development.

Unfortunately, the Point Reyes Seashore is classified by the National Park Service in the "recreation area" category, along with all other seashores throughout the country. Under a "recreation area" designation, according to the Park Service's administrative policies manual, outdoor recreation shall be recognized as "the dominant or primary resource motive" and natural resources within recreation areas shall be managed "for such additional uses as are compatible with fulfilling the recreation mission of the area." In other words, the protection and preservation of natural values are secondary in importance to the demands of "all-purpose" recreational activity.

However, in 1962, the Congress authorized the establishment of the Point Reyes National Seashore with the following statement of purposes: "In order to save and preserve, for purposes of public recreation, benefit, and inspiration, a portion of the diminishing shoreline of the United States that remains undeveloped . . ."

The legislative history of that Act made clear that public "benefit and inspiration" would include not only outdoor recreation, education and scientific research, but also preservation and protection of the natural values of the peninsula.

In contrast to the "recreation area" management policy, the policy manual for "natural areas" states that "Resource use (in natural areas) will provide for all appropriate use and enjoyment by the people that can be accommodated without impairment of the natural values." To insure the continuing management of the entire Seashore as a natural area would, therefore, to a large extent, carry out the legislative intent of the 1962 Act.

The bill before you also contains provisions for the creation of three wilderness units within the Point Reyes National Seashore. The acquisition of additional lands, the issuance of new wilderness policy guidelines, and the establishment of the Golden Gate National Recreation Area makes possible a much larger wilderness area than was envisioned several years ago. Since the introduction of the legislation, however, several meetings of concerned citizens have been held, including a large public attendance at hearings held by the Citizens' Advisory Commission to the Golden Gate National Recreation Area.

Instead of going into great detail about each wilderness unit proposed, I would simply like to take this opportunity to state my general support of the Citizens' Advisory Commission's recommendations for wilderness and to point out two matters I feel to be of special concern.

(1) There are two areas proposed for wilderness which may be included as wilderness with "prior, non-conforming use" provisions. One is Drakes Estero where there is a commercial oyster farm. The other is the farming operation of the Murphy Ranch, located at the northwest end of the Muddy Hollow Road corridor.

(2) The names proposed in this legislation for the wilderness units are of special historical significance to this area, especially the Miwok Unit and the Clem Miller Unit. The Miwok Indians who used to inhabit Point Reyes treated it as a sacred place, and those who love this beautiful shoreline sympathize with their reverence for it. The largest of the proposed wilderness units is named for the late Congressman Clem Miller who knew and loved every aspect of Point Reyes and without whose support, the Seashore would not have been created in 1962.

Mr. Chairman, I thank you again for the opportunity to discuss this legislation with you. I am sure this Committee will understand the importance of this bill to the millions of visitors to the Point Reyes National Seashore. Enactment of this legislation will give this magnificent unit of our National Park System the protection it can be assured in no other way—for the long-term benefit of generations to come.

Senator JOHNSTON. We're very pleased to have this morning Hon. Burt L. Talcott, Congressman from California.

Congressman, we're delighted to have you; and, of course, you may proceed as you wish, either reading your statement or putting it in the record and summarize it.

STATEMENT OF HON. BURT TALCOTT, A U.S. REPRESENTATIVE
FROM THE STATE OF CALIFORNIA

Congressman TALCOTT. Thank you very much, Mr. Chairman, Mr. Hansen.

I would like, if I may, to summarize my statement and include the statement in full in the record.

Senator JOHNSTON. Certainly.

Congressman TALCOTT. I want to thank you very much for allowing me the opportunity to present testimony, enthusiastic testimony, in support of the Pinnacles National Monument enlargement and inclusion as a wilderness area.

This Pinnacles Wilderness proposal is within the Congressional District which I represent. As Senator Cranston said, it's been long developing. There have been bills in both the Senate and the House for a long time, and after literally dozens of meetings I think we've arrived at a good consensus among all of the contesting parties, or interested parties—and there have been many in this area—the conservationists, who would like to conserve everything; people who would like to build a road right across the wilderness area; the chambers of commerce; the local officials; the landowners.

In all, we've had literally dozens of meetings, large and small, adversary and cooperative, and I think we've come to a consensus, a strong consensus, maybe a 100 percent consensus.

What we're trying to do is really enlarge the monument area to include some acreage which is appropriate for wilderness, and to do it at this time so we will not have piecemeal additions to the wilderness area in the future, to save legislative hearings, to save all sorts of problems that go with legislation.

There is a new master plan for the monument area. Our recommendations are in accord with this, I believe.

mination when it says, "It is our opinion, these reserved rights are inconsistent with the proposed wilderness classification of these lands."

It is not contrary either to the spirit or the letter of the Wilderness Act that prospecting or mining are carried on in wilderness areas. The Act provides that (1) mining claims valid on September 3, 1964, may be exploited in all respects as the law permitted before that date and that owners may obtain patents conveying fee title to such claims; (2) mining claims located after September 3, 1964, may be so exploited subject "... reasonable regulations governing ingress and egress ... and development and exploration, drilling and production" etc. and (3) new mining claims may be located at any time prior to December 31, 1983. Section 4(d)(3), Pub. L. 88-577.

It is entirely up to Congress whether an area receives a wilderness classification. Congress has not set a policy against mining, still less has it set a policy against the kind of activities permissible under the proviso in the reservation referred to in this case. That proviso prohibits well or drilling operations of any kind conducted upon the surface of such lands.

Minerals are recovered in two ways, either by mining, in the case of solids, or drilling and pumping, in the case of liquids and gases. The reservation here is of "all deposits of minerals, including oil and gas."

The recovery of solid minerals is often practical and feasible when the mines are on dry land. In ancient Britain lands beneath the sea were successfully mined for tin. Shafts were sunk on dry land and tunnels extended out under the sea bottom. Here the adjacent shore is owned by the United States absolutely and sinking shafts would not be permitted.

Mining operations have been conducted beneath the sea, but they seem always to end in disaster. They have been almost exclusively dredging operations.

The recovery of diamonds from bottom sediments and sand off the coast of Southwest Africa would probably have been profitable, but storms soon destroyed the operation. An effort was made to recover gold from sands off the mouth of the Yukon but it also was a failure. An elaborate technology is being developed to recover manganese nodules from the ocean floor, but it has not yet been perfected. Considering the precipitous and rocky coast at Point Reyes and the prevalence of storms on that coast it must be regarded as the remotest of possibilities that any mining of solids will be attempted. The risk to wilderness must be regarded as acceptable.

The only sort of mining likely to be conducted in the lands in question would be well drilling for oil and gas. The reservation specifically prohibits such activities on the surface of the lands in question. Silent drilling would be permissible from adjacent lands. In fact, slant drilling is common in offshore oil and gas production.

Nearby wells might drain oil and gas from the submerged lands, but, since the United States does not own the minerals under the submerged lands, it would have no concern. Such operations have no significant effect on the surface environment.

Finally, mineral prospecting by seismic methods could be conducted within the submerged area. Such operations consist in towing a device through the water and "reading" the structure of submerged lands from the reflections of pulses emitted by the device. There is no damage whatsoever to the water, submerged lands, or wildlife. This would be a prospecting operation in a wilderness area, but not nearly so damaging an operations now specifically permitted under the law. Furthermore one or a few such tests would be all that would ever be required.

In my opinion the reservation of minerals in the conveyance by the State of California is not inconsistent with wilderness classification of the lands beneath the marginal sea off Point Reyes.

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
San Francisco, Calif., November 10, 1975.

Mr. JERRY FRIEDMAN,
Point Reyes Station, Calif.

DEAR JERRY: As I promised when I saw you last Friday, I am quoting you the draft position provided by the Assistant Solicitor, Parks and Recreation

regarding the conveyance from the State of California to the United States of lands within the boundaries of Point Reyes National Seashore:

"The subject conveyance, authorized by an act of the State legislature (Chapter 983, California Session Laws, 1965), contains the following reservations: 'Sec. 2. There is hereby excepted and reserved to the State all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands; provided, that no well or drilling operations of any kind shall be conducted upon the surface of such lands.'

"In our opinion, these reserved rights are inconsistent with the proposed wilderness classification of the subject lands.

"Under California law, the owner of mineral rights in lands the surface estate of which has passed to another has the right to enter the lands to explore for and develop the mineral deposits, to build access roads and facilities for such purposes, and to make such use of the surface (including strip or open-pit mining) as is necessary and in conformance with customary mining practices, even if other reasonable uses of the surface estate are destroyed thereby. *Yuba Investment Co. v. Yuba Consolidated Gold Fields*, 184 Cal. 469, 479-481, 194 P. 19; *Trklya v. Keys*, 121 P. 2d 54 (Cal.); *MacDonnell v. Capital Co.*, 130 F. 2d 311, 320 (9th Cir. 1942). The reserved mineral rights include rights to oil and gas, all hard rock minerals and other minerals as defined by State statute, a copy of which is enclosed.

"The reservation clause appears to have been drafted in compliance with a California statute requiring that such a reservation be made in conveyances of State lands, and in particular in all conveyances of State lands to the Federal government. California Code Ann., Government §126; Public Resources §§6401-6406 (West 1968). The provision prohibiting oil drilling on the lands appears to have been drafted to comply with a State statute prohibiting such activities on tidelands of the State and on adjacent uplands. Calif. Code Ann., Public Resources §7051. This provision would not, however, preclude slant drilling for oil and gas underlying the conveyed lands from State lands adjacent to the conveyed lands and more than 300 feet above mean high tide. Calif. Code Ann., Public Resources §7057; *Hirsch v. Hancock*, 343 P. 2d 959 (Cal.). The rights reserved in the conveyance fall under the administrative jurisdiction of the State Lands Commission, which is clothed by statute with broad powers to exploit such rights or to license individuals to exploit such rights. Calif. Code Ann., Public Resources §§6401-6406.

