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**APPROVED**

810/18/76

THE WHITE HOUSE  
WASHINGTON  
October 13, 1976

ACTION

Last Day: October 18

OCT 18 1976  
Statement  
issued 10/19/76

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *JDC*  
SUBJECT: H.R. 11891 - Congaree Swamp National Monument

Attached for your consideration is H.R. 11891, sponsored by Representative Spence.

The enrolled bill would establish the Congaree Swamp National Monument, a 15,000-acre tract of hardwood forest near Columbia, South Carolina. The bill authorizes \$35,500,000 for land acquisition and \$500,000 for development of the Monument.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill. Max indicates that there is strong support for the bill by Senator Thurmond.

RECOMMENDATION

That you sign H.R. 11891 at Tab B.

Posted  
10/19/76

and  
10/19/76





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

OCT 8 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 11891 - Congaree Swamp  
National Monument  
Sponsor - Rep. Spence (R) South Carolina

Last Day for Action

October 18, 1976 - Monday

Purpose

Establishes the Congaree Swamp National Monument, a 15,000-acre tract of hardwood forest near Columbia, South Carolina; authorizes \$35,500,000 for land acquisition and \$500,000 for development of the Monument.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval

Discussion

Congaree Swamp covers nearly 70,000 acres in the floodplain of the Congaree River, south of Columbia, South Carolina. This floodplain is one of the last virgin river-bottom swamp forests in the Southern United States. The area contains several different species of trees, many of which have grown to record sizes over a period of several hundred years. At one time, the Southeast was covered with such forests, but logging has destroyed nearly all of them and is making increasing inroads into the forests of the Congaree Swamp area.

H.R. 11891 would establish the Congaree Swamp National Monument, preserving a specific 15,000-acre tract which contains the greatest remaining concentration of virgin hardwood river-bottom forest land in the Southeast. Within the Monument, the Secretary of the Interior would be authorized to acquire lands and waters, to allow hunting for up to 5 years following enactment, and to permit sport fishing. Within 3 years of enactment, the bill would also direct the Secretary (1) to prepare a plan for the use and development of the Monument, and (2) to report to the President his recommendations as to the suitability or non-suitability of any area within the Monument for preservation as wilderness. The enrolled bill would authorize (1) the use of appropriations from the Land and Water Conservation Fund of not more than \$35,500,000 for land acquisition and (2) appropriations of not more than \$500,000 for development.

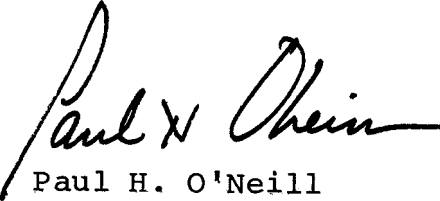
In reporting to the Congress, the Department of the Interior recommended that action on H.R. 11891 be deferred. Interior pointed out that while the area has been designated as a National Natural Landmark, the National Park Service had not studied the area as to its suitability and feasibility as a unit of the National Park System. Furthermore, Interior expressed the need for an examination of (1) the appropriate roles of Federal, State and local and private elements in preserving the area, (2) management and development possibilities for the area, and (3) costs of land acquisition and development.

In this regard, the main rationale for the preservation of the Congaree Swamp within the National Park System is that it is the last large remaining area of virgin hardwood bottom-land swamp and, if not protected, it would probably be subject to timber harvesting. With the exception of this "unique ecosystem" argument, however, the Congaree Swamp has none of the attributes normally associated with national park units -- nationally significant and exceptional scenic, natural, or historic features. There is at least one other unit of the National Park System (Big Thicket National Preserve) which

has recently been added primarily because of the unique ecosystem argument. However, insufficient analysis has been given to the implication of the proposition that unique ecosystems merit inclusion in the park system. We have no idea how many other presently unprotected "unique ecosystems" exist in the United States, or how many may develop as time passes, and what their costs may be. Nor are we clear whether, if preservation is called for, the Federal Government should provide it in lieu of States, local governments, or private groups.

In its attached enrolled bill letter, Interior observes that unless action is taken relatively soon, the Congaree Swamp will be affected by timber operations to such a degree that it would lose its unique identity. Interior concludes that the enrolled bill would eliminate this threat by preserving the most important tract in the Congaree Swamp and thereby preserve this special forest community in perpetuity. Interior believes that such protection of the Congaree Swamp is desirable and therefore the Department recommends approval.

