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**APPROVED**  
**AUG 30 1974**

**EXECUTIVE OFFICE OF THE PRESIDENT**  
**OFFICE OF MANAGEMENT AND BUDGET**  
WASHINGTON, D.C. 20503

**AUG 27 1974**

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**MEMORANDUM FOR THE PRESIDENT**

**Subject: Enrolled Bill H.R. 3620 - Great Dismal Swamp  
National Wildlife Refuge, Virginia and  
North Carolina  
Sponsor - Rep. Downing (D) Virginia and 10 others**

**Last Day for Action**

**September 2, 1974 - Monday**

**Purpose**

**Establishes the Great Dismal Swamp National Wildlife Refuge in Virginia, and authorizes appropriations of not more than \$7,000,000 for land acquisition over a 3-year period ending in fiscal year 1977.**

**Agency Recommendations**

**Office of Management and Budget**

**Approval**

**Department of the Interior**

**Approval**

**Department of the Army**

**No objection  
(Informally)**

**Discussion**

**The Great Dismal Swamp and the Dismal Swamp Canal straddle the border between Virginia and North Carolina at its easterly extreme covering an area of some 385,000 acres. The swamp is an environment of water, plant communities, and wildlife. The Dismal Swamp Canal is now administered by the Corps of Engineers as a part of the Intracoastal Waterway. Under provisions of P.L. 92-478, the Secretary of the Interior was charged with studying the feasibility and desirability of**



preserving the resource values of the Great Dismal Swamp and the Dismal Swamp Canal -- the Secretary's recommendations are to be submitted to the Congress by October 9, 1974.

Up until early 1973, the Union Camp Corporation owned a 49,097 acre tract within the swamp which was valued at \$12.6 million largely on the basis of its timber resources. In February of 1973, the Union Camp Corporation, acting through the Nature Conservancy, donated to Interior a 40 percent undivided interest in this tract, and the remaining 60 percent interest in the land, subject to certain restrictions, will be transferred in subsequent donations over a period of about four years.

H.R. 3620 -- which would have no significant effect on the fiscal year 1975 budget -- would establish the Great Dismal Swamp National Wildlife Refuge in Virginia to be administered by the Secretary of the Interior. The refuge would consist of the 49,097 acre Union Camp Corporation tract, and until the remaining 60 percent interest is donated to Interior, the Secretary would be required to lease such remaining interest on the terms and conditions he deems appropriate. The Secretary would be authorized to acquire additional lands and waters in Virginia and North Carolina by donation, purchase, or exchange, except that such additions could only be made after taking into account the recommendations which may result from the study required under P.L. 92-478 as noted above. Also, the Secretary and the Chief of Engineers, Corps of Engineers would take cooperative actions to insure that any navigational uses of the Dismal Swamp Canal do not adversely affect the refuge.

The enrolled bill would authorize appropriations of not more than \$1,000,000, \$3,000,000, and \$3,000,000 respectively, for fiscal years 1975, 1976, and 1977.

In reporting on the bill, the House Interior Committee noted that the Department of the Interior:

". . . recommended that action be deferred on the legislation pending completion of the study of the Great Dismal Swamp authorized by Public Law 92-478. Upon questioning at the hearings, the Department of the Interior witness admitted that he would have no objection to the bill if appropriately amended to allow for the completion of the study."

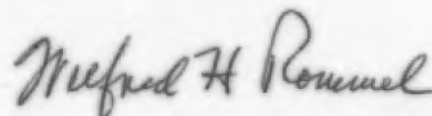
\* \* \*

"After giving careful consideration to the evidence presented at the hearings, the report of the Department of the Interior, and the study that is to be carried out by the Department, your Committee concluded that time is of the essence and that action should be taken immediately if we ever expect to preserve and protect the valuable fish and wildlife resources and remaining habitat of the Great Dismal Swamp. Among other changes, H.R. 3620 was amended to satisfy the concern of the Department of the Interior witness."

In its enrolled bill letter, Interior states that:

"We are disappointed that the Congress did not see fit to await the study's completion. However, we consider the enrolled bill to be a sound framework for establishing the refuge. The study itself is nearing completion and from all indications will not entail a need for major alterations to the enrolled bill. (Specifically, the study thusfar recommends, inter alia, that this Department acquire approximately 67,400 acres for addition to the refuge. We estimate that the total cost to this Department for acquisition and development of refuge lands will be approximately \$20 million). Such alterations in the bill which may be required can be submitted in the form of a legislative proposal by this Department."

This Office will review the Interior study and any resulting legislative proposal in light of the amount authorized in the enrolled bill before additional funding for land acquisition is programmed. In any event, H.R. 3620 will have no impact on fiscal year 1975 budget levels, because this land acquisition would be funded from the Land and Water Conservation Fund which is carried at a specific budget level. Instead, lower priority land acquisition programs that had previously been planned would not be undertaken until a later date.



Assistant Director for  
Legislative Reference

Enclosures

To  
Harrison Headricks  
8-27-74

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

AUG 27 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 3620 - Great Dismal Swamp  
National Wildlife Refuge, Virginia and  
North Carolina  
Sponsor - Rep. Downing (D) Virginia and 10 others

Last Day for Action

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Agency Recommendations

Office of Management and Budget

Approval

Department of the Interior

Approval

Department of the Army

No objection  
(Informally)

Discussion

The Great Dismal Swamp and the Dismal Swamp Canal straddle the border between Virginia and North Carolina at its easterly extreme covering an area of some 385,000 acres. The swamp is an environment of water, plant communities, and wildlife. The Dismal Swamp Canal is now administered by the Corps of Engineers as a part of the Intracoastal Waterway. Under provisions of P.L. 92-478, the Secretary of the Interior was charged with studying the feasibility and desirability of

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 541

Date: August 28, 1974

] Time: 9:00 a. m.

FOR ACTION: Michael Duval  
Phil Buchen  
Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 29, 1974 Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 3620 - Great Dismal Swamp National  
Wildlife Refuge, Virginia and North Carolina

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

*No objection  
D.C.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 541

Date: August 28, 1974

Time:

9:00 a. m.

FOR ACTION: Michael Duval  
Phil Buchen  
Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones

*W.H.*

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 29, 1974

Time:

2:00 p. m.

SUBJECT: Enrolled Bill H. R. 3620 - Great Dismal Swamp National  
Wildlife Refuge, Virginia and North Carolina

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

*OK.  
Mike Duval*

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Warren K. Hendriks  
For the President

THE WHITE HOUSE  
WASHINGTON

August 30, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS  
FROM: WILLIAM E. TIMMONS *WT*  
SUBJECT: Action Memorandum - Log No. 541  
Enrolled Bill H. R. 3620 - Great Dismal Swamp  
National Wildlife Refuge, Virginia and  
North Carolina

The Office of Legislative Affairs concurs in the attached proposal and has no additional recommendations.

Attachment



THE WHITE HOUSE

ACTION MEMORANDUM

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LOG NO.: 541

Date: August 28, 1974

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FOR ACTION: Michael Duval  
Phil Buchen  
✓ Bill Timmons

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Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 29, 1974 Time: 2:00 p. m.