"A recent modification of the State statutes affects the reserved rights in two ways. First, the State or its licensee is liable for damages to corps or improvements when it enters lands to which it holds reserved mineral rights. Cal. Code Ann., Pub. Res. § 6401(a) (West, Cum. Supp. 1975). Secondly, the State Land Commission, when it finds that there are no known deposits of commercially valuable minerals (within 500 feet of the surface) in sold or exchanged lands, may relinquish its reserved rights by quitclaim, agreement, or other appropriate instrument. Any such finding and modification shall be conclusive in favor of any purchaser or encumbrancer. Cal. Code Ann., Pub. Res. § 4601(b). We would recommend that, if the wilderness proposal is accepted, the State Lands Commission be contacted to request an agreement or quitclaim or other modification pursuant to this authority."

Our position, whether it be wilderness, development, etc. should not be left with the possibility—no matter how remote—that we do not completely control the property.

Good to see you again, thought it would have been better had it been under conditions where the trip purpose had been more completely fulfilled.

Sincerely yours,

HOWARD H. CHAPMAN,
Regional Director, Western Region.

Mr. EATON. One other point that was brought up by the National Park Service in response to a question was the wilderness experience, since there is automobile traffic and parking lots coming to this beach.

My comment, from personal experience, is that at present there are but two parking lots that come down close to the beach. The other

park road, so we are very pleased that the NPS is no longer considering this road and has, in fact, closed off a small portion of the existing road.

The proposed additions are needed so that the existing overcrowded visitor facilities can be moved back from what should become the wilderness core of the monument. Other adjacent lands, especially the BLM-administered public lands, should be studied for possible additions to Pinnacles, both to protect the existing monument and to preserve a larger portion of these beautiful chaparral lands. The necessity of protecting watersheds and biological units is unfortunately being graphically illustrated in piecemeal Redwood National Park.

CONCLUSION

Friends of the Earth is pleased to have the opportunity to testify today in favor of these far-sighted pieces of legislation. The future integrity of the National Park System and of our country's amazing variety of natural landscapes greatly depends upon the legislative protection offered these areas by the 1964 Wilderness Act. Preserving living diversity is essential for both our future happiness and survival.

SENATE,
CALIFORNIA LEGISLATURE,
November 4, 1975.

HON. J. BENNETT JOHNSTON,
Chairman, Subcommittee on Parks and Recreation,
Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSTON, I strongly endorse the three wilderness areas proposed in S. 2472 for Point Reyes National Seashore. There is, at long last, almost unanimous agreement that only by congressional action can the integrity of this magnificent federal park be protected, thus insuring the long-term opportunity of our citizens to enjoy the very uses which caused the Seashore to be set aside as a unique national asset. Such uses include hiking, horseback riding, bicycling, camping, picnicking, nature observation, and water-oriented activities.

The Seashore is only 90 minutes away from 1.8 million people, and visitor use increased to 1,333,708 in 1974. Without substantial wilderness areas, the Point Reyes National Seashore will almost certainly be destroyed in time or so diminished and diluted by overuse that it will become "Anywhere, U.S.A."

I am concerned regarding the alleged need for permanent roads for maintenance and fire-fighting in the wilderness areas. Whether called fire trails or service roads, they are undesirable and probably unnecessary, unless used only incidentally for rescue work or active fire-fighting. Such roads have a habit of increasing in both size and number.

It is easy to cry "wolf" regarding the fire hazard. Since 1962 the largest fire in the park was a 10 acre grass fire in 1974. No one objects to the present administrative policies of the National Park Service to permit the "use of fire lookout towers, fire roads, tool caches, aircraft, motorboats, and motorized fire-fighting equipment" to control wildfire in wilderness areas. However, I would hope some language may be amended into S. 2472 by your Subcommittee to ensure that fire roads are not permitted to metastasize in width, number, or permitted uses. The wilderness experience of visitors should not be lessened to suit the convenience of Park Service personnel in maintaining what Congress will hopefully soon designate as areas that are not to be manipulated or maintained or intruded upon except on an emergency basis. With the success of the Morgan horse ranch, it is hoped that they can be patrolled by mounted rangers.

Finally, anyone who knows the Seashore understands at once that the protection of the coastal zone and the tidelands ceded to the federal government by the State of California is an absolute "must". There is no proper reason why the state should object to a wilderness designation for all the tide and submerged lands, now owned by the federal government. Any argument that the state reserved fishing and hunting rights which would be impaired by a wilderness classification is specious from both a legal and an equitable standpoint.

To deny this is to impeach the purpose which caused the state to make its gift when the Seashore was originally created.

Respectfully,

PETER H. BEHR,
Senator.

ASSEMBLY,
CALIFORNIA LEGISLATURE,
November 4, 1975.

Senator J. BENNETT JOHNSTON,
Chairman, Subcommittee on Parks and Recreation,
Committee on Interior and Insular Affairs,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JOHNSTON: I wish to reiterate my testimony before the Golden Gate National Recreation Area Citizen's Advisory Committee in regard to Point Reyes for your Committee.

I have supported the concept of a sizeable wilderness area in Point Reyes for a number of years. When the hearings on the wilderness question were held in 1971, I helped formulate the strong position paper of the Marin County Board of Supervisors as a member of the Board. The Board of Supervisors position paper, adopted on September 14, 1971, called for a wilderness area in Point Reyes including, "... Double Point, Tomales Point, all or most of the esteros, the Lake Ranch and the intertidal zone." The lands specified are those, with the addition of approximately 3,000 acres near the Great Beach, designated for preservation as wilderness in John Burton's bill, HR 8003. Public testimony during both the 1971 and 1975 hearings was overwhelmingly in favor of a large wilderness area in Point Reyes.

The wilderness designation is the best method of ensuring preservation of the lands in Point Reyes in their natural, virtually untouched state. The National Park Service emphasizes the significance of a wilderness designation in its Environmental Impact Statement: "Intensive use . . . could eliminate one of the few great opportunities for wilderness experience in the Bay Area and would result in a disruption of the natural values . . . management philosophies could possibly change considerably as pressures of an expanding Bay Area population are applied to the undeveloped lands of the Seashore." Preservation of the area will be facilitated by a long term policy which is subject to change only by the people through their legislators in Washington, rather than by any change in local management policy due to local pressures.

It must be pointed out once again that the wilderness designation does not preclude existing uses of the area in question. The wilderness designation actually allows an expanded use of the area because people in the park do not have to compete with automobile use and impacts relating to such use. The lands will still be open to the entire public, but protected so people can enjoy the unique character of the terrain, which is the major reason they come to Point Reyes to begin with.

I would call for maximum protection of the tidal lands. Although there may not be extensive use of motorized craft in the estero areas at present, there is a great need to assure continued protection in years to come.

In response to some specific problems that have been raised, I would first state that the fire hazard is a legitimate concern in my opinion. Historically, there have been few actual fire problems in the Seashore; but adequate fire protection must be planned at the inception. I feel the existing National Park Service management policy is flexible enough to allow the best methods of fire protection to prevail.

Some questions have been raised about use by and access through the wilderness area for horses and riders. As a horseman who rides in the area frequently, I would point out that the concerns about trails have been largely laid to rest because adequate trails can be established and/or maintained without the use of motorized equipment. Personally, the narrower the trails, the better. I am sure that horsemen will be able to enjoy and use the wilderness area as fully as they do now.

The controversy over the Muddy Hollow road continues to be a significant issue. As a policy of sound planning, transit vehicles should travel along existing roads for a fair trial period before any consideration is given to

costly repair or expansion of Muddy Hollow or other roads within the Seashore. In that connection, I strongly support mass transit over automobile transportation, to alleviate increasing pollution and congestion problems in West Marin.

Finally, I believe everyone concerned supports the continued operation of oyster farming in Drakes Estero as a non-conforming use.

I have worked for the largest possible wilderness area in Point Reyes and will continue to do so. I wholeheartedly endorse John Burton's bill for this reason. Thank you for this opportunity to share my thoughts with you.

Sincerely,

MICHAEL WORNUM,
Assemblyman, 9th District.

LEAGUE OF WOMAN VOTERS OF CENTRAL MARIN,
San Rafael, Calif., October 30, 1975.

Senator J. BENNETT JOHNSTON,
Chairman, Parks and Recreation Subcommittee,
Senate Interior and Insular Affairs Committee.

DEAR SENATOR JOHNSTON, The League of Women Voters of Central Marin urges your support of SB2472 which embodies the recommendations of the Golden Gate National Recreation Area Citizens Advisory Commission to legally designate large portions of the Point Reyes National Seashore as a Wilderness Area.

In a statement issued March 28, 1975, the League of Women Voters of the U.S. said . . . (the League) recognizing that land is a finite resource not just a commodity, believes that land ownership, whether public or private, implies responsibilities of stewardship."

This valuable, unique, beautiful land should be preserved as a grand legacy for this and future generations to experience and enjoy. We recognize the responsibility of government to insure access to public recreation areas, but with due regard to the quality of the lands in order to protect fragile areas which can easily be destroyed by overuse.

Such fragile areas have been identified at Point Reyes Seashore; the southern cliffs and forests; the esteros of Limantour and Drake; Tomales Point and Point Reyes Beach.

Fire hazard has always been an important consideration at Point Reyes. When a determination is made as to the level of protection which will be necessary under a Wilderness designation, the Wilderness Act is flexible enough to allow adaptation of management practices to insure protection. The limited water supply is an important factor and points up the necessity for a variety of fire fighting methods, including aircraft for areas which cannot be reached by trails.

We believe a Wilderness designation would not restrict the rights of visitors to enjoy the diverse recreational opportunities of the Seashore. With its proximity to the Golden Gate National Recreation Area, a Point Reyes Wilderness would provide a broad spectrum of experiences to the adjacent metropolitan area as well as to the general public.

Sincerely,

SUSAN STOMPE,
President.

November 6, 1975.

Hon. J. BENNETT JOHNSTON,
Chairman, Parks and Recreation Subcommittee,
Washington, D.C.

MR. CHAIRMAN: My name is Jerry Friedman. I am a resident of West Marin and am serving my second term as Chairman of the Marin County Planning Commission. During the past four months I have been representing Congressman John Burton on all matters relevant to the House counterpart of S. 2472, H.R. 8003. Today I am here representing the following organizations: Marin Conservation League; Tomales Bay Association; Inverness Association; Environmental Action Committee of West Marin; League of Women Voters, Bay Area; Environmental Forum, Marin and Sonoma branches; and Assemblyman Michael Wornum.

