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APPROVED
OCT 11 1974

THE WHITE HOUSE
WASHINGTON

ACTION

Last Day - October 15

October 10, 1974

*Posted
10/12/74
To archives
10/15/74.*

MEMORANDUM FOR:

THE PRESIDENT

FROM:

KEN COLE

SUBJECT:

Enrolled Bill H.R. 11546
Big Thicket National
Preserve, Texas

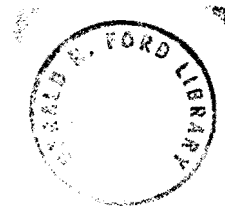
Attached for your consideration is House bill, H.R. 11546, sponsored by Representative Wilson (Texas), which establishes the Big Thicket National Preserve in Texas and authorizes appropriations of not more than \$63,812,000 and \$7,000,000 for land acquisition and development, respectively.

Roy Ash and Secretary Morton recommend approval. Additional background information is provided in Roy's enrolled bill report (Tab A).

We have checked with the Counsel's office (Chapman) and Bill Timmons who both recommend approval.

RECOMMENDATION

That you sign House bill H.R. 11546 (Tab B).



APPROVED
OCT 11 1974

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

OCT 9 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas
Sponsor - Rep. Wilson (D) Texas and 24 others

Last Day for Action

October 15, 1974 - Tuesday

Purpose

Establishes the Big Thicket National Preserve in Texas and authorizes appropriations of not more than \$63,812,000 and \$7,000,000 for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Federal Energy Administration	Approval
Department of Transportation	No objection
Department of the Army	No objection
Department of Commerce	No objection (Informally)
Federal Power Commission	No objection (Informally)
General Services Administration	No objection
Council on Environmental Quality	No objection
Department of Agriculture	Defers to Interior
Department of Justice	Defers to Interior



Discussion

The Big Thicket is a unique and biologically diverse area of east Texas. The flora together with a wealth of wild-life exist in proximity which produces an ecological interplay between species such as is rarely seen elsewhere.

However, civilization has encroached upon the Big Thicket reducing its area from over several million acres to presently less than 400,000 acres. Various legislative proposals to preserve the Big Thicket have been proposed over the last 8 years, and in 1973 the Department of the Interior on behalf of the Administration, submitted to Congress with clearance from this Office its recommendation to establish the Big Thicket National Biological Reserve. The Administration's proposal contemplated a reserve of not more than 68,000 acres with land acquisition and development costs set at \$38,000,000 and \$4,572,000, respectively.

H.R. 11546 would establish the Big Thicket National Preserve in Texas comprising about 84,550 acres to be administered as a unit of the National Park System by the Secretary of the Interior. The Secretary would be authorized to acquire lands and waters by donation, purchase or exchange although State or other public lands could be acquired only by donation. After notifying the Congressional Interior Committees, the Secretary could administer certain donated lands which are located outside the preserve as an integral component of the preserve. The enrolled bill expresses the "intent of the Congress that the Secretary should substantially complete the land acquisition" within 6 years of enactment and within 1 year of enactment requires the Secretary to submit to Congress a detailed acquisition program covering the subsequent 5 years.

The Secretary would be prohibited in most cases from acquiring the mineral estate in any property or existing easements for public utilities, pipelines, or railroads without the consent of the owner. However, he would be allowed to issue regulations designed to maintain the ecological integrity of the preserve including those pertaining to the control of mineral exploration and extraction, road construction, the use of motorized vehicles, and grazing and agriculture.

Owners of improved property could reserve a right of use and occupancy, but in doing so would be deemed to have waived their rights for relocation benefits. Hunting, fishing, and trapping within the preserve would generally be allowed in accordance with applicable Federal and State laws. Within 5 years of enactment, the Secretary would be required to report to the President his recommendations as to the suitability of any area within the preserve for preservation as wilderness.

H.R. 11546 would authorize appropriations of not more than \$63,812,000 and \$7,000,000 for land acquisition and development, respectively.

In reporting on the enrolled bill, the House Interior Committee took note of Interior's 68,000 acre proposal, but criticized it for excluding "all of the stream corridors which many people familiar with the natural and ecological values of the area considered essential to a viable plan." The Committee report concluded "that a larger area, including some of the stream corridors, should be included in any project to preserve the Big Thicket."

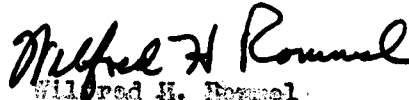
In its enrolled bill letter, Interior notes that the Advisory Board on National Parks, Historic Sites, Buildings and Monuments has determined that the Big Thicket is of "national significance," and the Department concludes in saying:

"Although H.R. 11546, as enrolled, contains additional acreage and river corridor units that were not a part of our proposal, the basic purpose of the bill, that is to protect, preserve and conserve the natural, scenic and recreational values of Big Thicket, is consistent with that proposal. Accordingly, we recommend the approval of this enrolled bill."

While we continue to believe that Interior's 68,000 acre proposal represented the most balanced approach for preserving a significant area of the Big Thicket, we note that the enrolled bill does represent a compromise position between

the Interior proposal and the Senate's attempt to create a 100,000 acre area. With respect to the higher funding levels, H.R. 11546 will have no impact on fiscal year 1975 budget levels, because the land acquisition would be funded from the Land and Water Conservation Fund while the development effort would be supported out of the Park Service's development budget. However, the higher acquisition and development funding levels will add to the ever growing pressure to increase the budget for these Interior programs in future years.

Because the Big Thicket was an Administration proposal and because the final acreage, although larger than we proposed, is a compromise position, we recommend approval of the bill.



Wilfred H. Rommel
Assistant Director for
Legislative Reference

Enclosures

FEDERAL POWER COMMISSION
WASHINGTON, D.C. 20426

OCT 9 1974

Enrolled Bill to authorize the establishment
of the Big Thicket National Preserve in the
State of Texas, and for other purposes.

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

Attention: Mrs. Louise Garziglia
Legislative Reference Division
Room 7201, New Executive Office Building

Dear Mr. Ash:

This is in reply to Mr. Rommel's Enrolled Bill Request of
October 3, 1974.

H.R. 11546 would establish the Big Thicket National Pre-
serve, encompassing some twelve areas, totaling 84,550 acres.
Although there are some changes in boundaries, the same general
observations presented in our July 10, 1973 memorandum are still
appropriate. There are existing transmission lines in the area
and there may be need for the construction of additional lines
in the future. There are, however, no existing power generation
facilities within the areas proposed for acquisition. There are
no known plans to construct thermal or hydroelectric generation
facilities in the area.

The electrical transmission lines in the preserve consist of
two 138-kilovolt transmission lines, owned by Gulf States
Utilities Company, that apparently cross the 16-mile long pro-
posed Lower Neches Corridor. Distribution lines may also cross
the proposed reserve. It is not clear whether the lines would
conflict with the desired characteristics of the proposed
corridor. While there are no known plans to construct additional
transmission facilities across the proposed reserve, such
facilities may be needed in the future. Plans for the reserve
should recognize such needs.



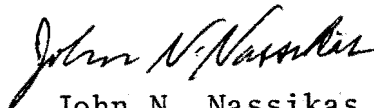
We note that the 23-mile long proposed Upper Neches River Corridor extends upstream along the Neches River to terminate at the base of the Corps of Engineers' Town Bluff Dam (Dam B). Power facilities of 2,935 kilowatts capacity are authorized for future installation by the Corps at the dam when and if such construction is determined to be economically justified. Construction of a power plant and tailrace could possibly intrude to some extent into the upper portion of the proposed corridor. We are not, however, aware of any consideration being given at this time for installation of the power facilities.

Our records indicate the existence of the following jurisdictional pipelines in the areas of the proposed reserve: Pennzoil Pipeline Company - one 18-inch, one 8-inch, and a 4-inch; Transcontinental Gas Pipe Line Corporation - two 30-inch; Texas Eastern Transmission Corporation - one 10-inch; Trunkline Gas Company - two 24-inch; United Gas Incorporated - one 2-inch; and Tennessee Gas Pipeline Company - one 30-inch. In addition, one nonjurisdictional company has facilities in the area of the proposed action: Houston Natural Gas Corporation - one 4-inch.

There is substantial gas production and large gas reserves in and around the five county area encompassing the proposed reserve. The major producing fields are in Hardin County and include Sour Lake, Segno, and Village Mills. Hardin County is one of the most active development drilling counties in the upper Gulf Coast. The proposed reserve areas are not a part of any large basin.

In view of the fact that the proposed preserve would permit the retention and exploitation of oil and gas rights, it appears that the establishment of the Big Thicket National Preserve would not have an adverse effect on available gas supply nor be incompatible with future development of reserves. We assume that the Commission will be offered an opportunity to comment on any proposal in the future which would designate a portion (or portions) of the preserve as wilderness. We recommend concurrence in approval of the Enrolled Bill.

Sincerely,



John N. Nassikas
Chairman



**GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

OCT 8 1974

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

Attention: Assistant Director for Legislative Reference

Dear Mr. Ash:

This is in reply to your request for the views of this Department concerning H.R. 11546, an enrolled enactment

"To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes."

Since this legislation provides adequate flexibility for commercial exploitation of natural resources within the area of the Preserve, the Department of Commerce interposes no objection to approval by the President of H.R. 11546. We urge, however, that prior to any recommendation as to the suitability of areas within the Preserve for designation as wilderness areas, adequate surveys be made to determine the nature of the mineral resources of the area.

Enactment of H.R. 11546 would involve no expenditure of funds by the Department of Commerce.

Sincerely,

Karl E. Bakke

General Counsel

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

To W
10-9-74
11:15 a.m.

OCT 9 1974

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas
Sponsor - Rep: Wilson (D) Texas and 24 others

Last Day for Action

October 15, 1974 - Tuesday

Purpose

Establishes the Big Thicket National Preserve in Texas and authorizes appropriations of not more than \$63,812,000 and \$7,000,000 for land acquisition and development, respectively.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Federal Energy Administration	Approval
Department of Transportation	No objection
Department of the Army	No objection
Department of Commerce	No objection (Informally)
Federal Power Commission	No objection (Informally)
General Services Administration	No objection
Council on Environmental Quality	No objection
Department of Agriculture	Defers to Interior
Department of Justice	Defers to Interior

Discussion

The Big Thicket is a unique and biologically diverse area of east Texas. The flora together with a wealth of wild-life exist in proximity which produces an ecological interplay between species such as is rarely seen elsewhere.

However, civilization has encroached upon the Big Thicket reducing its area from over several million acres to presently less than 400,000 acres. Various legislative proposals to preserve the Big Thicket have been proposed over the last 8 years, and in 1973 the Department of the Interior on behalf of the Administration, submitted to Congress with clearance from this Office its recommendation to establish the Big Thicket National Biological Reserve. The Administration's proposal contemplated a reserve of not more than 68,000 acres with land acquisition and development costs set at \$38,000,000 and \$4,572,000, respectively.

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In its enrolled bill letter, Interior notes that the Advisory Board on National Parks, Historic Sites, Buildings and Monuments has determined that the Big Thicket is of "national significance," and the Department concludes in saying:

"Although H.R. 11546, as enrolled, contains additional acreage and river corridor units that were not a part of our proposal, the basic purpose of the bill, that is to protect, preserve and conserve the natural, scenic and recreational values of Big Thicket, is consistent with that proposal. Accordingly, we recommend the approval of this enrolled bill."

While we continue to believe that Interior's 68,000 acre proposal represented the most balanced approach for preserving a significant area of the Big Thicket, we note that the enrolled bill does represent a compromise position between

the Interior proposal and the Senate's attempt to create a 100,000 acre area. With respect to the higher funding levels, H.R. 11546 will have no impact on fiscal year 1975 budget levels, because the land acquisition would be funded from the Land and Water Conservation Fund while the development effort would be supported out of the Park Service's development budget. However, the higher acquisition and development funding levels will add to the ever growing pressure to increase the budget for these Interior programs in future years.

Because the Big Thicket was an Administration proposal and because the final acreage, although larger than we proposed, is a compromise position, we recommend approval of the bill.

(signed) Wilfred H. Rozmel

Wilfred H. Rozmel
Assistant Director
Department of the Interior

Enclosures

Last Day - October 15

October 10, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas

Attached for your consideration is House bill, H.R. 11546, sponsored by Representative Wilson. This bill establishes the Big Thicket National Preserve in Texas and authorizes appropriations of not more than \$63,812,000 and \$7,000,000 for land acquisition and development, respectively.

Roy Ash recommends approval and provides you with additional background information in his enrolled bill report (Tab B).

We have checked with the Counsel's office (Chapman) and Bill Timmons who also recommend approval.

RECOMMENDATION

That you sign House bill H.R. 11546 (Tab B).

Last Day - October 15

October 10, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: KEN COLE
SUBJECT: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas

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FROM: KEN COLE
SUBJECT: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas

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We have checked with the Counsel's office (Chapman) and Bill Timmons who also recommend approval.

RECOMMENDATION

That you sign House bill H.R. 11546 (Tab B).

Date: October 9, 1974

Time: 11:30 a.m.

FOR ACTION: Michael Duval
 Norm Ross
 Phil Buchen
 Bill Timmons

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

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 10, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas

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

A Presidential Signing Ceremony is planned for Friday, October 11 at 3:30 p.m. Your promptness is appreciated.

Thank you.

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

THE WHITE HOUSE
WASHINGTON

10/9/74

TO: WARREN HENDRIKS



Robert D. Linder



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 8 - 1974

Dear Mr. Ash:

This responds to your request for the views of this Department on enrolled bill H.R. 11546, "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes."

We recommend that the President approve this enrolled bill.

H.R. 11546 establishes the "Big Thicket National Preserve" in the State of Texas and defines the area included therein by reference to a boundary map. The Secretary of the Interior is authorized to acquire the lands, waters or interests therein, within the preserve by purchase, donation, exchange, or transfer from another Federal agency, but lands owned by the State of Texas or any of its subdivisions may be acquired only by donation. No mineral estate in any property or existing easements for public utilities, pipelines or railroads may be acquired without the owners consent unless such property is threatened with or subject to a use detrimental to the Preserve.

The Secretary is directed to acquire the lands within the Preserve as expeditiously as possible, and he is required to advise the Interior Committees and the Appropriations Committees within one year after the date of enactment of the Act of a detailed plan of acquisition which shall indicate (1) the lands essential to the protection and public enjoyment of the Preserve, (2) the lands which he is previously acquired for the purpose of the Preserve, and (3) the annual acquisition program (including the level of funding) which he recommends for the ensuing 5 fiscal years. Section 2(c) declares that it is the express intent of the Congress that the Secretary should substantially complete the land acquisition program within 6 years.

Section 3 of H.R. 11546 permits an owner of an improved property to retain a right of use and occupancy for a term of 25 years or lifetime, as the owner elects. Any owner retaining such a right would be entitled to receive the fair market value of his property at the time of acquisition less the value of the right retained.



Save Energy and You Serve America!

This section also authorizes the Secretary to terminate such a right when he determines that it is being exercised in a manner inconsistent with the purposes of the Act. Section 4 provides that the area shall be administered so as to preserve its natural values in accordance with the general authorities applicable to other units of the National Park System, and requires the Secretary to develop and publish rules and regulations to limit or control the use of Federal lands with respect to such activities as mineral exploration, agriculture and new construction.

This section also requires the Secretary to permit hunting, fishing and trapping within the preserve in accordance with State and Federal laws, but it allows him to designate zones where, or periods when, no hunting, fishing, trapping or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Insofar as hunting, fishing and trapping are concerned, he is required to consult with the State before promulgating such regulations, except in emergencies.

