

THE IMPACT OF CONFLICTING
INSTITUTIONAL VALUES UPON THE
DESIGN OF SLEEPING BEAR DUNES
NATIONAL LAKESHORE

Thesis for the Degree of MUP

MICHIGAN STATE UNIVERSITY

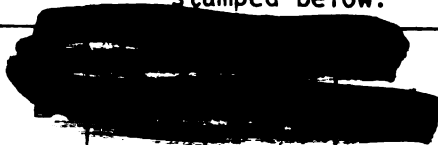
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ABSTRACT

THE IMPACT OF CONFLICTING INSTITUTIONAL VALUES UPON THE DESIGN OF SLEEPING BEAR DUNES NATIONAL LAKESHORE

By

Arthur Stanley Ward

Ideally, the planning process should provide for citizen input at every stage of decision making. This citizen input enables the decision-making body to consider arguments pro and con and to weigh them in the light of consequences which may arise. The most effective means for influencing any decision is through an organized body of persons dedicated to a common cause. These formal organizations, or institutions, have a set of values incorporated in their purpose, constitution, or bylaws. These institutional values determine the platform for arguments and the bases for supporting or opposing a given proposal.

In 1961 a proposal was introduced into the United States Senate to establish a national lakeshore in the Sleeping Bear Dunes area of Michigan. The proposal was the subject of much controversy which extended the legislation over a nine-year period before a bill was ultimately enacted.

The participating institutions were from one of two areas of concern; the conservation groups of Michigan who supported the National Park Service proposal, and the citizen groups of the Sleeping Bear Dunes area who opposed the lakeshore concept. Over the nine year legislative history, many amendments were made in the lakeshore bills as a result of pressures from these two groups.

This study explores the history of the conservation movement in the United States and the impact of this movement on the values of the participating institutions. The history of the legislation is given, bill by bill, including institutional objections and proposed amendments. The changes in bills are documented in the committee reports, in congressional debate, or as a result of changes in subsequent proposals.

The institutions who played an active part in the legislation are examined as to their values, their objections raised or support given, and the impact the legislation would have on them. By identifying the values of each participating institution, justification can be made for their intended influence on the design of the lakeshore legislation.

This study determines the impact that the various groups who took an active part, had upon the planning process at the federal level.

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Arthur Stanley Ward

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TABLE OF CONTENTS

Chapter		Page
I	INTRODUCTION AND BACKGROUND	1
	Introduction	1
	Objectives of the Study	2
	Research Methods	4
II	THE AMERICAN CONSERVATION MOVEMENT	6
	Introduction	6
	Early Naturalists and Writers	8
	Conservation During the Years of Theodore Roosevelt	14
	The Creation of the National Park Service	18
	Conservation During the Years of Franklin D. Roosevelt	21
	Conservation Under John F. Kennedy	25
	Conservation Under Lyndon B. Johnson and the Great Society	28
	Stewart L. Udall	31
	New Rights for the People	33
	Environmental Awareness Movement of the 1960s and 1970s	37
III	THE NATIONAL PARK SERVICE	45
	Creation of the National Park Service	45
	Early Years of the National Park Service	46
	The Wirth Administration	47
	The National Park Service Today	50
IV	THE SIGNIFICANCE OF COASTAL ZONES	57
	Public Awareness of Shoreline	57
	The Ecological Significance of Coastal Zones	61
	Recreational Appeal of the Shoreline Environment	64

Chapter		Page
V	SLEEPING BEAR DUNES	67
	Historic Background	67
	National Prominence	70
	Geological and Biological Characteristics	71
VI	THE HISTORY OF LEGISLATION PRECEDING THE ESTABLISHMENT OF SLEEPING BEAR DUNES NATIONAL LAKESHORE	74
	An Omnibus Lakeshore Bill	74
	Senate Bill 2153	75
	Revisions are Made	91
	The Griffin Bill	94
	Senate Bill 792	95
	Senate Bill 936	104
	S.1192 and H.R.6616	109
	H.R.11829 and Related Bills	110
	The Final Round of Legislation	116
VII	THE IMPACT OF OTHER LEGISLATION	119
	The Wilderness Act	120
	The Wild and Scenic Rivers Act	121
	The National Environmental Policy Act	122
VIII	INPUT FROM CONSERVATION ORGANIZATIONS	125
	Introduction	125
	Input from Conservation Organizations	126
	The Impact of Recommendations Made by Conservation Organizations	137
IX	INPUT FROM LEELANAU AND BENZIE COUNTIES	141
	Introduction	141
	Input from Local Groups	142
	The Impact of Local Pressure Upon the Lakeshore Legislation	158
X	INPUT FROM THE NATIONAL PARK SERVICE	163
	Background on the Recreation Area Category of the National Park System	163
	Discussions with the Superintendent of Sleeping Bear Dunes National Lakeshore	166

Chapter		Page
XI	CONCLUSIONS	170
	Changing Institutional Values	170
	Summary of Controversies and Pressures on the Park Service	174
	A Review of the Opportunities for the Public to Become Involved and Affectuate Change in the Design Process	177
	Evaluation of the Planning Process of Sleeping Bear Dunes	179
	In Conclusion	184
	
	APPENDICES	186
	BIBLIOGRAPHY	193

CHAPTER I

INTRODUCTION AND BACKGROUND

Introduction

As today's planning proposals have a greater direct or indirect effect on our growing population, the need for citizen input to guide the goals and objectives of this planning increases. Governmental agencies at all levels must be cognizant of the implications of their plans and must be willing to accept criticism and amend where necessary in the development of an acceptable plan.

In the case of the Sleeping Bear Dunes National Lakeshore, this planning process spanned a nine-year period. Because the controversies were so numerous in 1961 that many institutions flatly opposed the legislation, and the conservation organizations believed so strongly in their cause that they kept the issue alive over the years, a bill to establish the lakeshore did not become acceptable to a majority until 1970.

Throughout the nine-year period the National Park Service was in the position of compromising and amending each successive lakeshore proposal in an attempt at getting one through Congress. At the same time, Park Service policies

regarding lakeshore areas played a role in the determination of permissible amendments to the bills.

The environmental awareness movement of the late 1960s and early 1970s created a new set of principles by which plans are judged. Even the opponents of the Sleeping Bear Dunes proposal began utilizing tools which were formerly the domain of conservation organizations. This movement of increasing concern for the environmental impact of a mans' actions put the Park Service's development scheme in another perspective.

The design of the Dunes lakeshore has been influenced over the years not solely by the conflicting values of the participating institutions but as a result of the responsiveness of these institutions to changing societal values.

Objectives of the Study

Throughout the planning process there are adjustments and compromises between a planning agency and its citizenry. This give and take process allows those people and institutions directly or indirectly affected by the master plan to voice their opinion in an attempt to influence the designers.

The purpose and goals of an institution form the bases for defining the position that institution will defend in a controversy and the changes it will propose. The thesis of my study is that the cultural values implicit in our social institutions have a definite impact in shaping the design of our artifacts. The artifact in this case is the Sleeping

Bear Dunes National Lakeshore. The institutions which are the subject of this thesis include conservation organizations in Michigan and citizen groups from the Sleeping Bear Dunes area.

The National Park Service is in a peculiar situation whenever it designs a park and especially one of the size and prominence of Sleeping Bear Dunes. "Because of the many interests involved, the Park Service seeks to bring the general public into the process of determining preservation and use policies."¹

As might be expected from decisions reached by this process, controversies will arise. On one side are the preservationists, for whom the word 'unimpaired'² is the key and who counsel purity in all things. They maintain parks are to protect wilderness and should be seen on foot with a backpack. On the other side are a mixed assortment of individuals and organizations (and commercial interests) who do not regard the parks as shrines but rather as places to have fun. They enjoy the scenery fully but tend to believe cabins and hotels are preferable to sleeping on the ground. Generally supportive in their own way of protective measures in the parks, they see no inconsistency in development of the parks for appropriate recreational pursuits.³

In the adaptation of our social systems to the natural systems problems will arise, as mentioned above, and a solution will find a state of harmony between these two systems. This is the job of the National Park Service.

¹William C. Everhart, The National Park Service, p. 90.

²"Unimpaired" is the word in the legislation creating the National Park Service, describing the state in which the parks are to be after the necessary modifications have been made to accommodate visitors.

³Everhart, op. cit., p. 81.

This study will identify the key participants in the legislative process, the values implicit in the participating institutions, and the impact of these values on the planning process. It will identify the institutions which played a major role in influencing the National Park Service to develop the legislation as it did, and review the opportunities for the public to become involved and effectuate change at the federal planning level.

Research Methods

When exploring this topic the researcher relied heavily on the congressional documents for the verification of much of the material. The history of the Dunes legislation and the controversies which surrounded it were well documented in the committee reports and in the Congressional Record.

A great deal of information concerning other than legislative aspects of the Dunes controversy was supplied in the form of letters, magazine articles, news releases, speeches, etc., by various institutions who were involved. Interviews in the field supplied the majority of data concerning the values and philosophies of the key participants.

The National Park Service supplied most of the data on the history of the Sleeping Bear Dunes area and how this area came to receive national prominence.

Investigation of the Dunes controversy began with a review of the relevant literature which traced the history

of the conservation movement in this country and the evolution of the National Park Service as a result of this movement.

The significance of coastal zones in relation to the increased demand for outdoor recreation and the maintenance of the ecological system was documented in relevant recreation and resource management literature.

The history of the Dunes area from the time of early settlement through the Great Lakes Recreational Area Survey and to its present status was well documented in Park Service publications. Most of the legislative history was obtained through previously mentioned sources supplemented by input from key institutions.

The research investigation involved documentation of all relevant facts concerning the compromises of the Park Service and the arguments by participants, with supplementary material and verification through numerous interviews with conservation groups and interest groups in the Dunes area.

CHAPTER II

THE AMERICAN CONSERVATION MOVEMENT

Introduction

Throughout American history there have been many movements advocating change in one direction or another. Unlike some movements whose lifetime occupies only a brief span in the time frame of the United States, the conservation movement stands out as one of those which has its roots deep in America's origin, and though it has had its peaks and valleys, may be stronger today than ever before.

When European settlers first came to America their concepts of land ownership conflicted with those of the Indian. The Englishmen, especially, coveted land and believed it was something to be owned outright.¹ This idea was totally alien to the Indian who believed the land could not be bought and sold. "The Indian wanted to live not just in the world, but with it; the white man, who thought in terms of estates and baronies, wanted land he alone could cultivate and use."²

¹Stewart L. Udall, The Quiet Crisis, p. 18.

²Ibid., p. 19.

It was the Indians who taught the first settlers to work the land and make it bring forth fruit. Their farming techniques enabled them to fully utilize the land's resources yet leave them unimpaired for others. The Indians' relationship with nature is described best by Stewart L. Udall in, The Quiet Crisis.

The most common trait of all primitive peoples is a reverence for the life-giving earth, and the native American shared this elemental ethic: the land was alive to his loving touch, and he, its son, was brother to all creatures. His feelings were made visible in medicine bundles and dance rhythms for rain, and all of his religious rites and land attitudes savored the inseparable world of nature and God, the Master of Life. During the long Indian tenure the land remained undefiled save for scars no deeper than the scratches of cornfield clearings or the farming canals of the Hohokams on the Arizona desert.³

This outlook on our environment is surfacing today as Americans find themselves " . . . turning back to ancient Indian land ideas, to the Indian understanding that we are not outside of nature, but of it."⁴

In this overview of the American conservation movement I will identify the major participants and legislation from the early naturalists to the ecological awareness of the 1970s. This will set the stage for the litigation involved in the planning of Sleeping Bear Dunes National Lakeshore. To understand the values and purposes of the many institutions that were involved in the planning of Sleeping Bear,

³Ibid., p. 16.

⁴Ibid., p. 24

an overview of the conditions which led to their formation is necessary.

Early Naturalists and Writers

After the American colonists had established themselves on the East coast, men began to look westward for more open spaces and adventure. Many took their families in hopes of claiming fertile farm land, and others the adventures of exploring the wilderness was their only stimulus.

For whatever their reasons, men went traveling, and many returned to tell others of their experiences. In the early days there was a presence of mysticism in the way people viewed these explorers. There were as many legends as facts that grew out of the accounts of early expeditions.

Stories of men like Daniel Boone, Jed Smith, and Lewis and Clark sent men out in search of furs and adventure. As people moved west some of these "mountain men" served as guides and their knowledge of survival proved a valuable resource in America's westward migration.

Just before the outbreak of the French Revolution the writings of French authors Rousseau, Chateaubriand, and others expressed fascination with the idea of "back to nature." Underlying their philosophy was the idea that if urban intellectuals could spend a few days in the bayous of Louisiana or the lower Mississippi they would be

spiritually purged through their contacts with nature in the raw.⁵

American writers were also realizing the significance of the man-nature relationship. Men like Thoreau, Emerson, and Audubon were the idea makers, the essential forerunners of the conservation movements. They began the development of an American land-consciousness.⁶

Thoreau wrote of the joy of wilderness life as an escape from the artificialities of ordinary life and a source of physical, moral, and intellectual power.⁷ He spent two years living in a cabin he built on the shore of Walden Pond, near Concord, Massachusetts. He lived with his physical needs reduced to a minimum and ate only food he could forage or grow. Out of this experience came Walden, a book of eighteen essays, first published in 1854, describing a philosophy of self-reliance and economy in living in the interests of spiritual growth.

Thoreau's advice to all communities was that they should consider themselves poor unless they owned and administered with care at least one expansive, close-by marsh, forest, or native laboratory of sufficient size to be a classroom for the young and an outdoor museum for all.⁸

⁵John Ise, Our National Park Policy, p. 73.

⁶Stewart L. Udall, The Quiet Crisis, p. 64.

⁷Ise, op. cit., p. 640.

⁸Udall, 1976: Agenda for Tomorrow, p. 116.

It was George Catlin, the painter of Indian and frontier scenes, who first proposed that the government preserve lands " . . . in their pristine beauty and wilderness, in a magnificent park" ⁹ After a journey up the Missouri River in 1832 he had suggested that large areas be set aside for the buffalo -- and the Indians -- as a great outdoor museum of natural history. ¹⁰

Public sentiment for the preservation of wild areas and the creation of parks paved the way for government establishment of national and state parks, national and state forests, and wilderness areas. Cities were laid out with provision for parks and open space. Major Pierre L'Enfant included expanses of natural areas for park lands in his plan for Washington, D.C. ¹¹

The greatest of the lovers of the wilderness, and the one who did most to promote the idea of wilderness preservation, was John Muir. Between 1869 and 1914 ¹² he traveled throughout the Sierras from Canada to the Gulf of Mexico, studying geology, wildlife, botany -- almost everything -- and writing of his travels and observations with poetic enthusiasm. He knew perhaps more about the western wilderness than anyone else of his time, loved it, and tried to save the best of it.

⁹ Henry Clepper, Origins of American Conservation, p. 149.

¹⁰ Udall, The Quiet Crisis, p. 78.

¹¹ Clepper, loc. cit.

¹² Nicholas Roosevelt, Conservation: Now or Never, p. 26.

Muir combined the reasoning processes of a scientist with the soul of a poet . . . he made precise notes on the work of glaciers and meticulously recorded details -- the effect of winds on waterfalls, the melting of snow on evergreens, . . . and countless interrelationships of a kind usually overlooked by specialists. Long before the word 'ecology' became part of the patter of naturalists, Muir noted that if one layer of nature was disturbed in a given area, the effect was transmitted in that area, to others, often with far-reaching consequences.¹³

In California he helped found the Sierra Club in San Francisco in 1892 and was its first president. He was hailed as a prophet of conservation and had many followers.¹⁴ He had a great influence in shaping the conservationist attitude of Theodore Roosevelt.¹⁵

. . . Muir's eyes were on spiritual, not on material, values -- on the everlasting rather than the transient. The ultimate use that utilitarians preached seemed to him not only misuse but desecration. He wished to save for all time -- not just for the brief span before demand became consumption.¹⁶

In 1908, thanks to the generosity of Congressman William Kent of Marin County, California, the fine grove of coast redwoods just north of San Francisco, now known as "The Muir Woods," was given to the Federal government, and was set aside by President Theodore Roosevelt as a national monument.¹⁷

¹³Ibid., p. 27.

¹⁴Ibid.

¹⁵Hans Huth, Nature and the American, p. 179.

¹⁶Roosevelt, op. cit., p. 28.

¹⁷Ibid., p. 186.

The value of wilderness was present not only in the writings of naturalists but in other areas too. Jack London, who may be best known for his Call of the Wild, wrote of men who had been cured of their weaknesses through a bout with the wilderness. More recently current writers have revived the theory that American pioneers drew strength from the wilderness.¹⁸

Aldo Leopold wrote that wilderness teaches man something called, "land ethic," the law which governs the relations between the members of an ecological society or a biotic community -- or in other words, the relations between man and his natural surroundings. The understanding of this law gives man a greater insight into his place in the community -- his position as a biotic citizen.¹⁹ Leopold considered conservation a moral obligation and that man's relationship with nature should be governed by ethics. He believed that land was the foundation of energy with which man must develop an "ecological conscience."²⁰

. . . Americans of today and tomorrow owe a great debt to the little band of men of vision who, beginning about a century ago believed that some of these natural phenomena were of permanent value to the nation as a whole in their present conditions and must be placed under the protective custody of the Federal government in order to insure their preservation.²¹

¹⁸ Ibid., p. 73.

¹⁹ Ibid., pp. 204, 205.

²⁰ Ibid., p. 205.

²¹ Ibid., p. 75.