These organizations not only support S. 2472, but they wholeheartedly endorse the wilderness recommendations of the GGNRA Citizens Advisory Commission.

From July 2 to September 16 of this year I met with members of the GGNRA Citizens Advisory Commission as well as representatives of organizations interested in the future of Point Reyes. It was my job to represent Congressman Burton and to try and bring together those whose points of view conflicted regarding wilderness at Point Reyes and who wished to participate in the hearing process in order to help the Advisory Commission make the best recommendations possible within the confines of the Wilderness Act and the National Park Service's wilderness management guidelines. I am grateful to the Advisory Commission and to National Park Service staff for their hours of work and dedication and am here today to ask that certain key recommendations of the commission be so noted in the final legislation and committee report.

1. All the organizations noted have strong concerns regarding the fire trails described by the Advisory Commission. It is our hope that they will be so described by Congress in the final committee reports. Point Reyes, so close to the metropolitan bay area receives heavy use by the horseman and the hiker. It is in both their interests that these key fire trails be kept open for fire equipment use and we recognize that from time to time a grader may be the minimum tool necessary to accomplish that goal. There is no question that during the summer and fall months, the fire danger at Point Reyes is real and critical and that the maintenance of these designated trails could prove to be critical for the protection of the visitor to Point Reyes. The designation of such trails has been noted in the Agua Tibia Wilderness area set aside by Congress in Southern California and is consistent with the Congressional policy of looking at each wilderness proposal as a unique unit with its own unique problems.

2. The organizations all support the proposed service corridor to Wildcat Beach as the way of competently servicing the Wildcat Beach group campsite as well as Glen Camp and as a way of decreasing vehicular use on the much used Bear Valley trail.

3. All the organizations have deep and serious concerns over the lack of protection presently afforded to the tidal zone at Point Reyes. Such areas as Drake's and Limantour Estero along with the seal rookery at Double Point deserve wilderness status. The State's interests in these areas has been minimal with the exception of Limantour Estero which is a Research Natural Area, and we note little activity by the State in the area of patrol or marine resource monitoring during the past years. We accordingly hope that the tidal zone will be managed as a wilderness area and we find this approach consistent with the State's reservation of fishing and mineral rights. We wish to note the following points in this regard:

A. S. 2472 would allow the continued use and operation of Johnson's Oyster Company in Drake's Estero.

B. Although there is little motorboat use in Limantour or Drake's Esteros at present, wilderness status can only enhance and insure such protection if State policy should change.

C. State Fish & Game manpower is quite limited and we feel that such manpower as does exist should concentrate on Tomales Bay, an estuary heavily used by fishermen and hunters.

D. With regard to mineral rights, the State has prohibited all well or drilling operations upon the surface of such lands.

E. We note nothing in the law which precludes the Congress from designating the tidal zone as wilderness despite the reservation of fishing and mineral rights.

4. The organizations all feel that the change to "natural areas" status proposed in S. 2472 will not only reflect current management practices, but that it will afford this extraordinary national asset the true and permanent protection it deserves.

5. The organizations all support the inclusion of Muddy Hollow Road as "potential wilderness" and eventually as a fire trail. We note that this road needs to be reduced in width and even restored in several areas due to severe erosion problems. Its inclusion in wilderness will truly afford the visitor to Point Reyes an exciting park experience for the estero unit is

abundant in wildlife from mountain lion to muskrat and its proximity to the two esteros demands that the private automobile be excluded.

Mr. Chairman, I would like to close with some final observations. It is rare that so many organizations have agreed upon wilderness legislation for a given area. It is also unusual that such wilderness status does not in any way interfere with the manner in which the public presently uses that park. We hope that Congress will recognize the effort that has been made to come up with recommendations that are in harmony with the Wilderness Act and with National Park Service wilderness management guidelines.

In 1855 Chief Seattle of the Duwamish tribe wrote to President Franklin Pierce of the United States the following words: "There is no quiet place in the white man's cities. No place to hear the leaves of spring or the rustle of insect's wings. But perhaps because I am a savage and do not understand, the clatter only seems to insult the ears. And what is there to life if a man cannot hear the lovely cry of a whippoorwill or the argument of the frogs around a pond at night?"

Mr. Chairman, there will indeed be something to life when generations to come can visit a Point Reyes as it was, as it is and as it will always be because Congress in its wisdom saw fit to permanently protect it.

Thank You.

JERRY FRIEDMAN,

Chairman, Marin County Planning Commission.

Senator HANSEN. Let me call the final witness, John Mitchell.

Mr. Mitchell.

Mr. MITCHELL. Thank you.

Senator HANSEN. I'm informed, Mr. Mitchell, that Frank Boerger had intended last fall to testify here, and the statement that was prepared by him is to be submitted by you. Am I right about that?

Mr. MITCHELL. Right. Absolutely correct, Mr. Chairman.

Senator HANSEN. Thank you. Let me say that it may be included in its entirety in the record. We'd be happy to have you summarize your observations.

STATEMENT OF JOHN MITCHELL, SUBCOMMITTEE ON WILDERNESS, CITIZENS ADVISORY COMMISSION

Mr. MITCHELL. My name is John Mitchell. I'm from Del Valle, Calif. I am also a member of the Citizens' Advisory Commission and serve on the Subcommittee on Wilderness of that.

Chairman Frank Boerger, who had previously submitted testimony for November, is unable to be here, and consequently I'm here in his stead.

I think the salient points that our Commission has adopted are reflected in the position paper that is being submitted, as well as Chairman Boerger's comments.

Other than that, our position—that is the position of the Advisory Commission—is very close to the position of S. 2472. Our recommendation is about 36,000-plus acreage, and the request for the 38,000 in S. 2472—there are some minor variations there, which if you wish I could point out.

Senator HANSEN. They're spelled out in this statement?

Mr. MITCHELL. Yes.

Senator HANSEN. I would suspect, with that, I'd just leave it up to your judgment. If they're in here, we certainly will read your full statement—

Mr. MITCHELL. Yes.

Senator HANSEN [continuing]. With considerable interest, I can assure you. And it may very well be that some members of the subcommittee or the full committee might want to submit a question or two in writing to you.

Mr. MITCHELL. We'd be very happy to respond to any questions.

Senator HANSEN. Mr. Mitchell, thank you very much.

[The prepared statement of Mr. Boerger follows:]

STATEMENT OF FRANK C. BOERGER, CHAIRMAN, GOLDEN GATE NATIONAL RECREATION AREA CITIZEN'S ADVISORY COMMISSION

My name is Frank Boerger; I am the Chairman of the Golden Gate National Recreation Area Citizen's Advisory Commission. Our fifteen-person Commission was appointed in January 1975 by the Secretary of Interior in accordance with the law establishing the Recreation Area. We have been meeting regularly since then to discuss the planning for the development and the preservation of the Park Service areas in the San Francisco Bay region, including the Point Reyes National Seashore.

Over the past few months, we have been considering the possible designation of a portion of Point Reyes as a wilderness area. We recently completed a position paper on the subject which I have attached to this testimony; it is requested that this statement be made a part of the record of this hearing.

There are two major points I would like to emphasize for your consideration. First, the lands recommended for wilderness designation represent a unique combination of opportunities for preservation and use by a variety of people. Because these lands are located in an urban area, pressures for enjoying a wilderness experience can be expected to be high, requiring special provisions for maintenance. The balancing of the various interests represented by our recommendations was derived from a series of public hearings and subcommittee task force meetings. The compromises presented have won acceptance from representatives of each sector of the public that expressed concern. It is therefore hoped that the entire recommendation can be included in the legislation and the Committee report, so that the special provisions necessary at Point Reyes are firmly established. In that way, future administrative decisions can be assured of being in consonance with the principles and the details recommended.

A second major consideration is the position of the State of California regarding the tideland areas. This matter came to our attention after our many meetings were completed. We have not had an opportunity to try to resolve any differences in intent. We do believe that this matter can be negotiated successfully so that all parties will be satisfied.

In summary, our Commission wants me to indicate to you that we sincerely request that you adopt our recommendations, for we feel that we have represented the interests and feelings of the people of our area in a straight-forward, unbiased way that, in fact, is in the best interests of the United States of America.

Thank you, Mr. Chairman, for giving me this opportunity to present the Commission's recommendations on this matter.

POINT REYES NATIONAL SEASHORE WILDERNESS RECOMMENDATIONS OF THE GOLDEN GATE NATIONAL RECREATION AREA CITIZENS ADVISORY COMMISSION, WILDERNESS COMMITTEE

INTRODUCTION

The intrinsic values of the natural, historic and scenic resources of both the Golden Gate National Recreation Area and Point Reyes National Seashore are remarkable. These values offer opportunities to people everywhere, but their importance is multiplied many times by the unusual proximity of the parklands to the five million people of the San Francisco Bay region. Opportunities for use by these people should be maximized to the greatest extent possible without eroding the qualities that constitute the park's basic appeal. When considering wilderness legislation, it is extremely important to recognize clearly the need to ameliorate the impact of intensive use.

Historically, there has been strong public demand to designate legally a large portion of Point Reyes National Seashore as a wilderness area. While ideally the determination of suitable wilderness lands should be accomplished as a result of the overall planning effort for both the National Seashore and Golden Gate National Recreation Area, the commission feels that it is appropriate to make a positive recommendation for wilderness at this time.

Subsequent to recent public testimony the chairman of the commission appointed a subcommittee to study the matter in detail. The committee has held numerous meetings and interviews with people representing a diversity of viewpoints on wilderness. This report reflects a consensus reached through the joint efforts of many people and the current attitude of the commission based on knowledge available at this time.

DESCRIPTION OF THE RECOMMENDED WILDERNESS AREA

An important factor in considering wilderness for the seashore was the intent of the commission that desirable existing uses be allowed to continue. This factor, as well as a recognition of outstanding scenic and scientific values, is reflected in the proposed wilderness boundaries shown in Exhibit "A".

Nearly all of the Douglas fir forest, coastal terraces and waters of the southern half of the seashore are included within the recommended wilderness. This area displays the most impressive wilderness values in the park and has been further protected since the initial establishment of the Seashore by the prohibition of automobile access.