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ACTION REQUESTED:

- For Necessary Action
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- Draft Reply
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- Draft Remarks

REMARKS:

Please return to Kathy Tindle - West Wing

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Warren K. Hendriks  
For the President



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

AUG 26 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on enrolled bill H.R. 3620, "To establish the Great Dismal Swamp National Wildlife Refuge."

We recommend that the bill be approved by the President.

As enrolled, the bill establishes certain lands and waters in Virginia as the Great Dismal Swamp National Wildlife Refuge. The bill provides authority for the Secretary of the Interior to acquire additional lands and waters in Virginia and North Carolina for the refuge, provided he does so after taking into account the recommendations which result from an Interior study of the area required by P.L. 92-478. The Secretary is also authorized to bring to bear on the refuge his full range of statutory authority to conserve and manage wildlife and natural resources, to develop outdoor recreation opportunities, and to foster education. In administering the refuge, the Secretary and the Chief of Engineers, Corp of Engineers, are directed to take cooperative action as necessary to insure that navigational and other uses made of the Great Dismal Swamp Canal (which is outside of the refuge boundaries) do not affect the refuge adversely, with particular attention to maintaining an appropriate water level in Lake Drummond (which is within the boundaries.) To carry out the bill's purposes, there is authorized to be appropriated not to exceed \$1 million for fiscal 1975, \$3 million for fiscal 1976, and \$3 million for fiscal 1977; but in no event can the amount authorized to be appropriated exceed cost estimates included in the report mandated by P.L. 92-478.

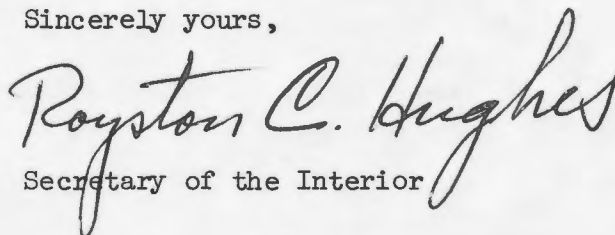
Except for the authorization provisions (section 4), the enrolled bill is identical to the form in which it passed the House of Representatives. The Department's position on the House-passed



Let's Clean Up America For Our 200th Birthday

bill was that, though we had no objection to its enactment, we believed that Congress should defer action until the completion of the study mentioned supra. We are disappointed that the Congress did not see fit to await the study's completion. However, we consider the enrolled bill to be a sound framework for establishing the refuge. The study itself is nearing completion and from all indications will not entail a need for major alterations to the enrolled bill. (Specifically, the study thusfar recommends, inter alia, that this Department acquire approximately 67,400 acres for addition to the refuge. We estimate that the total cost to this Department for acquisition and development of refuge lands will be approximately \$20 million.) Such alterations in the bill which may be required can be submitted in the form of a legislative proposal by this Department. As to the authorization language, although it is the policy of your office to recommend that most authorizations be open-ended, we regard the figures given in the bill as reasonable and recommend that they be accepted.

Sincerely yours,

A handwritten signature in cursive script that reads "Royston C. Hughes". The signature is written in dark ink and is positioned to the right of the typed name.

Assistant Secretary of the Interior

Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C. 20503

THE WHITE HOUSE  
WASHINGTON

8/27/74

TO: WARREN HENDRIKS

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*RDL*  
Robert D. Linder

THE WHITE HOUSE  
WASHINGTON

ENROLLED BILL

SUBJECT: Enrolled Bill H. R. 3620 - Great

Dismal Swamp National Wildlife Refuge,  
Virginia and North Carolina

<u>Name</u>	<u>Approval</u>	<u>Date</u>
<u>Michael Duval</u>	<u>Yes</u>	<u>                    </u>
<u>Phil Buchen</u>	<u>Yes</u>	<u>                    </u>
<u>Bill Timmons</u>	<u>Yes</u>	<u>                    </u>
<u>Ken Cole</u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
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<u>                    </u>	<u>                    </u>	<u>                    </u>

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Comments:

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 541

Date: August 28, 1974

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FOR ACTION: ✓ Michael Duval  
✓ Phil Buchen  
✓ Bill Timmons

cc (for information): Warren K. Hendriks  
Jerry Jones

FROM THE STAFF SECRETARY

DUE: Date: Thursday, August 29, 1974 Time: 2:00 p. m.

SUBJECT: Enrolled Bill H. R. 3620 - Great Dismal Swamp National  
Wildlife Refuge, Virginia and North Carolina

ACTION REQUESTED:

- |   |  |
|---|--|
| <input type="checkbox"/> For Necessary Action     | <input checked="" type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply                         |
| <input type="checkbox"/> For Your Comments        | <input type="checkbox"/> Draft Remarks                       |

REMARKS:

Please return to Kathy Tindle - West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

# Ninety-third Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-first day of January,  
one thousand nine hundred and seventy-four*

## An Act

To establish the Great Dismal Swamp National Wildlife Refuge.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) there is established a national wildlife refuge to be known as the "Great Dismal Swamp National Wildlife Refuge" (hereinafter referred to in this Act as the "Refuge"). The Refuge shall consist of—

(1) those lands and waters, comprising forty-nine thousand ninety-seven and eleven one-thousandths acres, of which a 40 per centum undivided interest therein was granted to the United States of America by The Nature Conservancy by deed dated February 22, 1973, and which are more particularly described in exhibit A of the deed, dated February 21, 1973, by which such interest in such lands and waters was granted to The Nature Conservancy by the Union Camp Corporation (and such deeds shall be on file and available for public inspection in the office of the Bureau of Sport Fisheries and Wildlife, Department of the Interior); and

(2) such additional lands and waters and interests therein as the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire after the date of the enactment of this Act pursuant to section 3 of this Act.

(b) Until such time as the remaining undivided interest in the lands and waters described in subsection (a)(1) of this section is granted to the Secretary, he shall lease such remaining interest on such terms and conditions as he deems appropriate.

SEC. 2. Subject to such restrictions, conditions, and reservations as are specified in the deeds referred to in the first section of this Act, the Secretary shall administer the lands and waters and interests therein within the Refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), except that the Secretary may utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretative education as he deems appropriate to carry out the purposes of this Act. In the administration of the Refuge, the Secretary and the Chief of Engineers, Corps of Engineers, shall enter into such consultations and take such cooperative actions as they deem necessary and appropriate to insure that any navigational or other uses made of the Dismal Swamp Canal do not adversely affect the Refuge and, in this regard, particular attention shall be given by the Secretary and the Chief of Engineers with respect to maintaining an appropriate water level in Lake Drummond.

SEC. 3. The Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange, such lands and waters and interests therein (including in-holdings) that are adjacent to the lands and waters described in subsection (a)(1) of the first section of this Act and are within the area known as the Great Dismal Swamp located in the States of Virginia and North Carolina as he determines to be suitable to carry out the purposes of this Act; except that the Secretary may not acquire any such lands and waters and interests therein by purchase or exchange without first taking into account such recommendations as may result from the study required under Public Law 92-478, approved October 9, 1972 (86 Stat. 793-794).