Section 5 requires the Secretary to review the preserve under the terms of the Wilderness Act and to report his recommendations concerning the suitability of including any portion of it in the Wilderness System. Section 6 authorizes the appropriation of \$63,812,000 for land acquisition and \$7,000,000 for development.

The Big Thicket of East Texas contains eight different biological habitats, ranging from savannah, to bald-cypress swamp, to upland mixtures of American beech, southern magnolia, white oak and loblolly pine. This biological crossroads is unique in the United States. Changes in elevation from 400 feet on the north to a few feet above sea level on the south, as well as changes from well-drained to swampy areas, and from fertile soil to intrusions of less fertile soil types, account for the variety of plant communities in the Big Thicket area. In addition to its extraordinary diversity of flora, the area contains a wealth of animal life, and magnificent specimens of individual tree species.

The scientific resources of Big Thicket are outstanding, not only because a variety of biological communities are in close proximity, but because of the ecologic interplay between species. In addition to its scientific interest, the area is also one of great natural beauty, including park-like beech and magnolia stands, virtually impenetrable "thicket" areas, and picturesque bald cypress-water tupelo swamps.

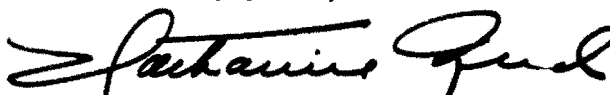
The Big Thicket once comprised several million acres, but it has been greatly reduced by logging, clearing for agricultural uses and oil field operations, and more recently, vacation home subdivisions. It is now divided into strips and blocks of ecological islands and these island are steadily being encroached upon.

Interest in preserving the Thicket as a part of the Park System began before the Second World War, and Congressional interest has been manifested since the 90th Congress. We have studied the area to determine which of the remaining parts of the Thicket would be suitable for inclusion in a unit of the park system intended to preserve and interpret the biological values of the Big Thicket. Specifically, studies of the area were made in 1965 and 1966, and in April 1967, the Advisory Board on National Parks, Historic Sites, Building and Monuments, found that "The Big Thicket, with its great variety of vegetational types, its magnificent specimens of individual tree species, its diversity of bird life...and its unusual animal communities, is of national significance." In October 1972, the Board reaffirmed its position and endorsed the establishment of the area as a Big Thicket National Biological Reserve.

After review of the current status of the lands and waters in the Big Thicket, we proposed a "Big Thicket National Biological Reserve," consisting of 7 units and encompassing outstanding representative sections of the remaining Thicket and neighboring ecosystems. The principal purpose of our proposal was to preserve key areas for scientific study, rather than to provide solely for outdoor recreational opportunities. Development of the area for visitor use would consist mainly of access roads to the edges of the units, trails, interpretive facilities, primitive campsites and boat launching facilities so that visitors could explore the Reserve from the numerous streams, rivers, and bayous.

Although H.R. 11546, as enrolled, contains additional acreage and river corridor units that were not a part of our proposal, the basic purpose of the bill, that is to protect, preserve and conserve the natural, scenic and recreational values of Big Thicket, is consistent with that proposal. Accordingly, we recommend the approval of this enrolled bill.

Sincerely yours,


Assistant Secretary of the Interior

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



GENERAL COUNSEL

OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

OCT 4 1974

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

Dear Mr. Ash:

This is in response to your request for the views of the Department of Transportation on H.R. 11546, an enrolled bill

"To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes."

The enrolled bill authorizes the Secretary of the Interior to acquire lands, waters, and interests therein, within the boundaries of an area within the State of Texas depicted on a map on file with the Department of the Interior, and entitled "The Big Thicket National Preserve". The stated purpose of the bill is to assure the preservation, conservation, and protection of the natural, scenic, and recreational values of the area and to provide for the enhancement and public enjoyment thereof.

Acquisition of the lands and waters by the Department of the Interior would not affect the activities of this Department. Therefore, we are not aware of any reasons why the enrolled bill should not be signed by the President.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rodney E. Eyster".

Rodney E. Eyster



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

7 OCT 1974

Honorable Roy L. Ash
Director
Office of Management and Budget

Dear Mr. Ash:

This is in reply to your request for the views of the Department of the Army on enrolled enactment H.R. 11546, 93d Congress, "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes."

The Department of the Army has no objection to the enrolled enactment.

The purpose of the enrolled enactment is stated in its title. The Big Thicket National Preserve would consist of some 84,550 acres of land located within the seven east Texas counties of Taylor, Polk, Hardin, Liberty, Jefferson, Orange, and Jasper. It is composed of some 13 individual units consisting of the lands and waters within these counties which are noted for their outstanding and unusual natural, scenic, scientific, and recreational values. Among the rivers and streams which would be affected by the inclusion of these units within the Big Thicket National Preserve, are Big Sandy Creek, Turkey Creek, Hickory Creek, and Beech Creek, tributaries of the Neches River; Menard Creek, a tributary of the Trinity River; Pine Island Bayou, and Little Pine Island Bayou, tributaries to the lower reaches of the Neches River above the town of Beaumont, Texas; and a 38-mile portion of the Neches River extending southward from Dam B to its confluence with Pine Island Bayou.

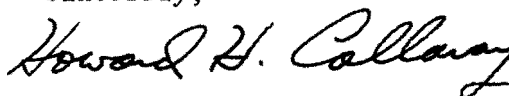
Section 4 of the enrolled enactment directs the Secretary of the Interior to administer the preserve as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity. The Secretary is also authorized to issue such regulations as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters, including construction activities located within the preserve.

Section 5 of the enrolled enactment directs the Secretary to study and

review the area within the preserve for potential designation as part of the National Wilderness System.

While the Department of the Army is authorized to study the Neches River and tributaries to determine the advisability of improvements in the interest of flood control, water conservation and other allied purposes, we have determined that the establishment of the Big Thicket National Preserve will not have an impact upon any existing, authorized or currently planned projects now being undertaken by the Corps of Engineers. In addition, we construe the language in section 1 that "Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purpose of this Act, without transfer of funds," as reserving in the Secretary of the Army jurisdiction over any land used for military purposes within the preserve until such land may be determined to be excess.

Sincerely,

A handwritten signature in cursive script that reads "Howard H. Callaway". The signature is written in dark ink and is positioned below the word "Sincerely,".

Howard H. Callaway
Secretary of the Army

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



OCT 7 1974

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

Dear Mr. Ash:

By referral dated October 3, 1974, from the Assistant Director for Legislative Reference, your office requested the views of the General Services Administration on enrolled bill H.R. 11546, 93rd Congress, an act "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes."

We note that the Secretary of the Interior may acquire lands within the boundaries of the Preserve from other Federal agencies without the screening for possible need for such property by other Federal agencies which normally would follow a declaration of such property as excess. However, since in the course of any such screening the desire of the Department of the Interior to obtain the property for inclusion in the preserve would likely be a paramount consideration, we raise no objection on this account.

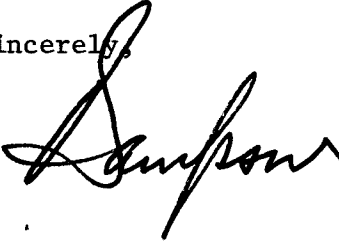
We are concerned that H.R. 11546 permits the Department of the Interior to depart from the uniformity required by all Federal agencies in the acquisition of real property required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in that section 3(c) deprives an owner whose property is acquired from receiving the benefits of that Act if he retains a right of use and occupancy. This departure is not permitted in the case of an acquisition by any other agency of the government and we are unaware of any reason why the owners of property acquired for Big Thicket National Preserve should be deprived of these benefits. However, we refrain from a recommendation for veto since this departure pertains only to one specific property.

Accordingly, GSA does not object to Presidential approval of the enrolled bill.

We recommend strongly, however, that the committee of jurisdiction be advised of the Administration's support of the Uniform Relocation

Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) in view of two enrolled bills that have come to our attention upon which we are currently commenting and further the recent amendments to the Land and Water Conservation Fund Act also permitting a deviation from Public Law 91-646. GSA plans to recommend corrective legislation as concerns the Land and Water Conservation Fund Act program to the next session of Congress.

Sincerely,

A handwritten signature in cursive script, appearing to read "A. F. Sampson". The signature is written in black ink and is positioned above the typed name. A long, thin horizontal line extends from the end of the signature across the page.

Arthur F. Sampson
Administrator



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

October 7 1974

Honorable Roy L. Ash
Director, Office of
Management and Budget

Dear Mr. Ash:

As you requested, here are our views on the enrolled enactment, H.R. 11546, "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes."

The enrolled enactment would establish a Big Thicket National Preserve of approximately 84,550 acres in the State of Texas to be administered by the Secretary of the Interior for the preservation, conservation and protection of natural, scenic and recreational values of the area. Within one year after the enactment the Secretary would file with the appropriate Committees of Congress a detailed plan covering the lands essential to protection and public use of the area and reporting prior and future land acquisition programs. The Congress would expect the Secretary to substantially complete the land acquisition program within six years following enactment. In addition, within five years following enactment, the Secretary would review the Big Thicket National Preserve and report his recommendations to the President as to the suitability or unsuitability of any area within the Preserve for designation as wilderness.

We have been interested in the various Big Thicket bills proposed in previous Congresses because they would have involved the transfer and exchange of National Forest lands. However, the enrolled enactment now before the President would not change the status of any National Forest lands, would not affect lands immediately adjacent to the National Forests, nor have a major effect on other responsibilities of the Department of Agriculture in the area. We therefore defer to the recommendations of the Department of the Interior on the advisability of the President's signing this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Long", with a long horizontal flourish extending to the right.

Robert W. Long
Assistant Secretary for Conservation,
Research and Education

Department of Justice
Washington, D.C. 20530

OCT 7 1974

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

Dear Mr. Ash:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 11546, 93rd Congress, "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes."

The provisions of this enrolled bill appear appropriate for the purposes of the bill, and present no constitutional or other legal questions.

In view of the fact that the Department of the Interior has the primary interest in the enrolled bill, we defer to that Department as to whether the bill should have Executive approval.

Sincerely,



W. Vincent Rakestraw
Assistant Attorney General

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

OCT 7 1974

MEMORANDUM FOR W. H. ROMMEL
OFFICE OF MANAGEMENT AND BUDGET


ATTN: Mrs. Garziglia

SUBJECT: Enrolled Bills

- a) H.R. 10088, "To establish the Big Cypress National Preserve in the State of Florida, and for other purposes".
- b) H.R. 11546, "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes".

This is in response to your request of October 3, for our views on the subject enrolled bills.

The Council has no objection to the approval and enactment of these bills.


Gary Widman
General Counsel

FEDERAL ENERGY ADMINISTRATION

WASHINGTON, D. C. 20461

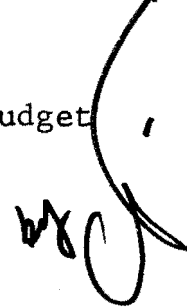
OCT 7 1974

MEMORANDUM FOR: Wilfred H. Rommel
Assistant Director for
Legislative Reference
Office of Management and Budget

ATTN: Ron Peterson

FROM: Robert E. Montgomery, Jr.
General Counsel

SUBJECT: Enrolled Bill Report on H.R. 11546 -
The Big Thicket National Preserve



This is in response to your request for the views of the Federal Energy Administration on the subject enrolled bill.

H.R. 11546 would establish the Big Thicket National Preserve in the State of Texas, and would authorize the Secretary of the Interior to acquire property for the preserve and to administer the preserve as a unit of the National Park System. The Secretary is not authorized to acquire the mineral estate in any property without the consent of the owner unless the Secretary determines that such estate is subject to, or threatened with, uses, which are, or would be, detrimental to the purposes and objectives of this Act.

Based upon information obtained from the Department of the Interior that exploration for, and extraction of, oil, gas, and other minerals may be carried on in the preserve subject to rules and regulations promulgated by the Secretary of the Interior, the FEA recommends that the President sign the bill into law.

THE WHITE HOUSE

RUSA

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 641

Date: October 9, 1974

Time: 11:30 a.m.

FOR ACTION: Michael Duval
Norm Ross
Phil Buchen
Bill Timmons

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

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 10, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas

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

A Presidential Signing Ceremony is planned for Friday, October 11 at 3:30 p.m. Your promptness is appreciated.

Thank you.

Now - who is doing signing ceremony stuffing?

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

RUSH
LOG NO.: 641

ACTION MEMORANDUM

Date: October 9, 1974

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FOR ACTION: Michael Duval
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ACTION REQUESTED:

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

REMARKS:

*No objection
D.C.*

Please return to Kathy Tindle ~~West Wing~~

A Presidential Signing Ceremony is planned for Friday, October 11 at 3:30 p.m. Your promptness is appreciated.

Thank you.

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
October 10, 1974

MEMORANDUM FOR: MR. WARREN HENDRIKS
FROM: WILLIAM E. TIMMONS *BT*
SUBJECT: Action Memorandum - Log No. 641
Enrolled Bill H.R. 11546 - Big Thicket
National Preserve, Texas

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

There will not be a signing ceremony for this event.

Attachment

RUSH

LOG NO.: 641

ACTION MEMORANDUM

Date: October 9, 1974

Time: 11:30 a.m.

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

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

FROM THE STAFF SECRETARY

DUE: Date: Thursday, October 10, 1974 Time: 2:00 p.m.

SUBJECT: Enrolled Bill H.R. 11546 - Big Thicket National Preserve, Texas

ACTION REQUESTED:

_____ For Necessary Action

XX For Your Recommendations

_____ Prepare Agenda and Brief

_____ Draft Reply

_____ For Your Comments

_____ Draft Remarks

REMARKS:

Please return to ~~Kathy Tindle~~ West Wing

A Presidential Signing Ceremony is planned for Friday, October 11 at 3:30 p.m. Your promptness is appreciated.

Thank you.

Cancelled

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

BIG THICKET NATIONAL PRESERVE, TEXAS

NOVEMBER 29, 1973.—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. 11546]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 11546) having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 11546, and its companion H.R. 11547,¹ is to establish the Big Thicket National Preserve in the State of Texas. In establishing this unit of the National Park System, the Congress will assure the preservation of numerous representative areas typical of the Big Thicket region and it will protect and preserve the natural values which make this "biological crossroads" unique in the United States.