The four existing backcountry camps in this unit are popular and valuable facilities that allow visitors to enrich their understanding and appreciation of the Seashore through an overnight stay. Due to intensive use, adequate maintenance of these camps presently requires regular servicing by motorized vehicles and therefore will be reached by corridors outside the wilderness area.

Two wilderness units are recommended for the northern half of the Seashore. They are separated by an area that includes the "pastoral zone" (designated in the enabling legislation to continue to accommodate ranching activities) and the access roads that serve most of the Seashore's popular beaches.

The first unit includes the western flanks of Mount Vision and Point Reyes Hill, Drakes and Limantour Esteros, and the lands that connect those features. It also includes Limantour Spit and the waters and tidelands adjacent to it. Crossing the center of this unit, the Muddy Hollow trail is paralleled by power lines which prevent its inclusion in wilderness at this time. Until the lines are relocated, we recommend that this strip be designated as "potential wilderness."

The second unit includes Tomales Point, Abbotts Lagoon, the cliffs of the Point Reyes headlands, and the narrow strip of beach and dune area connecting them. The following areas along the beach strip have been excluded from the proposed wilderness: (1) Private lands containing telecommunications facilities; (2) One-half mile segments at the two main beach access points; and (3) An area adjacent to the south beach access where private land, existing structures and a long-term lease at this time prevent a positive recommendation for wilderness.

This unit also includes the 1/4 mile strip of offshore waters from the tip of Tomales Point to the southern tip of the headlands. An access corridor to McClure's Beach as well as the navigable waters of Tomales Bay have been excluded.

TRAIL MAINTENANCE

Because a major portion of Point Reyes has been a heavily used de facto wilderness since its establishment as a park, trails are unquestionably one of its most important visitor use facilities. The Pacific forest environment in which most of the trails are found generates prolific vegetative growth making trail maintenance especially important. It has been apparent to this commission that the National Park Service's future ability to maintain effectively the Seashore's trails at an acceptable standard under the restrictions of the Wilderness Act has represented the most critical issue to those people concerned over possible wilderness designation. Fire protection has been a chief concern.

Although National Park Service staff has indicated that accessibility to mechanized equipment is not critical to adequate fire protection, local concern over this matter, stemming from several past major fires in other portions of

the county, has convinced us to recommend specific provision for fire protection needs within the legislation.

Recognizing that the Wilderness Act would allow the emergency use of suitable trails within the seashore by mechanized fire fighting equipment, it is recommended that, due to special problems relating to vegetation, soils or gradient, the following segments should be specifically designated as routes to be maintained as needed by mechanical equipment to a standard that would allow immediate access to emergency vehicles, fire trucks and trailered equipment: (1) The Lake Ranch trail from its junction with the Five Brooks trail to its terminus at the Coast Trail; (2) The southwestern fork of the Ridge trail from its junction with the Pablo Point trail southward to its junction with the Bolinas Mesa road; (3) The trail connecting Glen Camp with the Bear Valley trail; (4) One mile of the southern extremity of the Bear Valley trail; and (5) The Muddy Hollow trail (after it qualifies for wilderness designation).

Many individuals and groups expressed apprehension about the ability to maintain trail standards acceptable to hikers and horsemen within a Point Reyes wilderness. Generally, we are convinced that the National Park Service can adequately maintain by "minimum tool" those portions of the trail system not included in the above. However, one trail deserves mention here as requiring special attention and should be so recognized in wilderness legislation. The Coast trail from the Palomarin trailhead extending northwest to Wildcat Camp traverses an area that is exceptionally unstable geologically as well as being scenically superlative. It is almost certain that the same kind of landslides that produced this area's attractive lakes in the recent past will render the trails impassable in the future. To repair such damage on this popular route using only hand tools would in our opinion prove unnecessarily costly. We recommend that mechanized equipment be specifically allowed in this location as required, in the event that major slides do occur.

NONCONFORMING USES

Two activities presently carried on within the seashore existed prior to its establishment as a park and have since been considered desirable by both the public and park managers. Because they both entail use of motorized equipment, specific provision should be made in wilderness legislation to allow the following uses to continue unrestrained by wilderness designation:

1. Ranching operations on that portion of the "pastoral zone" that falls within the proposed wilderness. These operations should be carried out in accordance with generally acceptable local standards of ranching practices and will include such activities as the use of pickup trucks and tractors for the purpose of maintaining necessary ranch roads, stock ponds and fences as well as caring for the health of the stock and periodic supplemental feeding.

2. Operation of Johnson's Oyster Farm including the use of motorboats and the repair and construction of oyster racks and other activities in conformance with the terms of the existing 1,000 acre lease from the State of California.

RESOURCE MANAGEMENT NEEDS

The preliminary resource management plan for the seashore (May 1975) recommends a number of actions that could present some conflict with wilderness management. Therefore, the following should be recognized in future legislation.

1. Reintroduction of a herd of tule elk somewhere within the seashore may require construction of fencing to contain the animals. Such a fence should be specifically allowed within wilderness at Point Reyes.

2. Prescribed burning is an activity that is currently proposed only for the bishop pine forest. It may provide management with a tool to accomplish two objectives in other more extensive areas of the seashore: (a) Fuel reduction in high fire hazard areas and (b) maintenance or restoration of biotic communities to conditions deemed desirable through comprehensive resource management studies.

Mechanical tools or conveyances required in the future to accomplish these objectives should be specifically allowed as activities contributing to the protection and enhancement of wilderness values.

EXHIBIT 9

PAGES 1 thru 40

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House of Representatives

Transcript of Proceedings

Hearing held before

SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION
OF THE
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

H.R. 7198, H.R. ~~8002~~, ET AL., TO DESIGNATE CERTAIN
LANDS IN THE POINT REYES NATIONAL SEASHORE, CALIFORNIA
AS WILDERNESS

Washington, D. C.

THURSDAY, SEPTEMBER 9, 1976

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STATEMENT OF THE HONORABLE JOHN E. BURTON
DEMOCRAT, 5th DISTRICT, CALIFORNIA

BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION
OF THE HOUSE INTERIOR COMMITTEE

ON H.R. 8002

SEPTEMBER 9, 1976

Thank you, Mr. Chairman, and Members of the Committee, for giving me the opportunity to discuss with you a matter which concerns me and my constituents very much.

The Point Reyes National Seashore is a uniquely beautiful and unspoiled coastline area and the only National Seashore on the Pacific Coast. Furthermore, it has the unusual characteristic of being located where you would least expect to find it: right on the outskirts of one of our larger metropolitan areas.

The Congress authorized this unit of the National Park System in 1962. Today, the major land acquisition phase at Point Reyes has been completed, and the Congress now has an opportunity to finish this great work of land conservation begun more than 14 years ago. It is now time to completed the basic legislative policy making necessary to protect this area from inappropriate uses which could damage and destroy its remarkably high natural values. We must insure that these values are not lost to the people because of inappropriate planning and management.

The bill before you today has extremely wide public support throughout the San Francisco Bay Area. It consists of a two-part proposal. First, it would establish wilderness units within the Point Reyes National Seashore and second, it would establish the management of the entire Seashore under a "natural area" designation. This legislation is intended to preserve the present diverse uses of the Seashore by protecting it from any incompatible development in the future.

The bill before you would designate three wilderness units within the Seashore. Since the introduction of this legislation, several meetings of concerned citizens have been held, including a large public attendance at hearings

held by the Citizens' Advisory Commission for the Golden Gate National Recreation Area and Point Reyes National Seashore.

Instead of going into great detail about each wilderness unit proposed, I would simply like to take this opportunity to state my general support of the Citizens' Advisory Commission's recommendations for wilderness and to point out several matters I feel to be of special concern.

Fire Protection: It must be pointed out that the fire danger at Point Reyes can be quite high during the summer and fall months. This is due not only to a build-up of the vegetative understory over many years as well as to heavy use by park visitors, but has been further aggravated by a serious lack of rainfall during the 1975-76 season. The predictions for 1976-77 are also for a below average rainfall. Therefore, I would urge that the Committee indicate its endorsement of the specific fire trail recommendations of the Citizens' Advisory Commission. This could be done by acknowledging in the Committee Report those trails on which the Park Service will need to use some mechanized equipment from time to time as the "minimum tool" necessary to keep fire trails open and graded.

Potential Wilderness: I would also like to point out those areas which I feel should now be designated as "potential wilderness" areas. In this way they may be classified as wilderness upon the removal of certain presently existing temporary conditions, without the need to come back to Congress again. The State of California still retains fishing and mineral rights to the tideland areas, but little, if any, use of these rights has been made in the past or is expected in the future. As "potential wilderness," these areas would be designated as wilderness effective when the State cedes these rights to the United States.

The same situation is true at Drakes and Limantour Esteros and Abbotts Lagoon, three particularly fragile areas. At one time, the Park Service proposed to turn Limantour Estero, through dredging and a dam, into a fresh-water lake for boating, with attendant snack bars, restaurant, and marinas. Limantour Spit, with its unusual sand dunes, was designated for paving for over 1,500 parking spaces. Today, both Drakes and Limantour Esteros are refuges for harbor seals, leopard sharks, egrets, herons, migratory fowl, rare species of clams, cockles, and snails. They are also native Indian sites. Their permanent protection is urgently needed, at the very least, by "potential (or reserve) wilderness"

status.

Another area of "potential wilderness" should be the Muddy Hollow Corridor. This trail is paralleled by power and telephone lines which prevent its designation as wilderness at the present time. However, the Park Service has been notified of the power and telephone companies' intent to remove ~~these~~ these lines, in which case there would be no further bar to a wilderness designation.

Lastly, there is one 20-acre parcel, owned by the Land-Air Corporation and located near the Muddy Hollow Corridor. Purchase by the Park Service is under way.

Murphy Ranch: Since the Citizens' Advisory Commission drafted its recommendations, it has been agreed by all concerned that the Murphy Ranch in the Drakes Estero area should be deleted from their recommendations for wilderness.

Naming the Wilderness Areas: The names proposed in this legislation for the three wilderness units are of special historical significance to this area, especially the Miwok Unit and the Clem Miller Unit. The Miwok Indians who used to inhabit Point Reyes treated it as a sacred place, and those who love this beautiful shoreline today sympathize with their reverence for it. The largest of the proposed wilderness units would be named for the late Congressman Clem Miller, who knew and loved every aspect of Point Reyes and without whose initiatives before this Committee, the Seashore would not have been authorized in 1962.