H. R. 3620—2

SEC. 4. (a) Except as provided in subsection (b) of this section, there is authorized to be appropriated for the fiscal year ending June 30, 1975, not to exceed \$1,000,000; for the fiscal year ending June 30, 1976, not to exceed \$3,000,000; and for the fiscal year ending June 30, 1977, not to exceed \$3,000,000.

(b) In no event shall the amount authorized to be appropriated exceed the cost estimates of the report to be submitted to the Congress by the Secretary pursuant to Public Law 92-478.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*



# Calendar No. 997

93D CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 93-1039

## GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE

---

JULY 30, 1974.—Ordered to be printed

---

Mr. HART, from the Committee on Commerce, submitted  
the following

### REPORT

[To accompany H.R. 3620]

The Committee on Commerce, to which was referred the bill (H.R. 3620) to create the Dismal Swamp National Wildlife Refuge, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

### PURPOSE

The purpose of the legislation is to preserve the fish and wildlife resources and habitat within the Great Dismal Swamp in the States of Virginia and North Carolina.

In achieving this purpose, the legislation would establish as the Great Dismal Swamp National Wildlife Refuge those lands and waters located in the State of Virginia, comprising 49,097 acres, of which a 40 per centum undivided interest therein has been deeded, without consideration, to the United States by the Union Camp Corporation, by way of the Nature Conservancy. In addition, the Secretary of the Interior would be authorized to acquire such additional lands and waters within the area known as the Great Dismal Swamp located in the States of Virginia and North Carolina as he may determine to be suitable to carry out the purposes of this Act.

### BACKGROUND AND NEED

The Great Dismal Swamp comprises some 385,000 acres located between Norfolk, Virginia, and Elizabeth City, North Carolina. Approximately 40 percentum of the Swamp is located in Virginia and 60 percent in North Carolina. Much of the Swamp in Virginia was once owned by George Washington, Patrick Henry, and other prominent

Virginians. Construction of a canal through the Swamp was begun in 1793, and was completed in 1805. Located nearly in the center of the Swamp is Lake Drummond, a circular body of water 2½ miles in diameter. In 1929, the Canal and the Feeder Ditch to Lake Drummond became the property of the U.S. Government.

The Dismal Swamp is virtually solid forest, most of which has been cut over at least once. The simplest ecological breakdown of the swamp forest falls into two categories; the wetter, Dark Swamp of bald cypress, gum, and red maple (the dominant tree in the forest), and the drier Light Swamp of juniper, pine, and mixed hardwoods. The plant communities in the swamp consist of Cypress-Tupelo Gum, Swamp Black Gum, Mixed Swamp (red maple and black gum), Atlantic White Cedar (juniper), Upland Border (oaks, ashes, elms, loblolly pine, etc.) and two non-forest communities, Pocosin or Evergreen Shrub Bog and Switch Cane.

The Great Dismal Swamp abounds with fish and wildlife. A great variety of fish live in the waters of Lake Drummond (about 3,000 acres in size), the ditches and canals, and the small ponds throughout the swamp. The dominant fish appear to be golden shiners, yellow perch, speckles, sunfish, catfish, black crappies, and red-fin pickerel. Other water species include a variety of snapping turtles, bullfrogs, and tree frogs.

The Dismal Swamp has a low mammal population. The largest mammal is the black bear. The chief game animal is the white-tailed deer. Bobcats and river otters are widely distributed throughout the swamp, but seldom seen. Marsh rabbits, cotton mice, and cotton mink are not very numerous, but the raccoon and opossum, are very common, as is the cottontail rabbit. The muskrat and nutria are also common to the swamp. At least one small mammal appears to be unique to the swamp: the Dismal Swamp shorttailed shrew. Other small mammals include the flying and grey squirrels, the red and silver-haired bats, pygmy and least shrews, and pine and field voles.

Bird life in the Dismal Swamp is unusual. About 75 species of birds are known to nest in the swamp and in unknown, but much larger numbers, are transients or winter visitors. Common nesting birds in the swamp include the most colorful birds in America, such as the pileated woodpecker and the prothonotary warbler. Of the dozen species of warblers that nest in the swamp, two species are relatively rare elsewhere: Wayne's warbler and the Southern Swainson's warbler. Other bird species in the swamp include the yellowbilled cuckoo, cardinal, Carolina wren, red-eyed vireo, and yellowthroat. One does see a few specimens of the fish-eating birds like ospreys, herons, and cormorants. Black and turkey vultures hunt around and all over the swamp, as do the red-shouldered hawk and the barred owl. Waterfowl, including Canada geese and whistling swans, use Lake Drummond for a resting area. During wet winters, mallards, blacks and wood ducks feed in flooded areas.

On February 22, 1973, the Department of the Interior received a deed conveying a 40 percent undivided interest in 49,097 acres of the Great Dismal Swamp in Virginia to be managed as a national wildlife refuge. The land donation, which is valued at \$12.6 million and is the largest single land donation ever made to the Federal Government for wildlife conservation, was made by the Union Camp Corporation

by way of the Nature Conservancy, a national land preservation organization which served as an unpaid middleman. The Department of the Interior plans to lease the remaining 60 percent undivided interest in the 49,097 acre tract of land pending a conveyance of the remainder of the undivided interest over a period of about four years. The 49,097 acre tract represents about 20 percent of the Swamp's total remaining acreage, and half of the Swamp area in Virginia; the remaining 60 percent of the Swamp is in neighboring North Carolina. No significant timber harvesting has occurred on the property during the past 25 years. The conveyance includes Lake Drummond.

With respect to the deed restrictions, the Union Camp Corporation retains right of first refusal on any gas and oil leasing or timber sales that may be recommended by the Secretary of the Interior. The disposition of minerals and timber are to be determined by the Secretary. Gas and oil are not known to be in the area at this time and timber sales are not considered to be probable. The Nature Conservancy deed includes a provision that title to the land will revert to the Conservancy if the land is not managed for National Wildlife Refuge purposes. Other restrictions included in the Conservancy deed require that there be no major physical developments, timber harvest, or major surface disturbance to soil or vegetation, or use of chemical biocides without express permission of donor. Also, subject to the availability of funds, the Bureau of Sport Fisheries and Wildlife is required to prepare within 18 months of the conveyance a use plan for the premises.

The intent of the donors is to have the area managed in accordance with the National Wildlife Refuge Administration Act of 1966, and to preserve and enhance the integrity and the natural character of the swamp. As a new wildlife refuge, the area is, by law, closed to all forms of public use until such uses are specifically permitted. Hunting, fishing, and recreational uses are, therefore, prohibited at the outset. However, it is anticipated that such activities will be permitted after a master management plan is developed.