The conservation movement took its earliest form seeking control of the natural resources on the nation's public domain, which, in the 1890s was in the neighborhood of one billion acres. The question was: Should the public lands be stripped of their natural resources for private gain, or should they be wisely cropped under the supervision of the Federal government through long decades on a sustained yield basis?²²

Settlers near public land took for granted that they were entitled to use natural resources whether for grazing, timber, or water and the principle of "first-come-first-served" was not only fair but practicable. They regarded Federal efforts to restrict such uses as intolerable. Even before the conservation movement began to gain strength in the East (which was not until Theodore Roosevelt became President), conservation was bitterly opposed in the West, where almost all public lands lay.²³

Westerners expressed their displeasure at the restrictions on the use of public domain. They believed this was the duty of the states and not the Federal government. The state governments would naturally be sympathetic to their wishes and prejudices.²⁴

In the East the public was generally ignorant of, or apathetic to, the conservation movement. "Republican presidents from Andrew Johnson through William McKinley were not noted for keenness or breadth of vision . . . and like

²²Ibid., p. 12.

²³Ibid.

²⁴Ibid., p. 13.

most Republican leaders tended to favor whatever 'big business' wanted."²⁵

Today there is an urgency about conservation that did not exist in the days of Theodore Roosevelt. Unless lands suitable for esthetic enjoyment and recreation are protected they will be exploited for commercial purposes and will be lost forever.

Conservation During the Years of Theodore Roosevelt

Theodore Roosevelt was from early life an ardent lover of the wilderness, something of a naturalist, and a writer of no mean ability. His intense interest in big game hunting compelled him to found the "Boone and Crockett Club." Although limited to one hundred active members it was an active and influential organization. "Its select membership contained some of the most prominent political, scientific, and literary figures of the day. Under Roosevelt's dynamic leadership it became one of the most influential forces for conservation."²⁶

Roosevelt was determined " . . . that conservation was to be one of the major achievements by which his term in office was to be remembered."²⁷ During his administrations,

²⁵Ibid.

²⁶Clepper, op. cit., p. 24.

²⁷Huth, op. cit., p. 181.

there was a significant expansion of the national forests and the groundwork was laid for their effective management. During that period "conservation" became a household word in the United States.²⁸

Under the Forest Reserve Act of 1891, Presidents Harrison, Cleveland, McKinley and Roosevelt set aside about 175 million acres of forest lands, which were later given reasonable protection. That Act of 1891 was perhaps the most important legislation in the history of conservation.²⁹ The Act stated:

that the President of the United States may from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.³⁰

In this way not only was the future lumber supply of the country conserved but, perhaps even more important, the watersheds of western streams were protected along with scenic and recreational values in the forest areas.³¹

The "chief idea man" of the conservation movement in its early days was Gifford Pinchot. He was trained as a forester and chosen by Roosevelt to organize the United States Forest Service in the Department of Agriculture.³²

²⁸Clepper, op. cit., p. 45.

²⁹Ise, op. cit., p. 48.

³⁰Ibid.

³¹Ibid.

³²Roosevelt, op. cit., p. 14.

Pinchot's approach was a practical one. His first and foremost aim was to establish order and equity in the handling of the resources in the public domain.

He was determined to put an end to the wasting of the nation's natural resources and he worked relentlessly to devise and impose means for their long-range³³ use in the public, rather than in private, interests.

Pinchot was trained in forestry and understandably he put his major emphasis on silviculture, and on the development of a sustained yield harvesting program for the forests.³⁴ He could not see the need for parkland preservation solely for aesthetic and recreational purposes. He looked on the public lands as a workshop to be managed for many purposes under a plan of balanced use.³⁵

Consequently, Pinchot's philosophy of conservation for use was contrary to Muir's conviction that the best parts of the woodlands and wilderness should be preserved inviolate as sanctuaries of the human spirit.³⁶

This example of two conservationist attitudes, one leaning toward use and one leaning toward preservation, was a sign of impending controversies.

Roosevelt's " . . . conservation interests did not range as far as Pinchot's, and the subtleties that fascinated

³³Ibid., p. 15.

³⁴Udall, The Quiet Crisis, p. 131.

³⁵Ibid., pp. 131, 132.

³⁶Ibid., p. 132.

Muir eluded him, but he was acquainted with the grass and water and soil of the Great Plains . . ."³⁷ and he was no stranger to the fight for conservation.

The outstanding resource achievement of Theodore Roosevelt's first term was the Reclamation Act of 1902, which created an agency to work on water problems in the West. His concept of the presidential office and its powers made him a success. "He regarded himself as the trustee of the lands owned by the people . . . and considered it his duty to stop 'the activity of the land thieves'."³⁸ While in office he, ". . . proved that the pen was mightier than the legislative act, and before he finished he had, in effect, replaced the century-old policy of land disposal with a new presidential policy of withdrawal-for-conservation."³⁹ He increased national forest land from forty-two million acres to 172 million acres; 138 new forests were created in twenty-one states; in addition, he proclaimed eighteen monuments, including the Grand Canyon, Olympic, Lassen, and Petrified Forest, which Congress later made national parks.⁴⁰

In a speech given at Stanford University in 1903, in an effort to save the Sequoias and Coast Redwoods, Roosevelt said that, " . . . there is nothing more practical in the end than

³⁷Ibid., p. 140.

³⁸Ibid., p. 143.

³⁹Ibid., pp. 144, 145.

⁴⁰Ibid.

the preservation of beauty, than the preservation of anything that appeals to the higher emotions of mankind."⁴¹

Theodore Roosevelt left the White House in 1909 after restricting the practices of the land grabbers, putting resource management ahead of consumption and enlightening the country as to the need for conservation.

The Creation of the National Park Service

Early in his mountain career, Muir came to a conclusion that decisively affected his own future and to some degree the future of his country: wilderness freedom, like political freedom, was perennially in danger and could be maintained only by eternal vigilance. It was necessary, he became convinced, permanently to preserve large tracts of choice lands in public ownership.⁴²

A few years before Muir came to California a landscape architect named Frederick Law Olmsted visited the Yosemite Valley. Impressed by its grandeur, Olmsted and others persuaded Congress to pass a bill to preserve it "for public use, resort and recreation."⁴³ The bill was signed by President Lincoln in 1864 and was the first scenic reserve created by federal action.

Members of an expedition exploring the Yellowstone region in Wyoming a few years later, were overwhelmed by the beauty of the geysers, canyons, waterfalls, lakes, and

⁴¹Ise, op. cit., p. 109.

⁴²Udall, The Quiet Crisis, p. 124.

⁴³Ibid.

forests. One of the explorers, Judge Cornelius Hedges, later wrote a newspaper article on their experiences and set forth the concept of preserving the area as a park. Two years later President Grant signed the "little-debated and little-understood Yellowstone Park bill" providing for more than two million acres to be "dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people" ⁴⁴

Yellowstone was created in 1872 and in the years that followed other parks of national significance were created including the Grand Canyon and Olympic. However, there was no agency that could coordinate the management of the parks. The Interior Department was responsible for the parks but the Secretary had little time for effective leadership. Each park had a superintendent who was responsible for park operations and was to report directly to the Secretary of the Interior. ⁴⁵

For many years people such as John Muir and Frederick Law Olmsted, Jr. had urged the formation of a special agency to administer and protect the parks. But it took a letter from Stephen T. Mather, a Chicago businessman, to make the concept of a special agency a reality. Mather had visited Yosemite Valley, was a member of the Sierra Club, and had gotten to know John Muir. Mather was disturbed over the land depreciations in Sequoia and Yosemite and at the idea of

⁴⁴Ibid., p. 125.

⁴⁵Ibid., p. 135.

cattle grazing in the parks. His letter to Secretary Lane prompted Lane to invite him to join his staff as director of the national parks. Mather accepted the offer in 1915 but had very little staff or funds to work with.

In 1916 the National Park Service Act was passed to promote and regulate the use of the national parks.⁴⁶ It instructed the Interior Department "to conserve the scenery and the natural historic objects and the wildlife therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."⁴⁷

The national parks differed from the wilderness areas of the national forests in that they were more rigorously guarded from all commercial developments. They were designated as national parks by Congress and boundary alterations or eliminations took an act of Congress. In contrast, the national forest wilderness areas could be altered or eliminated at any time by departmental order.⁴⁸

The need for the preservation of extensive wilderness areas within the parks, that would provide adequate protection was expressed by Mather when he said:

It is not the plan to have the parks gridironed by roads, but in each it is desired to make a good

⁴⁶Great Lakes Basin Commission, et. al., Great Lakes Institutions, p. 21.

⁴⁷From the National Park Service Act of 1916.

⁴⁸Ise, op. cit., p. 646.

sensible road system so that the visitors may have a good chance to enjoy them. At the same time large sections of each park will be kept in a natural wilderness state without piercing feeder roads and will be accessible only by trails to the horseback rider and the hiker.⁴⁹

Fifty-two years after Yosemite Valley had been designated as a scenic reserve a comprehensive bill was passed which served to coordinate the policies of all of the national parks. This bill while unifying the parks on one hand, has also created much controversy in the ranks of conservation ever since.

The justification of the Park Service Act is expressed well by George B. Hartzog, Jr.:

The development in this country of the national park idea was in many ways a natural outgrowth of the 'pursuit of happiness' clause of the Declaration of Independence, for it initiated the policy of preserving superlative landscapes and cultural sites in public ownership for the benefit of all citizens.⁵⁰

Conservation During the Years of Franklin D. Roosevelt

After Theodore Roosevelt's term came to a close the conservation movement lost some of its drive. People were accustomed to Roosevelt taking on all comers in the fight for preservation of natural resources, and they had adopted a "let-Teddy-do-it" attitude toward conservation.⁵¹

⁴⁹Ibid., Stephen T. Mather was the first Director of the National Park Service and served in that capacity until 1928.

⁵⁰William C. Everhart, The National Park Service, from the foreword by George B. Hartzog, Jr., Director of the National Park Service.

⁵¹Udall, op. cit., p. 148.

In 1933 Franklin D. Roosevelt arrived at the White House and the "second wave of the conservation movement belatedly arrived."⁵² With the cooperation of an enthusiastic congress he created a dozen or more new agencies and services, made massive appropriations, and developed a series of new resource programs. He was well prepared to lead the new conservation campaign. The mistakes of the past were clear in his mind and he realized the need for new programs that would renew and rehabilitate the land.

Franklin Roosevelt had long been an ardent conservationist; as a boy he had been a member of the American Museum of Natural History. He devoted a notable amount of energy to almost every aspect of conservation -- soil, forests, power, wildlife, parks, and the prevention of stream pollution.⁵³ "As a New York senator from 1910 to 1912 he worked hard to protect the Adirondack Forests from lumbermen and power interests, and to protect wildlife."⁵⁴

Just weeks after his inauguration Roosevelt sent a message to Congress urging legislation to provide employment in forest and land reclamation. Out of this came the Emergency Conservation Act giving the President authority to establish a series of camps for this purpose; thus the Civilian Conservation Corps. Two months after the passage of

⁵²Ibid., p. 151.

⁵³Ise, op. cit., p. 354.

⁵⁴Ibid.

the act Congress passed another act which provided funds for relief of unemployment, which were used for forestry and other conservation activities. "The word 'conservation' in Civilian Conservation Corps had a double meaning here, for the agency was designed to conserve not only the resources but the character and morale of unemployed young men" ⁵⁵

When the New Deal began, conservation became an integral part of the war against depression. ⁵⁶ Roosevelt believed that the price of permanent prosperity was the wise use of all land and its products.

The creation of the Tennessee Valley Authority was largely the result of persistent efforts by Roosevelt and Senator George Norris of Nebraska. The TVA promoted conservation in every aspect including recreation. ⁵⁷ The Tennessee Valley had been rich in petroleum resources and in timber before the get-rich-quick industrialists reaped the resources and left behind an impoverished people. Roosevelt's plan for TVA included reforestation, soil conservation, outdoor recreation and other programs aimed at helping the farmers.

In 1935 Roosevelt persuaded Congress to enact legislation authorizing the Federal government to assist the states in their acquisition of state forests. Five million

⁵⁵Ibid., p. 360.

⁵⁶Udall, op. cit., p. 152.

⁵⁷Ise, op. cit., p. 362.

dollars was appropriated to aid federal and state agencies in coordinating a national program of forest land management.⁵⁸

Roosevelt rarely hesitated to provide the necessary funds for a worthwhile project. When Isle Royale, in Michigan, was threatened by lumber companies the State of Michigan was ordered to begin land acquisition. This proved a long and tedious process and Roosevelt stepped in, providing the additional funds to expedite the process.

Whether for a new program that might last for decades or for a seemingly insignificant cause, F.D.R. was always the defender of conservation. In 1938 he proclaimed National Wildlife Week which has been observed every year since.⁵⁹

Roosevelt called the first North American Wildlife Conference, a much broadened version of the old American Game Conference. It brought together top people in biology, administration and interested sportsmen to discuss new approaches to wildlife conservation. This has continued on an annual basis; now under the auspices of the Wildlife Management Institute.⁶⁰

Throughout his administration he devoted a great deal of energy to conservation problems; "even during the war he was concerned with the project of the International Conservation Conference, an idea presented to him by Gifford Pinchot in

⁵⁸Ibid., p. 313.

⁵⁹Ibid., p. 428.

⁶⁰Clepper, op. cit., p. 34.

1944."⁶¹ He believed that this conference was a vital step toward peace and became more and more convinced that conservation was the basis of permanent peace.⁶²

F.D.R. pledged himself to a policy of conservation which would guard our natural resources from ruthless exploitation and insure our own self protection. He stressed the need for planning in the physical development of the nation.

His general record on conservation was quite comparable with that of Theodore Roosevelt.

Conservation Under John F. Kennedy

When John F. Kennedy became President he began what many people refer to as the "third wave of conservation in America." His policies and programs under New Frontiers were to begin where F.D.R.'s had ended with the New Deal. There was "a marked shift in emphasis from sheer quantity to the quality of our national life."⁶³ He showed a great interest in land and water conservation projects which would benefit the less fortunate in the outreaches of our country and provide them with adequate energy sources.

The application of the great discoveries of science to the questions of conservation was to be the great contribution

⁶¹Huth, op. cit., p. 209.

⁶²Ibid., p. 210.

⁶³Hugh Sidney, A Very Personal Presidency, p. 60.

of the fifties and sixties.⁶⁴ Kennedy foresaw extraordinary progress in obtaining food from the ocean depths to be made in the next ten to twenty years. To find new uses for minerals, to obtain fuel from oil shale, and to utilize our natural resources to their fullest was the aim of the New Frontier.

Kennedy was particularly interested in providing parks and open spaces in two areas. One was the seashores and the other was near urbanized areas. The report from the Outdoor Recreation Resources Review Commission,⁶⁵ after a three-year study, stressed the need for additional recreation areas for future generations. The 341 million visits to Federal land and water areas recorded in 1960 was expected to double by 1970 and Kennedy urged favorable action on legislation pending before Congress to create ten national parks, including Sleeping Bear Dunes National Lakeshore. He also encouraged the approval of S. 543, "a bill to promote the preservation for the public use and benefit, of certain portions of the shoreline areas of the United States."⁶⁶

⁶⁴John F. Kennedy, from "Remarks to the White House Conference on Conservation," May 25, 1962, in Public Papers of the Presidents, p. 441.

⁶⁵The ORRRC was established in 1958 to provide the greatest possible variety of outdoor recreational opportunities and values for every citizen.

⁶⁶S. 543, 87th Congress, 1st Session, will be discussed in detail later in this paper.

The Housing Act of 1961 provided financial aid to urban areas for the acquisition of open space.⁶⁷ Kennedy was concerned especially for the Eastern seaboard and the growing megalopolis which was consuming the existing green spaces. Through this act municipalities could purchase available open space to both guide urban growth and provide needed relief for city dwellers.

Under the 1961 amendments to the Water Pollution Control Act, rivers and lakes were provided with three times the protection they earlier had.⁶⁸

He provided additional funds for saline water conversion programs to bring arid regions of the country into production. The focal point of his conservation program was to provide the "good life" for more Americans while simultaneously conserving our resources for future generations.

The Bureau of Outdoor Recreation was established in the Department of the Interior to "prepare and maintain a continuing inventory and evaluation of the nations outdoor recreation needs and resources" and to "administer a program of financial assistance to the states, and through states to local public agencies for planning, acquiring and developing public outdoor recreation resources."⁶⁹ Kennedy stressed the need for

⁶⁷U.S. Department of the Interior, "President Kennedy's Message on Conservation to the Congress," March 1, 1962, p. 7.

⁶⁸Kennedy, op. cit., p. 706, Address at the Pinchot Institute for Conservation Studies, Milford, Pennsylvania, September 24, 1963.

⁶⁹Roosevelt, op. cit., p. 108.

comprehensive local, state, regional, and national planning to coordinate the uses of land and water in an efficient manner.

During the Kennedy Administration the need was recognized for the rapid and efficient acquisition of land for recreation and wilderness uses. The use of sound conservation principles in the use of the natural environment was recognized as preventing waste and despoilment while preserving, improving, and renewing the quality and usefulness of all resources.

Conservation Under Lyndon B. Johnson and the Great Society

The "third wave" of the conservation movement in America, which began under President Kennedy, was continued enthusiastically under President Lyndon B. Johnson.

The New Deal under F.D.R. had been dedicated to raising living standards and abolishing the problems of want. A final national effort was still needed to finish what Roosevelt had started, but now eighty-two percent of the nation's families had annual incomes above \$3,000.⁷⁰

Johnson had passed the \$11.5 billion tax cut which Kennedy had espoused and he was winning the Kennedy civil-rights bill, the strongest legislation of its kind in a hundred years. Consequently, Johnson felt he had fulfilled his obligation to the New Frontier and it was time for the Johnson Administration to be initiated.

⁷⁰Hugh Sidney, A Very Personal Presidency, p. 62.

Johnson was concerned with the quality of life that the majority of the United States citizens were leading and he wanted some bold new national directions for his administration.