LOCATION AND SIZE

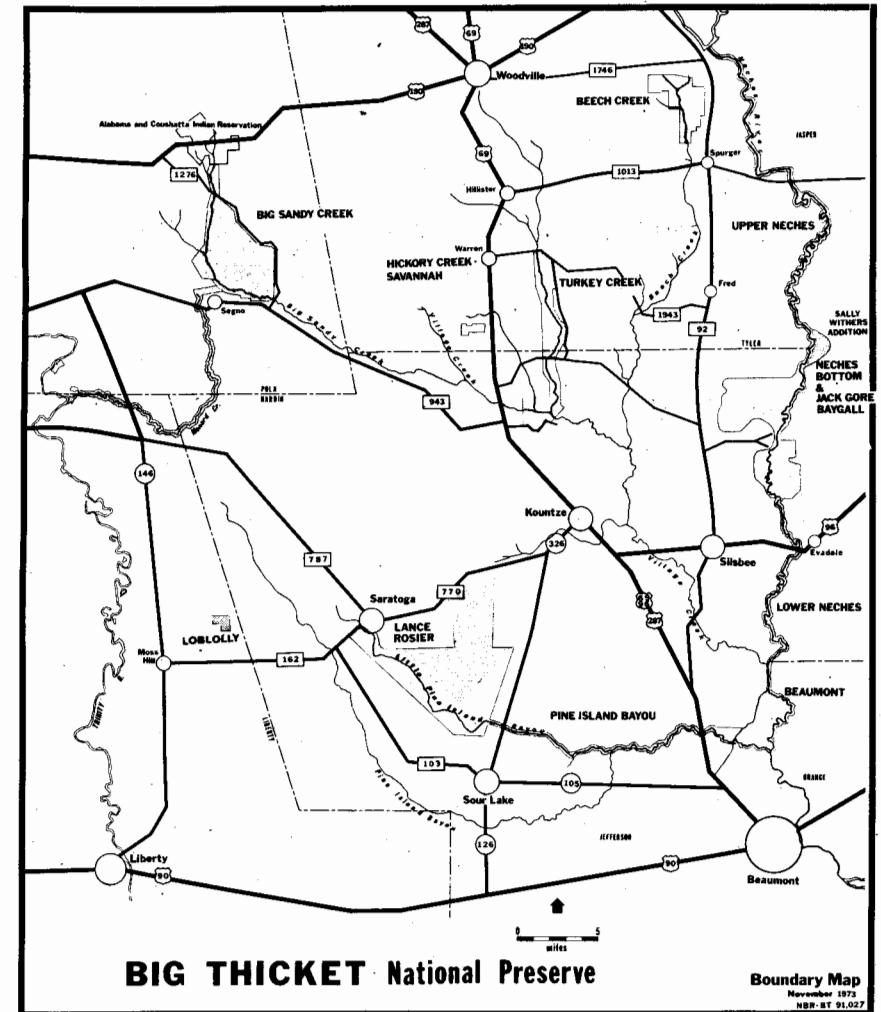
It is easy enough to say that the Big Thicket is located in East Texas—everyone agrees with that—but beyond that the job of defining its precise boundaries becomes more difficult. This is so, because the Big Thicket is not a clear geographic feature like a stream, or a mountain, or a canyon, the natural boundaries of which can be readily visualized.

¹ H.R. 11546 and H.R. 11547 are identical measures which were co-sponsored by Representatives Charles Wilson of Texas, Taylor of North Carolina, Kazen, Steelman, Eckhardt, Skubitz, Johnson of California, Don. H. Clausen, Mahon, Brooks, Patman, Poage, Archer, Burleson of Texas, Milford, Roberts, Gonzalez, Pickle, Wright, Casey of Texas, Fisher, White, Collins of Texas, Jordan, Young of Texas, Udall, Ruppe, Burton, Dellenback, Kastemeier, Sebelius, Meeds, Regula, Melcher, Towell, Bingham, Cronin, Won Pat and de Lugo. They constitute the Committee recommendation and result from the consideration of the following bills which were referred to the Committee for public hearings and consideration: H.R. 4270 by Representative Milford; H.R. 5941 by Representatives Eckhardt, Jordan, Fisher, Milford, Wright, and Collins; H.R. 8655 by Representative Charles Wilson of Texas; H.R. 9051 by Representative Steelman; H.R. 9253 by Representatives Steelman, Saylor, Skubitz, Rupee, Regula, de Lugo, Seiberling, Cronin, Won Pat, Burke of California, Burton, and Towell; and H.R. 9562 by Representative Saylor (by request).

Instead the Big Thicket is considered by many to be an ecological entity composed of numerous subregions containing differing, but related, characteristics and values. The traditional Big Thicket, which most everyone visualizes when thinking of this region, is characterized by swamps, giant trees, dense undergrowth and hanging vines. Parts of the Thicket are like this, but other subregions differ greatly depending largely on their location and their soils.

Altogether, most experts would agree, the original Big Thicket contained millions of acres. While the fullest reach of this interesting complex might be somewhat debatable, the issue is relatively academic, because most of the area has been significantly altered since the American settlers arrived on the scene about a century and a half ago. Much of the once extensive mixed hardwood forest has been harvested and much of the land has been cleared for agricultural uses. Oil operations and vacation homes have also affected the landscape. Now, regardless of the massive size of the original Big Thicket, only a relatively small part remains in its natural or near-natural condition, and much of it is under constant pressure and may soon disappear unless it is protected.

It has been said that as much as 400,000 acres of land in the Big Thicket are sufficiently undisturbed to warrant preservation. Perhaps this is so. In recent years, proposals involving this area have varied in size from 35,000 acres to around 200,000 acres. The measures before the Committee contemplated the creation of an area somewhere between 68,000 acres and 100,000 acres. The smallest of these contained no river corridor areas, and the largest contemplated the acquisition of some highly controversial stream corridors. The Committee recommends a middle ground which includes some very important corridors and, at the same time, excludes some relatively controversial ones. As recommended by the Committee, H.R. 11546 establishes a Big Thicket National Preserve totaling 84,550 acres of land located in 7 East Texas Counties (Taylor, Polk, Hardin, Liberty, Jefferson, Orange and Jasper).



DESCRIPTION

Describing the Big Thicket is almost as difficult as defining its boundaries. Normally, when people think of Texas they do not visualize it as a place where large trees and beautiful forests exist, but the Big Thicket is such a place. In fact, it is said to be the "Biological Crossroads of North America" where temperate, subtropical, prairie and woodland flora and fauna of the North, South, East, and West meet; where acid and alkaline soils converge; where saltwater and fresh water combine; and where wet and dry habitats mix. Here, the elm, birch, sugar maple and flowering dogwood of the northern, temperate climates are found along with southern cypress, magnolia and various subtropical trees. The wood thrush of the forests of the north, breeds

in the Big Thicket, as does the roadrunner of the Southwest Inter-mixed in the area are western tumbleweed and several varieties of cactus, as well as some 40 species of orchids and 26 known species of fern.

It is this interesting and unusual mixture of nature that makes the Big Thicket worthy of national recognition. While to some the area does not contain the spectacular natural grandeur of places like Yellowstone, Grand Canyon or the Redwoods, from an ecological point of view it is considered by many to be even more deserving of preservation than most of the areas already designated as units of the national park system, for nowhere else in North America does such a diversity of plant and animal species exist.

Bird lovers would be fascinated with this area, because it provides shelter for at least 300 known species during all or part of the year. Located, as it is, between the Mississippi Valley Flyway and the Gulf Coastal Flyway, there is a great overlapping of the ranges of eastern and western species in this area. Several relatively rare birds have been sighted including the wood ibis, the red-cockaded woodpecker, the golden eagle, the brown-headed nuthatch, and Bachman's warbler. Some believe that the possibly extinct ivory-billed woodpecker—a woodpecker as large as a hawk—might still exist somewhere in an isolated corner of the Big Thicket.

It might not seem impressive that the Big Thicket is the permanent or temporary home of 300 species of birds of all kinds and sizes—herons, egrets, ibises, owls, hawks, sparrows, ducks, geese, shore birds, and many others—until one realizes that this represents one-third of all of the bird species known to occur in the United States. No other place of this size can match the variety of bird species found in this region.

Naturally, many of the birds are dependent on the habitat of the Big Thicket for survival. Over 100 species make it their permanent home. Some, like the pileated woodpecker, need remote, little frequented woods. Others have special needs, like the red-cockaded woodpecker which is said to nest only in loblolly or shortleaf pines which have so-called "red-heart disease"—a plant disease which trained foresters would eliminate.

In short, bird life in the Big Thicket, like other forms of life, is heavily dependent on the natural vegetation of the area.

With annual rainfall averaging 50-65 inches per year, coupled with a long growing season and soils with water storing capacity, trees of many varieties grow rapidly. There are over 100 species of trees in the Big Thicket—many of them are the largest of their species. Dr. Pete Gunter, author of *The Big Thicket*, states that 56 are state champions and 15 are the largest of their species in the Nation.² In fact some of these are largest of their species known to exist anywhere in the world. Many of the species reach the limit of their range in the Big Thicket and their characteristics may differ from their counterparts elsewhere as they adapt to this environment. It is this

speciation, perhaps more than anything else, that makes this area "an unexcelled natural laboratory for the study of ecology, plant taxonomy, and systematic botany," according to the draft environmental impact statement filed with the Committee.

The diversity of the vegetation within the Big Thicket is enhanced by the variations in elevation and the effects of the drainage patterns. The northern highlands are relatively dry and are usually well-drained so that they support beech, magnolia, loblolly pine and other less water tolerant species. The lower lands, on the other hand, are poorly drained and have a high water table throughout the year which encourages dense vegetation, cypress, and generally a jungle-like environment. The climate, which is moderated by breezes from the Gulf of Mexico, protects the vegetation and prevents frequent or hard freezes. Freezing temperatures occur only about 20 days each year, while temperatures above 90° average 110 days annually and humidity averages 75 percent.

² Dr. Gunter lists: common crape myrtle, black hickory, American holly, Texas honeylocust, Rugel sugar maple, pyramid magnolia, bluejack oak, longleaf pine, redbay, western soapberry, tree sparkleberry, sweetbay Magnolia, Chinese tallotree, water tupelo, and yaupon. World champions, according to Prof. Thomas Eisener of Cornell University include the "largest American holly, red bay, yaupon sweetleaf, planer tree, black hickory two-wing silverbell, sparkleberry and eastern red cedar as well as the world's tallest cypress tree."



While it is difficult to comprehend the great diversity of the Big Thicket without actually visiting the area, the view above represents the dense vegetation and the beautiful magnolias and stately cypress trees which are typical of much of the traditional Big Thicket. In contrast, savannahs, like the Hickory Creek Unit pictured below, were also a common scene and an important part of the complex system which is known today as the Big Thicket.



Such conditions are conducive to an equally interesting understory, where plants of all kinds are found. It has been estimated that the Big Thicket must contain over a thousand varieties of flowering plants and vines. Some are rare or unusually interesting, others are commonly found in various parts of the country, but in no other place does such a combination of species occur. Perhaps those that capture the greatest attention are the insectivorous plants. Four of the five varieties of insect-eating plants known to exist on this continent grow in some abundance in the Big Thicket—the pitcher plant, the bladderwort, the sundew, and the bog violet. Only the venus fly-trap is absent. Other interesting plants are also found. Beautiful wild azaleas, redbud and wild orchids are frequently seen, as well as many different varieties of ferns and vines. Less glamorous, but equally interesting to the scientist, are the thousands of species of molds and fungi that exist in the area.

Such an area naturally attracts an abundance of wildlife. Though hunting has occurred in the region for decades and probably affected wildlife patterns almost as much as man's activities have affected the natural vegetation, an abundance of animal life is still evident. The draft environmental impact statement lists three rare or endangered species; the American alligator, the Texas red wolf, and the American ivory-billed woodpecker (which may already be extinct). Other inhabitants which are rarely seen in the Big Thicket, but which are more abundant in other places in the country, are the black bear, ocelot, river otter, and perhaps the jaguar, among others.

For herpetologists, the Big Thicket is the Garden of Eden. There are said to be more varieties of snakes in the Big Thicket than in any region of comparable size in the United States. In fact, only the State of Florida may have as many kinds of snakes as the 7 counties which comprise the area of the Big Thicket. The North American continent, according to Dr. Gunter, "has four varieties of poisonous snakes, and the Big Thicket has them all: coral snakes, water moccasins, copperheads, and at least four varieties of rattlesnakes." In addition there are four or five times as many nonpoisonous species, some of which are rare.³

While some people are repelled by snakes and other reptiles, insects are considered equally undesirable by others, but to entomologists the insect fauna of the Big Thicket is a vast resource of unknown dimensions.

As one looks at the Big Thicket, he must decide for himself what its greatest values are. There are times when two important values—the material and the aesthetic—are in conflict. Sometimes the material must take precedence, but sometimes the aesthetic should prevail. This

³ Among the snakes which Dr. Gunter lists are: spreading adder, indigo snake, blind snake, coach whip, diamondback water snake, Girard's water snake, water pilot, sand snake, Texas rat snake, Hallowell's water snake, speckled king snake, DeKay's snake, horn snake, chicken snake, blue racer, bull snake, and scarlet king snake. The draft environmental impact statement notes that the area is exceptionally rich in amphibian and reptilian fauna, but it indicates that no complete inventory of recorded species was available; however, it listed the southern copperhead, the western cottonmouth, the western pigmy rattlesnake, the canebrake rattlesnake and the western diamondback rattlesnake as known poisonous snakes in the Big Thicket region.

was the issue which Geraldine Watson, a resident of Silsbee, Texas—in the midst of the Big Thicket country—put squarely before the Committee when she stated:

To the present generation it [the Big Thicket] has many values. The lumberman sees its fantastically rapid growth rate as a never-ending source of timber and its titi thickets as a great wasteland which he hopes to convert into rows of carefully controlled, genetically “upgraded” pine trees. To the businessman it means tourism or real estate development. The outdoorsman sees it as a marvellous recreation area where he can hunt, hike, canoe, camp or picnic, while those who love the wilderness enjoy its cool shade, beautiful scenery, and solitude. To the biologist it is a paradise of fascinating plant and animal life.

Now, it is the responsibility of the Congress to determine how this area shall be used.



Laced with meandering rivers, streams, and sloughs, the Big Thicket can be as beautiful as it is interesting. Pictured above, the lazy waters of the Pine Island Bayou flow gracefully through a portion of the Big Thicket which has all the attributes of a true wilderness.



Portions of the original Big Thicket have been altered, but in time all evidences of disturbance soon disappear. Heavy rainfall, a moderate climate, and soils conducive to a large variety of vegetation types encourage regeneration. Pictured above, a young hardwood stand on the Alabama-Coushatta Indian Reservation is proof of this rejuvenation.

Man cannot create a wilderness: that is far beyond his power. But he can take nature as he finds it, and nourish it, and protect it, so that that which he has known will endure for his benefit and for the benefit and inspiration of those who follow in his footsteps. If man intervenes and permits nature to recapture a small part of that which is rightfully hers, his material losses are minimal, but the long-term benefits for mankind are incalculable.

The Big Thicket offers such an opportunity. Here, because of an unusual combination of geologic features, physiographic factors, climatic conditions, and biological circumstances an outstanding natural area can still exist if man will only step back and allow nature to do her work. Most of the Big Thicket has been conquered and practically no one is demanding its return, but some extremely fine representative areas are relatively natural and should be permitted to fully rejuvenate without any further disruption.

To accomplish this the Committee on Interior and Insular Affairs recommends the enactment of H.R. 11546. As recommended, the measure would include in a new national preserve a dozen distinct units which are considered to be the finest remaining components of the original Big Thicket. Briefly, they are as follows:

1. *Big Sandy Creek Unit*.—Comprising 14,300 acres, this unit extends southward from the Alabama-Coushatta Indian Reservation. It is a wild, well-watered, relatively unaltered area containing outstanding examples of several of the Big Thicket's ecotypes from upland communities to the streambank, bog baygall, and swamp communities. Included in the wide variety of wildlife which inhabit this area are some of the few remaining alligators. This unit, or a significant part of it, has been included in all of the proposals recommended for inclusion in the Preserve.

2. *Menard Creek Corridor Unit*.—This appendage to the Big Sandy Creek Unit is about 20 miles long and totals approximately 3,359 acres. Unlike Big Sandy Creek, which is part of the Neches River drainage system, Menard Creek is a tributary of the Trinity River. It is anticipated that visitors in this area will experience many of the natural features common to the Big Thicket area and it is expected that public facilities will be developed on the lands located at its confluence with the Trinity River.