On October 7, 1972, the Congress enacted Public Law 92-478, which authorized the Secretary of the Interior to expend up to \$50,000 to conduct an investigation and study to determine (1) the feasibility and desirability of protecting and preserving the ecological, scenic, recreational, historical, and other resource values of the Great Dismal Swamp and the Dismal Swamp Canal, with particular emphasis on the development of the Canal for recreational boating purposes; (2) the potential alternative uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and (3) the types of Federal, State, and local programs, if any, that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in (1) above including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means. The Secretary was directed to report to the Congress, by October 9, 1974, the results of any study carried out together with his recommendations.

The study authorized by Public Law 92-478 is being carried out by the Bureau of Sport Fisheries and Wildlife, the National Park

Service, and the Bureau of Outdoor Recreation in cooperation with State and local interests.

The need for this legislation arises from the fact that it is implicit in the conveyance of a major gift of land to the United States that, if the area is managed for purposes other than that of national wildlife refuge, it will revert to the National Conservancy. The Committee believes that enactment of this legislation is necessary in order to give permanence to the establishment and management of this area as a national wildlife refuge. Such legislation would appear to be particularly appropriate at a time when budget restraints might compel the Department of the Interior to disestablish refuges established by administrative action and to transfer such refuges to the States.

Furthermore, there is some indication that the main thrust of the study being carried out under Public Law 92-478 is being directed toward promotion of recreational uses of the Dismal Swamp Canal. In view of the foregoing and in view of the fact that Lake Drummond has been drained dry in the past to accommodate recreational boating in the Canal, it is necessary to establish a refuge of this donated area and to require that the use of the waters in Lake Drummond be coordinated between the Corps of Engineers and the Department of the Interior in such a way that the fish and wildlife resources of the Lake and the refuge are given the protection to which they are entitled.

#### LEGISLATIVE BACKGROUND

H.R. 3620 was passed by the House on June 5, 1973.

On June 18, 1973, H.R. 3620 was referred to the Senate Commerce Committee. After hearings on this and other fish and wildlife legislation on April 11, 1974, and May 8, 1974. The Committee ordered the bill to be reported on May 14, 1974, with an amendment. The amendment strikes the unlimited authorization of appropriation contained in section 4 of the House-passed bill and places a limit upon appropriations, which shall not exceed the cost estimates of the study required under Public Law 92-478.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1*

Section 1 would establish the Great Dismal Swamp National Wildlife Refuge. The refuge would be composed of those lands and waters located in the State of Virginia, comprising 49,097 acres, of which a 40 per centum undivided interest therein has been deeded to the United States by the Union Camp Corporation by way of the Nature Conservancy. The deeds of conveyance, which were made without consideration, are to remain on file and available for public inspection in the office of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Also to be included in the refuge would be such additional lands and waters and interests therein as the Secretary may acquire in the Great Dismal Swamp in the States of Virginia and North Carolina.

This section would also require the Secretary to lease the remaining interest (60 per centum as of this date) in the 49,097 acres on such terms and conditions as he deems appropriate until such time as the remaining undivided interest in this tract is granted to the Secretary.

##### *Section 2*

Section 2 of the bill would require the Secretary to administer the lands and waters within the refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966, as amended. The lands and waters described in the deeds from the Union Camp Corporation and the Nature Conservancy would be required to be administered in accordance with the restrictions, conditions, and reservations specified in such deeds.

In addition, the Secretary would be authorized to utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education, as he may deem appropriate to carry out the purposes of the act.

In the administration of the refuge, section 2 of the bill would require the Secretary and the Corps of Engineers to enter into such consultations and take such cooperative actions as they may deem necessary to insure that any navigational and other uses of the Canal would not adversely affect the refuge. In this regard, particular attention would be required to be given to maintaining an appropriate water level in Lake Drummond.

##### *Section 3*

Section 3 of the bill would authorize the Secretary to acquire, by donation, purchase with donated or appropriated funds, or exchange, lands and waters and interests therein (including inholdings) that are adjacent to the 49,097 acres described in Section 1 of the bill and within the area known as the Great Dismal Swamp located in the States of Virginia and North Carolina. However, with respect to the acquisition of any such lands and waters and interests therein by purchase or exchange, the Secretary first would have to take into account such recommendations as may result from the study of this area required under Public Law 92-478, which recommendations are due to be filed no later than October 9, 1974.

##### *Section 4*

Section 4 authorizes to be appropriated such sums as are necessary to carry out the purposes of this act, except that such sums shall not exceed \$1,000,000 for the fiscal year ending on June 30, 1975; \$3,000,000 for the fiscal year ending June 30, 1976, and \$3,000,000 for the fiscal year ending June 30, 1977. In addition, at no time shall the amount authorized exceed the cost estimates of the report authorized by Public Law 92-478.

#### TRIBUTE

The Committee would like to take this opportunity to thank the Union Camp Corporation for donating 49,097 acres of its property to the United States to be administered as a unit of the National Wildlife Refuge System. The Committee is cognizant of the fact that this is the largest single donation ever made to the United States Government for wildlife conservation purposes and is most hopeful that the fine example of public service set by the Union Camp Corporation will inspire other property holders of valuable wildlife habitat to follow suit by making similar donations.

The Committee would also like to thank the Nature Conservancy for the role it played in making this donation possible and to encourage the Conservancy and other conservation organizations to seek out similar donations in the future. With budgetary restraints and habitat rapidly disappearing and being diverted to other uses, donations of this nature are vital to the preservation and conservation of the fisheries and wildlife resources of this Nation for the benefit and enjoyment of all future generations.

#### COST OF THE LEGISLATION

In accordance with section 252 of the Legislative Reorganization Act of 1970, the Committee estimates, based on figures provided by the Department of the Interior that the maximum cost to the Federal Government for the current fiscal year and the next five succeeding fiscal years for operation and maintenance of the refuge would be as follows: for fiscal year 1974—\$60,000; for 1975—\$240,000; for 1976—\$265,000; for 1977—\$290,000; and for 1978—\$315,000.

In addition, it is estimated by the Department of the Interior that an additional \$100,000 would be needed for the development of a refuge master plan as soon as possible.

While a precise estimate of the acquisition costs of any additional lands recommended to be purchased under the study authorized by Public Law 92-478 will not be available until that study is finished, based on experience with other refuge areas and informal estimates by experts in the field, the Committee estimates at this time that the total costs of land acquisition over a 3-year period should not exceed \$7,000,000. Of course, when the results of the study required under Public Law 92-478 are finalized, a precise estimate will be possible. If the actual estimate is greater than the appropriation authorization contained in this legislation, the Congress will have an opportunity to reexamine the matter when the authorization is extended beyond three years, or when other amendments to this Act are considered.