While we would have preferred further analysis concerning the appropriateness of placing this type of an ecosystem within the National Park System and the size of the land area required, we concur in the Interior and CEQ recommendations for approval now that Congress has acted.



Paul H. O'Neill  
Acting Director

Enclosure



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

OCT 4 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on enrolled bill H.R. 11891, "To authorize the establishment of the Congaree Swamp National Monument in the State of South Carolina, and for other purposes."

We recommend that the President approve this enrolled bill.

Enrolled bill H.R. 11891 would authorize the Secretary of the Interior to acquire approximately 15,000 acres of lands along the Congaree River flood plain in Richland County, South Carolina for the establishment of the Congaree Swamp National Monument. Within three years from the passage of this legislation, the bill provides that the Secretary shall review and report his recommendation as to the suitability of the preserve area as a wilderness area, pursuant to section 3(c) and 3(d) of the Wilderness Act.

The bill would permit the continued exercise of hunting leases in effect at the time of acquisition for the remainder of the lease term or for five years whichever is less. The exercise of such lease must, however, be consistent with the preservation objectives of the bill and Federal and State game laws. The bill also provides that the Secretary shall permit sport fishing on lands and waters within the monument, except in certain designated zones where such activities may be prohibited for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies such regulations shall be promulgated only after consultation with the State of South Carolina. There are authorized \$35,000,000 for acquisition and not more than \$500,000 for development.

The approximately 15,000 acres proposed for acquisition is a part of a nearly 70,000 acre swamp forest area located in the flood plain of the Congaree River, south of Columbia, South Carolina. This bill would preserve part of one of the last river bottom swamp forests



in the southern United States. This flat flood plain is covered by a virgin hardwood forest, consisting of a diverse mixture of species of trees, many of which have grown to unusually large sizes over a period of hundreds of years.

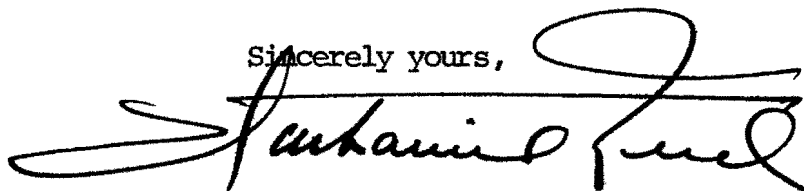
The National Park Service studied this area as early as 1963 and in that year recommended that a national monument be established in the swamp. Although no action was taken on this proposal, a number of organizations and individuals began to examine the natural qualities of this entire portion of the Santee River system drainage. Although proposals were made at various times which encompassed far larger acreages, the key parcel in any recommendation for preservation has been the approximately 15,000 acres known as the "Beidler Tract".

The Beidler Tract, remaining in the ownership of a single family for generations, has until recent years escaped extensive timber harvesting. Although some logging of cypress had been carried out around the turn of the century, most of the property has been left untouched. On this single ownership are the largest concentration of champion trees in the Congaree, and here lies the best opportunity for continued preservation of an example of this forest type.

But timber operations commenced on the property in 1969, and are progressing at a rate of about 500 acres annually. The owners of the tract view the property as a valuable investment which must be managed for its economic benefits. The consequences are obvious; in a few short years, there will be no Congaree Swamp worthy of the name.

H.R. 11891 would protect this single most important tract by establishing a Congaree Swamp National Monument which can preserve this unique forest community in perpetuity. Accordingly, we recommend the President approve this enrolled bill.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Stephen L. Paul". The signature is written in a cursive style with a large, sweeping initial "S" and a long, horizontal flourish extending to the right.

Assistant Secretary of the Interior

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D. C. 20503



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

OCT 4 1976

MEMORANDUM FOR JAMES M. FREY  
OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Enrolled Bill, H.R. 11891, "To authorize the establishment of the Congaree Swamp National Monument in the State of South Carolina, and for other purposes."

H.R. 11891 establishes a national monument to preserve "an outstanding example of a near-virgin southern hardwoods forest situated in the Congaree River floodplain in Richland County, South Carolina." It provides that hunting will be phased out of the designated area as leases expire or within five years of enactment, whichever is less. There is provision for protection of the swamp wildlife before the leases expire, if that becomes necessary. Fishing will be continued in areas where it is compatible with other uses.

The bill provides for a review within three years of enactment to determine if all or part of the Monument should be included in the wilderness system. Additionally, a general management plan is to be developed within three years.