3. *Hickory Creek Savannah Unit*.—This 668 acre tract is considered to be a distinctive threshold community bordering on the traditional Big Thicket. It clearly illustrates the influence of soil types on plant distribution. Basically, it is a grassland containing hundreds of varieties of herbaceous plants, broken occasionally by longleaf pines and low bushes and trees. While upland pine savannah areas were once extensive, now only a few unaltered areas remain intact. Of these, the Hickory Creek Unit is considered one of the finest.

4. *Turkey Creek Unit*.—Illustrative of the typical Upper Thicket vegetation types, this 7,800 acre unit contains the largest known field of pitcher plants in the region. Its northern reaches include one of the greatest varieties of subtypes to be found in the Big Thicket, while the southern portion features an unusually well-preserved tract of mixed hardwoods typical of the streambank community.

5. *Beech Creek Unit*.—This 4,856 acre unit lies in the heart of the Big Thicket's upper division. Occupying well-drained, fertile soils, it

supports fine stands of beech, magnolia, white oak and loblolly pine—a combination of which represents, to some, the "true" Thicket. While portions of the area have been cutover they are rejuvenating and will ultimately equal the values of the virgin area known as "Woodland Chapel" which is contained in this area.

6. *Upper Neches River Corridor Unit*.—Extending southward from Dam B to the Neches Bottom Unit, this river corridor is approximately 21 miles long and includes approximately 3,775 acres of land. In addition to its many values as one of the major rivers of the area, the Upper Neches offers canoeing opportunities and fishing for small-mouth bass and catfish. This unit also includes the Sally Withers addition which is considered one of the most pristine remaining oxbow lakes.

7. *Neches Bottom and Jack Gore Baygall Unit*.—Located along the eastern border of the Big Thicket region, this 13,300 acre unit supports mature lowland hardwood forest types and contains many species not found elsewhere in the Big Thicket. Laced with sloughs which contain large specimens of bald cypress and water tupelo, the elevated lands contain equally impressive birch, elm, oak, boxelder and planer trees. Such an area naturally provides valuable habitat for both common and endangered wildlife. Like several other units included in H.R. 11546, this area has been represented in all of the major proposals involving the Big Thicket.

8. *Lower Neches River Corridor Unit*.—This 17 mile stretch of the Neches River includes 2,600 acres and helps provide the continuity of the corridor from Dam B to its confluence with Pine Island Bayou. Like the other major creeks and streams in the region, the Lower Neches supports a very rich subtropical forest varying in composition as soil types change. The role of all of the streams is most important to the entire Big Thicket because it is totally dependent upon the complex pattern of water drainage and seepage; consequently the protection afforded this and the other stream segments will help to assure the continuance of the Big Thicket environment.

9. *Beaumont Unit*.—Although this 6,218-acre tract is located near the City of Beaumont, it remains perhaps the wildest component of all of the units to be included in the Preserve. Located, as it is, at the confluence of the Neches River and Pine Island Bayou, it is virtually an island isolated by the streams and canals that surround it. Although some cypress may have been harvested in the area at some time, part of it has never been logged and it is doubtful that a better stand of basic hardwoods exists anywhere in North America. It is considered to be a superlative example of the Big Thicket's flood plain and streambank communities. In this remote section, where access is difficult, due to sloughs and swampy fingers, it is hoped that the ivory-billed woodpecker may still exist.

10. *Loblolly Unit*.—Comprising 550 acres, this unit has been considered one of the basic components of most of the major Big Thicket proposals. It contains the only extensive stand of loblolly pines remaining in the Big Thicket and is said to have persisted only because it has been entangled in litigation since the turn of the century.

11. *Little Pine Island—Pine Island Bayou Corridor Unit*.—This 2,100-acre corridor unit is about 14 miles long. Like the other stream

corridors it is important because it nourishes and drains other areas of the Big Thicket, but it is also significant because of its highly scenic combination of palmetto and cypress swamps.

12. *Lance Rosier Unit*.—Near the southernmost end of the Big Thicket, the Lance Rosier Unit is the largest component of the proposed Preserve. Totaling 25,024 acres, this unit is relatively undisturbed and is the most important representative of Lower Thicket vegetation. Because of its size and character, it should facilitate the preservation of wildlife species that might become endangered in smaller tracts. As pointed out in the draft environmental impact statement, large tracts will facilitate preservation of rare species much better than small units, but, it notes, the small units have other inherent botanical values that cannot be overlooked in terms of the total objective.

BACKGROUND AND LEGISLATIVE HISTORY

Proposals to designate a portion of the Big Thicket area as a unit of the National Park System are not new. The first real efforts in this regard date to back at least to 1927. At that time, a considerable effort was mounted by interested citizens and, as a result, a study was made of the area by the National Park Service in 1938 and 1939 which resulted in a favorable recommendation for a very large park unit; however, the War years intervened and the recommendation was never implemented.

Interest in the Big Thicket remained relatively dormant after the War ended until the middle-1960's when the proposal was revived and presented to the Congress for its consideration. New studies were made by the National Park Service which resulted in a suggestion that a series of widely dispersed tracts be protected as remnants of this once massive area. "The String of Pearls," as it came to be called, totaled around 35,000 acres of some of the most representative areas of the Big Thicket, but it was argued that these isolated tracts were too small and the ecology too fragile to withstand the pressures and demands which they would be required to bear. Nonetheless, they have served as a base upon which more viable areas have been developed.

In 1972, several Members of the Subcommittee on National Parks and Recreation visited the area. After flying over the entire region, an on-the-ground inspection was made of parts of the proposed enlarged area. A complete day of hearings was held by the Subcommittee in Beaumont, Texas, on June 10. No further action was taken by the Subcommittee during the 92nd Congress partially because of the press of other legislative business, but, primarily because further studies and alternatives were being made by the National Park Service.

Even though the Department of Interior had not yet finalized its recommendations, the Subcommittee was determined to get off to an earlier start this year so it scheduled public hearings to be held in Washington on July 16 and 17. Several measures, ranging in size from 75,000 acres to 100,000 acres and differing substantively in many respects were before it. At the time of the hearings, the spokesman for the Department recommended a 68,000 acre National Biological Reserve, but excluding all of the stream corridors which many people familiar with the natural and ecological values of the area considered essential to a viable plan.

The Members of the Subcommittee concluded that a larger area, including some of the stream corridors, should be included in any project to preserve the Big Thicket. While it was recognized that the Village Creek—Big Sandy Creek Corridor contained values worthy of preservation, it was concluded that the acquisition of the lands needed could unduly dislocate numerous existing homeowners and result in significant cost increases. Testimony taken from landowners indicated that the inclusion of this area constituted the most controversial element of the project.

ANALYSIS OF H.R. 11546

1. Major Provisions

H.R. 11546 is a clean bill incorporating all of the Committee recommendations. Its provisions are drawn from various provisions which originated in the different bills before it. In addition, it relied upon experience which the Committee has had with comparable areas and with the national park program generally. While many of the details of the Committee recommendation are explained in greater detail in the section-by-section analysis below, the most important features of the bill are:

It establishes an 84,550-acre national preserve.

It provides for a legislative taking of the lands involved, except for qualified residential properties and the mineral estate.

It authorizes the Secretary to accept donations of lands outside of the boundaries of the preserve if they will contribute to the purposes for which the preserve was created.

It permits the Secretary to restrict the use of lands within the preserve and to control activities within the area, but it requires him to allow hunting, fishing, and trapping in the area subject to State and Federal laws and to such additional regulations as may be necessary.

It requires the Secretary to review the area for possible future wilderness designation.

It limits the amounts authorized to be appropriated to \$63,812,000 for land acquisition and \$7,000,000 for development.

2. Section-by-Section Analysis

Section 1 establishes a Big Thicket National Preserve comprising 84,550 acres of land as specifically described in the bill and as generally depicted by a boundary map which is to be on file and available for public inspection in the offices of the National Park Service and in appropriate offices in the counties involved. The Secretary is required to develop and publish in the Federal Register precise boundaries for the area within 6 months after the date of enactment of the legislation. In developing these boundaries, the Secretary is directed to make every reasonable effort to exclude improved, year-round residences located on the periphery of the preserve if they are not necessary for the protection of the values of the area or for its administration. The boundaries which the Committee approved specifically exclude the segment on the east side of the Lower Neches River Corridor Unit where the Eastex paper mill is located. In excluding this segment, which is to be the segment located one linear mile south of the Atchison, Topeka and Santa Fe Railroad Bridge, the Committee recognized

that the water intakes, utilities and the mill site itself could not serve a useful purpose in the Preserve and should not be included within its boundaries.

The Committee recognized that developing boundaries for the river corridors might be difficult and the land area inadequate unless a reference point on the streamside could be used for determining the precise boundaries for the corridor areas; consequently, the language of the bill was drafted with the intention that these boundaries should be drawn using the mean high water mark as the stream bank reference point. It was felt that the use of the center of the stream as a reference point was too variable and that, in some cases, its use would result in a grossly inadequate land base along the stream and river corridors. Private properties located within the boundaries can be acquired by purchase, donation or exchange, but lands owned by the State or its political subdivisions may be acquired only by donation. Lands located outside the boundaries of the area which are donated to the United States may be accepted by the Secretary, after he notifies the Congress of his intention to do so, if he finds that they will contribute to the purposes for which the preserve was created.

Section 2 provides that 6 months after the date of enactment of the legislation, or earlier if the Secretary establishes the detailed boundaries by publication in the Federal Register, title to most of the lands involved will vest in the United States. Under the terms of the legislation, the mineral interests and qualifying residential properties are exempt from this legislative taking provision. Just compensation is to be paid for any property interest taken. It is expected that the monies will be appropriated from the Land and Water Conservation Fund which was created for this purpose. Property owners will be entitled to payment for the value of any property taken as of the date of taking plus interest at the rate of 6 percent per annum after such date. Actions for just compensation could be brought by the landowner in the local U.S. District Court or the Secretary may initiate proceedings to determine just compensation one year after the date of enactment of the Act. If the landowner agrees, the Secretary may re-vest title to all or any portion of the former landowners holdings subject to conditions which will assure their use in perpetuity, in a manner consistent with the purposes for which the preserve was created. In such cases, the Secretary would pay the landowner the difference between the fee value of the land and the value of the land with restrictions. In no event could the Secretary re-vest title once just compensation has been paid. In the event that the Secretary finds that any lands or interests in lands are being used or may be used in a manner which would be detrimental to the values in this area, then he could initiate eminent domain proceedings to acquire such lands.

Section 3 provides that owners of improved residential properties, constructed or under construction on July 1, 1973, may elect to retain a 25-year or lifetime interest in the dwelling and up to 3 acres of land, plus such lands, or interest in lands, as are reasonably necessary for ingress and egress. In such cases, the Secretary would pay the owner the fair market value of the fee interest less the value of the right retained. Owners who elect to retain a right of use and occupancy are deemed to have waived any rights to which they might be entitled under the Uniform Relocation Assistance Act.

Section 4 requires the Secretary to administer the preserve in accordance with the provisions of this legislation and with the usual authorities applicable to other units of the national park system. In addition, the legislation provides that the Secretary shall limit new construction within the boundaries of the preserve and shall promulgate regulations with respect to uses of, or on, Federal lands. It requires the Secretary to permit hunting, fishing and trapping in accordance with State and Federal laws, but it allows him to designate zones where, or periods when, such activities will not be permitted.

Section 5 directs the Secretary to review the area and to report his recommendations as to the suitability or unsuitability of including any portion of it in the National Wilderness System.

Section 6 authorizes the appropriation of \$63,812,000 for the acquisition of lands and interest in lands and \$7,000,000 for development.

COST

As indicated above, it is estimated that the land acquisition costs for this project will total \$63,812,000. Prompt completion of land acquisition program is essential if the lands are to be purchased without a serious escalation in prices, but it is equally important that they be acquired promptly if the values sought to be protected by the legislation are to be preserved. Development of public use and administrative facilities will require the investment of \$7,000,000. While the facilities to be installed are expected to be relatively modest in character, the Preserve will consist of several disjunct units; thus resulting in greater costs for facilities, roads, trails and the like because more duplication will be required than would normally be the case where the lands are compact and contiguous.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, meeting in open session, by a voice vote favorably reported the legislation to the House and ordered a clean bill to be prepared and introduced. H.R. 11546 incorporated the recommendations of the Committee and the Committee urges its approval by the House.

DEPARTMENTAL REPORTS AND EXECUTIVE COMMUNICATION

The report of the Department of Interior (dated July 14, 1973) together with the comments of the Department of Agriculture (dated July 16, 1973) and the Executive Communication transmitted to the Congress (dated July 14, 1973) follow:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 14, 1973.

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. 8655, a bill to estab-

lish the Big Thicket National Biological Reserve in Texas, and for other purposes, and on H.R. 4270, H.R. 5941, and H.R. 9051, similar bills.

We recommend enactment of the Department's proposed legislation, forwarded to the Congress today, in lieu of H.R. 8655, H.R. 4270, H.R. 5941, or H.R. 9051.

H.R. 5941, H.R. 8655 and H.R. 9051 would establish a Big Thicket National Biological Reserve, while H.R. 4270 would establish a Big Thicket National Park. H.R. 4270 would create a park of 100,000 acres in a general area described in the bill; no map is referred to by H.R. 4270. H.R. 5941 would establish a reserve of a minimum of 100,000 acres, including corridor units along several creeks and rivers. H.R. 8655 would establish a reserve of a maximum of 75,000 acres. H.R. 9051 would create, by legislative taking, a reserve of approximately 100,000 acres, including 11 units and broad corridor zones along the Neches River, Pine Island Bayou and Big Sandy-Village Creek; acreage along the Neches River conveyed by the State of Texas would be in addition to the 100,000 acres authorized by the bill.

The Department's legislation would authorize the Secretary of the Interior to establish the Big Thicket National Biological Reserve, consisting of not to exceed 68,000 acres, in eastern Texas. The biological reserve would be managed in accord with the laws applicable to the National Park System, and emphasis would be placed on preserving and interpreting the biological values in the Reserve. Property could be acquired for the Reserve by purchase, donation, transfer from any other Federal agency or exchange, provided that property of State or local governments could be acquired only by donation. Owners of improved property could retain a right of use and occupancy for noncommercial residential purposes for 25 years or, alternatively, for the lifetime of the owner or his spouse, whichever is a longer period. The language concerning rights of use and occupancy is the same as that used in a number of recent pieces of legislation dealing with acquisition of lands for addition to the National Park System, and we recommend its use in this case as well. Hunting and fishing are to be allowed, in accord with applicable State and Federal laws, except that the Secretary may designate periods and zones when these would not be allowed for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. The language in the bill concerning hunting and fishing is also the same as that used in other recent National Park System legislation, and we recommend its use, rather than the language contained in H.R. 8655 or H.R. 9051. H.R. 4270 and H.R. 5941 contain no hunting and fishing provisions. We would recommend permitting hunting, trapping and fishing in the Big Thicket Reserve subject to limitations such as those contained in our proposal.

The Department's proposal contains a provision which authorizes the Secretary to decline to acquire interests in, or all or any part of the oil and gas minerals and other minerals on lands or waters in the Reserve. The Secretary shall allow, subject to regulations promulgated by him, reasonable use of Reserve lands to extract such minerals. Easements are also preserved under the provisions of the bill. We believe that any bill dealing with the Big Thicket should include a provision such as section 6 of our proposal, to make it clear that the

Secretary is not obligated to acquire the extremely expensive rights to oil and gas resources situated in the Reserve. Provisions such as those in H.R. 9051, which would result in acquiring oil and gas rights and subsequently leasing them for slant drilling, would make the Big Thicket Reserve prohibitively expensive.