#### TEXT OF H.R. 3620, AS REPORTED

##### AN ACT To establish the Great Dismal Swamp National Wildlife Refuge

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a national wildlife refuge to be known as the "Great Dismal Swamp National Wildlife Refuge" (hereinafter referred to in this Act as the "Refuge"). The Refuge shall consist of—*

(1) those lands and waters, comprising forty-nine thousand ninety-seven and eleven one-thousandths acres, of which a 40 per centum undivided interest therein was granted to the United States of America by The Nature Conservancy by deed dated February 22, 1973, and which are more particularly described in exhibit A of the deed, dated February 21, 1973, by which such interest in such lands and waters was granted to The Nature Conservancy by the Union Camp Corpo-

ration (and such deeds shall be on file and available for public inspection in the office of the Bureau of Sport Fisheries and Wildlife, Department of the Interior); and

(2) such additional lands and waters and interests therein as the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire after the date of the enactment of this Act pursuant to section 3 of this Act.

(b) Until such time as the remaining undivided interest in the lands and waters described in subsection (a)(1) of this section is granted to the Secretary, he shall lease such remaining interest on such terms and conditions as he deems appropriate.

SEC. 2. Subject to such restrictions, conditions, and reservations as are specified in the deeds referred to in the first section of this Act, the Secretary shall administer the lands and waters and interests therein within the Refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), except that the Secretary may utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretative education as he deems appropriate to carry out the purposes of this Act. In the administration of the Refuge, the Secretary and the Chief of Engineers, Corps of Engineers, shall enter into such consultations and take such cooperative actions as they deem necessary and appropriate to insure that any navigational or other uses made of the Dismal Swamp Canal do not adversely affect the Refuge and, in this regard, particular attention shall be given by the Secretary and the Chief of Engineers with respect to maintaining an appropriate water level in Lake Drummond.

SEC. 3. The Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange, such lands and waters and interests therein (including inholdings) that are adjacent to the lands and waters described in subsection (a)(1) of the first section of this Act and are within the area known as the Great Dismal Swamp located in the States of Virginia and North Carolina as he determines to be suitable to carry out the purposes of this Act; except that the Secretary may not acquire any such lands and waters and interests therein by purchase or exchange without first taking into account such recommendations as may result from the study required under Public Law 92-478, approved October 9, 1972 (86 Stat. 793-794).

SEC. 4. (a) *Except as provided in subsection (b) of this section, there is authorized to be appropriated for the fiscal year ending June 30, 1975, not to exceed \$1,000,000; for the fiscal year ending June 30, 1976, not to exceed \$3,000,000; and for the fiscal year ending June 30, 1977, not to exceed \$3,000,000.*

(b) In no event shall the amount authorized to be appropriated exceed the cost estimates of the report to be submitted to the Congress by the Secretary pursuant to Public Law 92-478.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

#### AGENCY COMMENTS

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., August 1, 1973.

HON. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your committee has requested the views of this Department on H.R. 3620, a bill to establish the Great Dismal Swamp National Wildlife Refuge, which passed the House of Representatives on June 5, 1973.

While we have no objection to the enactment of H.R. 3620, as passed by the House, we recommend that the Congress defer action on this bill until the Department has completed its study of the Great Dismal Swamp authorized by Public Law 92-478.

H.R. 3620 would establish the Great Dismal Swamp National Wildlife Refuge, consisting of those lands and waters of which a 40 percent interest was granted the United States by the Nature Conservancy by deed dated February 22, 1973, and such other lands, waters, and interests therein as the Secretary of the Interior may acquire pursuant to section 3 of this bill. H.R. 3620 would further authorize the Secretary to administer the area in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and to provide for the development of outdoor recreational opportunities and interpretative education as he deems appropriate. In addition, the Secretary and the Chief of Engineers, Corps of Engineers would be required to consult and cooperate as necessary and appropriate to insure against adverse effects of navigational and other uses of the Dismal Swamp Canal and to maintain an appropriate water level in Lake Drummond. The Secretary is further authorized to acquire by donation, purchase, or exchange lands, waters, or interests therein adjacent to the area described in the first section of the bill except that he may not acquire any such lands by purchase or exchange without first taking into account such recommendations as may result from the study required by Public Law 92-478. There would be authorized to be appropriated such sums as may be necessary to carry out the purposes of the bill.

The 92d Congress enacted Public Law 92-478, authorizing the Secretary of the Interior to study the Great Dismal Swamp and the Dismal Swamp Canal to determine the feasibility, desirability, and methodology for protecting and preserving the area. This authorization provided that the study also consider various alternatives and the cost for implementation, and required the Secretary to report to the Congress upon completion of the study, or within 2 years of the date of enactment.

On February 22, 1973, the Department of the Interior accepted control and a 40-percent interest in about 50,000 acres of land in the Dismal Swamp for establishment of a wildlife refuge. The remaining interest in the land, subject to certain restrictions, will be transferred in subsequent donations in 1974 and 1975. At that time we stated that the study authorized by Public Law 92-478 would be carried out by the Bureau of Sport Fisheries and Wildlife, the National Park Service, and the Bureau of Outdoor Recreation, with the cooperation of others having an interest in and knowledge of the entire Swamp. The study will address itself to the preservation of the remainder of the Swamp, taking into consideration the impact the present donation will have on the preservation of the area in the general public interest. The enactment of H.R. 3620 could serve to restrict the study team's freedom of planning for this area and unnecessarily limit their ability to carry out the mandate of Public Law 94-478.

In addition, this bill provides no new authority needed by the Secretary to establish a wildlife refuge. Sufficient authority already exists in the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) to carry out the purposes of these bills. It was pursuant to this authority that we accepted control of the 50,000 acres of land in the Dismal Swamp and designated it the "Dismal Swamp National Wildlife Refuge" in order to avoid confusion with the Great Swamp National Wildlife Refuge in New Jersey which is currently administered by the Bureau of Sport Fisheries and Wildlife of this Department.

For these reasons we suggest that the committee defer action on these bills until the study authorized by Public Law 92-478 is completed and the Secretary's report is submitted to the Congress. At that time it will be possible to determine whether or not additional authority is necessary to implement such recommendations as may be contained in that report.

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

Sincerely yours,

NATHANIEL P. REED,  
Assistant Secretary of the Interior.

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## GREAT DISMAL SWAMP NATIONAL WILDLIFE REFUGE

MAY 31, 1973.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

### REPORT

[To accompany H.R. 3620]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 3620) to establish the Great Dismal Swamp National Wildlife Refuge, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

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

That (a) there is established a national wildlife refuge to be known as the "Great Dismal Swamp National Wildlife Refuge" (hereinafter referred to in this Act as the "Refuge"). The Refuge shall consist of—

(1) those lands and waters, comprising 49,097.011 acres, of which a 40 per centum undivided interest therein was granted to the United States of America by The Nature Conservancy by deed dated February 22, 1973, and which are more particularly described in Exhibit A of the deed, dated February 21, 1973, by which such interest in such lands and waters was granted to the Nature Conservancy by the Union Camp Corporation (and such deeds shall be on file and available for public inspection in the Office of the Bureau of Sport Fisheries and Wildlife, Department of the Interior); and

(2) such additional lands and waters and interests therein as the Secretary of the Interior (hereinafter referred to in this Act as the "Secretary") may acquire after the date of the enactment of this Act pursuant to section 3 of this Act.