The Council on Environmental Quality strongly recommends that the President sign this bill into law.

*Constance K. Lundberg*  
Constance K. Lundberg  
Acting General Counsel



THE PRESIDENT HAS SIGNED

THE WHITE HOUSE

WASHINGTON

October 18, 1976

Mr. President,

Attached are four brief statements which we suggest you record this afternoon at the same time you record the tape for a Veterans' Day message.

They concern four bills, three of which have been signed; the fourth will be ready for your review tonight.

Each of these bills has a great deal of local interest. If you agree to the recording, we will make the tape available to the PFC and they will beam it into the local radio stations in California, Indiana, and South Carolina.

Jim Cavanaugh

*N.R. 11891 - 10/18/76*

CONGAREE SWAMP

EARLY IN ITS HISTORY, THE SOUTHEASTERN UNITED STATES WAS COVERED WITH FORESTS, BUT THE REMARKABLE INDUSTRIAL PROGRESS IN THAT AREA ALONG WITH MANY LOGGING OPERATIONS HAS NOW CHANGED MUCH OF THE LANDSCAPE. THE GREATEST REMAINING CONCENTRATION OF VIRGIN HARDWOOD FORESTS IN RIVER-BOTTOM LAND IS NOW THE CONGAREE SWAMP NOT FAR AWAY FROM COLUMBIA, SOUTH CAROLINA.

TODAY I AM PLEASED TO SIGN INTO LAW SPECIAL LEGISLATION THAT WILL DESIGNATE 15,000 ACRES OF THE HARDWOOD FOREST IN CONGAREE SWAMP AS A NATIONAL MONUMENT. BY OFFICIALLY COMING WITHIN THE NATIONAL PARK SYSTEM, THIS FOREST AND ITS UNIQUE ECOLOGICAL SYSTEM WILL BE PRESERVED NOT JUST FOR THIS GENERATION BUT FOR MANY GENERATIONS TO COME.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 18

Date: October 11

Time: 730pm

FOR ACTION: George Humphreys *GH*  
Max Friedersdorf *MF*  
Bobbie Kilberg *BK*

cc (for information): Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. 11891-Congaree Swamp National Monument

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Ask out re Steve*



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

Date: October 11

Time: 730pm

FOR ACTION: George Humphreys ✓  
Max Friedersdorf  
Bobbie Kilberg

cc (for information):

Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. 11891-Congaree Swamp National Monument

## ACTION REQUESTED:

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

## REMARKS:

please return to judy johnston, ground floor west wing

*I recommend  
approval*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.

James M. Cannon  
For the President

THE WHITE HOUSE  
WASHINGTON

October 12, 1976

MEMORANDUM FOR:

JUDY JOHNSTON

FROM:

STEVE McCONAHEY

*SM*

SUBJECT:

H.R. 11891

Congaree Swamp National  
Monument Bill

The Congaree Swamp National Monument Bill has been a controversial issue in South Carolina during the past year. Over a year ago, Governor Edwards proposed a plan to purchase this land as a positive measure of conservation. Since that time he has personally followed this issue with trips to Washington to meet with Secretary Kleppe and representatives in Congress. In Congress, Senator Thurmond and Congressman Spence followed the Governor's initiative and actively supported the bill.

By signing this bill, the President would not only be satisfying the vocal environmentalists in the state but also would be lending credibility to his campaign in the area. While the Governor shares the concern of many over the amount of money authorized by the bill, he feels very strongly that this expenditure is a good investment for the state and the nation. He is pleased with the bill as a compromise measure.

I recommend that the President sign this bill.

Date: October 11

Time: 730pm

FOR ACTION: George Humphreys  
Max Friedersdorf ✓  
Bobbie Kilberg

cc (for information): Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. 11891-Congaree Swamp National Monument

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend Approval - strong support for bill by Sen. Thurmond.*  
*[Signature]*

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.

James M. Cannon  
For the President



Date: October 11

Time: 730pm

FOR ACTION: George Humphreys  
Max Friedersdorf  
Bobbie Kilberg ✓cc (for information): Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 12

Time: 530pm

SUBJECT:

H.R. 11891-Congaree Swamp National Monument

## ACTION REQUESTED:

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

## REMARKS:

please return to judy johnston, ground floor west wing

*Bobbie Kilberg 10/12/76*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.