The Department's proposal, of about 68,000 acres, is the result of careful evaluation of the resources of the Big Thicket, weighing costs of acquisition against the resources to be preserved and interpreted, and taking into account administrative requirements. The seven units of the Reserve are representative of the diverse ecosystems found in the Big Thicket area. River corridors were considered for inclusion in the Reserve, but these were not included because of the large number of homesites along these waterways and because of the difficulty of administering the extensive boundaries along these corridors.

As a general matter, we recommend the specific provisions contained in our proposal in lieu of those contained in the other bills which are the subject of this report. A number of the provisions found in these bills confer authorities which it is not necessary to mention specifically, if reference is made to a general statutory authority such as the Act of August 25, 1916. We do, however, have the following specific comments:

1. H.R. 5941 and H.R. 9051 provide that a person electing continued use and occupancy waives benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Such a provision is apparently based on the theory that since persons retaining a right of use and occupancy experience no sudden dislocation, they are not entitled to benefits under the Act in the same degree as persons who are forced to move immediately. We have no objection to such a provision, and would suggest use of the following language:

"Whenever an owner of property elects to retain a right of use and occupancy pursuant to this Act, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894)."

2. H.R. 5941 and H.R. 8655 provide for district court review of decisions by the Secretary to terminate a right of use and occupancy. The owner must file for review within 90 days of receipt of notification of termination. We would oppose such a provision on the ground that it imposes an added burden on the owner of the property that he would not otherwise have. We interpret language concerning termination such as that contained in our proposal, as requiring court action before the Secretary can acquire full title, unless, of course, the owner willingly surrenders his right of use and occupancy. The Secretary must initiate such court action. Under the provisions of the two bills mentioned, on the other hand, the Secretary would not have this obligation and the owner would automatically waive his rights if he did not come forward and file for review within 90 days. We believe that, in fairness to the owner, the burden of initiating court action should continue to be on the Secretary.

3. H.R. 8655 contains provisions for in lieu of tax payments. We oppose such payments to State and local governments as a general matter, because there is, in fact, generally no net loss to such governments. Although property will be taken off the tax rolls by being

included in the reserve, acquisition will take place over several years. During this period, visitation to the area will increase, providing increased income to the area. Increased tax revenues resulting from visitation have been found to more than off-set loss of real property tax revenues.

4. H.R. 9051 provides for creation of the reserve through legislative taking. We strongly recommend against this approach. Legislative taking can result in greater costs, because the Government is obligated to make interest payments to the owner during the period between taking and payment, and these interest rates can substantially exceed the inflation rates in the area during this same period. Further, legislative taking reduces budget flexibility, because payment must be made at the time that a final judgment is rendered, rather than according to an orderly acquisition schedule. While a taking may be justified in some instances where an area is in immediate danger of irreparable harm and where funds are not available for purchase of that area, we do not believe that such conditions exist in Big Thicket. Sufficient funds will be budgeted in the first year so that if any particular tracts are endangered, they can almost certainly be acquired through normal acquisition procedures.

5. Section 7(b) of H.R. 8655 is of doubtful constitutionality. That section would require that all funds appropriated to carry out the purposes of the Act be fully expended in the year for which they are appropriated without consideration of any administrative reasons which may make such expenditure unwise or unnecessary. The executive power is vested by the Constitution in the President, who is required to "take care that the laws be faithfully executed". In carrying out that constitutional mandate, the President must be able to make appropriate administrative decisions in managing the fiscal affairs of the government. Further, the section is not consistent with the Anti-Deficiencies Act (31 U.S.C. 665) in that it does not seem to permit spending at a level less than the amount appropriated even if circumstances arise making the expenditure of the total appropriation unnecessary to achieve the purpose of the program.

We urge prompt and favorable action by the Congress on our proposal for the Big Thicket National Reserve, because we believe that time is running out for this valuable national resource.

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,

DOUGLAS P. WHEELER,
Acting Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 16, 1973.

HON. JAMES A. HALEY,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives.

DEAR MR. CHAIRMAN: As you requested, here is our report on H.R. 4270, a bill to establish the Big Thicket National Park in Texas and

H.R. 5941, a bill to authorize establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes.

This Department recommends establishment of a National Biological Reserve as suggested by the Department of the Interior in lieu of enactment of H.R. 4270 and H.R. 5941.

H.R. 4270 would establish a Big Thicket National Park. The bill would authorize the Secretary of the Interior to acquire by purchase, donation, or exchange not more than 100,000 acres in Jasper, Jefferson, Liberty, Orange, Polk and Tyler Counties, Texas. Although some 22,600 acres of National Forest lands lie in Jasper County, we do not believe that these lands are involved in the park as it would be established under H.R. 4270.

H.R. 5941 would establish a Big Thicket National Biological Reserve not to exceed 100,000 acres in Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties, Texas. The Reserve would consist of seven units for the protection, study, and interpretation of outstanding scientific and ecological values of the Big Thicket area. No National Forest lands appear to be involved in this proposed reserve.

The Big Thicket area of east Texas is a biological crossroads of plant and animal habitats with high values for scientific study and interpretation. The Department of the Interior proposal offers the protection these lands require, and the access, use, and interpretation which the public needs to enjoy and appreciate the area.

Although National Forest lands are not directly involved in the Department of the Interior proposal, the Forest Service administers lands near the proposed reserve. We will continue to manage these lands in a manner which enhances and complements the purposes of a Big Thicket Biological Reserve.

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

Sincerely,

ROBERT W. LONG,
Assistant Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 14, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a draft of a bill to authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes.

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill authorizes the Secretary of the Interior to acquire lands, waters and interests therein, within an area depicted on a map on file with the Department, to be known as Big Thicket National Biological Reserve. The Reserve, as depicted on this map, is 67,150 acres, most of which is in private ownership. The bill provides that the Reserve may not include more than 68,000 acres.

The Big Thicket of East Texas contains eight different biological habitats, ranging from savannah, to bald-cypress swamp, to upland mixtures of American beech, southern magnolia, white oak and loblolly pine. This biological crossroads is unique in the United States. Changes in elevation from 400 feet on the north to a few feet above sea level on the south, as well as changes from well-drained to swampy areas, and from fertile soil to intrusions of less fertile soil types, account for the variety of plant communities in the Big Thicket area. In addition to its extraordinary diversity of flora, the area contains a wealth of animal life, and magnificent specimens of individual tree species. The larger mammals include the Texas whitetail deer, red and gray fox, raccoon, ringtail, mink, otter, skunks, opossum, bobcat, mountain lion, armadillo and on occasion, black bear. Three out of four species of insectivorous plants occur there. Over 300 birds have been listed for the Big Thicket, including the American egret, roseate spoonbill and the relatively rare red-cockaded woodpecker. The ivory-billed woodpecker, which was the largest woodpecker in North America, may survive in the area. The thicket also contains the largest known specimens of American holly, black hickory and planer tree, as well as 40 wild orchid species, some found nowhere else.

The scientific resources of Big Thicket are outstanding, not only because a variety of biological communities are in close proximity, but because of the ecologic interplay between species. Explanation of these scientific values will be a major part of the interpretation by the Park Service of the Reserve. In addition to its scientific interest, the area is also one of great natural beauty, including park-like beech and magnolia stands, virtually impenetrable "thicket" areas, and picturesque bald cypress-water tupelo swamps.

The Big Thicket once comprised several million acres, but it has been greatly reduced by logging, clearing for agricultural uses and oil field operations, and more recently, vacation home subdivisions. It is now divided into strips and blocks of ecological islands and these islands are steadily being encroached upon.

Interest in preserving the Thicket as a part of the Park System began before the Second World War, and Congressional interest has been manifested since the 90th Congress. We have studied the area to determine which of the remaining parts of the Thicket would be suitable for inclusion in a unit of the park system intended to preserve and interpret the biological values of the Big Thicket. Specifically, studies of the area were made in 1965 and 1966, and in April 1967, the Advisory Board on National Parks, Historic Sites, Building and Monuments, found that "The Big Thicket, with its great variety of vegetational types, its magnificent specimens of individual tree species, its diversity of bird life. . . and its unusual animal communities, is of national significance." In October 1972, the Board reaffirmed its position and endorsed the establishment of the area as a Big Thicket National Biological Reserve.

After review of the current status of the lands and waters in the Big Thicket, we are now proposing a Big Thicket National Biological Reserve, consisting of 7 units and encompassing outstanding representative sections of the remaining Thicket and neighboring ecosystems. The principal purpose of the Reserve would be to preserve key areas

for scientific study, rather than to provide solely for outdoor recreational opportunities. Development of the area for visitor use would consist mainly of access roads to the edges of the units, trails, interpretive facilities, primitive campsites and boat launching facilities so that visitors could explore the Reserve from the numerous streams, rivers, and bayous. In preserving the area for a scientific purpose, the Big Thicket National Biological Reserve is similar to the proposed Big Cypress National Fresh Water Reserve now before Congress, one of the purposes of which is to protect the unique natural environment of the Big Cypress area "from further development which would significantly and adversely affect its ecology". It is also similar to the joint federal-state effort at the Ice Age National Scientific Reserve in Wisconsin (16 U.S.C. 469d *et seq*), which was created to protect, preserve, and interpret nationally significant values of Wisconsin continental glaciation, including moraines, kettleholes, swamps, lakes, and other reminders of the ice age.

The seven areas we are proposing for inclusion in the Reserve, and their approximate sizes, are as follows. Descriptions of these areas are set out in an attachment accompanying this report.

Unit:	Acreage
Big Sandy-----	14, 300
Hickory Creek Savannah-----	668
Turkey Creek-----	7, 800
Beech Creek-----	4, 856
Neches Botton and Jack Gore Baygall-----	13, 300
Beaumont-----	6, 218
Lance Rosier-----	20, 008
Total -----	67, 150

Under the terms of the proposed bill, owners of improved property acquired for the Reserve could retain noncommercial residential rights of use and occupancy for 25 years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. Hunting, fishing and trapping on lands and waters under the Secretary's jurisdiction within the Reserve will be permitted, in accordance with applicable state and federal laws, except that the Secretary may designate zones where, and periods when, no hunting, fishing or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. In addition, the bill authorizes the acquisition of the Reserve without purchase of oil, gas and other mineral rights. It is not our intention to acquire existing oil and gas leases or to acquire any other oil and gas rights.

It is expected that, based on June 1973 prices, total development costs will be approximately \$4,572,000, of which \$4,221,000 would be expended during the first five years following enactment. These costs will be primarily attributable to a visitor center, interpretive shelters, comfort stations, nature and hiking trails, boat launching facilities, maintenance unit construction, rehabilitation and restoration of a pioneer farm in the Turkey Creek Unit, parking areas, and access roads.

Annual operating costs will range from \$94,000 in the first year to \$853,000 in the fifth year following enactment. A man-year and cost data statement is enclosed.

Estimated land acquisition costs are expected to be \$38,000,000. Of the land to be acquired, 66,987 acres are in private ownership, 25 acres in state ownership, 8 acres are owned by the City of Beaumont, and 130 acres by the Lower Neches Valley Authority. Under the terms of the bill, lands belonging to the State or a political subdivision of the state could be acquired only by donation.

At the present time we anticipate substantial new 1975 funding for the Land and Water Conservation Fund, which would be used to acquire lands for the Reserve, and we hope to approach full funding for this important program. Assuming this occurs, we can move ahead aggressively in the land acquisition program for Big Thicket.

We estimate that visitation to the reserve will be 190,000 visitor days during the first year and by the tenth year following enactment should reach 600,000 per year.

Time is running out for the Big Thicket, as development encroaches on the few areas remaining of this nationally significant resource. We urge prompt and favorable action by the Congress on this proposal for a Big Thicket National Biological Reserve.

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,

DOUGLAS P. WHEELER,
Acting Assistant Secretary of the Interior.

A BILL To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for scientific study and for the education and benefit of present and future generations certain unique areas in the Big Thicket of eastern Texas which contain vegetational types and associations of national significance, there is hereby authorized to be established the Big Thicket National Biological Reserve.

SEC. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase, transfer from any other Federal agency or exchange, lands, waters, and interests therein within the areas generally depicted on the map entitled "Big Thicket National Biological Reserve," numbered NBR-BT 91,023, and dated July 1973, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the *Federal Register*, and he may acquire property within the revised boundaries in accordance with the provisions of this section: *Provided*, That the boundaries of the area may not encompass more than sixty-eight thousand acres of land. Property owned by the State of Texas or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

SEC. 4. The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the Big Thicket National Biological Reserve, and it shall be administered by the Secretary in accordance with the laws applicable to the national park system, and in a manner consistent with the purposes and provisions of this Act.

SEC. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities.

SEC. 6. When acquiring lands, waters, and interests therein, the Secretary may decline to acquire all or any part of, or interest in, the oil and gas minerals or other minerals in such land or waters, and shall allow, under such regulations as he may prescribe, occupation and use of so much of the surface of the lands and waters as may be required for all purposes reasonably incident to the mining or removal of such from beneath the surface of these lands and waters and the lands and waters adjacent thereto. Any acquisition hereunder shall exclude and shall not diminish any established right of occupation or use of the surface pursuant to grants, leases, or easements executed on or before the date of enactment of this Act, which are determined by the Secretary to be reasonably necessary for the exploration, development, production, storing, processing, or transporting of oil and gas minerals that are removed from outside the bound-

aries of the reserve, and the Secretary may grant additional rights of occupation or use of the surface for the purposes aforesaid upon the terms and under such regulations as may be prescribed by him.

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE—BIG THICKET NATIONAL BIOLOGICAL RESERVE (PROPOSED)

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Estimated expenditures:					
Personnel services.....	\$51,000	\$69,000	\$218,000	\$408,000	\$491,000
All other.....	16,068,000	11,415,000	12,627,000	1,904,000	1,254,000
Total.....	16,119,000	11,484,000	12,845,000	2,312,000	1,745,000
Estimated obligations:					
Land and property acquisition.....	16,000,000	11,000,000	11,000,000		
Development.....	25,000	354,000	1,425,000	1,524,000	892,000
Operations and management (protection, maintenance planning, developing and operation of recreation facilities).....	94,000	130,000	420,000	788,000	853,000
Total.....	16,119,000	11,484,000	12,845,000	2,312,000	1,745,000
Total estimated man-years of civilian employment (percent).....	3.0	5.0	19.0	38.0	45.0

DESCRIPTION OF UNITS—BIG THICKET NATIONAL BIOLOGICAL RESERVE

1. Big Sandy Unit—size, 14,300 acres

The Big Sandy Unit is located in the northwestern portion of the Big Thicket area and extends from the Alabama-Coushatta Indian Reservation southwest along Big Sandy Creek approximately 12 miles.

The unit is a wild, well-watered, relatively unaltered area containing some of the finest examples of the Thicket's recognizable subtypes, ranging from the drier upland community to the stream bank and baygall community. Such diversity has its counterpart in the many kinds of mammals, birds, amphibians, and reptiles which inhabit the area. Thus the tract has outstanding possibilities for nature-trail interpretation and wilderness hiking.