(b) Until such time as the remaining undivided interest in the lands and waters described in subsection (a) (1) of this section are granted to the Secretary, he shall lease such remaining interest on such terms and conditions as he deems appropriate.

Sec. 2. Subject to such restrictions, conditions, and reservations as are specified in the deeds referred to in the first section of this Act, the Secretary shall administer the lands and waters and interests therein within the Refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd—668ee), except that the Secretary may utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development

of outdoor recreation opportunities, and interpretative education as he deems appropriate to carry out the purposes of this Act. In the administration of the Refuge, the Secretary and the Chief of Engineers, Corps of Engineers, shall enter into such consultation and take such cooperative actions as they deem necessary and appropriate to insure that any navigational or other uses made of the Dismal Swamp Canal do not adversely affect the Refuge and, in this regard, particular attention shall be given by the Secretary and the Chief of Engineers with respect to maintaining an appropriate water level in Lake Drummond.

Sec. 3. The Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange, such lands and waters and interests therein (including inholdings) that are adjacent to the lands and waters described in subsection (a) (1) of the first section of this Act and are within the area known as the Great Dismal Swamp located in the States of Virginia and North Carolina as he determines to be suitable to carry out the purposes of this Act; except that the Secretary may not acquire any such lands and waters and interests therein by purchase or exchange without first taking into account such recommendations as may result from the study required under Public Law 92-478, approved October 9, 1972 (86 Stat. 793-794).

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

#### PURPOSE OF THE BILL

The purpose of the legislation is to preserve the fish and wildlife resources and habitat within the Great Dismal Swamp in the States of Virginia and North Carolina.

In achieving this purpose, the legislation would establish as the Great Dismal Swamp National Wildlife Refuge those lands and waters located in the State of Virginia, comprising 49,097 acres, of which a 40 per centum undivided interest therein has been deeded, without consideration, to the United States by the Union Camp Corporation, by way of the Nature Conservancy. In addition, the Secretary of the Interior would be authorized to acquire such additional lands and waters within the area known as the Great Dismal Swamp located in the States of Virginia and North Carolina as he may determine to be suitable to carry out the purposes of this Act. There would be authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

#### LEGISLATIVE BACKGROUND

H.R. 3620 was introduced on February 5, 1973, by Mr. Downing and the remainder of the Virginia delegation in the House of Representatives. The cosponsors are as follows: Mr. Whitehurst, Mr. Robert W. Daniel, Jr., Mr. Robinson, Mr. Satterfield, Mr. Broyhill, Mr. Wampler, Mr. Butler, Mr. Parris, and Mr. W. C. (Dan) Daniel. An earlier identical bill, H.R. 2588, was also introduced by Mr. Downing.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment held hearings on the legislation on May 3, 1973. All witnesses testifying at the hearings were in strong support of the legislation, except the witness from the Department of the Interior, who recommended that action be deferred on the legislation pending completion of the study of the Great Dismal Swamp authorized by Public Law 92-478. Upon questioning at the hearings, the Department of the Interior witness admitted that he would have no objection to the bill if appropriately amended to allow for the completion of the study.

After giving careful consideration to the evidence presented at the hearings, the report of the Department of the Interior, and the study that is to be carried out by the Department, your Committee concluded that time is of the essence and that action should be taken immediately if we ever expect to preserve and protect the valuable fish and wildlife resources and remaining habitat of the Great Dismal Swamp. Among other changes, H.R. 3620 was amended to satisfy the concern of the Department of the Interior witness. Your Committee unanimously ordered reported to the House H.R. 3620, with an amendment, by voice vote. The amendment was accomplished by striking out all after the enacting clause and substituting in lieu thereof new language.

#### BACKGROUND AND NEED FOR THE LEGISLATION

The Great Dismal Swamp is located between Norfolk, Virginia, and Elizabeth City, North Carolina, with approximately 40 percent of the Swamp in Virginia and 60 percent in North Carolina. The Dismal Swamp comprises some 385,000 acres. Much of the Swamp in Virginia was once owned by George Washington, Patrick Henry, and other prominent Virginians. Construction of the Dismal Swamp Canal through the Swamp was begun in 1793, not being completed until 1805. Located nearly in the center of the Swamp is Lake Drummond, a circular body of water 2½ miles in diameter. In 1929, the Canal and the Feeder Ditch to Lake Drummond became the property of the U.S. Government audits operation was taken over by the Army Corps of Engineers.

The Dismal Swamp is virtually solid forest, most of which has been cut over at least once. The simplest ecological breakdown of the swamp forest falls into two categories: the wetter, Dark Swamp of bald cypress, gum, and red maple (the dominant tree in the forest), and the drier Light Swamp of juniper, pine, and mixed hardwoods. The plant communities in the swamp consist of Cypress-Tupelo Gum, Swamp Black Gum, Mixed Swamp (red maple and black gum), Atlantic White Cedar (juniper), Upland Border (oaks, ashes, elms, loblolly pine, etc.) and two non-forest communities, Pocosin or Evergreen Shrub Bog and Switch Cane.

The Great Dismal Swamp is abundant with fish and wildlife. A great variety of fishes live in the waters of Lake Drummond (about 3,000 acres in size), the ditches and canals, and the small ponds throughout the swamp. The dominant fishes appear to be golden shiners, yellow perch, speckles, strange little sunfish (the most beautiful being the Blue-spotted sunfish), catfish, black crappies, and red-fin pickerel. Other water species include a variety of snapping turtles, bullfrogs, and tree frogs.

The Dismal Swamp has a surprisingly low mammal population, the largest mammal being the black bear. The chief game animal is the white-tailed deer. Bobcats and river otters are widely distributed throughout the swamp, but seldom seen. Marsh rabbits, cotton mice, and cotton mink are not very numerous but the raccoon and opossum are very common, as is the cottontail rabbit. The muskrat and nutria are also common to the swamp. At least one small mammal appears to

be unique to the swamp: the Dismal Swamp shorttailed shrew. Other small mammals include the flying and grey squirrels, the red and silver-haired bats, pygmy and least shrews, and pine and field voles.

Bird life in the Dismal Swamp is unusual. About 75 species of birds are known to nest in the swamp and in unknown, but much larger number, are transients or winter visitors. Some of the commonest nesting birds are among the most colorful birds in America, such as the pileated woodpecker and the prothonotary warbler. Of the dozen species of warblers that nest in the swamp are two species that are relatively rare elsewhere: Wayne's warbler and the Southern Swainson's warbler. Other bird species in the swamp include the yellow-billed cuckoo, cardinal, Carolina wren, red-eyed vireo, and yellow-throat. One does see a few specimens of the fish-eating birds like ospreys, herons, and cormorants. Black and turkey vultures hunt around and all over the swamp, as do the red-shouldered hawk and the barred owl. Waterfowl, including Canada geese and whistling swans, use Lake Drummond for a resting area. During wet winters, mallards, blacks and wood ducks feed in flooded areas.