Private wealth was not curing public ills. The landscape that the people viewed was too often either monotonous or scarred. On 265,000 miles of interstate and primary highways surveyed, 17,762 highly visible junkyards were counted along the sides. The air the people breathed was filthy and getting dirtier. In Los Angeles, the smog capital, 13,730 tons of contaminants were released into the atmosphere every day, most of it from the 3.75 million automobiles. One fourth of Lake Erie was too polluted to support marine life.⁷¹

In expressing his ambitious programs for America, Johnson said that "we have been called upon . . . to build a great society of the highest order, a society not just for today or tomorrow, but for three or four generations to come. The great society . . . is a place where man can renew contact with nature."⁷²

Johnson formally announced the birth of the Great Society in a speech in Ann Arbor, Michigan. The main thrust of the Great Society was referred to as the three Cs, classroom, city and countryside. "Classroom" referred to the strides that would be made toward providing more funds for schools so all children could attend. "City" was associated with programs to aid the urban poor including the acquisition of open spaces within the urbanized areas.

⁷¹Ibid.

⁷²Ibid., p. 56.

"Countryside" was a program of National Beauty, and the most difficult of all to define.

It is awkward, clumsy, primitive -- but it is a first major attempt, by means of legislation, to fumble to whatever it is that lies beyond wealth, beyond power, beyond the raising of the G.N.P., . . . it is, somehow, to make America, with all its congestion, a liveable society.⁷³

Johnson believed that "the same society which receives the rewards of technology, must, as a cooperating whole, take responsibility for control."⁷⁴ He called a White House Conference on Natural Beauty in May 1965 to produce new ideas and approaches for enhancing the beauty of America. It served "as a focal point for the large campaign of public education"⁷⁵ which was needed to alert Americans to the eminent danger to their natural resources.

Johnson recognized the need for parks of national significance including Sleeping Bear Dunes which he proposed to fund through the Land and Water Conservation Fund proposed by President Kennedy.

He urged support for a nationwide strip and surface mining study which would provide a factual basis for a fair and reasonable approach to the correction of these unconscionable practices.

⁷³Theodore H. White, The Making of the President, p. 401, quote by President Johnson.

⁷⁴The White House, Beauty for America, p. 1, quote by President Johnson.

⁷⁵Ibid., p. 14.

President Johnson was not only a lover of nature who took a conservationist's attitude toward the utilization of land, but an aesthete as well. He was disturbed by the proliferation of billboards along our highways, by urban decay and by the attitude of the public toward their environment.

Stewart L. Udall

Stewart L. Udall served as Secretary of the Interior under Presidents Kennedy and Johnson and was a driving force in the "third wave" of conservation in America. As Secretary of the Interior for both administrations he maintained close contact with the many agencies in his department for a span of eight years. Many pieces of important legislation were passed during those years; many of which were initiated under Kennedy and were later realized under Johnson.

Udall moved beyond the classic conservationist role and worked continuously to broaden the concepts of conservation.

He was concerned with the visual decay of our country just as Johnson. Udall believed that "the way people possess the land they live on is always a revealing comment on their character and institutions."⁷⁶ This is exemplified in the contrast between the tidy farmscapes of the Pennsylvania Dutch countryside which say something positive about our people, and the polluted rivers of our industrialized states and poisonous air of our congested cities which express the

⁷⁶Stewart L. Udall, 1976: Agenda for Tomorrow, p. 100.

distorted values of our civilization that allows us to demean and diminish so much of America.

Udall believes that "too little professional attention has been given to the effects of the environment on the human psyche."⁷⁷ He says that Americans are too prone to accept the idea that they have arrived at the good life if they are not being subtly poisoned, unnerved, or irradiated. We are still haunted by the threat of a "silent spring" because of the long life of potentially disastrous pesticides still building up in the foodchain.

Udall was one of the first in recent years to realize the interrelationships of the whole conservation picture.

The total-environment approach of 'the new conservation' demands concepts large enough to relate conservation to the overriding issues of our age. You cannot, in short, save the land unless you save the people. True conservation, moreover, begins wherever the people are and with whatever trouble they are in. A meaningful agenda for tomorrow would evolve not from a specialized approach to the over-all environment, but from an attempt to achieve a full picture of the interrelated elements of American life.⁷⁸

The preservation of natural and recreational areas for future years was an important phase in the Udall planning program. He identified man as a water-loving animal and advocated the reservation of "thousands of new beachheads"⁷⁹ on the oceans, lakes, and rivers for future generations. Industry and private interests had monopolized the shorelines

⁷⁷Ibid., p. 106.

⁷⁸Ibid., from the Foreword, p. viii.

⁷⁹Ibid., p. 111.

over the years and the need for greater public access to water was evident. He advocated the stockpiling of riparian property for public use.

Udall advocated the acquisition of the suitable remaining shorelines by 1980 for local, state, and national use. Also by 1980, he urged the completion of the national wilderness system which should amount to at least five percent of the United States total landmass, and that at least two thirds of the acreage in the national wildlife refuges and national parks should be accorded wilderness status. By 1985 the future of most of the major rivers of America should be decided, in regard to future dams, reservoirs, use restrictions, etc.

Udall proposed immediate purchase of all privately held inholdings in all national park areas, and the aggressive expansion of coastal wildlife refuges and national seashores wherever possible.

Stewart Udall, like President Johnson, used his position to seek a better quality of life for all Americans. The emphasis that he put on providing adequate public lands and on conservation measures advocated to protect these lands was probably the greatest contribution of the Great Society.

New Rights for the People

The last four years of the Johnson Administration brought forth some important legislation toward protecting our natural resources. With the increasing pressures on the

national parks and the increasing amount of development within the parks needed to accommodate visitors, the ability of the national park system to preserve the natural beauty of many areas was questioned.

In 1964 the Wilderness Act became law which "established a National Wilderness Preservation System of federally-owned lands to be preserved in their natural condition."⁸⁰ These areas are to be administered "in such a manner as will leave them unimpaired for future use and enjoyment as wilderness."⁸¹

To be designated as wilderness, an area must be approved by Congress as a wilderness area and conform to the following standards:⁸²

- 1) A wilderness is an area where the earth and its community of life are untrampled by man, where man himself is a visitor and does not remain.
- 2) Land retaining its primeval character and influence, without permanent improvements or human habitation.
- 3) Land that generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.
- 4) Has outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- 5) Has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.
- 6) May also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

⁸⁰Council on Environmental Quality, Environmental Quality 1973, p. 225.

⁸¹U.S. Congress, Public Law 88-577, The Wilderness Act.

⁸²Ibid.

The passage of this act was a significant step toward the permanent preservation of appropriate areas of natural beauty which had been difficult using prior methods. Amendments now pending on the Wilderness Act will hopefully put more teeth in the legislation by eliminating practices such as mining within wilderness areas.

Four years after the passage of the Wilderness Act, Congress enacted legislation recognizing the importance of preserving in a natural condition scenic, freeflowing rivers, The Wild and Scenic Rivers Act. The Act initially designated all or part of eight rivers and adjacent lands as part of the National Wild and Scenic Rivers System, with a provision for the addition of others as necessary.

To be included in the system a river and its immediate environment must "possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values . . . and shall be protected for the benefit and enjoyment of present and future generations."⁸³

Rivers included in the system fall into one of three categories:⁸⁴

- 1) Wild river areas -- those rivers or parts of rivers that are free of impoundments and generally inaccessible except by trail, located within an essentially primitive watershed with unpolluted water.
- 2) Scenic river areas -- those rivers or parts of rivers, free of impoundments, within largely

⁸³U.S. Congress, Public Law 90-542, the Wild and Scenic Rivers Act.

⁸⁴Ibid.

primitive watersheds but are accessible in places by roads.

- 3) Recreational river areas -- those rivers or parts of rivers, readily accessible by road, that may have undergone impoundment or diversion in the past and may have some development along the shorelines.

This national act, along with more than twenty states who have enacted their own wild rivers preservation system, comes close to the program advocated by Stewart Udall, that of determining the future of most of our rivers by 1985.

On the same day that Congress passed the Wild and Scenic Rivers Act it also passed the National Trails System Act. This act provides for the establishment of a system of trails, throughout the nation, primarily near urban areas and secondarily, within established scenic areas not necessarily near urban areas. The act established the Appalachian Trail and the Pacific Crest Trail as the initial components of the system, and established a process by which other trails could be added.

The national system of trails is composed of the following trail categories:⁸⁵

- 1) National recreation trails -- those trails established to provide a variety of recreational uses in or near urban areas.
- 2) National scenic trails -- those trails established so as to provide for a maximum outdoor recreational experiences and for the conservation of nationally significant scenic, historic, natural, or cultural qualities of the areas through which they pass.

⁸⁵U.S. Congress, Public Law 90-543, the National Trails System Act.

- 3) Connecting or side trails -- those trails which provide additional points of public access to both recreational and scenic trails or which provide connections between such trails.

This section is titled, "New Rights for the People" because it is a uniquely progressive step in the development of a long-range program providing natural and recreational areas for generations to come. By utilizing these three legislative acts to their fullest, Americans will have the opportunity to set aside numerous areas of national significance. In the 1970s it has become apparent that it is difficult to muster the necessary support and funds for the procurement of these wilderness areas, wild rivers, and scenic trails of national significance. Only through the expeditious acquisition of these areas, will they be retained in their relatively natural condition for future generations.

Environmental Awareness Movement of the 1960s and 1970s

The conservation movement in the United States existed in one form or another since the first settlers were taught wise use of the land by the Indians. Since then the attitude of Americans toward their environment has fluctuated according to the state of the economy, the attitude toward big business, public awareness and other factors, including the recent "energy crisis."

During the early sixties public awareness of environmental problems began to grow, especially concerning air and water pollution. The now familiar cloud of smog began to accumulate

over more and more American cities and during more days each year. Some cities experienced smog alerts during which some people died and school children were not permitted to exercise outside. A federal law was created making anti-smog devices required on all new cars made in America and imported cars had to meet minimum standards also.

Incidents of serious water pollution were first recognized in the industrialized states in the East, states that were producers of food and kindred products, textile manufacturers, paper mills, chemicals and allied products, primary metals, and transportation equipment. In these states many of the rivers and lakes began turning red, yellow, brown, and other unnatural colors. Swimming areas were condemned, the fish died, waterfowl left and the areas became unfit for use. The Clean Air and Water Acts and amendments to them have improved some areas and given the people something with which to fight pollution.

People began to see the effects of DDT and other long life pesticides on wildlife. In too many cases the warnings of Rachel Carson in Silent Spring became all too obvious. A cry went out for the protection of endangered species such as the bald eagle, the California condor, and marine mammals. Some of these were in immediate danger and some were predicted to be in danger in the near future.

The number of people visiting state, local, and national parks was growing faster than the parks could handle them. Conflicts arose concerning use of the parks which broke into

violence in some cases. The increase in sales of recreational vehicles has urged families to do more traveling putting additional strain on the parks. The number of campers, trailers and motor-homes utilizing park roads has necessitated building wider roads and larger parking lots. When a dirt road had accommodated the public in the past, a paved road was now needed.

The increase in the number of three-day weekends, better highways and crowded park conditions led to an increase in recreational land sales. People began investing in second homes and vacation homes. Developers began buying up land near popular recreation areas and subdividing it. The common practice of renting out second homes during the off seasons has made purchasing a second home easier.

People began to realize the long-range effects of subdividing a mountain range or emptying effluent into a water body. In 1969 something happened off the coast of Santa Barbara, California which may have been the cause of the widespread environmental awareness that exists today.

One of the largest oil spills in California's history had a devastating effect on the ecology of the shoreline. Santa Barbara residents worked for months mopping up the oil spill and cleaning oil out of the eyes and nostrils of waterfowl. The University of California campus at Santa Barbara was the scene of many demonstrations against offshore drilling.

The pressures of our technological society seemed to come to a peak and people began realizing that there had to be a

better way and they began organizing to affectuate change. A survey of five thousand environmental organizations that was done in 1972 determined that slightly more than half of these organizations were founded during or after 1969.⁸⁶ In one way or another all of the environmental organizations were interested in protecting one or more elements of the ecosystem. During this period the membership of these organizations grew also. They demonstrated, petitioned, filed suit, marched and cleaned up their environment in many different ways.

There was a growing movement of "back to nature." Communes were organized all across the country and people began buying old abandoned farms and bringing them into production. People began growing their own food again and organic gardens proliferated in the city and country alike.

People looked to wilderness areas for relief. Backpacking and cross-country skiing became popular and many conservation organizations fought for additional wilderness areas and for better protection of the existing ones.

The effects of clear cutting forested areas and stripmining for coal was brought to the attention of the public and an effort for stricter controls was made. People were now organized and they could take private enterprise or the government to court to correct faulty practices or stop a project. People began taking an interest in such activities as water conservation policies and highway location decisions

⁸⁶ Council on Environmental Quality, Environmental Quality 1973, p. 380.

and they voiced their opinions. Citizen groups took developers to court over zoning disagreements, environmental impacts and more.

The first annual Earth Day was held April 22, 1970 and nearly twenty million people participated.⁸⁷ They demonstrated in cities across the country against pollution, overpopulation, overkill, slums, planned obsolescence and more. People from all walks of life and every age group participated in what was hoped to be the beginning of a critical movement.

We all became aware of the need for recycling of materials. Glass, metals, paper and used oil are a few of the commodities now recycled in some areas. The time will come when the need to recycle most everything will be necessary, so why not start now? Both Oregon and Vermont have outlawed non-returnable beverage cans and bottles and similar legislation is pending in other states.

The biodegradability of products and their impact upon the environment was questioned. Everything from laundry detergents to plastic containers was and is being questioned.

Special agencies were developed to administer areas whose future as a natural system was questionable. The San Francisco Bay Conservation and Development Commission was created to supervise the construction of facilities on the shoreline and to stop the filling of the bay. An agency was created to administer the Lake Tahoe Basin in California and Nevada.

⁸⁷National Staff of Environmental Action, Earth Day -- The Beginning, Introduction.

They prepared a master plan for development around the lake.

Environmental impact studies are now required for all major projects proposed to be done with federal funds or on federal land. This is an important step in the assurance that wise conservation principles are observed in the construction and operation of a facility. The requirement for an environmental impact statement is a critical section in the National Environmental Policy Act of 1969. The purposes of the act are:

To declare a national policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.⁸⁸

In 1970 the Environmental Quality Improvement Act was passed, creating the Office of Environmental Quality, to provide professional and administrative staff for the Council on Environmental Quality.

Conservation organizations utilized the Environmental Policy Act to halt construction of the trans-Alaskan oil pipeline until the effects on animal migrations could be determined. However, with the advent of the "energy crisis"⁸⁹

⁸⁸U.S. Congress, Public Law 91-190, The National Environmental Policy Act of 1969.

⁸⁹"Energy crisis" is in quotes because of the present controversy concerning the severity of our present fuel shortages.

Congress passed the measure despite possible detrimental effects.

The new environmentalism which exists within our country is a healthy sign of people's dissatisfaction with their quality of life. The public has expressed its opinion that it wants time and money spent on Earth problems not space exploration. People are demanding more open space and green belts in urban areas. People recognize the importance of plant materials in their cities.⁹⁰ Our society has been dominated by artifacts which modern technology has provided, and people are demanding an end to built-in obsolescence. Cities are beginning to determine their own destiny by limiting their populations and severely curtailing construction.⁹¹

Generally, people are not satisfied with the environment that technology and mass production has provided. They are organizing to do something about it but Americans must be constantly reminded that the battle for a better environment will be continuous; there will always be those who will take advantage of a situation if given the opportunity.

The increased environmental consciousness that exists today is a product of past misfortunes. This environmental

⁹⁰For example, the city of Walnut Creek, California has an ordinance which requires city authorization to cut down any tree over six inches in diameter.

⁹¹Cities in Colorado, Oregon and Florida have been leaders in the movement to limit the size of their cities. Along the same lines is the "visit us but don't stay" attitude that Oregon has taken toward its tourists.

consciousness has created the numerous conservation organizations and their increased membership. These organizations are actively participating in all aspects of planning, forcing agencies to look at all repercussions of their actions and planning for the long-term pursuit of happiness by man.

CHAPTER III

THE NATIONAL PARK SERVICE

Creation of the National Park Service

From the creation of Yosemite and Yellowstone National Parks until the enactment of the National Park Service Act in 1916, all the national parks were administered by the Department of the Interior. Each of the parks was managed by a park superintendent who was responsible to the Secretary of the Interior. The park superintendents had little guidance and inadequate funds with which to maintain the parks.

In a letter to the Secretary of the Interior, a Chicago businessman, Steven T. Mather expressed his objections concerning the management of the parks. Secretary Lane offered Mather the position of Assistant to the Secretary whose job it was to oversee the administration of the parks. On January 21, 1915 he became the first director of the national parks. When the National Park Service Act of 1916 was passed Mather became the official Director of the National Park Service. The act provided funds and staff to assist him.

Mather was a tireless worker, a born promoter and he had a generous devotion to his job. He made a fortune in

borax before he went to Washington and gave much of it to the promotion of the parks.¹

Early Years of the National Park Service

The establishment of the National Park Service gave the park system some notoriety and a base from which to widen its scope of influence. Congress began to show a more generous spirit toward the parks and this was a period of almost unbroken growth for the Park Service.

The attack on Pearl Harbor and the American declaration of war put an end to this period of growth and the Park Service entered upon a bleak period of decline which lasted through World War II.² During World War II gas rationing restricted traveling and the number of visitors to the parks declined. Funds for the parks were cut to finance the war effort and the number of Park Service employees declined.

After the war ended, travel to the parks increased, reaching a record twenty-two million visitors in 1946. While the number of visitors increased, funds to staff and maintain the parks trailed far behind.

The outbreak of the Korean war in 1950 doomed hope for relief, as all non-defense agency appropriations were cut back, but the phenomenal demand for outdoor recreation continued to accelerate, and by 1954 the parks were absorbing 54 million visitors a year, with a level

¹John Ise, Our National Park Policy, p. 193.