Wildcat Camp Corridor: I endorse the positions of both the Citizens' Advisory Commission and the Park Service concerning the Wildcat Camp Corridor. This corridor is needed for fire protection, erosion control, and the servicing of Glen and Wildcat camps, the latter being a group campsite. The location of this corridor will serve to reduce visitor-vehicle conflict on the Bear Valley trail, thereby enhancing the visitor's park experience.

Natural Area Classification: As I mentioned earlier, this legislation is a two-part proposal. In addition to wilderness designation for certain portions of the park, it provides for a "natural area" designation for the entire Seashore as a means by which we may be assured that present management policies and practices for Point Reyes are continued.

1 Mr. Burton. The measure that I introduced was the result
2 of a long and lengthy meeting process of local groups within
3 the affected area and the legislation introduced was a compro-
4 mise of the points of view of all those involved from very
5 ardent conservationists to horsemen associations to the various
6 people in the community. There are few points of difference,
7 as I understand it, between the administration and what is our
8 present position.

9 I would just like to hit on a few issues. We do provide
10 and would hope that the committee in its report could
11 acknowledge the report of the Citizens Advisory Commission
12 recommendations concerning fire protection and fire trails in
13 this area.

14 We do provide that in certain areas from time to time
15 mechanized equipment could be designated as the minimum tool
16 necessary to keep the fire trails open and graded. Just during
17 the recent months we have had a severe drought in that area.
18 There has been fire in the area of Point Reyes and we do feel
19 that it is important to have this type of fire protection and
20 again that was one of the matters of agreement that brought
21 together the broad coalition who support the measure.

22 There are certain areas that we feel should be designated
23 as potential wilderness now because they would be ineligible
24 for actual wilderness designation because of a statute on the
25 books of California at the time of the original Point Reyes

1 establishment under the authorship of your former colleague,
2 the late Clem Miller, where the State reserved the subwater
3 mineral rights.

4 We have not been able to negotiate that out with the
5 State of California at present and we feel that the potential
6 wilderness designations as it applies to the Drakes and Limatour
7 Esteros and the Abbotts Lagoon, which are very fragile areas
8 that emanate a lot of sealife and waterfowl and very rare
9 species of clams, et cetera, that they should have that type of
10 protection so that we don't find them destroyed by incursions of
11 speedboats and motor-type boats.

12 In addition to this, there is one area that is called
13 Muddy Hollow that presently has some high wires over it,
14 electrical and telephone, and we have been informed that the
15 utilities are going to remove those wires and at that time that
16 part could be reverted to an actual wilderness area.

17 We also feel that fact that Point Reyes had been classified
18 as a recreational area makes it very important that we do have
19 this wilderness designation, because fortunately right adjoining
20 Point Reyes is the Golden Gate National Recreation Area, which
21 would provide that type of opportunity and recreation for people,
22 whereas this unspoiled part could be protected under the Wilder-
23 ness Act.

24 It was our hope that this could be designated as a natural
25 area classification. I understand that the committee is loath

CURRY

STATEMENT OF WITNESS FOR THE DEPARTMENT OF THE INTERIOR BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, ON BILLS TO DESIGNATE CERTAIN LANDS WITHIN POINT REYES NATIONAL SEASHORE AS WILDERNESS.

SEPTEMBER 9, 1976

MR. CHAIRMAN, I AM PLEASED TO APPEAR TODAY BEFORE THE SUBCOMMITTEE TO TESTIFY IN FAVOR OF LEGISLATION WHICH WOULD DESIGNATE WILDERNESS WITHIN POINT REYES NATIONAL SEASHORE, CALIFORNIA.

MR. CHAIRMAN, THE POINT REYES PENINSULA, ONLY 30 MILES FROM SAN FRANCISCO, IS NOTED FOR ITS BEACHES; LAGOONS AND ESTEROS; FORESTED RIDGES, AND OFFSHORE BIRD AND SEA LION COLONIES; AND A PART OF THE AREA SERVES AS OPEN SPACE BEING PRESENTLY USED FOR GRAZING AND RANCHING. THE MARINE AND ESTUARINE HABITATS AT POINT REYES ARE OF PARTICULAR SIGNIFICANCE. THE PURPOSE OF THE NATIONAL SEASHORE IS EXPRESSED IN THE OPENING STATEMENT OF THE ENABLING LEGISLATION. IN IT THE CONGRESS PROCLAIMED THAT THE SEASHORE WAS BEING ESTABLISHED, "IN ORDER TO SAVE AND PRESERVE, FOR THE PURPOSES OF PUBLIC RECREATION, BENEFIT, AND INSPIRATION, A PORTION OF THE DIMINISHING SEASHORE OF THE UNITED STATES THAT REMAINS UNDEVELOPED." THE SEASHORE CONTAINS 65,291 ACRES AND RECEIVES ABOUT 1.5 MILLION VISITORS YEARLY, WHO COME TO BEACH-COMB, HIKE, CAMP, PICNIC AND VIEW THE SUPERLATIVE SCENERY.

MR. CHAIRMAN, AS CALLED FOR BY THE WILDERNESS ACT OF 1964 WE HAVE HELD PUBLIC FIELD HEARINGS AND REPORTED TO THE CONGRESS ON WILDERNESS SUITABILITY FOR POINT REYES NATIONAL SEASHORE. THE FIELD HEARING FOR POINT REYES NATIONAL SEASHORE WAS HELD IN SAN RAFAEL, CALIFORNIA, ON SEPTEMBER 23, 1971. FOLLOWING THE WILDERNESS FIELD HEARING THERE

HAS BEEN A HEALTHY EXCHANGE OF VIEWPOINTS AND OUR ANALYSIS OF THESE VIEWPOINTS AND OUR PROFESSIONAL VIEWS ARE REFLECTED IN OUR RECOMMENDATIONS NOW BEFORE THE SUBCOMMITTEE.

H.R. 7198 WOULD ESTABLISH 10,600 ACRES OF WILDERNESS AT POINT REYES, AS ORIGINALLY RECOMMENDED BY THE PRESIDENT IN NOVEMBER 1973. SINCE THEN, ADDITIONAL LANDS WITHIN THE SEASHORE WERE ACQUIRED AND IT WAS DETERMINED THAT CERTAIN ROADS WOULD BE CLOSED. THEREFORE, WE REEXAMINED THE LANDS PREVIOUSLY LEFT OUT OF THE PROPOSED WILDERNESS AND IN NOVEMBER 1975 A REVISED RECOMMENDATION WAS SENT TO THE CONGRESS. SUBSEQUENTLY, ON MARCH 2, 1976, WE TESTIFIED BEFORE THE SENATE SUBCOMMITTEE ON PARKS AND RECREATION IN FAVOR OF A WILDERNESS OF 24,730 ACRES AND POTENTIAL WILDERNESS ADDITIONS OF 770 ACRES, WHICH WE NOW RECOMMEND TO YOUR COMMITTEE.

MR. CHAIRMAN, THE REVISED PROPOSAL EXTENDS THE WILDERNESS TO THE SOUTH AND NORTH OF THE AREA ORIGINALLY PROPOSED, THUS CREATING AN ENLARGED WILDERNESS UNIT 1, AND UNITS 2 AND 3 TO THE NORTH. THESE AREAS WERE RECOMMENDED FOLLOWING DECISIONS TO CLOSE THE ROADS WITHIN THEM AND TO CONVERT SOME OF THE ROADS TO TRAIL USE ONLY. THE TOMALES POINT AREA WAS ALSO ACQUIRED, AND DECISIONS WERE MADE TO CLOSE THE ROAD NORTH OF THE UPPER PIERCE RANCH AND TO RECOMMEND TOMALES POINT AND A 3-1/2 MILE PORTION OF THE BEACH EXTENDING SOUTH TO ABBOTTS LAGOON AS WILDERNESS UNIT 4. THIS IS A PORTION OF THE BEACH WHICH HAS NOT BEEN MADE ACCESSIBLE BY AUTOMOBILE AND THE WORKS OF MAN ARE UNNOTICEABLE. THE POTENTIAL WILDERNESS ADDITIONS, SHOWN IN RED ON THE EXHIBIT MAP, INCLUDE: A 20-ACRE TRACT NOW IN PRIVATE OWNERSHIP BUT WHICH WE EXPECT TO ACQUIRE;

ABBOTTS LAGOON OF ABOUT 200 ACRES; AND THE LIMANTOUR ESTERO OF ABOUT 550 ACRES. ABBOTTS LAGOON AND LIMANTOUR ESTERO ARE HIGHLY SIGNIFICANT, NATURAL ESTURINE HABITATS AND DO NOT NOW RECEIVE EITHER COMMERCIAL FISHING OR MOTORBOAT USE. HOWEVER, BECAUSE THE STATE OF CALIFORNIA RETAINS THE MINERAL RIGHTS AND COMMERCIAL FISHING RIGHTS WITHIN ABBOTTS LAGOON AND LIMANTOUR ESTERO, WE RECOMMEND THEM AS POTENTIAL WILDERNESS ADDITIONS, TO BECOME WILDERNESS WHEN ALL PROPERTY RIGHTS ARE FEDERAL, AND THE AREAS ARE SUBJECT TO NATIONAL PARK SERVICE CONTROL.

MR. CHAIRMAN, H.R. 8002 AND H.R. 8003 ARE IDENTICAL BILLS WHICH WOULD ESTABLISH 38,700 ACRES AS WILDERNESS AND WOULD AMEND THE POINT REYES NATIONAL SEASHORE ACT TO REQUIRE THAT IT BE ADMINISTERED AS A "NATURAL AREA OF THE NATIONAL PARK SYSTEM." WE HAVE BEEN IN CONTACT WITH THE OFFICE OF REPRESENTATIVE JOHN L. BURTON AND WE UNDERSTAND THAT HE SUPPORTS SEVERAL CHANGES FROM THE PROPOSAL CONTAINED IN H.R. 8002 AND H.R. 8003. THESE CHANGES ARE SHOWN ON A SUBSEQUENT MAP ENTITLED "POINT REYES WILDERNESS" NUMBERED 612-90,000-A AND DATED MARCH 1975. WITH YOUR PERMISSION, MR. CHAIRMAN, WE WILL NOW ADDRESS OUR COMMENTS TO THE DIFFERENCES BETWEEN THIS REVISED PLAN WHICH WOULD DESIGNATE 34,238.505 ACRES AS WILDERNESS, AND OUR WILDERNESS PROPOSAL.