On February 22, 1973, the Department of the Interior received a deed conveying a 40 percent undivided interest in 49,097 acres of the Great Dismal Swamp in Virginia to be managed as a national wildlife refuge. The land donation, valued at \$12.6 million and the largest single land donation ever made to the Government for wildlife conservation, came from Union Camp Corporation by way of the Nature Conservancy, a national land preservation organization which served as an unpaid middleman. The Department of the Interior plans to lease the remaining 60 percent undivided interest in the 49,097 acre tract of land pending a conveyance of the remainder of the undivided interest over a period of about four years. The 49,097 acre tract represents about 20 percent of the Swamp's total remaining acreage, and half of the Swamp area in Virginia; the remaining 60 percent of the Swamp is in neighboring North Carolina. No significant timber harvesting has occurred on the property during the past 25 years. The conveyance includes Lake Drummond.

With respect to the deed restrictions, the Union Camp Corporation retains right of first refusal on any gas and oil leasing or timber sales that may be recommended by the Secretary of the Interior. The disposition of minerals and timber are to be determined by the Secretary. Gas and oil are not known to be in the area at this time and timber sales are not considered to be probable. The Nature Conservancy deed includes a provision that title to the land will revert to the Conservancy if the land is not managed for National Wildlife Refuge purposes. Other restrictions included in the Conservancy deed require that there be no major physical developments, timber harvest, or major surface disturbance to soil or vegetation, or use of chemical biocides without express permission of donor. Also, subject to the availability of funds, the Bureau of Sport Fisheries and Wildlife is required to prepare within 18 months of the conveyance a use plan for the premises.

The intent of the donors is to have the area managed in accordance with the National Wildlife Refuge Administration Act of 1966, and to preserve and enhance the integrity and the natural character of the

swamp. As a new wildlife refuge, the area is, by law, closed to all forms of public use until such uses are specifically permitted. Hunting, fishing, and recreational uses are, therefore, prohibited at the outset. However, it is anticipated that such activities will be permitted after a master management plan is developed.

On October 7, 1972, the Congress enacted Public Law 92-478, which emanated from the House and Senate Interior and Insular Affairs Committees. This law authorized the Secretary of the Interior to expend up to \$50,000 to conduct an investigation and study to determine (1) the feasibility and desirability of protecting and preserving the ecological, scenic, recreational, historical, and other resource values of the Great Dismal Swamp and the Dismal Swamp Canal, with particular emphasis on the development of the Canal for recreational boating purposes; (2) the potential alternative uses of the water and related land resources involved, taking into consideration appropriate uses of the land for residential, commercial, industrial, agricultural, and transportation purposes, and for public services; and (3) the types of Federal, State, and local programs, if any, that are feasible and desirable in the public interest to preserve, develop, and make accessible for public use the values set forth in (1) including alternative means of achieving these values, together with a comparison of the costs and effectiveness of these alternative means. The Secretary is required to report to the Congress by October 9, 1974 the results of any study carried out together with his recommendations.

The study authorized by Public Law 92-478 is being carried out by the Bureau of Sport Fisheries and Wildlife, the National Park Service, and the Bureau of Outdoor Recreation in cooperation with State and local interests.

The need for this legislation arises from the fact that since the enactment of Public Law 92-478 on October 9, 1972, which authorized the study to be carried out of the Great Dismal Swamp, a 40 percent undivided interest in 49,097 acres of this area has been given to the United States, with the remaining 60 percent interest to be given to the United States over a period of three to four years. In addition, your Committee is concerned that the main thrust of the study being carried out under Public Law 92-478 is being directed toward promotion of recreational uses of the Dismal Swamp Canal. In view of the foregoing and in view of the fact that Lake Drummond has been drained dry in the past to accommodate recreational boating in the Canal, your Committee in its wisdom deemed it necessary to report legislation that would establish a refuge of this donated area and also require that the use of the waters in Lake Drummond be coordinated between the Corps of Engineers and the Department of the Interior in such a way that the fish and wildlife resources of the Lake and the refuge are given the protection to which they are entitled. Your Committee did not see any value in delaying the reporting of this legislation until the study had been completed since the Secretary, under the legislation, would be required to give consideration to the recommendations resulting from the study before acquiring by purchase or exchange any additional acres to be included in the refuge.

In addition, it has been brought to the attention of your Committee



that because of budgetary restraints the Department of the Interior has plans underway to disestablish several refuges that had been established by administrative actions and transfer such refuges to the States. Although representatives of the Department denied any such plans, your Committee was concerned that refuges established by any way other than by an Act of Congress could be disestablished in the same manner. It is to be noted that one of the reasons the Department opposed this legislation is because of the fact that under its broad authority it had already designated the 49,097 acres donated by Union Camp Corporation as a refuge. Also to be noted is the requirement in the Nature Conservancy deed that title to the 49,097 acres of lands and waters would revert should such area cease to be administered as a part of the National Wildlife Refuge System.

In view of the foregoing and to make sure that the possibility of a reverter would never occur, your Committee deemed it necessary to officially designate the area as a National Wildlife Refuge by an Act of Congress.

#### WHAT THE BILL DOES: SECTION-BY-SECTION ANALYSIS

As indicated in the legislative background of this report, your Committee ordered reported to the House H.R. 3620, with an amendment, which was accomplished by striking out all after the enacting clause and inserting in lieu thereof new language.

There follows a section-by-section summary of H.R. 3620, accompanied by discussion where appropriate:

#### SECTION I

Section 1, subsection (a) of the bill would establish the Great Dismal Swamp National Wildlife Refuge. The refuge would be composed of those lands and waters located in the State of Virginia, comprising 49,097 acres, of which a 40 per centum undivided interest therein has been deeded to the United States by the Union Camp Corporation by way of the Nature Conservancy. The deeds of conveyance, which were made without consideration, are to remain on file and available for public inspection in the office of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Also to be included in the refuge would be such additional lands and waters and interests therein as the Secretary may acquire in the Great Dismal Swamp in the States of Virginia and North Carolina.

The first portion of Section 1 of H.R. 3620, as introduced, was rewritten to provide for the establishment of a refuge consisting of the 49,097 acres of land donated to the United States since the donation occurred after the bill was introduced.

Subsection (b) of Section 1 of the bill would require the Secretary to lease the remaining interest (60 per centum as of this date) in the 49,097 acres on such terms and conditions as he deems appropriate until such time as the remaining undivided interest in this tract is granted to the Secretary.

This subsection, which was not contained in H.R. 3620, as introduced, was necessitated by virtue of the gift of the 49,097 acres to the United States.

#### SECTION II

Section 2 of the bill would require the Secretary to administer the lands and waters within the refuge in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966, as amended. The lands and waters described in the needs from the Union Camp Corporation and the Nature Conservancy would be required to be administered in accordance with the restrictions, conditions, and reservations specified in such deeds.

In addition, the Secretary would be authorized to utilize such additional statutory authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education, as he may deem appropriate to carry out the purposes of the Act.