James M. Cannon  
For the President

OCTOBER 19, 1976

Office of the White House Press Secretary

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THE WHITE HOUSE

STATEMENT BY THE PRESIDENT  
ON THE SIGNING OF H. R. 11891

Early in its history, the Southeastern United States was covered with forests, but the remarkable industrial progress in that area along with many logging operations has now changed much of the landscape. The greatest remaining concentration of virgin hardwood forests in river-bottom land is now the Congaree Swamp not far away from Columbia, South Carolina.

I am pleased to sign into law special legislation that will designate 15,000 acres of the hardwood forest in Congaree Swamp as a national monument. By officially coming within the national park system, this forest and its unique ecological system will be preserved not just for this generation but for many generations to come.

###

AUTHORIZING THE ESTABLISHMENT OF THE CONGA-  
REE SWAMP NATIONAL PRESERVE IN THE STATE OF  
SOUTH CAROLINA, AND FOR OTHER PURPOSES

---

SEPTEMBER 16, 1976.—Committed to the Committee of the Whole House  
on the State of the Union and ordered to be printed

---

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

REPORT

[To accompany H.R. 11891]

The Committee on Interior and Insular Affairs, to whom was re-  
ferred the bill (H.R. 11891) To authorize the establishment of the  
Congaree Swamp National Preserve in the State of South Carolina,  
and for other purposes, having considered the same, report favorably  
thereon with amendments and recommend that the bill as amended  
do pass.

The amendments are as follows:

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

That in order to preserve and protect for the education, inspiration, and enjoy-  
ment of present and future generations an outstanding example of a near-  
virgin southern hardwood forest situated in the Congaree River floodplain in  
Richland County, South Carolina, there is hereby established the Congaree  
Swamp National Monument (hereinafter referred to as the "monument"). The  
monument shall consist of the area within the boundary as generally depicted on  
the map entitled "Congaree Swamp National Monument", numbered CS-80,001-B,  
and dated August 1976 (generally known as the Beidler Tract), which shall  
be on file and available for public inspection in the offices of the National Park  
Service, Department of the Interior. Following reasonable notice in writing to  
the Committees on Interior and Insular Affairs of the Senate and House of  
Representatives of his intention to do so, the Secretary of the Interior (herein-  
after referred to as the "Secretary") may make minor revisions of the boundary  
of the monument by publication of a revised map or other boundary description  
in the Federal Register, but the total area may not exceed 15,200 acres.

SEC. 2. (a) Within the monument the Secretary is authorized to acquire lands,  
water, and interest therein by donation, purchase with donated or appropriated  
funds, or exchange. Any lands or interests therein owned by the State of South  
Carolina or any political subdivision thereof may be acquired only by donation.

(b) With respect to any lands acquired under the provisions of this Act which  
at the time of acquisition are leased for hunting purposes, such acquisition shall  
permit the continued exercise of such lease in accordance with its provisions  
for its unexpired term, or for a period of five years, which ever is less: *Provided*,  
That no provision of such lease may be exercised which, in the opinion of the

Secretary, is incompatible with the preservation objectives of this Act, or which is inconsistent with applicable Federal and State game laws, whichever is more restrictive.

Sec. 3. (a) The Secretary shall administer property acquired for the monument in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of this Act.

(b) The Secretary shall permit sport fishing on lands and waters under his jurisdiction within the monument in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations promulgated under this subsection shall be placed in effect only after consultation with the appropriate fish and game agency of the State of South Carolina.

Sec. 4. Within three years from the effective date of this Act, the Secretary shall review the area within the monument and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the monument for preservation as wilderness, and any designation of any such areas as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Sec. 5. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$35,500,000 for land acquisition, and not to exceed \$500,000 for the development of essential facilities. No funds authorized to be appropriated pursuant to this Act shall be available prior to October 1, 1977.

(b) Within three years from the effective date of this Act the Secretary shall, after consulting with the Governor of the State of South Carolina, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan for the use and development of the monument consistent with the purposes of this Act, indicating:

(1) the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act, and the estimated cost thereof;

(2) the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of its resources;

(3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

Amend the title so as to read:

To authorize the establishment of the Congaree Swamp National Monument in the State of South Carolina, and for other purposes.

#### PURPOSE

The purpose of H.R. 11891<sup>1</sup>, as reported by the Committee on Interior and Insular Affairs, is to establish an area of some 15,000 acres in the State of South Carolina as the Congaree Swamp National Monument.