²William C. Everhart, The National Park Service, p. 34.

of staff and the run-down facilities designed for the 17 million visitors in 1940.³

The Wirth Administration

In 1951 Conrad Wirth became the fifth director of the National Park Service. To rejuvenate the national parks for their fiftieth anniversary in 1966, he created a package program called "Mission 66."

The intent of Mission 66 was to provide a comprehensive study of the national park problem. Director Wirth defined it as "an intensive study of all the problems facing the National Park Service -- protection, staffing, interpretation, use, development, financing, needed legislation, forest protection, fire -- and all other phases of park management."⁴ To some extent the plan involved changes, and to some extent it aimed primarily toward more generous provision for existing activities and facilities.

In 1954, the Park Service launched a study of remaining seashore areas on the Atlantic and Gulf coasts. This study was financed with donated funds from generous friends of the parks. The study was done in 1954 and 1955 and was to identify areas of unique or rare plant and animal life. The results were disheartening.

A similar survey done in 1935 had revealed a large amount of unspoiled seashore areas suitable for public

³Ibid., p. 35.

⁴Ise, op. cit., p. 547.

recreation. Twelve major strips of coastline with 437 miles of beach were recommended for preservation.⁵ Only one area, Cape Hatteras in North Carolina was secured and most of the others had gone into private and commercial developments by 1955.

The Park Service survey report on the seashores was criticized by the National Parks Association for putting too much emphasis on recreation possibilities and not enough on the possibilities of preserving coastal plant and wildlife habitats. The Association still gave its support for the preservation of coastal areas.⁶

The Park Service immediately began preparations for a similar survey of the Great Lakes shores and the Pacific Coast.

During 1957 and 1958 the National Park Service made a study of the United States portion of the Great Lakes shoreline. "The objective was to determine what natural lakeshore areas still remained which were worthy of preservation for their scenic, natural or other recreational values."⁷

The survey determined that the United States portion of the Great Lakes Shoreline extends for 5,480 miles. Of that amount 1,480 miles are located on offshore islands. There was 710 miles of public ownership with sixteen miles of that occupying such activities as military reservations, municipal

⁵Ibid., p. 520.

⁶Ibid.

⁷Department of the Interior, Remaining Shoreline Opportunities in Minnesota, et. al., from Foreword.

waterworks, public port facilities and other uses not available for public recreation. This left 694 miles of existing public recreation shoreline.

The survey reported 4,786 miles of shoreline in private ownership and 426 miles of this was identified as possessing important remaining opportunities for recreation and other public benefits.

Of the total United States Great Lakes shoreline there were sixty-six individual areas of significance. There were forty in Michigan, eight in New York, seven in Wisconsin, six in Ohio, two in Minnesota and one each in Illinois, Indiana, and Pennsylvania.

The sixty-six individual areas included five of national park significance, two major wildlife areas of possible national significance, thirty-nine state parks, eight state forest areas, one state wildlife area and eleven areas of local significance.

Three of the five areas of national park significance were recommended for consideration as units of the National Park System by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments at their October, 1959 meeting. These were Sleeping Bear Dunes, Huron Mountains and Pictured Rocks -- all in Michigan.

The report described the proposed Sleeping Bear Dunes area as nearly thirty thousand acres with thirty-five miles of shoreline. "Atop a 400 foot high glacial moraine are perched the shifting sands and ghost forest -- snags of trees

once buried by the moving dunes."⁸ South Manitou Island was included, which supports a large gull rookery and Lake Michigan's only island forest of jack pine.

Sleeping Bear Dunes was described as the focal point of the region and of "possible national significance and should be given further study to determine the best plan for preservation."⁹

The National Park Service Today

When Congress created the Park Service in 1916, its purpose was defined as follows: "The Service thus established shall promote and regulate the use of the federal areas known as national parks, monuments, and reservations."¹⁰

Today the primary function of the Park Service is the management of the areas that make up the national park system.

In 1962 Secretary Udall appointed an Advisory Board on Wildlife Management to develop a comprehensive program for managing wildlife resources within the national parks. The board concluded that the primary purpose of the national parks is to preserve places that have been undisturbed by the processes of civilization and that they "should represent a vignette of primitive America."¹¹

⁸Ibid., p. 93.

⁹Ibid.

¹⁰Everhart, op. cit., p. 59.

¹¹Ibid.

An additional function of the national parks is to serve as outdoor laboratories in which the uninterrupted operation of natural laws can be studied to the best advantage. These areas also serve as a refuge for plant and animal species, a kind of biological bank in which a reserve can exist and from which species that have been exterminated elsewhere can be protected and studied.¹²

Master planning for the national parks began in the 1920s. Before Congress approves legislation creating a national park, a detailed master plan is prepared, designating boundaries, identifying development sites, and providing estimates for land acquisition and visitor-use facilities.

The method in which the Park Service carries out its function is largely determined by the planning activity. In developing its approach to planning the Park Service has been guided by two precepts:¹³

- 1) That no action will take place until a comprehensive plan has been prepared.
- 2) That planning requires a multidiscipline approach.

Since the day the National Park Service Act was passed two words, "preservation," and "use," have created controversy in every planning decision small or large, that has ever affected the parks. Proponents of strict preservation believe the construction of roads, concession stands and the like should be kept to a minimum, while others desire many of the comforts of home. Because of the different interests involved, the Park Service seeks to bring the general public

¹²Ibid., p. 60.

¹³Ibid., p. 68.

into the process of determining preservation and use policies. Occasionally citizens serve on the staff developing a master plan and plans are discussed at public meetings. This process is intended to make the administration of the national parks responsive to the public.

"The ultimate test of the national park idea is its ability to respond to the urgent needs of society."¹⁴

The majority of national parks established in recent years have been primarily wilderness in character such as Isle Royale, Olympic, Everglades, and Kings Canyon. According to John Ise this does not signify any change in the park policy of Congress or the Park Service. This is merely a recognition of the unique characteristics of those areas, or other circumstances.¹⁵ Ise states that through the years the Park Service has generally followed a middle-of-the-road policy in balancing development against wilderness preservation.¹⁶

If legislation creating a park obligates the Park Service to actions that it deems injurious to park purposes, the Director can, and has the responsibility to, present his case to Congress for reconsideration. The Environmental Policy Act of 1969 obligates the Director to review all park proposals and report those of significant environmental impact.¹⁷

¹⁴Ibid., p. 2.

¹⁵Ise, op. cit., p. 646.

¹⁶Ibid., p. 648.

¹⁷Everhart, op. cit., p. 83.

During the early years of the Park Service the objective was clear: how to provide sufficient facilities and encourage enough people to visit the parks to insure the success of this new concept. Today the situation is reversed and the objectives are no longer clear cut. In 1971 more than one hundred and eighty million people visited the national parks and the question is whether, in the face of such an increase in visitation, "the national parks can survive and continue to provide the incomparable benefit of enriching the mind and spirit of those who have come . . . to leave behind the noise and congestion of their daily lives."¹⁸

In the past the duties of the Park Service have been primarily protective, and its goal has been the safeguarding of scenic values for the long-range enjoyment of visitors.

Today the Park Service must consider its task not only one of park tending and serving as protectors of scenery and wildlife, but also the "management of parks in a way that expresses a compassion for human values."¹⁹

The Park Service has generally provided the opportunity for all visitors wishing to visit the parks, to do so, and in a way having the widest public acceptance. A few years ago both people preferring wilderness solitude and those who enjoyed the sociability of the campgrounds were able to do so without interference. Now, the sheer numbers of people

¹⁸Ibid., p. 39.

¹⁹Ibid., p. 222.

visiting the parks has created conflicts. One group believes others are encroaching on its territory and the other group feels the right to enjoy the parks in anyway they choose is their prerogative.

The effects of urbanization and industrialization have put pressures on the national parks and wilderness areas. There have been demands for hunting in areas where hunting was previously prohibited, there has been vandalism and poaching, efforts to exploit mineral and timber resources, and commercial pressures on the borders of parks and in the in-holdings. Easy access to the areas through the improved highway system has led to the invasion of wilderness areas by power boats, aircraft, motorcycles, and snowmobiles.²⁰

Theodore Roosevelt experienced similar problems while he was President and actively seeking additional natural areas to set aside. Whenever he sought to withdraw lands from the public domain and thus closing them formally to exploitation, he received prompt and vigorous opposition from the lobbyists of three groups -- the lumber, mining, and grazing interests. Each of these activities had used public lands at no cost and with little interference and feared restrictions on one activity might serve as a precedent for the restriction of others.²¹

²⁰Henry Clepper, Origins of American Conservation, p. 156.

²¹Nicholas Roosevelt, Conservation Now or Never, p. 9.

Conservationists are handicapped by fighting for ideals against opponents who are fighting for profits. The conservation cause has many supporters, many more than before, but the major decisions concerning conservation programs will be made by politicians, and in terms of practical politics the anticonservationists are powerful. "Chief among them is the lumber industry and its subsidiaries and dependents."²² The highway builders are a formidable group who are backed by manufacturers and suppliers of road-building equipment and materials, by truck manufacturers, oil companies and others with skilled and influential lobbyists. Other opponents include suburban real estate interests, backed by contractors, building supply companies, and bankers. "It may be generalized that any legislation which these groups want to see enacted will be hard to defeat."²³

Conservation organizations are becoming stronger and soliciting more power in Congress but "the future of the national parks is dependent upon the attitude which this nation (as a whole) takes toward its environment."²⁴

In 1964, Stewart L. Udall, Secretary of the Interior approved the following long-range objectives of the National Park Service as recommended to him by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments:

²²Ibid.

²³Ibid., p. 10.

²⁴Everhart, op. cit., p. 2.

- 1) To provide the highest quality of use and enjoyment of the National Park System by increased millions of visitors in years to come.
- 2) To conserve and manage for their highest purpose the Natural, Historical and Recreational resources of the National Park System.
- 3) To develop the National Park System through inclusion of additional areas of scenic, scientific, historical and recreational value to the Nation.
- 4) To participate actively with organizations of this and other Nations in conserving, improving and renewing the total environment.
- 5) To communicate the cultural, inspirational, and recreational significance of the American Heritage as represented in the National Park System.
- 6) To increase the effectiveness of the National Park Service as a "people serving" organization dedicated to park conservation, historical preservation, and outdoor recreation.

CHAPTER IV

THE SIGNIFICANCE OF COASTAL ZONES

Public Awareness of Shoreline

During the early days of the conservation movement the primary focus was toward problems of the interior of the country. The large forests were being cleared by the lumber companies that moved from one state to another leaving behind barren slopes exposed to forces of erosion. On the plains the buffalos were being systematically hunted for their hides.

Little concern was directed toward the shorelines and their problems. America was too involved in the westward movement and the settlement of vast unexplored regions.

Wetlands have always been targets for development because of their beauty and accessibility to water transportation. The Federal Swamp Lands Acts of 1849, 1850 and 1860 provided for the transfer of nearly sixty-five million acres of wetlands in fifteen states from Federal to state administration to expedite drainage.¹

The Dust Bowl of the 1930s created the widespread concern for soil conservation, retention of the land. In

¹Council on Environmental Quality, Environmental Quality -- 1973, p. 311.

1935 the Soil Conservation Service was created -- everything was oriented toward the land and toward preservation of soil fertility.

In 1936 Congress became concerned about beach erosion and declared it to be "the policy of the United States to assist in the construction, where federal interests are involved, . . . of works for the improvement and protection of the beaches along the shores of the United States."²

The Park Service became interested in seashores as recreation areas and tried to reserve some for such uses. In 1936 sixteen seashore recreation areas were studied by the Park Service mostly on the Atlantic and Gulf coasts. Only one of these, Cape Hatteras National Seashore, in North Carolina, was created.

During 1954 and 1955 the Park Service completed a similar survey of the Atlantic and Gulf coasts. The study revealed the vast amount of shoreline property that had gone into private hands. Real estate interests had developed many areas and the effects of the second home phenomenon were apparent. The pollution that had resulted from private holdings had destroyed much of the unique flora and fauna that once inhabited the coastal zone.

During 1957 and 1958 the Park Service did a survey of the Great Lakes shoreline to determine if any natural areas remained that were worthy of preservation by the government.

²John Ise, Our National Park Policy, p. 425.

"The question might be raised as to the justification for government reservation and administration of coastal areas, at considerable expense."³ The justification lies in the number of people that have access to the beaches and the type of recreation provided. If beaches are owned by a small number of home owners the general public is excluded; and if they are developed by private interests the types of recreation provided are often of the Coney Island type. Either of these two alternatives provides no protection for wildlife, plantlife, and aesthetic values.

Long ago the recreation potential of lakes and waterways was recognized, and it was also realized that the continuance of such activities was contingent upon their protection from pollution and misuse. The efforts of such conservation organizations as the Izaak Walton League persuaded Congress in 1948 to enact legislation inducing the states to develop their own water pollution abatement programs.⁴

In recent years metropolitan areas and states have realized the need for protection of waterways for a number of reasons. An example is the San Francisco Bay Conservation and Development Commission. This agency must approve all projects constructed on or near the shoreline or those projects which will affect the shoreline. It has banned further filling of the bay whether for refuse disposal or for building

³Ise, op. cit., p. 520.

⁴Han Huth, Nature and the American, p. 203.

sites. Bay area residents realized the value of the bay and formed the "Save the Bay" campaign that resulted in the creation of this agency.

Recent Federal and state legislation regarding coastal zone management is indicative of a growing public concern. In 1972 Congress enacted the Coastal Zone Management Act which "encourages coastal states to regulate coastal land and water uses by authorizing grants to states and requiring that Federal actions in coastal areas be consistent with approved state programs."⁵

In the spring of 1973, Oregon enacted broad land use legislation empowering the state to control major developments.

California tried unsuccessfully for a number of years to pass legislation regulating development within the coastal zone. It was placed on the ballot in 1972 and passed. All development now taking place between the three-mile seaward limit and one thousand yards inland of mean high tide must be approved by one of the state regional commissions established by the new law.

In 1971, Delaware enacted the Coastal Zone Act which bans all heavy industry within two miles of the shoreline.

These are some examples of the types of programs states are developing. Recognition of the ecological significance of these areas and the desire to control growth has resulted in the above legislation.

⁵Council on Environmental Quality, p. 214.

The Ecological Significance of Coastal Zones

Perhaps the most fundamental concept of ecology is that which holds that nature consists of a series of ecosystems (ecological systems) -- natural, man-influenced, and man-made. Each of these systems consists of interrelated populations of plants and animals, flows of water and energy, and invisible pathways through which both essential and nonessential nutrients are cycled. These systems may exist on various scales of size and complexity. The Coastal Zone consists of an array of ecological systems, such as marshes, mudflats, shallow open water, mud and sand bottom, beaches, and dunes. Each of these systems has its own characteristic plants and animals, and each has evolved in such a way that it has a characteristic pattern of energy flow and nutrient cycling.

The ecological systems of the Coastal Zone, although possessing their own discrete properties, are coupled together in such a way that the entire region consists of a series of discrete, yet interdependent, systems. The activities of one system clearly influence the functioning of other systems in the area.⁶

The primary defense against the action of the sea is the dune formations. Dunes whether large or small are only hills of sand formed by waves and wind. Grasses are the pioneering vegetation of this environment. These grasses are "astonishingly tolerant to high salinity, extreme glare, soils lacking humus and an uncertain and oscillating supply of water."⁷

The grass has roots which extend below the surface and form a dense mat of roots which stabilizes the dune below, and the leaves extend above the surface trapping the moving sand and allowing it to settle at the base of the grass.

⁶Arthur W. Cooper, "Ecological Considerations," in Coastal Resource Management, J.C. Hite and J.M. Stepp, eds., p. 129.

⁷Ian L. McHarg, Design with Nature, p. 7.

Over time the Dutch have learned the ways of the sea, and realize that the forces of the ocean "cannot be stopped but merely directed or tempered."⁸ Their defenses are not made, as are ours, with reinforced concrete, which "invite the full force of the waves and finally succumb to the undercutting of the insidious sea;"⁹ but are constructed with layers of bundles of twigs, laid on courses of sand and clay. This acts in much the same way as the dunes, "accepting the waves but reducing their velocity and absorbing the muted forces."¹⁰

In the Netherlands this type of information is known by small children, but in the United States, even in those fragile areas where survival depends upon such knowledge,

It has made no impact on engineering manuals, where dependence upon rigid construction has assumed the aspect of a creed. In the Netherlands, the vulnerability of dune grasses to trampling is so well understood, that dunes are denied to public access; only¹¹ licensed naturalists are permitted to walk on them.

If the dunes are needed for protection, the dune grasses must be able to stabilize the dunes. These grasses cannot tolerate man, so the public interest is well served by protecting the grasses. "Nowhere along our entire eastern seaboard are they even recognized as valuable."¹²

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid., p. 9.

¹²Ibid., p. 13.

The protective dunes are continuously involved in a contest with the sea; their shapes are dynamic. The relative stability of the dunes is dependent upon the anchoring vegetation, which in turn is dependent upon groundwater levels.

"If the use of shallow wells lowers groundwater below a critical level, the stabilizing plants will die. On the other hand, if by the building of groins or any other tangential construction the littoral drift is arrested,¹³ the source, of sand to supplement the dunes will be denied."¹⁴ Either way the survival of the dune grasses would be impaired.

McHarg lists a code of three basic prohibitions for human use of dune environments:¹⁵

- 1) Thou shalt not walk on the dune grasses.
- 2) Thou shalt not lower groundwater below the critical level.
- 3) Thou shalt not interrupt littoral drift.

These lessons will ensure the perpetuation of a natural sandbar and the defense it provides.