2. Hickory Creek Savannah—size, 668 acres

While not strictly Thicket-type vegetation, the longleaf pine-grassland association comprising the savannah is a distinctive threshold community bordering the true Thicket and bears an important relationship to it. The Hickory Creek example occupies part of a discontinuity in the Big Thicket type. This hiatus owes its existence primarily to an intrusion of soils that do not support the Thicket ecosystem. The contrast between the savannah and the actual Thicket is so marked that it serves admirably to illustrate the strength of the influence exerted by soil types on plant distribution, particularly in the case of the Big Thicket.

This unit is of outstanding value to botanists and naturalists because of the great variety of herbaceous plants it contains. The many different species here include many rare forms. Dominating the association is the dignified longleaf pine, one of the characteristic trees of the drier parts of the Big Thicket, here displayed in solitary prominence.

3. Turkey Creek Unit—size, 7,800 acres

The Turkey Creek Unit extends from State Route 1943 south to State Route 42. The area illustrates a remarkable diversity of Upper Thicket vegetation types, including the largest known field of insectivorous pitcher plants in the region. The Southern portion of this tract is a locally important botanical study area and many regard it as the most beautiful area in the Big Thicket Region. In this area will be located the only visitor center development for the Biological Reserve. All other areas will be devoted to hiking trails, self-serving information exhibits, and comfort facilities only.

The unit embraces several miles of the lower reaches of Turkey Creek down to and including its confluence with Village Creek. Along its length are found splendid examples of the Big Thicket's "upper division" vegetative types. Two particular portions of the unit highlight its qualities. First, near the north end is a tract displaying perhaps the greatest variety of subtypes, each in outstanding condition, to be found within any comparable acreage in the Thicket. The series begins with what may be the largest known field of the fascinating insectivorous pitcher plant in the region, followed in quick succession by areas containing the savannah, upland hardwood, baygall, cypress swamp, stream bank, and beech-magnolia communities. Also, the northern end contains the now record Shagbark Hickory tree. The second outstanding portion of the Turkey Creek Unit is that containing the Village Creek confluence. It is an unusually well-preserved tract of mixed hardwoods typifying the stream bank community.

4. Beech Creek Unit—size, 4,856 acres

The rolling uplands at the head of Beech Creek support some of the best examples of mixed hardwood forest in the Big Thicket. The area extends South of Highway 1746 and along the west side of Highway 97.

This unit lies in the heart of what may be considered the richest expression of the Big Thicket's "upper division." It occupies a well-drained, gently rolling benchland bordering the Neches River valley. The deep, fertile soils of this area support fine stands of the beech-magnolia-white oak-loblolly pine association which is the symbol of the Thicket. The entire unit has been subjected to some logging, but is believed to have the potential to recover fully once protection is instituted. It is selected on the basis of inferred quality, in both vegetative properties and wilderness values.

5. Neches Bottom Unit and Jack Gore Baygall—size, 13,300 acres

The broad channel of the Neches River closely follows the eastern border of the Big Thicket Region. Its flood plain supports mature lowland hardwood forest that contain many species not found elsewhere in the Big Thicket. The Neches Bottom and Jack Gore Baygall Unit includes bottomland areas along the Neches River, which provide valuable habitats for endangered wildlife species.

It is laced with sloughs connecting with the river, and these contain immense specimens of bald cypress and water tupelo. The slightly elevated lands between the sloughs support equally large trees of many species representative of the Big Thicket's streambank community. The area has sustained some cutting and a few pine plantations exist

between the Jack Gore Baygall and the river. Authorities consider this area to have promising potential to be of the finest stands of lowland hardwood forests in the gulf coastal region. It, too is a good wildlife area and lies in the expected range of the ivory-billed woodpecker.

6. *Lance Rosier Unit—size, 20,008 acres*

Located near the southern end of the Big Thicket, the Lance Rosier Unit is a relatively isolated and undisturbed example of the Lower Thicket vegetation type. This is the only representative of the Lower Thicket communities. This large area will facilitate preservation of wildlife species that might become endangered in the smaller tracts. This 20,008-acre unit is the largest of the eight units, which comprise the National Biological Reserve.

7. *Beaumont Unit—size, 6,218 acres*

This unit is an irregular wedge of land at the confluence of Pine Island Bayou and the Neches River, immediately north of the city of Beaumont. The western boundary of the unit is formed in part by the Neches Canal, which starts at the Neches River and then passes underneath Pine Island Bayou on its southward course; thus the major portion of the unit is literally an island, surrounded by streams—both natural and manmade. The unit is a superlative representation of the Thicket's flood plain forest and stream bank communities. It is doubtful if a finer stand of the various hardwoods comprising these types exists. From all evidence, at least the southern third of the unit is that extreme rarity—an area which has never been logged, unless a few bald cypress were removed many years ago. This inviolate condition is probably attributable to the difficulty of access across the many sloughs and fingers of swampland which penetrate the area.

Its isolation and size give the Beaumont Unit the highest rank in wilderness quality in the entire area studied. It abounds with varied bird and animal life. Alligators have persisted in its interior sloughs, and the rare ivory-billed woodpecker was recently reported there.



BIG THICKET NATIONAL PRESERVE, TEX.

MAY, 23, 1974.—Ordered to be printed

Filed under authority of the order of the Senate of May 22, 1974

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

REPORT

[To accompany H.R. 11546]

The Committee on Interior and Insular Affairs to which was referred the bill (H.R. 11546) to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

PURPOSE OF BILL

The purpose of H.R. 11546, as amended, is to establish the Big Thicket National Preserve in the State of Texas. In establishing this unit of the National Park System, the Congress will assure the preservation of numerous representative areas typical of the Big Thicket region and it will protect and preserve the natural values which make this "biological crossroads" unique in the United States.

The bill authorizes the Secretary of the Interior to acquire lands, waters and interests therein, within an area depicted on a map on file with the Department of the Interior, to be known as the "Big Thicket National Preserve". The bill provides that the Preserve may not include more than approximately 100,000 acres.

BACKGROUND AND DESCRIPTION OF AREA

The Big Thicket area of eastern Texas contains a great diversity of plant communities. These vegetative units range from the drier upland country, to the baygall, bog, streambank, and floodplain forest communities. Various habitats within the units are unique, and may support the nearly extinct ivory-billed woodpecker and red wolf.

The chief value of the Big Thicket lies in its unique biological resources, evidenced largely by displays of plant life found nowhere else in the United States. Preservation of examples of these botanical displays is clearly necessary for continued scientific study and an educational and inspirational reminder to future generations.

The National Preserve category is a new concept, which will establish the preservation and protection of areas, which are unique due mainly to the flora and fauna, for the benefit of future generations, and which may be threatened by encroaching developments or other adverse situations.

The approximate 57 miles of river corridor with several access points will provide additional means to explore and appreciate much of the Big Thicket area. In addition to hiking trails in these and other areas, access by boats and canoes will also permit the visitor to enjoy the area in a different manner.

The Big Thicket of East Texas contains eight different biological habitats, ranging from savannah, to bald-cypress swamp, to upland mixtures of American beech, southern magnolia, white oak and loblolly pine. This area is unique in the United States. Changes in elevation from 400 feet on the north to a few feet above sea level on the south, as well as changes from well-drained to swampy areas, and from fertile soil to intrusions of less fertile soil types, account for the variety of plant communities in the Big Thicket area. In addition to its extraordinary diversity of flora, the area contains a wealth of animal life, and magnificent specimens of individual tree species. The larger mammals include the Texas whitetail deer, red and gray fox, raccoon, ringtail, mink, otter, skunks, opossum, bobcat, mountain lion, armadillo and on occasion, black bear. Three out of four species of insectivorous plants occur there. Over 300 birds have been listed for the Big Thicket, including the American egret, roseate spoonbill, and the relatively rare red-cockaded woodpecker. The ivory-billed woodpecker, which was the largest woodpecker in North America, may survive in the area. The Thicket also contains the largest known specimens of American holly, black hickory and planer tree, as well as 40 wild orchid species, some found nowhere else.

The scientific resources of Big Thicket are outstanding, not only because a variety of biological communities are in close proximity, but because of the ecologic interplay between species. The Committee is advised that explanation of these scientific values will be a major part of the interpretation by the Park Service of the Preserve. In addition to its scientific interest, the area is also one of great natural beauty, including park-like beech and magnolia stands, virtually impenetrable "thicket" areas, and picturesque bald cypress-water tupelo swamps.

The Big Thicket once comprised several million acres, but it has been greatly reduced by logging, clearing for agricultural uses and oil field operations, and more recently, vacation home subdivisions. It is now divided into strips and blocks of ecological islands and these islands are steadily being encroached upon.

Interest in preserving the Thicket as a part of the Park System began before the Second World War. Specifically, studies of the area were made in 1965 and 1966, and in April 1967, the Advisory Board on National Parks, Historic Sites, Building and Monuments, found that "The Big Thicket, with its great variety of vegetational types,

its magnificent specimens of individual tree species, its diversity of bird life . . . and its unusual animal communities, is of national significance."

The principal purpose of the Preserve would be to preserve key areas for scientific study, rather than to provide solely for outdoor recreational opportunities. Development of the area for visitor use would consist mainly of access roads to the edges of the units, trails, interpretive facilities, primitive campsites and boat launching facilities so that visitors could explore the Preserve from the numerous streams, rivers, and bayous. In preserving the area for a scientific purpose, the Big Thicket National Preserve is similar to the joint Federal-state effort at the Ice Age National Scientific Reserve in Wisconsin (16 U.S.C. 469d *et seq.*), which was created to protect, preserve, and interpret nationally significant values of Wisconsin continental glaciation, including moraines, kettleholes, swamps, lakes, and other reminders of the ice age.

Following are descriptions of the units which are to be included in the Big Thicket Preserve:

1. *Big Sandy Creek Unit*.—Comprising 14,300 acres, this unit extends southward from the Alabama-Coushatta Indian Reservation. It is a wild, well-watered, relatively unaltered area containing outstanding examples of several of the Big Thicket's ecotypes from upland communities to the streambank, bog baygall, and swamp communities. Included in the wide variety of wildlife which inhabit this area are some of the few remaining alligators.

2. *Menard Creek Corridor Unit*.—This appendage to the Big Sandy Creek Unit is about 20 miles long and totals approximately 3,359 acres. Unlike Big Sandy Creek, which is part of the Neches River drainage system, Menard Creek is a tributary of the Trinity River. It is anticipated that visitors in this area will experience many of the natural features common to the Big Thicket area and it is expected that public facilities will be developed on the lands located at its confluence with the Trinity River.

3. *Hickory Creek Savannah Unit*.—This 668 acre tract is considered to be a distinctive threshold community bordering on the traditional Big Thicket. It clearly illustrates the influence of soil types of plant distribution. Basically, it is a grassland containing hundreds of varieties of herbacious plants, broken occasionally by longleaf pines and low bushes and trees. While upland pine savannah areas were once extensive, now only a few unaltered areas remain intact. Of these, the Hickory Creek Unit is considered one of the finest.

4. *Turkey Creek Unit*.—Illustrative of the typical Upper Thicket vegetation types, this 7,800 acre unit contains the largest known field of pitcher plants in the region. Its northern reaches include one of the greatest varieties of subtypes to be found in the Big Thicket, while the southern portion features an unusually well-preserved tract of mixed hardwoods typical of the streambank community.

5. *Beech Creek Unit*.—This 4,856 acre unit lies in the heart of the Big Thicket's upper division. Occupying well-drained, fertile soils, it supports fine stands of beech, magnolia, white oak and loblolly pine—a combination of which represents, to some, the "true" Thicket. While portions of the area have been cut over they are rejuvenating and will ultimately equal the values of the virgin area known as "Woodland Chapel" which is contained in this area.

6. *Upper Neches River Corridor Unit*.—Extending southward from Dam B to the Neches Bottom Unit, this river corridor is approximately 21 miles long and includes approximately 3,775 acres of land. In addition to its many values as one of the major rivers of the area, the Upper Neches offers canoeing opportunities and fishing for small-mouth bass and catfish. This unit also includes the Sally Withers addition which is considered one of the most pristine remaining oxbow lakes.

7. *Neches Bottom and Jack Gore Baygall Unit*.—Located along the eastern border of the Big Thicket region, this 13,300 acre unit supports mature lowland hardwood forest types and contains many species not found elsewhere in the Big Thicket. Laced with sloughs which contain large specimens of bald cypress and water tupelo, the elevated lands contain equally impressive birch, elm, oak, boxelder and planer trees. Such an area naturally provides valuable habitat for both common and endangered wildlife.

8. *Lower Neches River Corridor Unit*.—This 17 mile stretch of the Neches River includes 2,600 acres and helps provide the continuity of the corridor from Dam B to its confluence with Pine Island Bayou. Like the other major creeks and streams in the region, the Lower Neches supports a very rich subtropical forest varying in composition as soil types change. The role of all of the streams is most important to the entire Big Thicket because it is totally dependent upon the complex pattern of water drainage and seepage; consequently the protection afforded this and the other stream segments will help to assure the continuance of the Big Thicket environment.

9. *Beaumont Unit*.—Although this 6,218 acre tract is located near the City of Beaumont, it remains perhaps the wildest component of all of the units to be included in the Preserve. Located, as it is, at the confluence of the Neches River and Pine Island Bayou, it is virtually an island isolated by the streams and canals that surround it. Although some cypress may have been harvested in the area at some time, part of it has never been logged and it is doubtful that a better stand of basic hardwoods exists anywhere in North America. It is considered to be a superlative example of the Big Thicket's flood plain and streambank communities. In this remote section, where access is difficult, due to sloughs and swampy fingers, it is hoped that the ivory-billed woodpecker may still exist.

10. *Loblolly Unit*.—Comprising 550 acres, this unit has been considered one of the basic components of most of the major Big Thicket proposals. It contains the only extensive stand of loblolly pines remaining in the Big Thicket and is said to have persisted only because it has been entangled in litigation since the turn of the century.

11. *Little Pine Island—Pine Island Bayou Corridor Unit*.—This 2,100-acre corridor unit is about 14 miles long. Like the other stream corridors it is important because it nourishes and drains other areas of the Big Thicket, but it is also significant because of its highly scenic combination of palmetto and cypress swamps.

12. *Lance Rosier Unit*.—Near the southernmost end of the Big Thicket, the Lance Rosier Unit is the largest component of the proposed Preserve. Totalling 25,024 acres, this unit is relatively undisturbed and is the most important representative of Lower Thicket vegetation. Because of its size and character, it should facilitate the

preservation of wildlife species that might become endangered in smaller tracts.

13. *Big Sandy-Village Creek Unit, Hardin County*.—This area contains 15,450 acres and contains the unique Sandylands-Ponds Area and is an extension of the Turkey Creek Unit.

HUNTING AND FISHING

Consistent with traditional Committee practice, as reflected in legislation to establish other national recreation areas, hunting and fishing are permitted in accordance with State and Federal law.

LEGISLATIVE HISTORY

During the 91st Congress, the Senate passed S. 4, a bill sponsored by former Senator Ralph Yarborough after hearings both in Texas and in Washington. Senator Yarborough has been a tireless and dedicated supporter of the preservation of this unique area. S. 4 provided for a 100,000-acre park acquired through normal acquisition procedures.

The present legislation, H.R. 11546, passed the House during the first session of the 93d Congress and was referred to the Committee on Interior and Insular Affairs on December 4, 1973. Two days of hearings were conducted by the Subcommittee on Parks and Recreation on the legislation on February 5 and 6, 1974.