A specific boundary map for the monument is referenced, certain directions are given to the Secretary of the Interior for management of the area, and appropriations are authorized within maximum limits for land acquisition and interim development purposes.

#### BACKGROUND

The Congaree River, meandering through a broad floodplain in central South Carolina, is the setting for the finest remaining example

<sup>1</sup> H.R. 11891 was introduced on February 16, 1976, by Representative Floyd Spence. A companion measure, H.R. 12111 was introduced on February 25 by Representatives Spence, Davis, Derrick, Holland, Jenrette and Mann.

of our southern bottomland hardwood forests. In this long settled region of our Nation, where timber has for years been an important economic resource, a portion of the forest along this river has endured. Less than 20 miles from the State Capitol of Columbia, the Congaree Swamp contains several "national champion" trees, the largest recorded of their species in the United States, in addition to some two dozen State record trees. Of greater significance than any individual tree, however, is that the Congaree Swamp represents a unique example of a magnificent and once extensive forest type which is now only a memory throughout most of its former range.

The National Park Service called early attention to this forest, studying the area and in 1963 recommending that a national monument be established in the swamp. Although no action was taken on this proposal, a number of organizations and individuals began to examine the natural qualities of this entire portion of the Santee River system drainage. Although proposals were made at various times which encompassed far larger acreages, the key parcel in any recommendation for preservation has been the approximately 15,000 acres known as the "Beidler Tract".

The Beidler Tract, remaining in the ownership of a single family for generations, has until recent years escaped extensive timber harvesting. Although some logging of cypress had been carried out around the turn of the century, most of the property has been left untouched. On this single ownership are the largest concentration of champion trees in the Congaree, and here lies the best opportunity for continued preservation of an example of this forest type.

But timber operations commenced on the property in 1969, and are progressing at a rate of about 500 acres annually. The owners of the tract view the property as a valuable investment which must be managed for its economic benefits. The consequences are obvious; in a few short years, there will be no Congaree Swamp worthy of the name.

H.R. 11891 represents a commitment to protect this single most important tract by establishing a Congaree Swamp National Monument which can preserve this unique forest community in perpetuity. It is important to note that in the National Park System Plan, a document produced several years ago in which the National Park Service classified the significant natural features of the Nation, the eastern deciduous forest of the Atlantic coastal plain was identified as a resource type of "prime significance" which had no representation in the national system. Congaree Swamp is this superlative example; enactment of H.R. 11891 will bring this great forest community the permanent protection it deserves.

#### SECTION-BY-SECTION ANALYSIS

Section 1 states the purpose of the legislation to preserve the outstanding southern hardwood forest located in the Congaree River floodplain. The Congaree Swamp National Monument, consisting of an area known as the Beidler Tract with a maximum acreage of 15,200 acres, is established, and a boundary map is referenced. The Secretary is given authority to make minor boundary adjustments after notifying the appropriate Committees of the Congress.

Section 2 authorizes the Secretary to acquire land and interests as necessary within the area, with the restriction that any lands owned by State or local governments will be acquired only by donation. Those lands which upon acquisition have been leased for hunting purposes will be acquired with the understanding that the exercise of such lease in accord with its provisions may continue for either its unexpired term of five years, whichever is less. This continuance is subject to the provision that no action under the lease may be taken which the Secretary deems to be incompatible with the objective of preserving the area, or which is inconsistent with either appropriate Federal or State game laws. Thus, the Secretary may choose to prohibit the clearing of roads for vehicles, for example, even if this might otherwise be accomplished under the terms of the lease.

Section 3 instructs the Secretary to manage the property as acquired in accordance with the organic Act of the National Park Service, as well as the provisions of this Act. The Secretary is directed to permit sport fishing within the monument in accordance with State and Federal laws, and he may designate areas and times when such fishing will not be permitted when necessary for public use and enjoyment. Except in emergencies, however, any regulations issued in connection with this activity are to become effective only after consulting with the South Carolina fish and game agency.

Section 4 directs a review to be made by the Secretary within three years to determine the suitability of any area within the monument for wilderness designation in accordance with the Wilderness Act of 1964, and to report his recommendations to the President. Any actual designation of wilderness is to be made in accordance with the provisions of the Wilderness Act.