One of the most interesting ecological facts of the coastal zone is its very high rate of productivity,

¹³Raymond Hall, of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, objected to the plans by the Park Service to spend \$1.4 million for beach erosion and sand fixation work to prevent shifting of the beach. Hall objected to this interference with nature's processes as in violation of national park principles. Ise, op. cit., p. 519.

¹⁴McHarg, loc. cit.

¹⁵Ibid.

characteristic of estuarine ecosystems. On a relative scale, these systems rank among the most productive of temperate ecosystems and, in absolute terms, the annual rates of energy fixation in several systems approach those found for the most productive ecosystems on earth, such as tropical rain forests.¹⁶

Any change in this system, such as the restriction of water flow of a river into the ocean or lake will reduce the amount of nutrients reaching the water body and thus affect plant and animal life. Likewise an activity such as dredging can produce changes in the pattern of water circulation, thus limiting exchanges between the various subsystems of the estuary.¹⁷

Many forms of life thrive in the estuarine environments but the fragility of the system must be recognized when planning for any use.

Recreational Appeal of the Shoreline Environment

Water has an amazing power to draw people. Early civilizations looked to water for food and for irrigation, and an accessible mode for transporting goods. Over the years it's been used to turn waterwheels and to generate hydro-electric power. Industries which needed water for processing or cooling, were located on rivers and lakes. Water has also

¹⁶Cooper, op. cit., p. 130.

¹⁷Ibid., p. 132.

been used as a disposal sink, capable of diluting waste materials, and containing organisms to aid in decomposition.

Recently, one of the foremost uses of water is for recreation. The popular demand for this type of activity has put pressure on other water-related activities. Water quality standards have created problems for some industrial activities and forced them to locate elsewhere or install expensive correcting devices. The necessity of dams for power generation has been questioned in relation to environmental impact. Even water for irrigation has been denied in areas with a recreation-oriented economy.

One appealing feature of a water body is its shoreline. The shoreline forms an edge, a linear element, with which people can identify. An edge can be a barrier, such as a freeway, or a uniting seam, such as a shoreline that forms a clear transition from water to land.¹⁸ Edges often serve as paths as well. This is exemplified by people strolling along a beach. The shoreline as a path, has a continuity of form throughout its length, an important visual element in the shoreline experience. The edge also gains strength if it is laterally visible for some distance, strongly contrasting the two regions. When two elements such as water and land are "in close juxtaposition, and their meeting edge is laid open to view, then visual attention is easily concentrated."¹⁹

¹⁸Kevin Lynch, The Image of the City, p. 65.

¹⁹Ibid., p. 100.

"Few landscape forms possess the unique strength offered by the 'link' between water and land -- the shore."²⁰ The fascination of aquatic environments is not due to the appeal of water or land as separate elements, but rather the combination of these two factors. "The shore gains from both but is a distinct entity unto itself."²¹

Man is basically a water-loving animal. In recreational terms, water not only leads to swimming, fishing, sailing and skipping stones, but it carries images of ancient pirates, exploration, discovery, and ancient sea battles.

When people are seeking recreation they are inclined toward the natural-resource base, contrasted to the man-made base and the synthetic-base.²² The natural-resource base offers the most interesting and unusual type of experience. Accommodation of the increasing number of recreationists visiting the natural areas will necessitate the preservation of existing resource assets for future expansion.

²⁰Clare A. Gunn, *Vacationscape*, p. 184.

²¹Ibid.

²²Ibid., p. 122.

CHAPTER V

SLEEPING BEAR DUNES

Historic Background

Before the first explorers and fur traders came into the Great Lakes region, the area was inhabited primarily by the Ottawa Indians. The Ottawas were the principal tribe but the Chippewas or Ojibways also lived in this area.

These Indians are responsible for naming Sleeping Bear Dunes.

According to ancient Ottawa and Chippewa Indian beliefs, a black bear and her two cubs attempted to swim across Lake Michigan from the Wisconsin side. Nearing the Michigan shore, the cubs became tired and lagged behind. The mother bear climbed to the top of the bluff to watch and wait for her offspring that never arrived. Today, she still can be identified as the Sleeping Bear -- a solitary dune covered with dark colored vegetation resting on the edge of the morainal escarpment. Her ill-fated cubs were transformed into the forest covered Manitou Islands, that lie a few miles offshore.¹

The first recorded discovery of the Great Lakes was in July of 1615 by Samuel de Champlain. He first discovered Lake Huron and later on crossed Lake Ontario. Champlain was probably not the first white man to experience the beauty

¹National Park Service, Sleeping Bear National Seashore: A Proposal, p. 16.

of this region. Other white men such as missionaries, who were more interested in saving souls, might not have recorded such an event.²

During the seventeenth century, French traders and trappers, and later the English, were attracted to the Great Lakes by the abundance of fur-bearing animals. The beaver was the most valuable species and its pelt was a standard of exchange between the French, English and early Americans in the New World. Fur trade was the region's first significant economic activity.

The fur trade prospered throughout the eighteenth century and reached its peak about 1830. The beaver, marten, otter and muskrat populations began to dwindle from the intense trapping; the lumber-industry that followed shortly after destroyed the habitat of the few remaining fur-bearing animals.

By 1850 the first settlers had arrived in Leelanau County (the location of the northern part of Sleeping Bear Dunes National Lakeshore). Some of them were woodcutters who supplied fuel to the wood-burning lake steamers. South Manitou Island was an important fueling stop and woodcutting cleared most of the accessible timber.

The ships brought more settlers from the New England states and later from some of the northern European countries.

Lumber was the second stage of economic evolution that was experienced in the Grand Traverse region. Many sawmills

²National Park Service, Our Fourth Shore, p. 40.

were built near logging communities to handle the harvesting of the almost unbroken forest of massive white pines.

Michigan became the nation's leading timber-producing state, a recognition it received from Civil War times through 1890. Within the century, the heyday of lumbering had passed and the lumbermen moved on to Wisconsin and the Upper Peninsula.

When the lumbering industry moved on many settlers stayed behind and tried to make a living off the land. In many areas of Northern Michigan attempts at farming proved unsuccessful. The soils that abundantly yielded the pines were too sterile, sandy or acid to produce conventional agricultural crops. In better soils, however, it was discovered that the moderating influence of the lake favored fruit growing.

Early orchards grew apples but gradually pie cherries became the most profitable crop. Agriculture was the third wave of economic development in the northwestern Lower Peninsula but early in the twentieth century it began to decline. Today agriculture is still declining in this area, except for cherries. Traverse City is known as the "Cherry Capital of the World."

By 1900, thirty-nine percent of Michigan's population lived in urban areas, with the bulk of that residing in the lower half of the Lower Peninsula, just as today. During the summer months these people moved north by rail and boat for vacations. When Detroit put the automobile within reach of the working man and better roads were built, there was an influx of vacationers to the Grand Traverse region. There

seemed to be an endless supply of inland lakes to build around. Crystal Lake was easily reached by railroad so it was developed early. Others such as Platte Lake and Glen Lake were more difficult to reach so remained relatively undeveloped. Once access problems were solved, these lakes and others developed rapidly for summer use.

The Sleeping Bear region has experienced an economic shift from fur trading, to lumbering, through agriculture and on to recreation. Some lumber and agriculture interests still remain but it is in the field of recreation that the greatest prospects for this region's economic development appear to lie.³

"The recreation industry, including the housing, servicing, and entertaining of a transient summer population, is undoubtedly the mainstay of the area's economy."⁴ In terms of land use, these activities are primarily associated with the shorelines and waters of the inland lakes, the rivers and streams, Lake Michigan's shoreline, and the services of the several small towns in the area.

National Prominence

The Sleeping Bear Dunes area was first identified as having possible national significance in 1957 and 1958, as a

³National Park Service, Sleeping Bear National Seashore: A Proposal, p. 18.

⁴Ibid.

result of the Great Lakes shoreline study done by the National Park Service. This study was similar to those previously conducted along the Atlantic, Gulf and Pacific coasts.

The objective was to determine what natural shoreline areas remained which were worthy of preservation for their scenic, scientific and recreational values. Having been recognized as a unique area, it was recommended that the area be studied more thoroughly to determine the feasibility for its inclusion in the National Park System.

The National Park Service published a number of documents, calling attention to the unique geological formations and abundant wildlife. As the Park Service made proposals for the use of Sleeping Bear the public began to show an interest in the future of the area.

In March of 1961 a bill was introduced into Congress to promote the preservation, for public use and benefit, of certain portions of the shoreline areas of the United States. In June of that same year, Senators Hart and McNamara introduced a bill to establish Sleeping Bear Dunes as a national lakeshore.

The history of these bills will be discussed in the following chapters.

Geological and Biological Characteristics

Geologically speaking, the Sleeping Bear region is an extremely young landscape. It is a product of the late stages

of the Wisconsin glaciation which took place twenty thousand to eleven thousand years ago. Events in post-glacial times have shaped and are shaping the landscape of the region.

A variety of geological features related to glaciation including kames, drumlins, outwash plains, ice block lakes, ground moraine and glacial channels occur in or adjacent to the Sleeping Bear area.

The process of shoreline modification continues daily on Lake Michigan. The shoreline is being straightened, the bays are slowly filling with sand and the morainal headlands are being eroded. As sand is blown up the eroding slopes it is deposited at the peak and forms a perched dune on top of the morainal bluff.

Many types of dunes are found in the area: active dunes, perched dunes, lowland dunes, blowout dunes and vegetated dunes. The largest active dune is Sleeping Bear. It stretches out into Lake Michigan, and slowly but constantly grows northward and eastward as a result of the joint action of lake currents and wind. Some of the dunes are stabilized, such as the perched Empire Dunes, due to a rich deciduous forest. Several ghost forests occur as a result of moving sands burying large cedar trees then moving on to expose their dead trunks.

Within the Lakeshore lies the Platte River which is one of the few remaining natural rivers within Michigan. It supports a variety of plant environments and flows into Lake Michigan in its natural state, unhampered by mans' artifacts.

Before man began settlements in the Sleeping Bear area it was entirely forested. Now, there are two principle forest types that occupy this environment, the maple-beech forests which grow on the moraines which possess the better soils, and the pine-oak-aspen forests on the sandy embayments.

Two features of the area's vegetation are of special interest in the field of plant ecology: one is the large number of environmental niches available to plants, and the other is the clearly displayed story of plant succession. Because of these diverse environments, there is a great variety of plant species; several of unusual or rare occurrence. A fifty-acre tract of northern white cedar is found on South Manitou Island, which contains some of the largest of this species in the United States.

The story of plant succession is also depicted in the aquatic communities from open water to bog, swamp and finally hardwood forest.

The varied plant life and landscape supports an abundant wildlife population. The white-tailed deer is the largest of the native mammals and is seen frequently. Many species of mammals inhabit the area including red fox, mink, bobcat, otter, beaver and coyote.

There are about thirty-five species of reptiles and amphibians, some 220 species of birds and eighty-five to ninety species of fish.

The variety of ecological niches within the Lakeshore provides a unique opportunity for the observation and study of natural systems, provided they are protected.

CHAPTER VI

THE HISTORY OF LEGISLATION PRECEDING THE ESTABLISHMENT OF SLEEPING BEAR DUNES NATIONAL LAKESHORE

An Omnibus Lakeshore Bill

Following the release of the reports on the seashore studies conducted by the National Parks Service, a series of bills to establish shoreline recreation areas were introduced in Congress in 1960. Two of the bills proposed the acquisition of two or more areas while the other bills were to establish individual areas.

One of the bills proposed Federal acquisition of ten shoreline areas, the detailed study of ten additional areas, and a ten million dollar program to assist states in acquiring shoreline properties. All of the areas for acquisition or study were among a National Park Service list of areas of national significance.

Committees of the Senate and House of Representatives initiated hearings in consideration of bills to authorize five of the twenty proposed areas. Subsequently, the hearings on these five areas revealed the necessity for individual consideration of each proposed shoreline area. Each of the sites had problems of land ownership, property boundaries,

economic effect on adjacent communities, transfer of federal lands between agencies and other matters that varied so greatly, it became impractical to consider them in an omnibus bill.

The Sleeping Bear Dunes and the Pictured Rock-Grand Sable Dunes areas in Michigan, were both included in these bills. When one of these proposals, S.543, reached the Senate floor for debate Senator McNamara indicated that in 1959, the National Park Service with donated funds initiated detailed studies of both of these areas and they were found to be of national significance. Because of the amount of study which had been done on these areas, they were amended from the bill and considered on an individual basis.

The National Park Service then began introducing legislative proposals to add these areas to the National Park System.

Senate Bill 2153

In October of 1959, the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments recommended to the Secretary of the Interior, three areas on the Great Lakes shoreline for consideration as units of the National Park System. One of these areas was Sleeping Bear Dunes.

The initial survey report of 1959, by the National Park Service, identified thirty thousand acres surrounding Sleeping Bear Dunes as of possible national significance and suggested further study of the area.

76

NORTH MANITOU ISLAND

SOUTH MANITOU ISLAND

M I C H I G A N

Lake Leelanau

GOOD HARBOR BAY

Pyramid Point

Sage Lake

Bass Lake

School Lake

Little Traverse Lake

Lime Lake

SLEEPING BEAR BAY

Sleeping Bear Point

Glen Haven

Glen Lake

Burdickville

Memo City

North Bear Lake

South Bear Lake

Chippewa

LECLANAU COUNTY
BENJIE COUNTY

PLATTE BAY

Platte River Point

Otter Lake

Map Lake

Long Lake

Map Lake

Little Platte Lake

Platte Lake

Crystal Lake

Bozrah

Proposed
SLEEPING BEAR
National Seashore
MICHIGAN

Scale in Miles
0 1 2 3

The National Park Service prepared two detailed studies which included a description of the unique qualities of the landscape, a proposed park plan and other information concerning policies and objectives. A third study by the Institute for Community Development at Michigan State University reported on the economic feasibility of a national lakeshore in the vicinity of Sleeping Bear Dunes.

These three studies concluded that the Sleeping Bear Dunes area was well qualified for incorporation into the National Park System.¹

On June 27, 1961, Senators Hart and McNamara of Michigan introduced S.2153, the first attempt at incorporating the recommendations of the National Park Service into a legislative proposal.

At this time it becomes necessary to outline the purpose of S.2153 so as to clarify the importance of the provisions within the bill.

S.2153 sought to establish a recreation area of national caliber in the area of Sleeping Bear Dunes. The original Park Service Survey identified thirty thousand acres as of possible national significance in 1959. When S.2153 was introduced in 1961 the size had increased to seventy-seven thousand acres. This larger figure included South Manitou Island and inland lake areas on the mainland so as to encompass the whole story

¹Hearings before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs, U.S. Senate, 87th Congress, 1st Session on S.2153, November 13, 1961.

of glaciation and evolution of the area. The question of size caused controversy in subsequent hearings.

In the proposed seventy-seven thousand acre area there were some homes, cottages, farms, businesses and other activities which had to be considered when drafting the bill. Sleeping Bear Dunes fell into the Park Service category of recreation areas. This meant that while the area would be kept in its present natural condition, it wasn't necessary to expedite the acquisition of all inholdings as in a national park. To assure the preservation of the area in its relatively undeveloped state, provisions were put into the bill to establish guidelines for development, sale and use of property. Provisions were also incorporated to allow for the acquisition by various methods of private property within the proposed boundaries in the cases where owners wished to sell to the government, or refused to use their property in a manner consistent with the purposes of the recreation area.

Hunting and fishing were allowed in S.2153 because the proposed area was quite large and these were definitely recreational activities. The Park Service policy on hunting and fishing in recreational areas is not the same as in national parks. The question of whether hunting and fishing should be allowed was seldom disputed in the hearings. The controversy concerned who was to have jurisdiction over the area concerning wildlife management and enforcement of applicable hunting and fishing laws.

After the proposed recreation area was established there was to be appointed a Sleeping Bear Dunes National Recreation

Area Advisory Commission who would work with the Secretary of the Interior concerning all phases of development. The number of people who would serve on the commission and the method by which they were appointed was sometimes disputed.

This gives a basic understanding of the purpose of the various provisions of S.2153 which will be explained below. When considering the provisions of the bill one must recognize the impact they would have had on the various institutions involved had the bill become law: the Park Service, home owners, local schools, conservationists, businessmen, the local recreation industry, etc.

S.2153 was "to establish in the State of Michigan the Sleeping Bear Dunes National Recreation Area, and for other purposes"² -- basically encompassed the following provisions:

The Sleeping Bear Dunes National Recreation Area was to encompass seventy-seven thousand acres including South Manitou Island.

The Secretary's³ (of the Interior) right to condemn land was suspended with respect to all improved property within the proposed boundaries for one year following enactment of the Act. A landowner could remain on land acquired by the Secretary for non-commercial residential purposes for twenty-five years.

The Secretary would have paid the owner the fair market value, as determined by the Secretary, on the date of acquisition.

²Title of S.2153.

³"Secretary" shall refer to the Secretary of the Interior.

The Secretary's authority to condemn was suspended with respect to all improved property within the proposed area during all times when the affected counties had in force a duly adopted, valid zoning bylaw approved by the Secretary.

If any improved property, with respect to which the Secretary's authority to acquire by condemnation has been suspended, is made the subject of a variance or exception which fails to conform or is inconsistent with the purposes of the recreation area, the Secretary may acquire such improved property by condemnation.

The term "improved property" shall mean a detached, one-family dwelling, construction of which was begun before July 1, 1961, together with any structures accessory to the dwelling and at least three acres or all of such lesser acreage as may be held by the owner of the dwelling: provided, the Secretary may acquire any beach or waters together with so much land adjoining such beach and waters, as the Secretary may deem necessary for public access thereto.

The Secretary may permit hunting and fishing on lands and waters in his jurisdiction and he shall consult the appropriate officials of the State of Michigan prior to the issuance of such regulations.