1. THE "CLEM MILLER WILDERNESS" IN THE 34,238-ACRE PROPOSAL CORRESPONDS TO AND ENLARGES UPON OUR WILDERNESS UNIT 1 BY INCLUDING THE OFFSHORE TIDELANDS. THE STATE HAS RETAINED FISHING AND MINERAL RIGHTS OVER THESE TIDELANDS. THESE AREAS ARE ALSO OPEN TO NAVIGATION. WE BELIEVE SUCH POTENTIAL USES ARE INCOMPATIBLE WITH WILDERNESS. ALSO INCLUDED, PERHAPS UNINTENTIONALLY, IS A WATER SUPPLY SYSTEM SERVING THE SEASHORE HEADQUARTERS

AS A SUPPLEMENTARY SOURCE OF WATER. THE WATER SYSTEM CONSISTS OF A DIVERSION DAM, STORAGE TANK, CHLORINATOR, PIPELINE AND SERVICE ROAD AND WE BELIEVE THESE FACILITIES AND USES ARE ALSO INCOMPATIBLE WITH WILDERNESS.

2. THE 34,238-ACRE PROPOSAL DIFFERS FROM THE PROPOSAL CONTAINED IN H.R. 8002 AND H.R. 8003 BY PROVIDING A NON-WILDERNESS CORRIDOR INTO GLEN CAMP AND WILDCAT CAMP FROM THE EAST RATHER THAN USING THE BEAR VALLEY TRAIL FROM THE NORTH WHICH IS A HIGHLY POPULAR AND SCENIC HIKING ROUTE. THIS CORRIDOR WOULD PERMIT SERVICING OF THE CAMPS BY MOTOR VEHICLE AND IS ALSO CONTAINED IN OUR WILDERNESS PROPOSAL.

3. THE "ESTEROS WILDERNESS" WOULD INCORPORATE OUR RECOMMENDED UNITS 2 AND 3, AND ENLARGE THE AREA FOR IMMEDIATE WILDERNESS DESIGNATION BY INCLUDING THE OFFSHORE TIDELANDS, THE DRAKES ESTERO, AND WOULD ADD SOME LAND ADJOINING THE EAST SIDE OF DRAKES ESTERO WHICH IS UNDER SPECIAL USE PERMIT. THE MUDDY HOLLOW ROAD CORRIDOR IS INCLUDED AS A POTENTIAL WILDERNESS ADDITION, TO BECOME WILDERNESS AT SUCH TIME AS THE EXISTING OVERHEAD TELEPHONE LINE AND ELECTRIC POWER LINE ARE RELOCATED AND THE PACIFIC TELEPHONE COMPANY AND THE PACIFIC GAS AND ELECTRIC COMPANY EASEMENTS ARE ACQUIRED BY THE UNITED STATES.

OUR CONCERNS ABOUT THE RETAINED RIGHTS WITHIN THE OFFSHORE TIDELANDS HAVE ALREADY BEEN EXPRESSED. THE RETAINED RIGHTS ALSO APPLY TO DRAKES ESTERO. ADDITIONALLY, THE JOHNSON OYSTER CO. HAS A LEASE FROM THE STATE FOR COMMERCIAL OYSTER CULTURE IN DRAKES ESTERO. THE OYSTERS ARE GROWN ON WOODEN PLATFORMS SCATTERED THROUGHOUT THE ESTERO AND MOTOR BOATS ARE USED IN THIS WORK.

THE LANDS UNDER SPECIAL USE PERMIT ARE NOW A PART OF NORMAL RANCHING OPERATIONS WHICH INCLUDES THE USE OF ROADS, MOTORIZED EQUIPMENT, FENCES, WATER IMPOUNDMENTS AND CORRALS, AS WELL AS THE USE OF PESTICIDES AND HERBICIDES. THE AREA HAS BEEN IN THIS TYPE OF USE FOR AT LEAST THREE GENERATIONS AND DOES NOT APPEAR TO BE IN A WILDERNESS CONDITION. WE HAVE NO ASSURANCE THAT A WILDERNESS CONDITION WOULD EXIST IMMEDIATELY WHEN THE SPECIAL USE GRAZING PERMIT EXPIRES AND THUS CANNOT RECOMMEND THAT ANY OF THESE LANDS BE INCLUDED IN WILDERNESS.

WHILE OUR PROPOSAL AS PRESENTED TO THE SENATE ON MARCH 2, 1976, DOES NOT INCLUDE THE MUDDY HOLLOW ROAD CORRIDOR, THE GOLDEN GATE NATIONAL RECREATION AREA ADVISORY COMMISSION HAS RECOMMENDED THAT THE CORRIDOR OF ABOUT 300 ACRES BE INCLUDED AS A POTENTIAL WILDERNESS ADDITION AND THIS IS SUPPORTED BY RECENT PUBLIC COMMENT. ORIGINALLY, THIS ROUTE WAS CONSIDERED FOR A POSSIBLE TRANSPORTATION SYSTEM FOR THE NATIONAL SEASHORE. THIS CONCEPT WAS REJECTED AND THERE IS NO LONGER A POSSIBILITY OF THE CORRIDOR BEING USED FOR THAT PURPOSE. THEREFORE, IF THE COMMITTEE WISHES TO INCLUDE THE CORRIDOR AS A POTENTIAL WILDERNESS ADDITION WE WOULD HAVE NO OBJECTION.

THE "ESTEROS WILDERNESS" ALSO DIFFERS FROM OUR PROPOSAL BY PROVIDING A NON-WILDERNESS CORRIDOR IMMEDIATELY WITHIN THE NORTHEASTERN BOUNDARY OF THE SEASHORE WHICH COULD SERVE AS A REDUCED FUEL ZONE AND ACCESS ROUTE FOR FIRE FIGHTING EQUIPMENT. WE WOULD HAVE NO OBJECTION TO SUCH A NON-WILDERNESS CORRIDOR.

4. THE "MIWOK WILDERNESS" ENLARGES UPON OUR RECOMMENDED UNIT 4 TO INCLUDE SOME OF THE OFFSHORE TIDELANDS AND MORE OF THE POINT REYES

BEACH. AGAIN, WE HAVE THE SAME CONCERNS ABOUT THE TIDELANDS. WE HAVE NOT RECOMMENDED WILDERNESS FOR THE POINT REYES BEACH SOUTH OF ABBOTTS LAGOON SINCE IT IS READILY ACCESSIBLE BY ROAD AND PROVIDES AN OPPORTUNITY FOR MORE INTENSIVE RECREATIONAL USE THUS BALANCING WILDERNESS USE OF BEACHES IN OTHER PARTS OF THE NATIONAL SEASHORE. ALSO, MOTOR VEHICLES ARE USED FOR ROUTINE MAINTENANCE ON THIS PORTION OF THE BEACH.

5. MR. CHAIRMAN, WE BELIEVE THAT IT IS UNNECESSARY AND CONFUSING TO HAVE SEPARATE NAMES FOR VARIOUS WILDERNESS UNITS WITHIN AREAS OF THE NATIONAL PARK SYSTEM AND WE RECOMMEND THE ENTIRE WILDERNESS CARRY ONLY THE NAME OF THE AREA, AND BE CALLED THE POINT REYES WILDERNESS.

6. FINALLY, SECTION 4 OF H.R. 8002 AND H.R. 8003 IS, WE UNDERSTAND, INTENDED TO AMEND SECTION 7(a) OF THE POINT REYES NATIONAL SEASHORE ACT BY INSERTING IMMEDIATELY AFTER THE WORDS "SHALL BE ADMINISTERED BY THE SECRETARY" THE WORDS "AS A NATURAL AREA OF THE NATIONAL PARK SYSTEM, WITHOUT IMPAIRMENT OF ITS NATURAL VALUES, IN A MANNER WHICH PROVIDES FOR SUCH RECREATIONAL, EDUCATIONAL, HISTORIC PRESERVATION, INTERPRETATION, AND SCIENTIFIC RESEARCH OPPORTUNITIES AS ARE CONSISTENT WITH, BASED UPON, AND SUPPORTIVE OF THE MAXIMUM PROTECTION, RESTORATION AND PRESERVATION OF THE NATURAL ENVIRONMENT WITHIN THE AREA." WE RECOMMEND DELETING FROM THE PROPOSED AMENDMENT THE WORDS "AS A NATURAL AREA OF THE NATIONAL PARK SYSTEM,." WE BELIEVE THAT THE REMAINING LANGUAGE WOULD ASSURE THAT APPROPRIATE EMPHASIS IS PLACED ON THE PRESERVATION OF NATURAL VALUES. THE TERM "NATURAL AREA" HAS BEEN USED BY THE NATIONAL PARK SERVICE AS AN ADMINISTRATIVE CATEGORY. IT IS INAPPROPRIATE IN OUR VIEW TO LEGISLATE ADMINISTRATIVE CATEGORIES SUCH AS NATURAL, HISTORICAL, OR RECREATIONAL.

POINT REYES INCLUDES LANDS THAT SHOULD BE KEPT IN THEIR NATURAL CONDITION, OTHER AREAS THAT SHOULD BE DEVELOPED FOR PUBLIC RECREATION USE, AND STILL OTHER AREAS THAT HAVE HIGH HISTORICAL VALUES. THROUGH A LAND CLASSIFICATION PROCESS, WE INTEND TO MANAGE EACH PARCEL OF LAND AT POINT REYES IN ACCORDANCE WITH ITS PARTICULAR CHARACTERISTICS, RATHER THAN ARBITRARILY IMPOSE ONLY ONE SINGLE MANAGEMENT CONCEPT ON ALL THE LANDS.