Section 5 authorizes not more than \$35,500,000 to be appropriated for land acquisition purposes, and not more than \$500,000 for the interim development of minimum facilities. Such funding is not to be available for obligation prior to fiscal year 1978. The Secretary is to prepare and transmit to the Committees on Interior and Insular Affairs a general management plan for the use and development of the monument consistent with the purposes of this legislation within three years from enactment, and after consulting with the Governor of South Carolina. The plan is to include any recommendations for additional lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the monument, as well as the numbers of visitors and types of use which can be accommodated consistent with the protection of the resources of the monument. The Secretary is also to include the location and estimated cost of appropriate facilities which he deems necessary for visitor use of the area.

#### LEGISLATIVE HISTORY

Although H.R. 11891 is the first legislation which would protect the Congaree Swamp to be referred to the Committee on Interior and Insular Affairs, interest in this unique area had been maturing for some time. The 1963 National Park Service report which suggested the establishment of a national monument was followed by numerous investigations of the area by various individuals, and a developing sense

of the need to make plans for its protection. Since the commencement of timber harvesting operations in recent years on the Beidler Tract, attention has concentrated on the need to find a means for the protection of the remaining undisturbed forest still represented here.

In April of this year, the Subcommittee on National Parks and Recreation conducted a field inspection to this area. Public hearings were then held on April 29, 1976, and testimony was heard from a wide variety of witnesses. Although the witness for the Department of the Interior recommended deferral of the legislation at that time until a more accurate estimate could be made of the acquisition cost, support was strongly expressed for the protection of this area. Since that time, the National Park Service has furnished the Committee with an estimated acquisition cost which has been computed on the same basis generally used for estimating costs for proposed national park system units.

In considering this legislation, the Committee adopted a redrafted text, including the provisions customarily used for such a new area authorization. The proposed name of the area was also changed from a national preserve to a national monument. This is in keeping with the specific provisions of the bill as reported. The Committee wished to ensure the strongest possible protection for this unique forest, including a study for possible future wilderness designation of a part of the area, and the national monument designation is consistent with this emphasis on protection for this unique forest, including a study for possible future wilderness designation of a part of the area, and the national monument designation is consistent with this emphasis on protection of all the resources of the area.

#### COST

The bill as reported by the Committee authorizes not more than \$35,500,000 to be appropriated for land acquisition purposes. This figure includes the estimated value of the tract itself as provided by the National Park Service, plus an allowance for any price escalation which might occur during the time from enactment of H.R. 11891 until actual appropriations could be made and a negotiated purchase finally be consummated, as well as the administrative expenses associated with the purchase. Also authorized is \$500,000 as an interim development ceiling which will permit minimum necessary improvements to be made until a fully considered management plan is completed for the area.

#### BUDGET ACT COMPLIANCE

Funds authorized for land acquisition in the monument will be appropriated from the Land and Water Conservation Fund, and will be requested within the budgetary limits set for the appropriation from the fund in any given year. In addition, the Committee amended the legislation to include specific language which provides that funds for this acquisition will not be available before fiscal year 1978.

#### INFLATIONARY IMPACT

The sums authorized by H.R. 11891 should produce little impact on the economy, since land acquisition here is to consist of a single tract.

Only minor amounts will be expended for improvements within the monument in the next several years, and it is unlikely that any construction program of great magnitude would ever be authorized here since the emphasis in the establishment of the monument is on the continued protection of the existing forest.

#### OVERSIGHT STATEMENT

H.R. 11891, representing an initiative for a new area to be authorized as a unit of the national park system, afforded little opportunity for oversight of existing programs. No recommendations were submitted to the Committee pursuant to the Rule X, Clause 2(b)(2).

#### COMMITTEE AMENDMENT

The Committee adopted a substitute text for H.R. 11891 which designates the area as a national monument, and includes the provisions generally accepted for such areas. The area is defined by a specific map reference, and an upper limit of 15,200 acres is placed on the size of the monument. Sport hunting and trapping are not to be permitted in the monument, although sport fishing is specifically authorized. Sections in the original bill directing payments to be made to the local county in lieu of taxes, and authorizing State operation of the area at Federal expense, are deleted. As previously discussed, maximum limits are placed on the funds authorized to be appropriated for land acquisition and development purposes within the area.

#### COMMITTEE RECOMMENDATION

On September 9, 1976, after adopting the amendment as discussed, the Committee on Interior and Insular Affairs, meeting in open session, reported H.R. 11891 by voice vote and recommended that the bill, as amended, be approved.

#### DEPARTMENTAL REPORT

The report of the Department of the Interior, dated April 28, 1976, is here printed in full:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., April 28, 1976.