A Sleeping Bear Dunes National Recreation Area Advisory Commission shall be created and said Commission shall terminate ten years after the establishment of the recreation area. The Commission shall be composed of five members, each appointed for a term of two years by the Secretary: one from

recommendations made by each county in which the recreation area is situated, two to be appointed from recommendations made by the Governor of Michigan, and one appointed by the Secretary.

S.2153 being the first bill introduced proposing a recreation area at Sleeping Bear Dunes was substantially a working draft from which the National Park Service, Congress and others could obtain feedback.⁴

The response of the Department of the Interior was favorable and they suggested a few amendments to clarify the language of the bill and make it more appealing to the public.

The first of these was the substitution of the word "Seashore" wherever the words "Recreation Area" appeared in the bill. They felt that "Sleeping Bear Dunes National Recreation Area" put too much emphasis on recreation and too little on preservation.

They recommended inclusion of a provision to allow the continued operation of commercial properties within the area if they were in keeping with the objectives of conservation of the seashore. The original intent of S.2153 was to prohibit commercial activity within the proposed boundaries.

S.2153 provided for the acquisition of lakeshore property to allow for public access. This would have allowed the public use of the beach and adjacent land in front of privately owned homes and cottages surrounding some of the

⁴Richard L. Callaghan, Staff Director, Committee on Interior and Insular Affairs, Hearings on S.2153, p. 5.

inland lakes. An amendment proposed by the Department of the Interior would have limited the acquisition of private property for public access only on Lake Michigan and the undeveloped inland lakeshores. This would have protected the private homeowners along the substantially developed inland lakeshores from heavy use by the visiting public.

Also proposed, was the addition of North Manitou Island and Sugarloaf Mountain into the seashore, increasing the size to 92,172 acres.

On November 13, 1961, the Senate Subcommittee on Public Lands held hearings in Traverse City, Michigan giving local interests an opportunity to voice their opinion.

A criticism of the proposed bill, that was often mentioned, was the adverse effect which the national lakeshore would have on the local economy. According to testimony given, the real estate and construction activities had come to a near standstill after the introduction of S.2153, the schools could not afford the loss of funding if private property were taken off the tax rolls,⁵ and other complaints regarding the pending economic plight if S.2153 were to become law.

Due to the visible decrease in real estate and construction activity in the area, some doubt was cast upon the reliability of the "Report on Economic Feasibility . . ." prepared by Michigan State University, in particular, the statements made by Frank H. Watson of the "Traverse City Record-Eagle"

⁵Hearings before the Subcommittee on Public Lands, op. cit., p. 5 and others.

concerning the role the Park Service played in the writing of the report.

The report prepared by the Institute for Community Development at Michigan State University summarizes the anticipated economic impact to the region should the lakeshore be established:

It is expected that the establishment of the proposed Sleeping Bear National Seashore would result in the immediate expansion of payrolls and employment in the trade, service and construction industries . . . it appears that the best prospect for future economic growth is the tourist industry . . . the establishment of the proposed . . . seashore would preclude the unwise use and haphazard development of the tourist industry's major attraction in the region, thus increasing the probability of maximum long-range gains to local, regional and State economies.

The findings of the report were very beneficial to those favoring the proposed lakeshore which led people such as Frank H. Watson to question the amount of input provided by the Park Service (for whom the study was done) and the amount of editing done by the Park Service prior to publication.

In a letter to the Institute for Community Development, on November 21, 1961, Mr. Watson posed the following questions: "was all of the text of the economic report written by your agency? Or were certain conclusions and inferences added or so inserted by the National Park Service before the report was published?"⁷

⁶Institute for Community Development, Michigan State University, Report on Economic Feasibility of the Proposed Sleeping Bear National Seashore, p. 3.

⁷Hearings before the Subcommittee on Public Lands, op. cit., p. 41.

Charles R. Adrian, Director of the Institute for Community Development responded to the questions in a news release on December 1, 1961 stating that "the data included in the economic report were those derived by the institute and the interpretations of the data were those of our staff . . . at no time did the Park Service attempt to modify or distort our findings."⁸

A loyal spokesman for the residents of the proposed lakeshore was Representative Robert P. Griffin, a U.S. Congressman, representing Michigan's Ninth District which includes the proposed lakeshore area and Leelanau and Benzie counties. Mr. Griffin had received a large amount of feedback from local residents and organizations voicing their opposition to S.2153.⁹

The objections given by Mr. Griffin at the hearings in Traverse City were representative of the local opposition.¹⁰

⁸Ibid., p. 43.

⁹Ibid., letters, resolutions, news clippings, pp. 57-72.

¹⁰The following local interests expressed similar opposition to S.2153: Board of Supervisors of Manistee County, Interlochen Woman's Club, Glen Arbor Township Board, Village of Beulah, Traverse City Veterans Association, Junior Women's Club of Glen Arbor, Leland Improvement Association, Glen Lake Community Schools, Council Members of the Village of Empire, Glen Arbor P.T.A., Chamber of Commerce of the Village of Cedar, Board of Education of the Honor Public School District, Leelanau Horticultural Society, Glen Lake Association, Good Harbor Farm Bureau Group, City Commission of the City of Traverse, Board of Supervisors of Grand Traverse County, Chamber of Commerce of Leelanau County, Board of Supervisors of Leelanau and Osceola Counties, Glen Arbor Senior Women's Club, Leelanau County Federation of Women's Clubs, Citizen's Council of the Sleeping Bear Dunes Area, Inc., The Builders and Traders Exchange of Traverse City, Inc., West Michigan Tourist and Resort Association, Traverse City Chamber of Commerce, West Michigan Tourist Association.

Mr. Griffin pointed out that because of the July 1, 1961 cutoff date for improved property, "the mere introduction of this bill has already had serious and far-reaching effects upon the whole region."¹¹ The November 13, 1961 hearings in Traverse City were the first time local residents had been consulted according to Mr. Griffin, and local residents were "shocked that legislation of this nature"¹² was introduced without their prior consultation.

One of the primary concerns of the people in the area was the great concentration of power this bill would have given the Secretary of the Interior, an appointed official. Examples of this power were the approval of all zoning ordinances by the Secretary; that the Secretary would decide when a zoning violation had occurred; that he would bring charges; condemn the property and decide on the fair market value of the property. This was considered too much power for one man (Stewart L. Udall) who was considered an avid conservationist and pro-National Park Service.

The size of the proposed lakeshore at Sleeping Bear Dunes and how that size was increased gave the Department of the Interior an image of "land grabbers" in the eyes of local residents.

The original survey by the National Park Service identified approximately thirty thousand acres in the vicinity

¹¹Hearings before Subcommittee on Public Lands, op. cit., p. 45.

¹²Ibid.

of Sleeping Bear Dunes to be of national significance and worthy of preservation as a part of the national park system. Mr. Griffin expressed hope that S.2153 could ultimately be amended from the existing provision for a seventy-seven thousand acre lakeshore to the point where he could give it support. Congressman Griffin believed that a shoreline preservation bill, as recommended by the 1959 survey, should include just the shoreline, with enough inland area to provide for camping, etc. Mr. Griffin and local residents totally opposed a bill that included inland areas over four miles from the Lake Michigan shore. The proposed boundaries of S.2153 included Glen Lake which was highly developed in some areas.

S.2153 not only threatened to take property and summer cottages away from families who had worked most of their lives to obtain vacation property, some of which had been owned by generations of families, but the loss of income to the area through property taxes was imminent. The local school systems voiced their opposition to Federal purchase of private lands stating that they had worked hard to build up their school systems and did not want an increased tax burden placed on the remaining property owners, nor did they want to depend on Federal subsidies to finance their schools.¹³

S.2153 contained no provision to increase taxes so as to balance revenues and expenditures.

¹³Ibid., pp. 63, 64, 69, 70, et. al.

Congressman Griffin argued that there was no ceiling on expenditures for purchasing land and developing the lakeshore. Such a provision, allowing for no scrutiny or control by the Appropriations Committees of Congress, was extravagant and wasteful considering the \$290 billion national debt. Griffin called for the consideration of "the whole pattern of the National Park Service program . . . in the light of the need for increased defense expenditures."¹⁴

Opponents to the bill could not understand the government spending vast sums of money to acquire improved, expensive property "particularly when there is so much undeveloped acreage in Michigan available and already under government ownership which is appropriate and can be utilized for recreational purposes."¹⁵

There were existing state parks in Benzie and Leelanau counties and the local residents had an "obvious awareness . . . of the importance and the value of these natural features."¹⁶ This was exemplified by the "lack of gaudy commercialism in that area"¹⁷ and the lack of billboards.

Congressman Griffin was disturbed at the attempts of the Park Service to smooth over the concern about the drop in tax revenues with soothing assurances that, in time, booming

¹⁴Ibid., p. 48.

¹⁵Ibid.

¹⁶Ibid., p. 49.

¹⁷Ibid.

commercial enterprises would spring up on the periphery of the proposed lakeshore. The residents had succeeded in keeping out this type of activity but the Park Service proposal seemed to encourage this type of commercial exploitation.

Some opponents to S.2153 claimed that property values within the proposed lakeshore would be depressed because of the limits on use and sale. Argument centered around the question of unimproved property. Since it could not be built upon, it was of little use to most people, so the only probable buyer would be the Department of the Interior. If the Secretary refused to buy a piece of unimproved land, or had no funds to purchase it at that time, the owner would simply be forced to hold and pay taxes on it.

The greatest fault of S.2153 according to its opponents was that it took away property rights of owners either by condemnation or by forcing them to adhere to strict use standards determined by the Secretary. One organization identified a basic issue at stake in this legislation as the "human right of Americans to hold property against the capricious whim or seizure by such a Government agency."¹⁸ Most opponents thought it to be "contrary to the rights guaranteed under the Constitution to have and to hold private property without fear of confiscation."¹⁹

The only local support of S.2153, by a recognized organization, was from the Benzie County Board of Supervisors

¹⁸Ibid., p. 67.

¹⁹Ibid., p. 66.

who believed that the proposed lakeshore was "a greatly needed and highly desired economic development"²⁰ for their county.

Support was given by conservation organizations and other institutions throughout Michigan dedicated to the wise use of natural areas.²¹ Each of these institutions enthusiastically supported the principles of the bill but, they too, were concerned about the property rights of individuals. The Michigan Parks Association expressed this well in a resolution stating that they would support S.2153 provided that:

existing private developments which are harmonious with the proposed development and use of the . . . area be permitted to continue until such time as the present owners and future heirs are willing without coercion to release and sell their properties for national recreation area purposes.²²

It was also suggested that S.2153 be amended to provide for the development of the lakeshore utilizing sound planning methods. The Michigan Parks Association was concerned that no development or plan for the convenience of visitors be undertaken which would be incompatible with the environmental characteristics of the area.

²⁰Ibid., p. 40.

²¹Institutions that voiced support for S.2153 include: Michigan Parks Association, Michigan United Conservation Clubs, Recreation Association of Michigan, Woman's National Farm and Garden Association of Michigan, Michigan Natural Areas Council, Michigan Chapter of the American Society of Landscape Architects, Michigan Conservation Commission.

²²Hearings before the Subcommittee on Public Lands, op. cit., p. 160.

To assure development of the lakeshore in a manner compatible with existing development the Michigan Conservation Commission requested that they be consulted when the National Park Service was determining boundary locations. They also requested that the inland lakeshore residential areas be exempted from condemnation and allowed to remain.

The Conservation Commission encouraged the continued practice of timber harvesting in the lakeshore as an essential element of habitat maintenance for game and wildlife. In the words of the Commission, "Forest management, when it does not impair other natural values, adds variety to the landscape, may itself have recreational attractiveness, and enhances some recreational features of the area as a whole."²³ They encouraged the concept of "multiple-use" of the lakeshore in line with the policies of the United States Forest Service. This was contrary to established Park Service policy, however, the Conservation Commission was of the opinion that multiple-use was an administrative policy which was compatible with the purposes of recreational areas.

Residents of the Sleeping Bear area were overwhelmingly opposed to S.2153 and this was made clear through the many institutions by which they were represented. The opposition of owners of summer homes near the proposed lakeshore, many who lived in other states, was evident from letters received by Committee members.

²³Ibid., p. 154.

About the only interests supporting S.2153 were the Park Service and a handful of conservation groups. The primary defect in the bill was its handling of property acquisition. Property owners were not satisfied with the protection they received from S.2153 and envisioned the Park Service eventually acquiring all inholdings. Promises made by the Park Service were no substitute for legislative provisions.

S.2153 was a working bill through which areas of additional modification became evident. The Committee could not report favorably on legislation needing extensive study and change and S.2153 died.

Revisions are Made

On July 11, 1962, Senators Hart and McNamara introduced Senate bill 3528 which replaced S.2153 and contained changes as a result of testimony at hearings and correspondence from many interests.

After a year of study and as a result of numerous suggestions and criticisms, S.3528 was the first attempt at resolving some of the difficult questions posed by the first bill.

S.3528 changed the name of the proposed area to Sleeping Bear Dunes National Lakeshore but the size remained the same.

Property owners were given more assurance through provisions which suspended the Secretary's authority to acquire improved property by condemnation within inland lakeshore areas

for a period of one year following enactment of the act. Thereafter, the Secretary's condemnation powers would be suspended during all times when the affected counties or townships had in force a duly adopted zoning ordinance. The addition of "townships" to the Act removed the burden of drafting a zoning ordinance satisfactory to the entire county.

The new bill also provided for the donation of mutually protective scenic easements covering future development in lieu of a valid zoning bylaw covering such property.

If any improved property, formerly protected by a zoning bylaw or a protective easement was made the subject of a variance inconsistent with any applicable standard contained in the regulations, the Secretary had to give the owner a written notice stating the basis for the intention to exercise the power of condemnation sixty days prior to any exercise of that power.

Each private property owner was still guaranteed at least three acres or any lesser amount of land owned for the enjoyment of the dwelling, with any accessory structures; however, under S.3528 the Secretary could only acquire beach or water with adjoining land necessary for public access to Lake Michigan. All private residences on the inland lakes were protected from the acquisition of their waterfront by the Secretary. No public use or access areas were to be opened or developed by the Secretary within the 3,500 acre inland lake areas for twenty-five years.

S.3528 required the Secretary to give immediate consideration to offers to sell, especially to hardship cases resulting from undue delay in acquisition.

All commercial property existing on July 1, 1961 was allowed to remain providing it did not impair the usefulness and attractiveness of the area.

The new bill provided for the determination of the fair market value under full judicial protection, not solely by the Secretary or his appointees.

The provision on hunting and fishing was changed from "the Secretary may . . ." to "the Secretary shall permit hunting and fishing" In administering wildlife programs the Secretary was to consult with the Michigan Department of Conservation.

The Lakeshore Advisory Commission was enlarged to ten members, each serving for a term of two years. The Commission was to terminate twenty-five years after establishment of the lakeshore and the members were to be appointed as follows:

- 1) four members to be appointed from recommendations made by the counties in which the lakeshore is situated, two members to represent each such county;
- 2) four members to be appointed from recommendations made by the Governor of the State of Michigan; and
- 3) two members to be designated by the Secretary.

S.3528, with the preceding amendments was sent to the Senate Committee on Interior and Insular Affairs where no action was taken.

The Griffin Bill

Representative Robert P. Griffin was very dissatisfied with the two earlier bills for infringing on the rights of property owners and because the size of the proposed lakeshore would remove so much property from the tax rolls.

On January 21, 1963, Mr. Griffin introduced H.R.2400, to establish the Sleeping Bear Dunes National Park.

The Griffin bill called for a thirty-seven thousand acre park, including North and South Manitou Island. This would provide more shoreline area than either of the previous bills.

The Secretary could not acquire by condemnation any improved property except for the following limited interests in improved property with payment of just compensation:

- 1) a scenic easement requiring the owner to maintain the character and condition of the property only for the purposes for which it was being used on December 31, 1962.
- 2) an option that gave the United States prior right to purchase any right, title, or interest in the property if the owner wishes to sell.

The term "improved property" means a detached building used as a dwelling, or is used for a commercial purpose that is compatible with the purposes of the park.

H.R.2400 provided for the acquisition of all property, which the Secretary was authorized to acquire by this Act, as soon as funds were available. This was not in either of the original bills. It would have prevented some cases of hardship where property values may have dropped appreciably before purchase by the Secretary.

Hunting and fishing provisions were the same as in S.3528.

The National Park Advisory Commission was basically the same as S.3528 but H.R.2400 called for the members to serve a term of four years rather than two, and of the four members appointed by the Governor of Michigan, at least two of those were to have been members of the Michigan State Conservation Commission.

The most significant difference in H.R.2400, other than the size of the proposed park, was the payments that were to be made by the United States to local subdivisions of state government in lieu of real property taxes upon property which was subject to local taxation before acquisition by the Secretary. These payments were to be equal to the amount of taxes, and were to be paid at such times as would have been required had such real property been held by a private citizen. These payments were to cease after all bonded indebtedness incurred by local governments, prior to the enactment of the bill, had been paid in full.

H.R.2400 was sent to the House Committee on Interior and Insular Affairs but hearings were never held.

Senate Bill 792

On February 14, 1963 Senators Hart and McNamara introduced their third bill attempting to establish the Sleeping Bear Dunes National Lakeshore.

S.792 was very similar to the previous Senate bill 3528.

The size of the proposed lakeshore was the same, hunting and fishing regulations were the same and the Lakeshore Advisory Commission remained the same.

Two significant changes occurred in the condemnation clause:

- 1) S.792 required the Secretary to purchase property within one year if the Secretary determined delay would have resulted in hardship. The price of such property was to be decided by the court if the Secretary and the owner could not agree.
- 2) In lieu of a zoning bylaw, to prevent condemnation of residential property after the first year, an owner had to furnish the Secretary with a written statement which stated his intention to use his property consistent with standards for zoning approval.

This removed some of the burden for establishing a zoning bylaw within each township before the end of the first year after enactment.