In the administration of the refuge, Section 2 of the bill would require the Secretary and the Corps of Engineers to enter into such consultations and take such cooperative actions as they may deem necessary to insure that any navigational and other uses of the Canal would not adversely affect the refuge. In this regard, particular attention would be required to be given to maintaining an appropriate water level in Lake Drummond.

Your Committee would like to point out that the areas within the National Wildlife Refuge System are required to be administered by the Secretary of the Interior in such a way as to protect the integrity of the refuge system. Under this law, the Secretary, in general, is authorized to permit the refuge to be used for any purpose provided that such use is not incompatible or inconsistent with the purposes for which the area was established. Your Committee would like to emphasize that it expects the Secretary to closely follow the intent of the law in administering the refuge to be established under this legislation and in particular to see that no incompatible or inconsistent uses take place within this unit that would have an adverse impact upon the maintenance of the refuge, including Lake Drummond, and the fish and wildlife resources within the refuge.

#### SECTION III

Section 3 of the bill would authorize the Secretary to acquire, by donation, purchase with donated or appropriated funds, or exchange, lands and waters and interests therein (including inholdings) that are adjacent to the 49,097 acres described in Section 1 of the bill and within the area known as the Great Dismal Swamp located in the States of Virginia and North Carolina. However, with respect to the acquisition of any such lands and waters and interests therein by purchase or exchange, the Secretary first would have to take into account such recommendations as may result from the study of this area required under Public Law 92-478, which recommendations are due to be filed no later than October 9, 1974.

Your Committee would like to emphasize that the Secretary would not be authorized to acquire by purchase or exchange any lands and waters and interests in the Great Dismal Swamp until recommendations have been made pursuant to the study and such recommendations

have been taken into consideration. Your Committee feels that the inclusion of this language in the bill, as ordered reported, satisfies the concern of the Department of the Interior that action on the bill should be deferred pending completion of such study of the Great Dismal Swamp.

#### SECTION IV

Section 4 of the bill would authorize to be appropriated such sums as may be necessary to carry out the purposes of the Act.

#### CONCLUSION

Your Committee would like to take this opportunity to thank the Union Camp Corporation for donating 49,097 acres of its property to the United States to be administered as a unit of the National Wildlife Refuge System. Your Committee is cognizant of the fact that this is the largest single donation ever made to the United States Government for wildlife conservation purposes. Your Committee is most hopeful that the fine example of public service set by the Union Camp Corporation will inspire other property holders of valuable wildlife habitat to follow suit by making similar donations.

Your Committee also would like to thank the Nature Conservancy for the role it played in making this donation possible and to encourage the Conservancy and other conservation organizations to seek out similar donations in the future. With budgetary restraints and habitat rapidly disappearing and being diverted to other uses, donations of this nature are vital to the preservation and conservation of the fisheries and wildlife resources of this Nation for the benefit and enjoyment of all future generations.

#### COST OF THE LEGISLATION

In the event the legislation is enacted into law, it has been estimated by the Department of the Interior that the maximum cost to the Federal Government for the current fiscal year and the next five succeeding fiscal years for operation and maintenance of the refuge would be as follows: for fiscal year 1973—\$43,000; for 1974—\$60,000; for 1975—\$240,000; for 1976—\$265,000; for 1977—\$290,000; and for 1978—\$315,000.

In addition, it is estimated by the Department of the Interior that an additional \$100,000 would be needed for the development of a refuge master plan as soon as possible.

The Department of the Interior indicated that it would not be able to estimate the cost of any lands that may be acquired by purchase or exchange until the study is completed and recommendations made, which are due to be filed on or before October 9, 1974.

After reviewing the estimates of cost made by the Department of the Interior with respect to this legislation, your Committee has concluded that the estimates are reasonable and that the cost incurred in carrying out this legislation will be consistent with such estimates.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

#### DEPARTMENTAL REPORTS

The departmental report received on the legislation follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., May 2, 1973.

HON. LEONOR K. (Mrs. John B.) SULLIVAN,  
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Your Committee has requested the views of this Department on H.R. 2588, a bill, "To establish the Great Dismal Swamp National Wildlife Refuge." There is also pending before your Committee H.R. 3620, an identical bill, "To establish the Great Dismal Swamp National Wildlife Refuge."

We recommend that the Congress defer action on these bills until the Department has completed its study of the Great Dismal Swamp authorized by Public Law 92-478.

H.R. 2588 and H.R. 3620 would authorize the Secretary of the Interior to acquire by donation or purchase areas within the Great Dismal Swamp in Virginia and North Carolina suitable for the "Great Dismal Swamp National Wildlife Refuge" to be established and maintained in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd *et seq.*). There would be authorized such sums as may be necessary for the acquisition of such areas or the interests therein.

The 92d Congress enacted P.L. 92-478, authorizing the Secretary of the Interior to study the Great Dismal Swamp and the Dismal Swamp Canal to determine the feasibility, desirability and methodology for protecting and preserving the area. This authorization provided that the study also consider various alternatives and the cost for implementation, and required the Secretary to report to the Congress upon completion of the study, or within two years of the date of enactment.

On February 22, 1973, the Department of the Interior accepted control and a 40% interest in about 50,000 acres of land in the Dismal Swamp for establishment of a wildlife refuge. The remaining interest in the land, subject to certain restrictions, will be transferred in subsequent donations in 1974 and 1975. At that time we stated that the study authorized by P.L. 92-478 would be carried out by the Bureau of Sport Fisheries and Wildlife, the National Park Service, and the Bureau of Outdoor Recreation, with the cooperation of others having an interest in and knowledge of the entire Swamp. The study will address itself to the preservation of the remainder of the Swamp, taking into consideration the impact the present donation will have on the preservation of the area in the general public interest. The enactment of H.R. 2588 or H.R. 3620 would serve to restrict the study team's freedom of planning for this area and unnecessarily limit their ability to carry out the mandate of P.L. 92-478.

In addition, these bills provide no new authority needed by the Secretary to establish a wildlife refuge. Sufficient authority already exists in the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) to carry out the purposes of these bills. It was pursuant to this authority that we ac-

cepted control of the 50,000 acres of land in the Dismal Swamp and designated it the "Dismal Swamp National Wildlife Refuge" in order to avoid confusion with the Great Swamp National Wildlife Refuge in New Jersey which is currently administered by the Bureau of Sport Fisheries and Wildlife of this Department.

For these reasons we suggest that the Committee defer action on these bills until the study authorized by P.L. 92-478 is completed that the Secretary's report is submitted to the Congress. At that time it will be possible to determine whether or not additional authority is necessary to implement such recommendations as may be contained in that report.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

NATHANIEL P. REED,  
*Assistant Secretary of the Interior.*

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August 21, 1974

Dear Mr. Director:

The following bills were received at the White House on August 21st:

S.J. Res. 66	H.J. Res. 1105
S.J. Res. 220	H.R. 3620
S.J. Res. 221	H.R. 15581
S.J. Res. 222	H.R. 16027

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable Roy L. Ash  
Director  
Office of Management and Budget  
Washington, D. C.