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

DEAR MR. CHAIRMAN: This responds to the request of your Committee for the views of this Department on H.R. 11891 and H.R. 12111, identical bills, "To authorize the establishment of the Congaree Swamp National Preserve in the State of South Carolina, and for other purposes."

We recommend that action on these bills be deferred.

H.R. 11891 and H.R. 12111 would authorize the Secretary of the Interior to acquire approximately 15,000 acres of lands along the Congaree River flood plain in Richland County, South Carolina for the establishment of the Congaree Swamp National Preserve. Within two years from the passage of this legislation, the bills provide that the Secretary shall review and report his recommendation as to the suitability of the preserve area as a wilderness area, pursuant to sections 3(c) and 3(d) of the Wilderness Act. The bills provide that the Secretary shall permit hunting, fishing and trapping on lands and waters within the preserve, except in certain designated zones where such activities may be prohibited for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment.

The approximately 15,000 acres proposed for acquisition is a part of a nearly 70,000 acre swamp forest area located in the flood plain of the Congaree River, south of Columbia, South Carolina. This legislation seeks to preserve part of one of the last river bottom swamp forests in the Southern United States. This flat flood plain is covered by a virgin hardwood forest, consisting of a diverse mixture of species of trees, many of which have grown to unusually large sizes over a period of hundreds of years.

We are currently unable to make a recommendation as to whether or not this area should be preserved as a unit of the National Park System. While the area has been designated as a National Natural Landmark the National Park Service has not recently completed a study of this area as to its suitability and feasibility as a possible unit of the National Park System. In 1963, the Park Service made a specific area study of the Congaree Swamp Area for possible inclusion in the Park System as a national monument. The State of South Carolina has also made an extensive vegetative study of the natural attributes of the Congaree River flood plain. We anticipate that a suitability and feasibility study of this area can be completed by the end of the calendar year. This study will consider such issues as the appropriate roles of Federal, State, local and private elements in preserving the area, management and development possibilities for the area, and costs of land acquisition and development.

Accordingly, we recommend that action on this legislation be deferred until the Park Service is able to conduct such a study.

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,

CURTIS BOHLEN,  
Acting Assistant Secretary of the Interior.

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

## An Act

To authorize the establishment of the Congaree Swamp National Monument in the State of South Carolina, 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 and protect for the education, inspiration, and enjoyment of present and future generations an outstanding example of a near-virgin southern hardwood forest situated in the Congaree River floodplain in Richland County, South Carolina, there is hereby established the Congaree Swamp National Monument (hereinafter referred to as the "monument"). The monument shall consist of the area within the boundary as generally depicted on the map entitled "Congaree Swamp National Monument", numbered CS-80,001-B, and dated August 1976 (generally known as the Beidler Tract), which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Following reasonable notice in writing to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of his intention to do so, the Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor revisions of the boundary of the monument by publication of a revised map or other boundary description in the Federal Register, but the total area may not exceed fifteen thousand, two hundred acres.

SEC. 2. (a) Within the monument the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests therein owned by the State of South Carolina or any political subdivision thereof may be acquired only by donation.

(b) With respect to any lands acquired under the provisions of this Act which at the time of acquisition are leased for hunting purposes, such acquisition shall permit the continued exercise of such lease in accordance with its provisions for its unexpired term, or for a period of five years, whichever is less: *Provided*, That no provision of such lease may be exercised which, in the opinion of the Secretary, is incompatible with the preservation objectives of this Act, or which is inconsistent with applicable Federal and State game laws, whichever is more restrictive.

SEC. 3. (a) The Secretary shall administer property acquired for the monument in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of this Act.

(b) The Secretary shall permit sport fishing on lands and waters under his jurisdiction within the monument in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations promulgated under this subsection shall be placed in effect only after consultation with the appropriate fish and game agency of the State of South Carolina.

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SEC. 4. Within three years from the effective date of this Act, the Secretary shall review the area within the monument and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the monument for preservation as wilderness, and any designation of any such area as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 5. (a) The Secretary may not expend more than \$35,500,000 from the Land and Water Conservation Fund for land acquisition nor more than \$500,000 for the development of essential facilities.

(b) Within three years from the effective date of this Act the Secretary shall, after consulting with the Governor of the State of South Carolina, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan for the use and development of the monument consistent with the purposes of this Act, indicating:

(1) the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act, and the estimated cost thereof;

(2) the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of its resources;

(3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

*Speaker of the House of Representatives.*

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