Nine days after the introduction of S.792, an identical bill was introduced into the House of Representatives. Representative Neil Staebler of Michigan introduced H.R.4201 and it was referred to the House Committee on Interior and Insular Affairs but no action was taken.

Committee hearings were held on S.792 in Washington, D.C. in March and April of 1963 and in Frankfort, Michigan in July.

S.792 received a much more favorable response than the earlier bills.

At the Federal level the Department of the Interior favored the establishment of a lakeshore but suggested some amendments. The Secretary still wanted North Manitou Island included in the lakeshore.

Other amendments gave the Secretary more power and would have negated many of the provisions which were specifically added to reassure local residents:

- 1) The Secretary wanted termination of the Advisory Commission after ten years.
- 2) He did not want to depend on the cooperation of the Michigan Conservation Commission to initiate hunting and fishing programs.
- 3) All references to inland lakeshore residential areas were to be deleted because it granted special privileges to these areas.
- 4) He wanted the power to terminate the suspension of his authority to condemn improved property at any time, thus giving no protection to property owners.
- 5) He wanted more latitude in accepting or rejecting proposed zoning amendments.
- 6) He wanted the list of acceptable commercial uses deleted from the bill and felt that determination of compatibility should be left to him.

Representative Griffin supported a lakeshore area but more along the lines of H.R.2400. He still believed the expense of acquiring improved properties was too great and that payments should be made to compensate for lost revenue.

At the State level in Michigan the legislature passed a concurrent resolution stating that "any proposal for a national lakeshore . . . in Leelanau and Benzie Counties . . . should be confined to that general area described in the National Park Service report of 1959,"²⁴ approximately thirty thousand acres.

In consideration of the above resolution Senator Ernest Gruening of Alaska posed the following question to

²⁴Hearings before the Subcommittee on Public Lands on S.792, 88th Congress, 1st Session, p. 87.

Representative Staebler of Michigan who was testifying on behalf of S.792:

Senator Gruening: Assuming that the vote had been unanimous -- unanimous in the house, and there was no dissent in the senate -- how would you feel about having a group of Senators from other states to come down to Michigan and impose their will over that of the elected representatives of the people of Michigan? Would you think that was proper fulfillment of our debts as representatives of the public interest?

Mr. Staebler: The National Government takes a little different look at problems than perhaps the legislators in the State of Michigan take a look at things.

This is inherent in the very creation of lakeshore areas. You are here working on a program with a view to fifty years ahead. But in Michigan we have had some considerable difficulty getting the legislature interested even in acquiring public fishing sites.²⁵

After further probing into this resolution it was realized that most of those voting and all of those who signed the resolution were Republicans. Mr. Staebler told the committee that the Michigan legislature had "a way of putting things through rather quickly, sometimes without notice."²⁶ He quoted a paragraph from the "Detroit News" that stated "many Democrats who favored the larger area did not even note the resolution's passing."²⁷

On March 29, 1963 the Committee received a telegram giving strong support to S.792 and signed by forty-eight state legislators -- all Democrats. This suggested that the

²⁵Ibid., p. 109.

²⁶Ibid.

²⁷Ibid.

opposition indicated by the prior resolution was not wholly justified.

A number of members of the Michigan State Conservation Commission gave their views regarding the proposed lakeshore.

Stanley A. Cain, Chairman of the Park Committee of the Commission noted the Commission's unanimous approval of a national recreation area at Sleeping Bear but they were not in total agreement with the provisions of S.792. Mr. Cain encouraged the utilization of the Commission in the final determination of the lakeshore boundaries.

They were in favor of including North Manitou Island and Sugarloaf Mountain in the lakeshore.

Harry Whiteley of the Commission wanted North Manitou Island included but could not give full approval to S.792 because seventy-seven thousand acres was too large.²⁸ He believed the Michigan State Department of Conservation should have authority over wildlife management and that members of the Commission should be on the Lakeshore Advisory Commission.

Organizations at the national level were generally supportive of S.792.²⁹

The American Forestry Association supported a lakeshore area but thought the State should take a more active role.

²⁸Michigan State Conservation Commissioners Kenneth S. Lowe and Carl T. Johnson supported a proposed lakeshore but of a size substantially less than proposed by S.792.

²⁹National organizations who supported S.792 and are not mentioned in the text of this section are: The Wilderness Society, Citizens Committee on Natural Resources, Sierra Club, National Wildlife Federation, American Planning and Civic Association, National Audubon Society.

They also supported the exclusion of established residential areas from either a state or Federal recreation area.

The Izaak Walton League of America strongly supported the principles and purposes of S.792 but stated that no national lakeshore area should have as a major purpose protecting the private properties for the enjoyment of the owners.

The National Parks Association suggested the addition of a clause into the bill giving the area protection against overdevelopment for use and occupation by automobiles.

All of the statewide organizations and prominent interests in Michigan (excluding those in the vicinity of the proposed lakeshore) supported S.792.³⁰ Many of those also encouraged enlargement of the area in line with the National Park Service proposal of approximately ninety-two thousand acres.

The majority of opposition to S.792 came from the Sleeping Bear region but there were many interests within the area that saw the proposed lakeshore as a boon to their region.³¹

³⁰The Michigan organizations and interests who supported S.792 include: Michigan Forestry and Park Association, Parks and Recreation Commission of the City of Detroit, Izaak Walton League of Grand Rapids, Michigan Audubon Society, Jerome P. Cavanagh, Mayor, Detroit, Recreation Department of the United Auto Workers, Recreation Association of Michigan, Michigan United Conservation Clubs, Michigan Parks Association, American Society of Landscape Architects, Inc., of Grand Rapids, Michigan Tourist Council, American Institute of Planners of Detroit, West Michigan Tourist Association, Michigan State AFL-CIO, Michigan Botanical Club, Michigan Natural Areas Council, Federated Garden Clubs of Michigan.

³¹The institutions and representatives of institutions within the Sleeping Bear region who were supportive of the bill include: Waldo Hobson, Supervisor, Lake Township, Benzie County; Gilmore Township, Benzie County; Citizens for a National Park in Benzie and Leelanau Counties; Northwest Michigan Motel and Resort Association; Citizens Association for the Sleeping Bear National Recreation Area; Dale Herren, Mayor, Frankfort; John Peterson, Editor and Publisher, "Benzie County Patriot."

The opposition to the bill was strong, for the same reasons as earlier bills and can be summarized as follows:³²

- 1) Sleeping Bear Dunes was too far from populated areas.
- 2) The need for a Federal park in the area was not demonstrated.
- 3) S.792 infringed improperly on the rights of private citizens.
- 4) The bill was a means for the Park Service to control expensive, developed and built-up inland lake areas without payment to the owners.
- 5) The dunes and related areas were already protected under public ownership.
- 6) County governments and school districts would have been injured seriously through loss of revenues.
- 7) The sound economy and established tourist industry would have been jeopardized by the threat of nationalization.
- 8) There were sufficient recreation lands in Michigan.
- 9) The legislative concept of suspending the power of condemnation was considered alien to the laws and misleading to property owners.

On December 18, 1963 the Committee on Interior and Insular Affairs reported favorably on S.792 with amendments and recommended that the measure pass.

The size of the proposed lakeshore was reduced from 77,000 acres to 47,600. South Manitou Island was still

³²Local institutions expressing this viewpoint include: Glen Arbor Junior Women's Club; Leelanau County Board of Supervisors; Citizens Committee of Sleeping Bear Dunes; Platte Lakes Area Association; Glen Lake Board of Education; Village of Empire; Benzie County Board of Supervisors; Glen Arbor Township Board; Citizens Council of Sleeping Bear Dunes; Platte Lakes Area Council; Glen Lake Resort and Business Bureau; Empire Woman's Club; South Manitou Island Private Property Owners' Committee.

included. The amended bill deleted all references to "inland lakeshore residential areas." The number of improved private properties included in the actual park boundaries was reduced from 1,587 in the original bill to 288 in the amended version. These improved sites were allowed to remain provided they were zoned and maintained properly.

The one-year suspension of condemnation powers formerly provided to inland lakeshore residential areas was amended to include all improved property within the lakeshore.

The term "improved property" was amended to include detached one-family dwelling construction which had begun before December 31, 1962.

A provision was added to provide for the construction of a scenic parkway to "provide scenic overlooks for public enjoyment and interpretation"³³ of the area.

S.792 as amended authorized appropriation of not more than \$4,750,000 for acquisition of necessary lands.

The Committee did not amend the bill to provide for payments to local governments to offset any possible revenue losses "because benefits to the State localities involved" would "soon exceed tax losses."³⁴

Six committee members who expressed a minority view, could not support S.792 because a number of areas within the

³³ Congressional Record -- Senate, 88th Congress, December 19, 1963, p. 25161.

³⁴ Senate Report No. 810 from the Committee on Interior and Insular Affairs to accompany S.792, 88th Congress, 1st Session, p. 6.

lakeshore boundaries were considered "unnecessary for the purposes of the bill"³⁵ and infringed unnecessarily upon individual property rights. The additional minority view questioned the justification or need for the establishment of the lakeshore area, citing the abundance of existing public land in Michigan. They called the comparison for the need of the Sleeping Bear Area with that of the Cape Cod National Seashore in Massachusetts unrealistic when considering the amount of recreation area per capita in each state.

On December 19, 1963 S.792 was debated in the Senate. Aside from the minority views expressed in the report, the only criticism of the bill came from Senator Wayne Morse of Oregon.

The condemnation clause was of concern to Mr. Morse; he considered it unjustified. He said that "condemnation should be used sparingly, and never used unless a real public necessity demands it."³⁶

At that time there was talk of an Oregon Dunes bill and Mr. Morse had "pledged to the people of Oregon that" he "would not support a dunes bill containing a provision for the condemnation of property which" in his judgement was "not necessary for the Federal Government to take."³⁷

He opposed all park bills that contained condemnation procedures and stated that the legislature should not grant

³⁵Ibid., p. 12.

³⁶Congressional Record, op. cit., p. 25161.

³⁷Ibid.

blanket condemnation power. Condemnation should only be used "in relation to specific facts in connection with parcels of land as to which it can be shown that the absence of Federal ownership would be contrary to the public need."³⁸

There was no further discussion on the bill and it was voted on and passed in the Senate.

S.792 was then sent to the House Committee on Interior and Insular Affairs which declined to hold hearings.

Senate Bill 936

On February 1, 1965 Senators Hart and McNamara introduced S.936 which was basically the same as S.792, as passed by the Senate in December of 1963.

S.936 provided for a 46,100 acre lakeshore including South Manitou Island. It differed from the previous bill in that it eliminated a 420 acre strip of shoreline west of the town of Empire (which was not included in the original proposal) and it gave a precise description of the route of the proposed scenic highway and its right-of-way.

The bill was sent to the Senate Interior Committee which did not hold hearings due to its similarity to the Senate passed bill.

The Committee reported favorably on S.936 and recommended its passage as amended.

³⁸Ibid., p. 25165.

The Committee amended the bill to terminate the Lakeshore Advisory Commission ten years after the establishment of the lakeshore. The authorized appropriations for acquisition of lands and interests in lands were increased from \$4,750,000 to \$9,500,000³⁹ and the sum of \$18,500,000 was authorized for the development of the lakeshore.

Four Senators expressed the minority view in the Committee report for basically the same reasons as S.792; there was no justification or need for the proposed lakeshore.

On August 26, 1965 S.936 was brought to the Senate floor for debate. During debate Senator Hart quoted Dr. Ralph A. MacMullan, Director of the Michigan Department of Conservation, to refute arguments stated in the minority views. He said:

Much of Michigan's sizable acreage of State-owned land came to the State in the twenties and thirties through tax reversion and is suitable mainly for extensive forms of outdoor recreation such as hunting. Unfortunately, only about four percent of the State-owned lands have the necessary prime recreational potential required for intensive recreational⁴⁰ purposes such as State parks and water access sites.

The only amendment to the reported bill in debate was by Senator Bible of Nevada. He proposed to reduce the figure of a \$18,500,000 limit for development of the lakeshore to a

³⁹The Department of the Interior reported that funds for acquisition of land should not be limited to \$4,750,000. They estimated the cost of acquiring the lands and improvements within the proposed lakeshore, as contemplated in S.936 as \$9,500,000; however, they recommended an amendment to the bill providing for "such sums as may be necessary to carry out the provisions of this Act."

⁴⁰Congressional Record -- Senate, 89th Congress, 1st Session, August 26, 1965, p. 22075.

\$14,500,000 limit. The amendment was agreed to and the bill passed as amended. It was then referred to the House Interior Committee.

The Committee held hearings in Traverse City, Michigan on October 4, 1965 and in Washington, D.C. on May 27 and June 20, 1966.

S.936 received support from all Federal government agencies. The Interior Department was among many interests who wanted North Manitou Island included in the lakeshore. Allen T. Edmunds⁴¹ of the National Park Service testified on the subject of the inclusion of North Manitou and stated that it was not included because its resources were "not as superlative as those on South Manitou, plus the fact we are adding some fourteen thousand acres to the proposal at a cost of \$1,250,000."⁴²

Representative Griffin was in agreement with the principles of S.936 but there were many areas of which he was concerned. He wanted to be sure that the emphasis would be put on preservation and conservation. He did not want the area turned into a big playground. Mr. Griffin said that since 1959 the emphasis of some proponents had shifted somewhat from a concern for preservation of natural beauty to a primary concern about recreation and the number of people who could be accommodated in camping facilities, etc.

⁴¹Allen T. Edmunds is the Chief of the Office of Resource Planning, Philadelphia Planning Center, National Park Service.

⁴²Hearings before the Subcommittee on National Parks and Recreation of the House Committee on Interior and Insular Affairs, 89th Congress, 1st Session, June 20, 1966, p. 168.

Mr. Griffin also encouraged the inclusion of North Manitou Island. He was concerned that the Secretary was not required to purchase improved property which the owner wished to sell. He also criticized the lack of payments to local governments and school districts to compensate for lost revenue.

Generally the governmental institutions⁴³ within Michigan enthusiastically supported S.936.

Support was given by both nationally recognized organizations⁴⁴ and those at the State level.⁴⁵

As with similar bills the strongest opposition⁴⁶ to S.936 came from Leelanau and Benzie Counties. Their opposition was in four areas:

- 1) The area would have suffered an economic decline as the result of the loss of taxable property. The

⁴³These institutions or representatives of institutions include: Senator Hart; Governor Romney; The Michigan House and Senate; Michigan State Highway Department; Michigan Department of Conservation; Michigan Conservation Commission; Jerome P. Cavanagh, Mayor of Detroit.

⁴⁴This group included the Citizens Committee on Natural Resources; American Automobile Association; National Wildlife Federation; National Conference on State Parks.

⁴⁵Included was the Michigan Chapter of the American Society of Landscape Architects; Michigan Forestry and Park Association; Michigan Botanical Club; Michigan United Conservation Clubs; Michigan Tourist Council.

⁴⁶The local opposition to S.936 included: Glen Lake Community Schools Board of Education; Benzie County Central Schools Board of Education; Citizens Council of Sleeping Bear Dunes Area, Inc.; Leelanau County Board of Supervisors; Empire Township Board; Glen Lake Chamber of Commerce; Empire Lions Club; Glen Arbor Junior Women's Club; Empire Women's Club; Glen Arbor Woman's Club; Cleveland Township Board; Glen Arbor Township Board; Leelanau County Federation of Women's Clubs; Platte Lakes Area Association, Inc.

school districts were particularly concerned and claimed that the reduction in the student population would not have been proportional to the loss in tax base, and there was no provision in the legislation for compensating payments by the government.

- 2) There was considerable anxiety over the condemnation clause. Much of this as a result of misinterpretation of the bill.
- 3) Location of the lakeshore boundaries was questioned especially regarding the proposed scenic drive.
- 4) The size of the lakeshore. Some opponents objected to the lakeshore coming so far inland and believed it should encompass solely the shoreline area. Others wanted North Manitou Island included perhaps in exchange for acreage on the mainland.

The institutions⁴⁷ who supported S.936 were primarily commercial activities.

After the public hearings the full Committee on Interior and Insular Affairs gave consideration to S.936 on August 3, 4, and 9, 1966. They reported favorably on the bill and recommended its enactment as amended:

- 1) The addition of North Manitou Island, and of a three-mile strip of land to the east of Michigan Highway 22 in the Platte Bay area to protect the scenic beauty along both sides of the highway.
- 2) A provision that required the donation of any State lands before the area is declared established.
- 3) A modification that strengthened the intent of the Secretary to purchase property in cases of hardship.
- 4) Limiting the Secretary's authority to acquire property by exchange to cases where the Federal

⁴⁷Those groups supporting the bill included: Citizens Committee of Frankfort; Muskegon Progress and Development Fund; West Michigan Tourist Association; Frankfort Chamber of Commerce; Grand Traverse Motel and Restaurant Association.

property involved in transaction was in the State of Michigan.

- 5) Elimination of the requirement that the Secretary wait for a year after enactment of the bill before instituting any condemnation action.

As amended the size of the lakeshore was approximately sixty thousand acres. The amount authorized for land acquisition was increased from \$9,500,000 to \$10,810,000 to compensate for the increased size.

A minority view was written in the Committee report by nine representatives who opposed the bill for the following reasons:

- 1) The legislation was unnecessary since the proposed area was already a well-kept and highly-developed recreation area;
- 2) It confiscated private property;
- 3) There was no provision for assisting local governments in lieu of tax revenues;
- 4) Congress would have continued to extend national park legislation beyond the point where funds could have reasonably been available.

On August 25, 1966 S.936 was referred to the Committee of the Whole House where no action was taken.

S.1192 and H.R.6616

On March 6, 1967 two identical Sleeping Bear Dunes proposals were introduced into Congress -- S.1192 by Senator Hart and H.R.6616 by Representative James G. O'Hara of Michigan's Twelfth District, part of the City of Detroit.