MR. CHAIRMAN, PERIODIC FIRE HAS BEEN A PART OF THE ECOLOGY OF POINT REYES SINCE BEFORE THE INTERVENTION OF EUROPEAN MAN AND THE BISHOP PINE FOREST AS WELL AS THE GENERAL COMPOSITION OF VEGETATION IS DEPENDENT UPON PERIODIC FIRE. THE NATURAL RESOURCES MANAGEMENT PLAN PREPARED BY THE NATIONAL PARK SERVICE FOR POINT REYES INCLUDES BOTH FIRE SUPPRESSION AND PRESCRIBED FIRE WHERE THIS IS NECESSARY TO MAINTAIN NATURAL CONDITIONS. MR. CHAIRMAN, WE ASK THAT THE USE OF PRESCRIBED FIRE AT POINT REYES BE RECOGNIZED IN THE RECORD OF THIS HEARING.

IN SUMMARY, OUR PROPOSAL IS FOR 24,730 ACRES AS WILDERNESS AND 770 ACRES AS POTENTIAL WILDERNESS ADDITIONS, WHICH COMPRISES 38 PERCENT OF THE NATIONAL SEASHORE.

MR. CHAIRMAN, I WOULD NOW BE GLAD TO RESPOND TO ANY QUESTIONS YOU OR OTHER MEMBERS OF THE SUBCOMMITTEE MAY HAVE.

DUDDLESON

STATEMENT OF WILLIAM J. DUDDLESON

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND RECREATION
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

ON H.R. 8002

SEPTEMBER 9, 1976

Mr. Chairman and Members of the Committee, my name is William Duddleson and I am here today representing a number of local and regional conservation and civic organizations of citizens in California who are concerned about the future of Point Reyes National Seashore. For purposes of identification, I am a senior associate of the Conservation Foundation, a ~~non-profit~~ natural resources research organization based in Washington, D.C. In the 1960's, when the Point Reyes National Seashore authorizing legislation was before ⁽¹⁾ Congress, I was legislative assistant to Representative Clem Miller, author of that bill.

The organizations which have asked me to speak for them today are:

Marin (County) Conservation League

Tomales Bay Association

Inverness Association ⁽²⁾

Environmental Action Committee of West Marin

League of Women Voters of the San Francisco Bay Area

Environmental Forum, Marin County and Sonoma County Branches

Marin Audubon Society ⁽³⁾

These organizations ⁽³⁾ strongly support H.R. 8002 and H.R. 8003, sponsored by Congressman John Burton and other Members, and they endorse the detailed

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wilderness recommendations of the Citizens Advisory Commission for Point Reyes National Seashore and Golden Gate National Recreation Area.

Leaders of these organizations have sent letters stating their views to Chairman Taylor.

The Board of Supervisors of Marin County, the governing board of the county in which all of Point Reyes is located, also has written to Chairman Taylor. In this letter, Supervisor Gary Giacomini, the Vice-Chairman of the Board, has reported that the Board of Supervisors unanimously supports the Wilderness and Natural Area designations proposed in Congressman Burton's bill, as well as the detailed Wilderness recommendations of the GCNRA-PRNS Advisory Commission. The County government and the citizen organizations I represent are in complete agreement on these matters.

With your permission, I would like to summarize briefly this consensus position.

I. Wilderness Designation

1. Fire Trails. All the organizations noted have strong concerns regarding the fire trails described by the Advisory Commission. It is their hope that they will be so described by this Committee in its report. Point Reyes, so close to a major metropolitan area, receives heavy use by both horseback riders and hikers. It is in both their interests that these key fire trails be kept open for fire-equipment use. From time to time, particularly in slide-prone areas, mechanical equipment may be the "minimum tool" necessary to accomplish that goal. There is no question that during the summer and fall months, the fire danger at Point Reyes can be real and is sometimes critical. The maintenance of these designated trails could

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prove to be critical for the protection of visitors to Point Reyes and of wilderness values as well as of nearby villages. The designation of such trails has been noted in Committee reports on the Agua Tibia Wilderness already designated by Congress in Southern California. The local people urge you to provide them similar assurance, through Committee report language, that wilderness designation will not hinder essential fire fighting actions.

2. Tidal Zone and Submerged Lands. The tidal areas, including the tidal zone along the ocean shoreline and submerged land in the esteros and lagoon should be designated as Wilderness, or as "potential wilderness additions," to become Wilderness upon transfer to the United States of certain rights still retained by the State of California. In the interim, these sensitive, ecologically significant and wildlife-habitat areas should be managed as Wilderness, and the Committee is urged to make this clear in its Report.

The organizations have deep and serious concerns over the need for permanent protection of such areas as Drake's and Limantour Esteros along with the seal rookery at Double Point. The State's interest in these areas has been minimal with the exception of Limantour Estero which is a Research Natural Area, and we note little activity by the State in the area of patrol or marine resource monitoring during the past years. We accordingly hope that the tidal zone will be managed as Wilderness and we find this approach consistent with the State's reservation of fishing and mineral rights. In this regard:

(a) H.R. 8002 would allow continued use and operation of Johnson's

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Oyster Company at Drake's Estero, as a pre-existing non-conforming use.

(b) State Fish and Game manpower is quite limited and we feel should concentrate on Tomales Bay, an estuary heavily used by fishermen and hunters.

(c) With regard to mineral rights, the State has prohibited all well or drilling operations upon the surface of these lands.

(d) We note nothing in law which precludes the Congress from designating the tidal zone as Wilderness despite the State's reservation of fishing and mineral rights.

3. Muddy Hollow Trail. The organizations support the inclusion of Muddy Hollow Trail as "potential wilderness" and eventually as a fire trail. We note that this road needs to be reduced in width and even restored in several areas due to severe erosion problems. Its inclusion in Wilderness will afford visitors to Point Reyes an exciting park experience. The esteros area is abundant in wildlife--from mountain lion to muskrat--and its proximity to the two esteros demands that public access be limited to means other than private automobiles. The only reason for not urging that the Muddy Hollow Trail be designated immediately as Wilderness is the existence of old ranch telephone and power poles, which the Park Service wants to remove.

4. Wildcat Beach Service Corridor. The organizations support the proposed service corridor to Wildcat Beach as the way of competently servicing the Wildcat Beach group campsite as well as Glen Camp, and as

The
Wilderness
○ Society

1901 Pennsylvania Ave., N.W., Washington, D. C. 20006 (202) 293-2732

RAYE-PAGE

STATEMENT OF
(MS.) RAYE-PAGE
for
THE WILDERNESS SOCIETY
before the
NATIONAL PARKS AND RECREATION SUBCOMMITTEE
of the
HOUSE INTERIOR AND INSULAR
AFFAIRS COMMITTEE
on
H.R. 8002 and H.R. 7198
to establish
THE POINT REYES WILDERNESS
in
CALIFORNIA

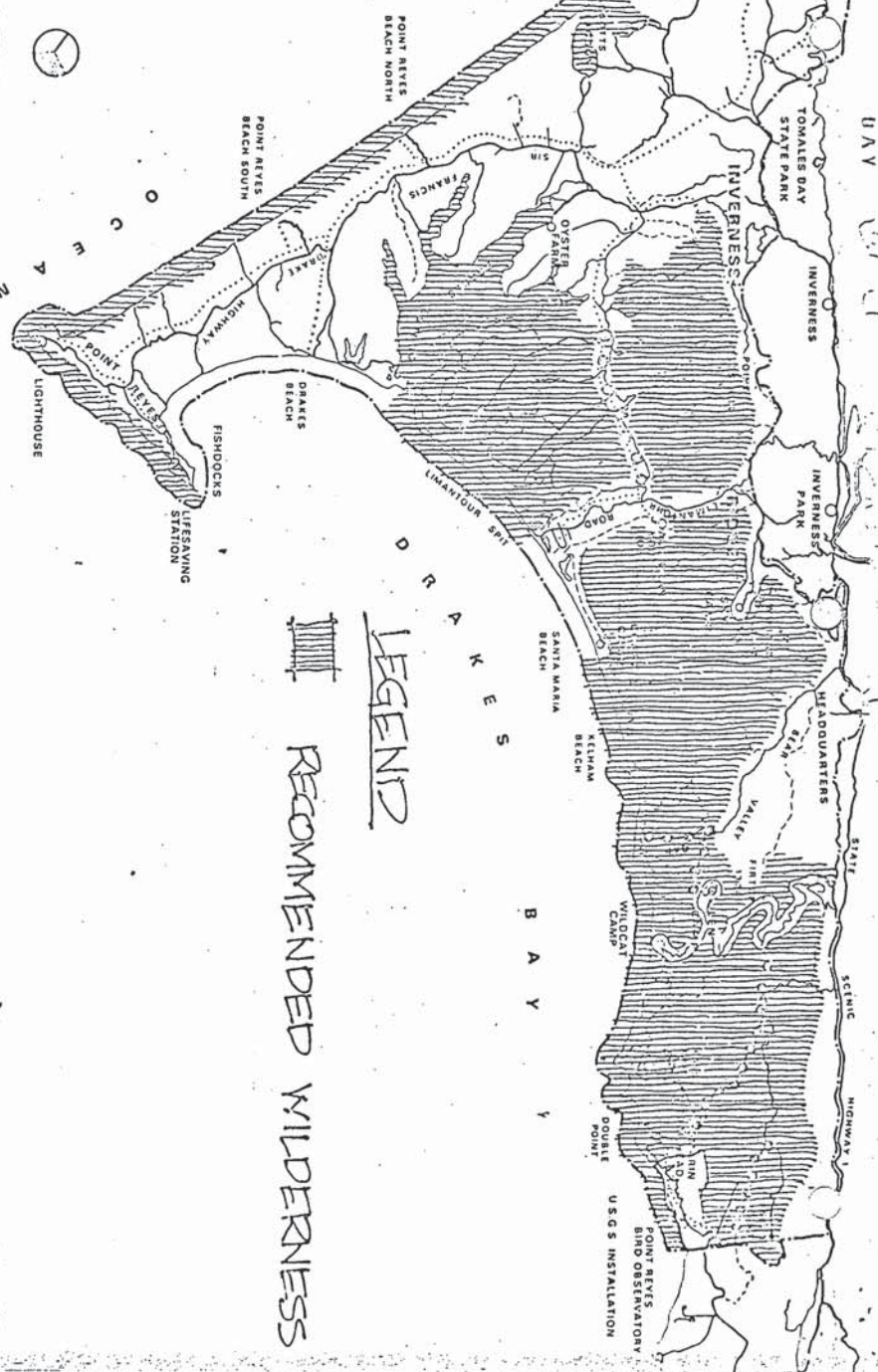
September 9, 1976

"IN WILDNESS IS THE PRESERVATION OF THE WORLD." — Thoreau

also, essentially
the purpose
of
H.R. 18002
and
The Wilderness Society

GOLDEN GATE NPS
CITIZENS ADVISORY COMMISSION
WILDERNESS PLAN
POINT REYES NATIONAL SEASHORE

CALIFORNIA
1976



LEGEND
RECOMMENDED WILDERNESS

I am Raye-Page representing The Wilderness Society. The Society is glad to join with many of the state and national organizations in supporting H.R. 8002 to designate as wilderness approximately 38,700 acres of Point Reyes National Seashore.