COMMITTEE AMENDMENTS

The Committee made two related amendments to H.R. 11546. The first amendment changes the map designation in section 1(b) of the bill "from NBR-BT 91,027 dated November 1973" to "NBR-BT 91,030 dated May 1974." This change is to reflect the second amendment which is the addition of a 15,450-acre unit designated as the Big Sandy-Village Creek Unit in Hardin County, Texas. The Big Sandy-Village Creek Unit was added on the basis of the unique Sandylands-Ponds Area and as an extension of the Turkey Creek Unit.

The Committee also amended H.R. 11546 by deleting the "legislative taking" provision contained in section 2 of the House-passed bill. This section was eliminated in favor of the normal acquisition policy and subsequent sections of the bill are renumbered. The Committee feels that legislative taking is an extraordinary measure which should be invoked only in those instances in which the qualities which render an area suitable for national park status are imminently threatened with destruction. The Committee does not believe that the Big Thicket area represents such an instance.

The Committee was assured during the hearings on this legislation that those timber companies with holdings in the area will, in good faith, continue the moratorium once specific boundaries are designated.

The Secretary of the Interior is authorized to file a declaration of taking in the usual manner however, should any particular area within this Preserve be threatened. The Committee feels that this is adequate for protection and will provide suitable flexibility for the orderly and

prompt acquisition and establishment of the Big Thicket National Preserve. The Committee has always cooperated when any request for a declaration of taking has been requested.

An additional consideration in the deletion of the legislative taking provision is the current backlog within the National Park Service acquisition program. To acquire those areas already authorized but unacquired is estimated to cost at least \$248 million. To enact a legislative taking in this legislation would either postpone the acquisition of previously authorized areas or would require the United States to pay interest computed from the time of the taking until the date of final payment.

COST

H.R. 11546 limits the sum to be authorized for land acquisition in the Big Thicket National Preserve to \$63,813,000 and for development of the area to \$7,000,000.

COMMITTEE RECOMMENDATION

The Parks and Recreation Subcommittee held open hearings on the Big Thicket legislation on February 5 and 6, and reported the House-passed bill, H.R. 11546, to the full committee. The Committee on Interior and Insular Affairs in open markup session on May 16, 1974, unanimously ordered H.R. 11546, as amended, favorably reported to the Senate.

DEPARTMENTAL REPORTS

The reports of the Department of the Interior and the Office of Management and Budget on S. 314, a bill sponsored by Senator Lloyd Bentsen, and S. 1981, sponsored by Senator John Tower, are set forth in full as follows. Also set forth is an executive communication from the Department of the Interior submitting and recommending draft legislation which was introduced by Senator Henry M. Jackson, Chairman of the Committee on Interior and Insular Affairs and Senator Paul J. Fannin, Ranking Minority Member:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 4, 1974.

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

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on S. 1981, a bill "To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes," and S. 314, a similar bill. There is also pending before your Committee, H.R. 11546, a bill passed by the House of Representatives on December 3, 1973, which would authorize the establishment of a Big Thicket National Preserve.

We recommend enactment of S. 2286, which is identical to the legislation proposed by this Department to the Congress by a letter dated July 14, 1973, in lieu of S. 314, S. 1981, or H.R. 11546.

S. 1981 would establish a Big Thicket National Biological Reserve of a maximum of 100,000 acres, consisting of seven units and three

river corridors. S. 314 would establish a Big Thicket National Park of 100,000 acres in the general area described in the bill. H.R. 11546 would establish a Big Thicket National Preserve of eight units and four river corridors which would total approximately 84,550 acres, using the device of legislative taking. The taking would be effective 6 months after enactment of the bill or at such time as a boundary map is published by the Department, whichever occurs earlier.

The Department's legislation, S. 2286, would authorize the Secretary of the Interior to establish the Big Thicket National Biological Reserve, consisting of not to exceed 68,000 acres, in eastern Texas. The biological reserve would be managed in accord with the laws applicable to the National Park System, and emphasis would be placed on preserving and interpreting the biological values in the Reserve. Property could be acquired for the Reserve by purchase, donation, transfer from any other Federal agency, or exchange, provided that property of State or local governments could be acquired only by donation. Owners of improved property could retain a right of use and occupancy for noncommercial residential purposes for 25 years or, alternatively, for the lifetime of the owner or his spouse, whichever is a longer period. The language concerning rights of use and occupancy is the same as that used in a number of recent pieces of legislation dealing with acquisition of lands for addition to the National Park System, and we recommend its use in this case as well. Hunting and fishing are to be allowed, in accord with applicable State and Federal laws, except that the Secretary may designate periods when and zones where these would not be allowed for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. The language in the bill concerning hunting and fishing is also the same as that used in other recent National Park System legislation, and we recommend its use. We would recommend permitting hunting, trapping and fishing in the Big Thicket Reserve subject to limitations such as those contained in our proposal.

The Department's proposal contains a provision which authorizes the Secretary to decline to acquire interests in, or all or any part of the oil and gas minerals and other minerals on lands or waters in the Reserve. The Secretary shall allow, subject to regulations promulgated by him, reasonable use of Reserve lands to extract such minerals. Easements are also preserved under the provisions of the bill. We believe that any bill dealing with the Big Thicket should include a provision such as section 6 of our proposal, to make it clear that the Secretary is not obligated to acquire the extremely expensive rights to oil and gas resources situated in the Reserve.

The Department's proposal, of about 68,000 acres, is the result of careful evaluation of the resources of the Big Thicket, weighing costs of acquisition against the resources to be preserved and interpreted, and taking into account administrative requirements. The seven units of the Reserve are representative of the diverse eco-systems found in the Big Thicket area. River corridors were considered for inclusion in the Reserve, but these were not included because of the large number of homesites along these waterways and because of the difficulty of administering the extensive boundaries along these corridors.

As a general matter, we recommend the specific provisions contained in our proposal in lieu of those contained in the other bills which are the subject of this report. A number of the provisions found in these

bills restate existing policy on management and acquisition priorities and are not necessary if reference is made to a general statutory authority such as the Act of August 25, 1916. We would, however, have no objection to the provision in H.R. 11546 requiring recommendations pursuant to the Wilderness Act to be made within 5 years. We have the following specific comments:

1. H.R. 11546 provides that a person electing continued use and occupancy waives benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Such a provision is apparently based on the theory that since persons retaining a right of use and occupancy experience no sudden dislocation, they are not entitled to benefits under the Act in the same degree as persons who are forced to move immediately. We have no objection to such a provision, and would suggest use of the following language:

"Whenever an owner of property elects to retain a right of use and occupancy pursuant to this Act, such owner shall be deemed to have waived any benefits or rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894)."

2. S. 1981 provides for district court review of decisions by the Secretary to terminate a right of use and occupancy. The owner must file for review within 90 days of receipt of notification of termination. We would oppose such a provision on the ground that it imposes an added burden on the owner of the property that he would not otherwise have. We interpret language concerning termination such as that contained in our proposal, as requiring court action before the Secretary can acquire full title, unless, of course, the owner willingly surrenders his right of use and occupancy. The Secretary must initiate such court action. Under the provisions of S. 1981, on the other hand, the Secretary would not have this obligation and the owner would automatically waive his rights if he did not come forward and file for review within 90 days. We believe that, in fairness to the owner, the burden of initiating court action should continue to be on the Secretary.

3. S. 1981 contains provisions for in lieu of tax payments. We oppose such payments to State and local governments as a general matter, because there is, in fact, generally no net loss to such governments. Although property will be taken off the tax rolls by being included in the reserve, acquisition will take place over several years. During this period, visitation to the area will increase, providing increased income to the area. Increased tax revenues resulting from visitation have been found to more than off-set loss of real property tax revenues.

4. H.R. 11546 provides for creation of the preserve through legislative taking. We strongly recommend against this approach. Legislative taking can result in greater costs, because the Government is obligated to make interest payments to the owner during the period between taking and payment, and these interest rates can substantially exceed the inflation rates in the area during this same period. Further, legislative taking reduces budget flexibility, because payment must be made at the time that a final judgment is rendered, rather than according to an orderly acquisition schedule. While a taking may be justified in some instances where an area is in immediate danger of irreparable harm and where funds are not available for purchase of that area, we do not believe that such conditions exist in Big Thicket. Sufficient funds will be budgeted in the first year so that if any particular tracts are endangered, they can almost certainly be acquired through normal acquisition procedures.

In addition, we are concerned about the constitutionality of the provisions of section 2(b) of H.R. 11546 that limit payment under the taking provisions to Land and Water Conservation Fund moneys, subject to appropriation authorization ceilings under section 6. It is possible that the appropriation ceiling might be reached before all valid claims for compensation by persons whose property was acquired by legislative taking were paid. The Federal Government would then be in the position of holding title to lands for which it could not, because of the restrictions of section 2(b), legally compensate the former owner. The taking arguably would be an unconstitutional taking without compensation. A similar problem could conceivably arise if the Land and Water Conservation Fund were not adequate to cover obligations created by the taking provisions.

5. We recommend the following perfecting amendments to S. 2286: On page 1, line 9, amend "purpose" to read "purposes"; on page 2, line 17, amend the phrase "law. Federal" to read "law, federal"; on page 5, line 6, amend "hte" to read "the" and on line 9, amend "reseve" to read "reserve".

We urge prompt and favorable action by the Congress on our proposal for the Big Thicket National Biological Reserve, because we believe that time is running out for this valuable national resource.

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, and that S. 2286 is in accord with the program of the President.

Sincerely yours,

JOHN KYLE,
Assistant Secretary of the Interior.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 22, 1974.

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

DEAR MR. CHAIRMAN:

This is in response to your requests for the views of the Office of Management and Budget on the following bills:

1. S. 314, a bill "To establish the Big Thicket National Park in Texas" (requested May 24, 1973); and,

2. S. 1981, a bill "To authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes" (requested December 28, 1973).

The Office of Management and Budget concurs in the views of the Department of the Interior in its report on these bills, and accordingly recommends enactment of the Department's proposed legislation to authorize the establishment of the Big Thicket National Biological Reserve in Texas, S. 2286, in lieu of S. 314 or S. 1981.

Sincerely,

WILFRED H. ROMMEL,
Assistant Director for
Legislative Reference.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 14, 1973.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The bill authorizes the Secretary of the Interior to acquire lands, waters and interests therein, within an area depicted on a map on file with the Department, to be known as Big Thicket National Biological Reserve. The Reserve, as depicted on this map, is 67,150 acres, most of which is in private ownership. The bill provides that the Reserve may not include more than 68,000 acres.

The Big Thicket of East Texas contains eight different biological habitats, ranging from savannah, to bald-cypress swamp, to upland mixtures of American beech, southern magnolia, white oak and loblolly pine. This biological crossroads is unique in the United States. Changes in elevation from 400 feet on the north to a few feet above sea level on the south, as well as changes from well-drained to swampy areas, and from fertile soil to intrusions of less fertile soil types, account for the variety of plant communities in the Big Thicket area. In addition to its extraordinary diversity of flora, the area contains a wealth of animal life, and magnificent specimens of individual tree species. The larger mammals include the Texas whitetail deer, red and gray fox, raccoon, ringtail, mink, otter, skunks, opossum, bobcat, mountain lion, armadillo and on occasion, black bear. Three out of four species of insectivorous plants occur there. Over 300 birds have been listed for the Big Thicket, including the American egret, roseate spoonbill and the relatively rare red-cockaded woodpecker. The ivory-billed woodpecker, which was the largest woodpecker in North America, may survive in the area. The Thicket also contains the largest known specimens of American holly, black hickory and planer tree, as well as 40 wild orchid species, some found nowhere else.

The scientific resources of Big Thicket are outstanding, not only because of a variety of biological communities are in close proximity, but because of the ecologic interplay between species. Explanation of these scientific values will be a major part of the interpretation by the Park Service of the Reserve. In addition to its scientific interest, the area is also one of the great natural beauty, including park-like beech and magnolia stands, virtually impenetrable "thicket" areas, and picturesque bala cypress-water tupelo swamps.

The Big Thicket once comprised several million acres, but it has been greatly reduced by logging, clearing for agricultural uses and oil field operations, and more recently, vacation home subdivisions. It is now divided into strips and blocks of ecological islands and these islands are steadily being encroached upon.

Interest in preserving the Thicket as a part of the Park System began before the Second World War, and Congressional interest has been manifested since the 90th Congress. We have studied the area to deter-

mine which of the remaining parts of the Thicket would be suitable for inclusion in a unit of the park system intended to preserve and interpret the biological values of the Big Thicket. Specifically, studies of the area were made in 1965 and 1966, and in April 1967, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, found that "The Big Thicket, with its great variety of vegetational types, its magnificent specimens of individual tree species, its diversity of bird life . . . and its unusual animal communities, is of national significance." In October 1972, the Board reaffirmed its position and endorsed the establishment of the area as a Big Thicket National Biological Reserve.

After review of the current status of the lands and waters in the Big Thicket, we are now proposing a Big Thicket National Biological Reserve, consisting of 7 units and encompassing outstanding representative sections of the remaining Thicket and neighboring ecosystems. The principal purpose of the Reserve would be to preserve key areas for scientific study, rather than to provide solely for outdoor recreational opportunities. Development of the area for visitor use would consist mainly of access roads to the edges of the units, trails, interpretive facilities, primitive campsites and boat launching facilities so that visitors could explore the Reserve from the numerous streams, rivers, and bayous. In preserving the area for a scientific purpose, the Big Thicket National Biological Reserve is similar to the proposed Big Cypress National Fresh Water Reserve now before Congress, one of the purposes of which is to protect the unique natural environment of the Big Cypress area "from further development which would significantly and adversely affect its ecology". It is also similar to the joint federal-state effort at the Ice Age National Scientific Reserve in Wisconsin (16 U.S.C. 469d *et seq.*), which was created to protect, preserve, and interpret nationally significant values of Wisconsin continental glaciation, including moraines, kettleholes, swamps, lakes, and other reminders of the ice age.

The seven areas we are proposing for inclusion in the Reserve, and their approximate sizes, are as follows. Descriptions of these areas are set out in an attachment accompanying this report.

Unit:	Acreage
Big Sandy	14,300
Hickory Creek Savannah	668
Turkey Creek	7,800
Beech Creek	4,856
Neches Bottom and Jack Gore Baygall	13,300
Beaumont	6,218
Lance Rosier	20,008
Total	67,150

Under the terms of the proposed bill, owners of improved property acquired for the reserve could retain noncommercial residential rights of use and occupancy for 25 years, or in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. Hunting, fishing and trapping on lands and waters under the Secretary's jurisdiction within the Reserve will be permitted, in accordance with applicable state and federal laws, except that the Secretary may designate zones where, and periods when, no hunting, fishing or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoy-

ment. In addition, the bill authorizes the acquisition of the Reserve without purchase of oil, gas and other mineral rights. It is not our intention to acquire existing oil and gas leases or to acquire any other oil and gas rights.

It is expected that, based on June 1973 prices, total development costs will be approximately \$4,572,000, of which \$4,221,000 would be expended during the first five years following enactment. These costs will be primarily attributable to a visitor center, interpretive shelters, comfort stations, nature and hiking trails, boat launching facilities, maintenance unit construction, rehabilitation and restoration of a pioneer farm in the Turkey Creek Unit, parking areas, and access roads.

Annual operating costs will range from \$94,000 in the first year to \$853,000 in the fifth year following enactment. A man-year and cost data statement is enclosed.