Point Reyes, due to its diverse ecosystems including seacoast, beaches and dunes, estuaries and marshes, grasslands and lakes, and forested uplands, has extraordinary resources for a variety of nature oriented recreation. Not only is the scenery spectacular but also the geological and historical characteristics contribute to the interest and importance of this National Seashore.

Point Reyes National Seashore was established in 1962 in recognition of its potential for recreation, its value as a superlative example of vanishing seashore, and its historical and geological significance. The 1962 Act states its primary purpose as follows: "In order to save and preserve for purposes of public recreation, benefits, and inspirations a portion of the diminishing shoreline of the United States that remains undeveloped." According to the legislative history of this Act, it is apparent that public "benefit and inspiration" include preservation and protection of scenic and natural values. Furthermore, the 1916 Act establishing the National Park System is the basic law governing Point Reyes. Defining its purpose, the Act says: "which purpose is to conserve the scenery and natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."

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The great value and the increasing vulnerability to irreparable damage of Point Reyes are cogent reasons for extending the protection of the Wilderness Act to qualifying areas of this National Seashore. Responding to the need for protection, many state citizen groups and national organizations have intensely evaluated Point Reyes for wilderness possibilities. To its great credit, the Park Service has also reappraised its earlier wilderness recommendations and has greatly increased its proposal.

H.R. 8002, which has been introduced by California Congressman John Burton and which proposes 38,700 acres of wilderness comprised of three units to be named Miwok Wilderness, Point Reyes Estero Wilderness, and Point Reyes Clem Miller Wilderness, in general also represents the citizen's wilderness recommendation for Point Reyes. In the Senate, hearings have been completed on a bill by Senators Tunney and Cranston, S. 2472, which is identical to H.R. 8002.

The Wilderness Society wishes to discuss three particular elements of importance to the bill.

1.) Submerged Lands

These lands bordering the seashore and in Drakes Estero are legitimate for wilderness inclusion under the 1964 Wilderness Act and should be part of the Point Reyes Wilderness as protection for its own ecosystems and as a protection for the shores.

- 3

The June 1976 Natural Resources and Management Plan and Environmental Assessment of Point Reyes National Seashore as prepared by the National Park Service contains a section (pp. 28-31) on Beaches and Tidal Zones that presents an excellent description of the characteristics of these parts of the Seashore. This section is attached to my statement.

Some quotations from the Assessment highlight reasons for inclusion of the submerged coastal and Drakes and Limantour Estero lands in wilderness.

- a.) "It is in this narrow zone where the waters of Drakes Bay, the Pacific Ocean, and Tomales Bay meet the park's shorelines that some of the most fragile and significant lifeforms thrive" (p.28).
- b.) "The intertidal zone is one of dynamic confrontation between land and sea. Storm-pushed high tides move vast quantities of sand in and out of the intertidal range, affecting the movement of lifeforms throughout" (p.29).
- c.) "Offshore from the headlands, windswept rocks shelter and provide resting places for significant herds of various seals and sea lions" (p.28).

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d.) "Along the southern Point Reyes peninsula may be found some of the most remote tidepools along the California coast, containing lifeforms living undisrupted by the onslaught of collectors ravaging more accessible coastlines " (p. 29).

e.) "Colonies of shore birds also thrive undisturbed on the offshore rocks" (p.29).

f.) "In terms of preserving and protecting marine life systems, Drakes Estero and Limantour Estero could well be considered the most significant ecological units within the Seashore " (p.29).

g.) "The Point Reyes Beach is simply 10 miles of windswept beach backed by grass-covered dunes and pounded constantly by some of the most violent surfs anywhere in the world...The prevalent cold wind and fog" attract not "the swimmer and sun-bather" but the "heavily garbed sightseers, beach hikers, birdwatchers and picnickers.

The surf off the Point Reyes Beach is cold and hazardous and swimming is prohibited" (pp.30-31).

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Thus, these quotations from the Assessment emphasize the need and importance for granting the protection of wilderness to the submerged lands of Point Reyes coast and esteros.

Another issue to be discussed is:

2.) Fire Control

No special wording concerning fire or fire roads in Point Reyes Wilderness is necessary in the language of the bill because the 1964 Wilderness Act specifically provides for fire control in section 4(d)(1) as follows: "In addition, such measures may be taken as may be necessary in control of fires..." Also in section 4(c), permission is extended to the agency, in this case, the National Park Service, "to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area)..." Furthermore, section 4(2) states that "Nothing in the Act shall modify the statutory authority under which units of the National Park System are created." Therefore, the Park Service has the right to administer a park for its best welfare so long as the natural environment is not adversely affected. Control of fire is a recognizable concern that can be addressed in the Committee Report if necessary.

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Another issues to be mentioned is:

3.) Johnson's Oyster Farm

Within Drakes Estero the oyster culture activity, which is under lease, has a minimal environmental and visual intrusion. Its continuation is permissible as a pre-existing non-conforming use and is not a deterrent for inclusion of the federally owned submerged lands of the Estero in wilderness. The ecological value of this Estero is highly significant and should be granted the best possible protection.

In conclusion, The Wilderness Society considers that wilderness designation for Point Reyes National Seashore would provide the protection necessary for its resources and would also serve as a balance of land use to the Golden Gate National Recreation Area which like Point Reyes is easily accessible to urban populations. The Point Reyes Assessment states that "the proposed wilderness will serve as future protection for portions of the Seashore's rugged coast and mountain environment".

We urge the Congress to move quickly to establish Point Reyes Wilderness before the current session ends.

Thank you for this opportunity to express our views.

EXHIBIT 10

Calendar No. 1287

94TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 94-1357WILDERNESS DESIGNATIONS WITHIN UNITS OF THE
NATIONAL PARK SYSTEM

SEPTEMBER 29, 1976.—Ordered to be printed

Mr. ABOUREZK, for Mr. JOHNSTON, from the Committee on Interior
and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 13160]

The Committee on Interior and Insular Affairs, to which was referred the act (H.R. 13160) to designate certain lands within units of the national park system as wilderness; to revise the boundaries of certain of those units; and for other purposes, having considered the same, reports favorably thereon with amendments to the text and recommends that the act as amended do pass.

The amendments are as follows:

1. Page 3, line 6, strike "October 1975" and insert "July 1972".
2. Page 4, between lines 15 and 16 add three new subsections, (k), (l), and (m), to read as follows:

(k) Point Reyes National Seashore, California, wilderness comprising twenty-five thousand three hundred and seventy acres, and potential wilderness additions comprising eight thousand and three acres, depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612-90,000-B and dated September 1976, to be known as the Point Reyes Wilderness.

(l) Badlands National Monument, South Dakota, wilderness comprising sixty-four thousand two hundred and fifty acres, depicted on a map entitled "Wilderness Plan, Badlands National Monument, South Dakota", numbered 137/20,010 B and dated May 1976, to be known as the Badlands Wilderness.

(m) Shenandoah National Park, Virginia, wilderness comprising seventy-nine thousand and nineteen acres, and potential wilderness additions comprising five hundred and

Saguaro National Monument, Arizona

Saguaro National Monument was established to perpetuate the habitat of the giant Saguaro cactus of the Sonoran Desert. Of the 78,917 total acres within the Monument, the Committee proposes that 71,400 acres should be designated as wilderness. The Committee deleted the National Park Service proposed 10 acre non-wilderness enclave for Manning Camp, and included it as wilderness with the understanding that all structures and non-conforming activities, other than the old historic cabin, will be promptly removed and the site restored to its natural condition. The Committee also included within the wilderness as additional 390 acre tract in the northwestern portion of the Rincon Mountain District. The Committee understands that this 390 acre addition does not include the trail head on the northern boundary of the monument. The trail head includes a parking lot which receives substantial visitor use and should be maintained for that purpose.

Point Reyes National Seashore, California

The Point Reyes National Seashore contains 64,546 acres of California coastline. The Seashore is located along the Pacific Ocean coast north of San Francisco and extends some distance up the coastline and inland, embracing fine beaches, estuarine areas, coastal grasslands, brush covered headlands and steep forested slopes. The area's pastoral appearance constitutes a major contrast to the development landscape of the San Francisco bay region.

Approximately 25,370 acres are proposed for wilderness designation, with 8,003 acres as potential wilderness which will automatically gain wilderness status when the Federal government gains full title to these lands, and when certain non-conforming uses and/or structures are eliminated.

The Committee wishes to explain several situations with respect to possible emergency activities within the proposed wilderness area.

Fire danger at Point Reyes is high during the summer and fall months and for that reason, mechanized equipment may be necessary to maintain passable fire trails.

Further, the Committee does not expect the Park Service to cope with an emergency, such as an oil spill, or the health and safety of park visitors, without the use of mechanized equipment.

The Committee does, however, understand that routine management of the designated area will be carried out without the use of mechanized equipment.

H.R. 13160 amends the Point Reyes National Seashore Act in two respects. The Secretary is instructed to manage the seashore in such a manner as to provide greater resource protection. Secondly, a new section is included which honors the late Clem Miller, who was instrumental in achieving the establishment of Point Reyes as a national seashore, by designating the principle environmental education center within the Seashore as "The Clem Miller Environmental Education Center."

Badlands National Monument, South Dakota

The Badlands National Monument consists of 244,830 acres. Approximately 64,250 acres of scenic prairie grasslands are proposed for wilderness designation.

9th Circuit Case Number(s) 13-15227

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