Estimated land acquisition costs are expected to be \$38,000,000. Of the land to be acquired, 66,987 acres are in private ownership, 25 acres in state ownership, 8 acres are owned by the City of Beaumont, and 130 acres by the Lower Neches Valley Authority. Under the terms of the bill, lands belonging to the state or a political subdivision of the state could be acquired only by donation.

At the present time we anticipate substantial new 1975 funding for the Land and Water Conservation Fund, which would be used to acquire lands for the Reserve, and we hope to approach full funding for this important program. Assuming this occurs, we can move ahead aggressively in the land acquisition program for Big Thicket.

We estimate that visitation to the reserve will be 190,000 visitor days during the first year and by the tenth year following enactment should reach 600,000 per year.

Time is running out for the Big Thicket, as development encroaches on the few areas remaining of this nationally significant resource. We urge prompt and favorable action by the Congress on this proposal for a Big Thicket National Biological Reserve.

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,

DOUGLAS P. WHEELER,
Acting Assistant Secretary of the Interior.

A BILL To authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for scientific study and for the education and benefit of present and future generations certain unique areas in the Big Thicket of eastern Texas which contain vegetational types and associations of national significance, there is hereby authorized to be established the Big Thicket National Biological Reserve.

Sec. 2. In order to effectuate the purpose of this Act the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase, transfer from any other Federal agency or exchange, lands, waters, and interests therein within the areas generally depicted on the map entitled "Big Thicket National

Biological Reserve," numbered NBR-BT 91,023, and dated July 1973, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the *Federal Register*, and he may acquire property within the revised boundaries in accordance with the provisions of this section: *Provided*, That the boundaries of the area may not encompass more than sixty-eight thousand acres of land. Property owned by the State of Texas or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

Sec. 3(a). The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b). As used in this Act the term "improved property" means a detached, one-family dwelling, construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

Sec. 4. The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the Big Thicket National Biological Reserve, and it shall be administered by the Secretary in accordance with the laws applicable to the national park system, and in a manner consistent with the purposes and provisions of this Act.

Sec. 5. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities.

Sec. 6. When acquiring lands, waters, and interests therein, the Secretary may decline to acquire all or any part of, or interest in, the oil and gas minerals or other minerals in such land or waters, and shall allow, under such regulations as he may prescribe, occupation and use of so much of the surface of the lands and waters as may be required for all purposes reasonably incident to the mining or removal of such from beneath the surface of these lands and waters and the lands and waters adjacent thereto. Any acquisition hereunder shall exclude and shall not diminish any established right of occupation or use of the surface pursuant to grants, leases, or easements executed on or before the date of enactment of this Act, which are determined by the Secretary to be reasonably necessary for the exploration, development, production, storing, processing, or transporting of oil and gas minerals that are removed from outside the boundaries of the reserve, and the Secretary may grant additional rights of occupation or use of the surface for the purposes aforesaid upon the terms and under such regulations as may be prescribed by him.

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, BIG THICKET NATIONAL BIOLOGICAL RESERVE
(PROPOSED)

	19CY	19CY+1	19CY+2	19CY+3	19CY+4
Estimated expenditures:					
Personnel services.....	\$51,000	69,000	218,000	408,000	491,000
All other.....	16,068,000	11,415,000	12,627,000	1,904,000	1,254,000
Total.....	16,119,000	11,484,000	12,845,000	2,312,000	1,745,000
Estimated obligations:					
Land and property acquisition.....	16,000,000	11,000,000	11,000,000
Development.....	25,000	354,000	1,425,000	1,524,000	892,000
Operation and management (protection, maintenance planning, development and operation of recreation facilities.....)	94,000	130,000	420,000	788,000	853,000
Total.....	16,119,000	11,484,000	12,845,000	2,312,000	1,745,000
Total estimated man-years of civilian employment....	3.0	5.0	19.0	38.0	45.0

DESCRIPTION OF UNITS, BIG THICKET NATIONAL BIOLOGICAL RESERVE

1. *Big Sandy Unit—size, 14,300 acres*

The Big Sandy Unit is located in the northwestern portion of the Big Thicket area and extends from the Alabama-Coushatta Indian Reservation southwest along Big Sandy Creek approximately 12 miles.

The unit is a wild, well-watered, relatively unaltered area containing some of the finest examples of the Thicket's recognizable subtypes, ranging from the drier upland community to the stream bank and baygall community. Such diversity has its counterpart in the many kinds of mammals, birds, amphibians, and reptiles which inhabit the area. Thus the tract has outstanding possibilities for nature-trail interpretation and wilderness hiking.

2. *Hickory Creek Savannah—size, 668 acres*

While not strictly Thicket-type vegetation, the longleaf pine-grassland association comprising the savannah is a distinctive threshold community bordering the true Thicket and bears an important relationship to it. The Hickory Creek example occupies part of a discon-

tinuity in the Big Thicket type. This hiatus owes its existence primarily to an intrusion of soils that do not support the Thicket ecosystem. The contrast between the savannah and the actual Thicket is so marked that it serves admirably to illustrate the strength of the influence exerted by soil types on plant distribution, particularly in the case of the Big Thicket.

This unit is of outstanding value to botanists and naturalists because of the great variety of herbaceous plants it contains. The many different species here include many rare forms. Dominating the association is the dignified longleaf pine, one of the characteristic trees of the drier parts of the Big Thicket, here displayed in solitary prominence.

3. *Turkey Creek Unit—size, 7,800 acres*

The Turkey Creek Unit extends from State Route 1943 south to State Route 420. The area illustrates a remarkable diversity of Upper Thicket vegetation types, including the largest known field of insectivorous pitcher plants in the region. The Southern portion of this tract is a locally important botanical study area and many regard it as the most beautiful area in the Big Thicket Region. In this area will be located the only visitor center development for the Biological Reserve. All other areas will be devoted to hiking trails, self-serving information exhibits, and comfort facilities only.

The unit embraces several miles of the lower reaches of Turkey Creek down to and including its confluence with Village Creek. Along its length are found splendid examples of the Big Thicket's "upper division" vegetative types. Two particular portions of the unit highlight its qualities. First, near the north end is a tract displaying perhaps the greatest variety of subtypes, each in outstanding condition, to be found within any comparable acreage in the Thicket. The series begins with what may be the largest known field of the fascinating insectivorous pitcher plant in the region, followed in quick succession by areas containing the savannah, upland hardwood, baygall, cypress swamp, stream bank, and beech-magnolia communities. Also, the northern end contains the now record Shagbark Hickory tree. The second outstanding portion of the Turkey Creek Unit is that containing the Village Creek confluence. It is an unusually well-preserved tract of mixed hardwoods typifying the stream bank community.

4. *Beech Creek Unit—size 4,856 acres*

The rolling uplands at the head of Beech Creek support some of the best examples of mixed hardwood forest in the Big Thicket. The area extends South of Highway 1746 and along the west side of Highway 97. This unit lies in the heart of what may be considered the richest expression of the Big Thicket's "upper division." It occupies a well-drained, gently rolling benchland bordering the Neches River valley. The deep, fertile soils of this area support fine stands of the beech-magnolia-white oak-loblolly pine association which is the symbol of the Thicket. The entire unit has been subjected to some logging, but is believed to have the potential to recover fully once protection is instituted. It is selected on the basis of inferred quality, in both vegetative properties and wilderness values.

5. *Neches Bottom Unit and Jack Gore Baygall—size, 13,300 acres*

The broad channel of the Neches River closely follows the eastern border of the Big Thicket Region. Its flood plain supports mature

lowland hardwood forest that contain many species not found elsewhere in the Big Thicket. The Neches Bottom and Jack Gore Baygall Unit includes bottomland areas along the Neches River, which provide valuable habitats for endangered wildlife species.

It is laced with sloughs connecting with the river, and these contain immense specimens of bald cypress and water tupelo. The slightly elevated lands between the sloughs support equally large trees of many species representative of the Big Thicket's streambank community. The area has sustained some cutting and a few pine plantations exist between the Jack Gore Baygall and the river. Authorities consider this area to have promising potential to be one of the finest stands of lowland hardwood forests in the gulf coastal region. It, too is a good wildlife area and lies in the expected range of the ivory-billed woodpecker.

6. *Lance Rosier Unit—size, 20,008 acres*

Located near the southern end of the Big Thicket, the Lance Rosier Unit is a relatively isolated and undisturbed example of the Lower Thicket vegetation type. This is the only representative of the Lower Thicket communities. This large area will facilitate preservation of wildlife species that might become endangered in the smaller tracts. This 20,008-acre unit is the largest of the eight units, which comprise the National Biological Reserve.

7. *Beaumont Unit—size, 6,218 acres*

This unit is an irregular wedge of land at the confluence of Pine Island Bayou and the Neches River, immediately north of the city of Beaumont. The western boundary of the unit is formed in part by the Neches Canal, which starts at the Neches River and then passes underneath Pine Island Bayou on its southward course; thus the major portion of the unit is literally an island, surrounded by streams—both natural and manmade. The unit is a superlative representation of the Thicket's flood plain forest and stream bank communities. It is doubtful if a finer stand of the various hardwoods comprising these types exists. From all evidence, at least the southern third of the unit is that extreme rarity—an area which has never been logged, unless a few bald cypress were removed many years ago. This inviolate condition is probably attributable to the difficulty of access across the many sloughs and fingers of swampland which penetrate the area.

Its isolation and size give the Beaumont Unit the highest rank in wilderness quality in the entire area studied. It abounds with varied bird and animal life. Alligators have persisted in its interior sloughs, and the rare ivory-billed woodpecker was recently reported there.

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 authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to assure the preservation, conservation, and protection of the natural, scenic, and recreational values of a significant portion of the Big Thicket area in the State of Texas and to provide for the enhancement and public enjoyment thereof, the Big Thicket National Preserve is hereby established.

(b) The Big Thicket National Preserve (hereafter referred to as the "preserve") shall include the units generally depicted on the map entitled "Big Thicket National Preserve", dated November 1973 and numbered NBR-BT 91,027 which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior, Washington, District of Columbia, and shall be filed with appropriate offices of Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties in the State of Texas. The Secretary of the Interior (hereafter referred to as the "Secretary") shall, as soon as practicable, but no later than six months after the date of enactment of this Act, publish a detailed description of the boundaries of the preserve in the Federal Register. In establishing such boundaries, the Secretary shall locate stream corridor unit boundaries referenced from the stream bank on each side thereof and he shall further make every reasonable effort to exclude from the units hereafter described any improved year-round residential properties which he determines, in his discretion, are not necessary for the protection of the values of the area or for its proper administration. The preserve shall consist of the following units:

Big Sandy Creek unit, Polk County, Texas, comprising approximately fourteen thousand three hundred acres;

Menard Creek Corridor unit, Polk, Hardin, and Liberty Counties, Texas, including a module at its confluence with the Trinity River, comprising approximately three thousand three hundred and fifty-nine acres;

Hickory Creek Savannah unit, Tyler County, Texas, comprising approximately six hundred and sixty-eight acres;

Turkey Creek unit, Tyler and Hardin Counties, Texas, comprising approximately seven thousand eight hundred acres;

Beech Creek unit, Tyler County, Texas, comprising approximately four thousand eight hundred and fifty-six acres;

Upper Neches River corridor unit, Jasper, Tyler, and Hardin Counties, Texas, including the Sally Withers Addition, comprising approximately three thousand seven hundred and seventy-five acres;

Neches Bottom and Jack Gore Baygall unit, Hardin and Jasper Counties, Texas, comprising approximately thirteen thousand three hundred acres;

Lower Neches River corridor unit, Hardin, Jasper, and Orange Counties, Texas, except for a one-mile segment on the east side of the river including the site of the papermill near Evadale, comprising approximately two thousand six hundred acres;

Beaumont unit, Orange, Hardin, and Jefferson Counties, Texas, comprising approximately six thousand two hundred and eighteen acres;

Loblolly unit, Liberty County, Texas, comprising approximately five hundred and fifty acres;

Little Pine Island-Pine Island Bayou corridor unit, Hardin and Jefferson Counties, Texas, comprising approximately two thousand one hundred acres; and

Lance Rosier Unit, Hardin County, Texas, comprising approximately twenty-five thousand and twenty-four acres.

(c) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange, any lands, waters, or interests therein which are located within the boundaries of the preserve: *Provided*, That any lands owned or acquired by the State of Texas, or any of its political subdivisions, may be acquired by donation only. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intention to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the preserve was created, accept title to any lands, or interests in lands, located outside of the boundaries of the preserve which the State of Texas or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he may administer such lands as a part of the preserve after publishing notice to that effect in the Federal Register. Notwithstanding any other provision of law, any federally owned lands within the preserve shall, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without transfer of funds.

SEC. 2. (a) The Secretary shall, immediately after the publication of the boundaries of the preserve, commence negotiations for the acquisition of the lands located therein: *Provided*, That he shall not acquire the mineral estate in any property or existing easements for public utilities, pipelines or railroads without the consent of the owner unless, in his judgment, he first determines that such property or estate is subject to, or threatened with, uses which are, or would be, detrimental to the purposes and objectives of this Act: *Provided further*, That the Secretary, insofar as is reasonably possible, may avoid the acquisition of improved properties, as defined in this Act, and shall make every effort to minimize the acquisition of land where he finds it necessary to acquire properties containing improvements.

(b) Within one year after the date of the enactment of this Act, the Secretary shall submit, in writing, to the Committee on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate:

(i) the lands and areas which he deems essential to the protection and public enjoyment of this preserve,

(ii) the lands which he has previously acquired by purchase, donation, exchange or transfer for administration for the purpose of this preserve, and

(iii) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

(c) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program contemplated by this Act within six years after the date of its enactment.

SEC. 3. (a) The owner of an improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of

his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value, on that date, of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) As used in this Act, the term "improved property" means a detached, one-family dwelling, construction of which was begun before July 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of land on which the dwelling is situated and together with such additional lands or interests therein as the Secretary deems to be reasonably necessary for access thereto, such lands being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

(c) Whenever an owner of property elects to retain a right of use and occupancy as provided in this section, such owner shall be deemed to have waived any benefits or rights accruing under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of such sections such owner shall not be considered a displaced person as defined in section 101(6) of such Act.

SEC. 4. (a) The area within the boundaries depicted on the map referred to in section 1 shall be known as the Big Thicket National Preserve. Such lands shall be administered by the Secretary as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity in accordance with the provisions of this Act and with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented.

(b) In the interest of maintaining the ecological integrity of the preserve, the Secretary shall limit the construction of roads, vehicular campgrounds, employee housing, and other public use and administrative facilities and he shall promulgate and publish such rules and regulations in the Federal Register as he deems necessary and appropriate to limit and control the use of, and activities on, Federal lands and waters with respect to:

- (1) motorized land and water vehicles;
- (2) exploration for, and extraction of, oil, gas, and other minerals;
- (3) new construction of any kind;
- (4) grazing and agriculture; and
- (5) such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of this Act.

(c) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when, no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions relating to hunting, fishing, or trapping shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities.

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SEC. 5. Within five years from the date of enactment of this Act, the Secretary shall review the area within the preserve and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or unsuitability of any area within the preserve for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$63,812,000 for the acquisition of lands and interests in lands and not to exceed \$7,000,000 for development.

Speaker of the House of Representatives.

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

October 3, 1974

Dear Mr. Director:

The following bills were received at the White House on October 3rd:

S. 2382
H.R. 4861
H.R. 10088
H.R. 11546
H.R. 16102 ✓

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.