These bills were basically the same as the previous bill S.936 which was passed by the Senate as amended in Committee.

Both bills provided for a 61,171 acre lakeshore which included both North and South Manitou Islands.

The condemnation clause was the same as in S.936.

S.1192 was referred to the Senate Committee on Interior and Insular Affairs but no action was taken.

H.R.6616 went to the House Committee on Interior and Insular Affairs which held hearings on July 29, 1968. The hearings were not made available and no report was issued by the Committee.

H.R.11829 and Related Bills

During the 91st Congress twenty House bills were introduced proposing a Sleeping Bear Dunes National Lakeshore. These bills were basically identical except for the sums authorized for land acquisition, development of the lakeshore and the proposed size. All of the bills were along the same lines as S.936 and subsequent proposals.

A significant difference between the Vander Jagt Bill, H.R.12230, and other bills in that group was in the introductory paragraph. The preceding bills had slanted the purpose of the legislation toward recreation such as in Section 1a of H.R.11829:

that . . . in order to stabilize and preserve for the benefit, inspiration, education, recreational use, and enjoyment of the public a significant portion of the diminishing shoreline of the United States and its related geographic and scientific features, . . ."

This is contrasted with section 1a of H.R.12230 which states:

that . . . the Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area.

Previous bills went on to state that "the Secretary of the Interior . . . is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore."

H.R.12230 however, states:

that in carrying out the provisions of this Act, the Secretary of the Interior shall administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.

The change of emphasis in the introductory section by Representative Vander Jagt was indicative of pressures from residents of the Dunes Area who feared the concept of a "national playground" in their region. Mr. Vander Jagt hoped to elicit more support from local residents for his bill, but the hearings proved this was not the case.

On June 8 and 9, 1970, the House Subcommittee on National Parks and Recreation, of the Interior Committee, held hearings on these bills in Washington, D.C.

The Department of the Interior reported favorably on H.R.12230 and related bills. They suggested amendments to the bills including one which allowed for continued State

ownership and operation of three hundred acres in the Platte Bay area. The Michigan Department of Natural Resources had established a coho salmon fishery and they operated a fish wrier on the Platte River. Plans were also underway for a fisherman access area and small boat harbor.⁴⁸

H.R.11829 and related bills received overwhelming support from many levels of government in Michigan. All of

⁴⁸On September 23, 1967, a severe storm struck the Sleeping Bear Dunes area and seven fishermen were drowned, fifteen others were hospitalized and dozens of boats were swamped and damaged. This tragedy triggered widespread public demand for better and safer boating facilities at the Platte River area.

In December, 1967, the Michigan Waterways Commission took steps to initiate construction of a harbor and the U.S. Army Corps of Engineers made a study of the area, completed in November of 1970. The study recommended a large harbor located in the mouth of the Platte River.

As the proposed project became known to the public, objections were raised. The Waterways Commission ordered a public hearing on April 26, 1971, at Beulah, where twenty-seven persons gave mixed testimony.

On September 9, 1971, the Natural Resources Commission endorsed the concept of a harbor at the mouth of the Platte but suggested possible changes in design and location to minimize environmental intrusion. Public opposition to the project grew, and in February 1972, the Waterways Commission passed a resolution to seek an alternate site in Platte Bay.

After further studies by the Corps of Engineers and the Waterways Division staff, the Waterways Commission concluded in April, 1973, that the harbor should be constructed at the mouth of the Platte or not at all. The Natural Resources Commission then ordered the preparation of an Environmental Impact Statement.

Public hearings on the EIS were held in Lansing and Beulah on January 22 and 24, 1974. The overwhelming opinion expressed at the hearings was that the Platte River mouth should be preserved as nearly as possible in its natural condition.

The Sleeping Bear Dunes National Lakeshore Advisory Commission twice considered the Platte Bay harbor proposal and twice vetoed it.

On February 8, 1974, the Natural Resources Commission decided to take no further action on the proposed harbor facility.

the United States Representatives and Senators from Michigan supported these bills, many were sponsors of them. The Governor of Michigan at its State Legislature gave support to these bills.

Mr. A. Gene Gazlay, Assistant Director of the Michigan Department of Natural Resources stated that Governor Milliken had indicated that he would immediately submit legislation to appropriate funds to reimburse the affected school districts to offset temporary tax losses as soon as Congress enacted lakeshore legislation. This was to replace funds which were initially to be used for reimbursement obtained through the sale of State lands to the government. Mr. Gazlay stated that as soon as Congress enacted legislation establishing the national lakeshore, a bill would be introduced providing for the donation of certain State lands located within the project boundaries.

Many of the statewide institutions which had supported Sleeping Bear Dunes legislation since its start, continued to support H.R. 11829 and related bills.⁴⁹ The conservation groups were more vocal, during this round of legislation, in making their views known concerning development of the lakeshore.

⁴⁹These groups include: Citizens Committee on Natural Resources; Wilderness Society; American Forestry Association; Michigan Natural Areas Council; Michigan Botanical Club; West Michigan Environmental Action Council; National Audubon Society; Michigan United Conservation Clubs; Sierra Club; National Wildlife Federation; Great Lakes Commission; Interstate Compact Commission of the Eight Great Lakes States; Michigan State Recreation Advisory Committee; Michigan Recreation and Park Association; Michigan Chapter of the American Society of Landscape Architects; Izaak Walton League of America; Friends of the Earth, Washington, D.C.; ENACT, Environmental Action for Survival; Garden Club of America.

The Wilderness Society and the Izaak Walton League called for a study of the area to determine which areas might possibly qualify for inclusion into the Wilderness System. Both organizations mentioned North Manitou Island as a possibility.

Prior to the hearing a preliminary master plan for the Sleeping Bear Dunes National Lakeshore was prepared by the National Park Service which raised more questions regarding development of the lakeshore.

The Michigan United Conservation Clubs criticized the proposed airstrip contemplated for construction on North Manitou Island which was otherwise slated to be left essentially wild and undeveloped. They also considered the concept of a minibus delivering people to the "semi-primitive camping" areas as laughable.

The American Forestry Association voiced its opposition to the continued operation of the dune-buggy rides.

There were only three institutions which supported the proposed legislation. These included the Save the Sleeping Bear Dunes Committee, the Frankfort Area Chamber of Commerce and the Benzie County Lakes Area Chamber of Commerce.

Local opposition to the pending bills came from the same institutions as in past hearings but centered not so much on the concept of private property rights but more on

the fears of the effect of the millions of visitors that would be drawn to the lakeshore.⁵⁰

Opponents were concerned that neither the National Park Service nor the sponsors of the legislation were motivated by a desire to preserve the area in its "pristine beauty." They claimed that recreation was the issue, not conservation, and that the addition of two percent additional public shoreline to the State of Michigan did not warrant taking the risks of pollution and destruction that an influx of visitors to the area might cause. Residents were concerned with the character of the proposed lakeshore and the effect it would have on the quality of life as they knew it. They were concerned with the prospect of bulldozing good second growth timber to put through a scenic parkway.

During the Committee hearings it became evident that some residents were truly concerned that with the publicity that a lakeshore of this magnitude would create, hordes of visitors would lessen the beauty and the uniqueness of the area. Other residents would have supported a national lakeshore at another location but not in their area.

No further action was taken on H.R.11829 or the related bills.

⁵⁰Local institutions voicing opposition to H.R.11829 and related bill included: Citizens Council of the Sleeping Bear Dunes Area; Lake Township Board; Platte Lakes Area Association; Leelanau County Federation of Women's Clubs; Leelanau County Planning Commission; Glen Lake Community Schools Board of Education; Leelanau County Board of Commissioners; Empire Village Council; Traverse City Chamber of Commerce.

The Final Round of Legislation

On August 3, 1970 Representative O'Hara and others, introduced H.R.18776 into the House, which was referred to the Committee on Interior and Insular Affairs.

H.R.18776, which provided for a 60,789 lakeshore, was very similar to H.R.12230 which the Committee held hearings on earlier in the year. The only substantial difference between the bills was that H.R.18776 included a provision requiring the Secretary to review the area within the proposed lakeshore and to make recommendations as to the suitability or nonsuitability of any area for preservation as wilderness.

The House Committee did not hold hearings on H.R.18776 and recommended its enactment with minor amendments. On August 10, 1970 it was reported to the Committee of the Whole House.

On September 22, 1970 H.R.18776 was debated on the House floor. The House was overwhelmingly in favor of the bill. Representative Reid of Illinois offered the strongest opposition based primarily on the arguments of some of the residents of the Sleeping Bear area. It was pointed out by many Congressmen that the goal of both proponents and opponents of Sleeping Bear Dunes legislation was preservation of the natural beauty of the area and that designating the area as a national lakeshore would provide the surest protection.

The bill passed in the House and was referred to the Senate Interior Committee.

The Senate Subcommittee on Parks and Recreation met on August 26, 1970 to hold hearings on S.1023 and H.R.18776.

S.1023 was introduced by Senator Hart on February 17, 1969 and was essentially the same as the Senate passed bill, S.936.

H.R.18776 had not yet been passed in the House.

The opposition⁵¹ to these bills was from the Sleeping Bear area and was summarized well by Dayton Willard of the Platte Lake Association:

In short we are opposed to S.1053 because:

- 1) it will not protect and preserve but destroy;
- 2) projected costs for acquisition and development are not realistic;
- 3) there is nothing in this bill to protect sanitary needs, brought on by influx of visitors; we are concerned about the inevitable pollution; we are concerned about health;
- 4) locally, the few who are pushing for the dunes are not concerned about preservation, they are only looking for the economic carrot; and
- 5) so-called protection of land owner rights are not realistic; condemnation is still a threat.⁵²

⁵¹Institutions opposing these bills included: Platte Lake Association, Citizens Council of Sleeping Bear Dunes, Leelanau County Federation of Women's Clubs, Leelanau County Planning Commission.

⁵²Hearings before the Subcommittee on Parks and Recreation on S.1023 and H.R.18776, 91st Congress, 2nd Session, p. 87.

The institutions⁵⁵ supporting this legislation had supported previous Sleeping Bear Dunes proposals.

On October 2, 1970 the Committee reported favorably on H.R.18776 without amendment and recommended its enactment.

H.R.18776 was debated in the Senate on October 7, 1970. Only one amendment was offered, that of Senator Griffin, who proposed to strike all of H.R.18776 and insert the language of H.R.2400, a Sleeping Bear Dunes National Park Proposal he introduced in 1963. The amendment did not pass.

No amendments were made and H.R.18776 passed in the Senate. On October 8, 1970 it was examined and signed by the Speaker, signed by the President pro tempore on October 9, and by President Nixon on October 21, 1970 when it became Public Law 91-479.

⁵⁵These supportive institutions included: Michigan Department of Natural Resources; Michigan Natural Resources Commission; Michigan Legislature; Benzie County Board of Commissioners; all United States Representatives to Congress from Michigan; Save the Sleeping Bear Dunes Committee; Sierra Club; Friends of the Earth; National Wildlife Federation; American Forestry Association; National Parks and Conservation Association; Izaak Walton League of America, Inc.

CHAPTER VII

THE IMPACT OF OTHER LEGISLATION

During the past decade it became evident that established methods of preserving land were not always adequate to protect many of the amenities valued by segments of our society. The Park Service administered national parks, monuments, recreation areas, etc., and the Forest Service administered the national forests.

During the middle 1960s the public called for stricter control of use and development of these Federally owned lands. The public's increased awareness of the quality of the landscape paved the way for new legislative proposals and ultimately new laws by which Federal lands and activities must be administered.

These laws had an impact on the design of the Sleeping Bear Lakeshore just as surely as the institutions which took part in the hearings. The laws discussed below are a product of the legislative process and were shaped by institutional values just as the Sleeping Bear bill was.

There are three such laws which were a product of the '60s awareness which affected or will affect the design of the lakeshore.

The Wilderness Act

The Wilderness Act was passed in 1964 to set aside portions of Federally-owned land, which qualified under the Act, as wilderness areas to be preserved in their natural conditions, without permanent improvements or human habitation.

For an area to qualify as a wilderness area it must:

- 1) generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- 2) have outstanding opportunities for solitude or a primitive and unconfined type of recreation;
- 3) have at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and
- 4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.¹

Subsections 3(c) and 3(d) of the Act provide for the Secretary of the Interior to "review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system" under his jurisdiction on the effective date of the Act. This means that all units of the national park system which were not established before the enactment of the Wilderness Act will not automatically be considered for inclusion.

Therefore, on the recommendation of a few conservation groups that the lakeshore be studied for areas of possible

¹Public Law 88-577 -- September 3, 1964.

wilderness designation, Section 6(c) was included in the Sleeping Bear Dunes Act. What Section 6(c) did was to require the Secretary to review the lakeshore area within four years from the date of enactment of the Sleeping Bear Dunes Act in accordance with subsections 3(c) and 3(d) of the Wilderness Act.

If areas of lakeshore are designated as wilderness areas they will have to be administered as such even though they may lie within a recreation area.

The Wilderness Act provides for the continued operation of aircraft or motorboats, where these uses have become established. This means that the existing transportation facilities to both North and South Manitou Islands will not disqualify them from possible designation as wilderness areas.

The Wild and Scenic Rivers Act

On October 2, 1968 the "Wild Rivers Act" was enacted, creating a system of rivers to be preserved and a procedure through which additions could be made. The purpose of the Act was to provide for the preservation of natural free flowing rivers uninhibited by dams, reservoirs, or other man-made alterations and to control development along their banks. This is a step toward a goal proposed by Stewart Udall that the future of most of the major rivers of America should be decided by 1985.

The Act provides for three categories of rivers:

- 1) Wild Rivers -- which are generally inaccessible except by trail, free of impoundments, generally

primitive shorelines and watersheds and unpolluted.

- 2) Scenic Rivers -- which are free of impoundments, largely undeveloped, and accessible in places by roads.
- 3) Recreational Rivers -- which are readily accessible by trail or roads, may have some development and may have undergone some impoundments in the past.

From time to time the Secretary of the Interior, or the Secretary of Agriculture in the case of National Forest lands, may make recommendations for the addition of certain rivers to the system.

In the case of the Sleeping Bear Dunes Lakeshore the Secretary could recommend the addition of any of the rivers or parts of rivers within the lakeshore to the Wild Rivers system.

The jurisdiction and agreements with owners of private property along such a river will be according to prior arrangement (the Sleeping Bear Dunes Act) rather than the Wild Rivers Act. At such time as these properties may be acquired by the Secretary, the rivers shall be administered by the Wild Rivers Act.

The National Environmental Policy Act

The purpose of the National Environmental Policy Act of 1969 was:

to declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to

enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.²

In carrying out the policies set forth in the Act, all agencies of the Federal Government shall:

- A) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment;
- B) Identify and develop methods and procedures, in consultation with the Council on Environmental Quality, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;
- C) Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --
 - 1) The environmental impact of the proposed action,
 - 2) Any adverse environmental effects which cannot be avoided should the proposal be implemented,
 - 3) Alternatives to the proposed action,
 - 4) The relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
 - 5) Any irreversible and irretrievable commitments of resources which would be involved in the₃ proposed action should it be implemented.

²Public Law 91-190 -- January 1, 1970.

³Ibid.

This Act had no direct impact upon the content of the Sleeping Bear Dunes bill but it will have an impact upon the design of the lakeshore area. After the final master plan, for development and use, has been completed, an impact statement will be prepared according to Section 102(c) of NEPA.

Elements of the master plan will have to be sensitive to the ecological limits of the area. According to Section 102(b) of NEPA, "presently unquantified environmental amenities and values" will have to be given the appropriate consideration in the decision-making process. The environmental impact statement will have to consider "any adverse environmental effects which cannot be avoided should the proposal be implemented." All new roads, parking areas, visitor facilities and other improvements will have to be assessed as to their impact on the surrounding landscape.

The Sleeping Bear Dunes National Lakeshore, being a Federal project, will now have to be developed and administered under the auspices of NEPA. The final draft of the EIS will then be the subject of a public hearing, enabling the public to respond to planning decisions made by the National Park Service.

CHAPTER VIII

INPUT FROM CONSERVATION ORGANIZATIONS

Introduction

In Chapter VI the history of the Sleeping Bear Dunes legislation was summarized, identifying proponents and opponents of the Federalization of the area at each committee hearing. Many institutions and individuals participated by either giving testimony at the hearings or through correspondence in the form of resolutions or letters.

Throughout the legislative history of the Sleeping Bear Dunes bills, active participation in the planning or drafting of each bill came from three main bodies of thought, conservation organizations within Michigan, a variety of institutions within Leelanau and Benzie Counties and from the National Park Service.

Throughout the planning process of the Sleeping Bear legislation it is difficult to determine who was responsible for each change in the design of a bill and that is not the objective of this paper. During the course of almost ten years of committee hearings, key participants can be identified. When the values of each participating institution are identified, similarities between some institutions become

obvious. When these institutions having similar values and objectives apply pressure toward a given end and this pressure ultimately produces a change, this group of institutions can be identified as being primarily responsible.

The following chapters will identify key institutions within these groups and how the values and purposes of these groups influenced the position they advocated during the legislative process.

Input from Conservation Organizations

Conservation organizations were by far the most active group of institutions, with statewide recognition, that participated in the legislative process. Other statewide institutions such as the Michigan Tourist Council, the American Society of Landscape Architects and the Forestry and Park Association supported legislative proposals throughout the ten years of debate through letters, resolutions, or telegrams, but took no active part in Congressional hearings.

The Michigan Botanical Club was the first organization to identify and attempt to preserve some of the unique natural features of the Sleeping Bear area. It was founded in 1941 to promote the understanding, enjoyment and preservation of Michigan plant life and the conservation of natural resources.

During the early years of the Michigan Botanical Club the membership sought to identify a needy cause toward which they could direct their efforts in the area of preservation,

education or other causes which would have a lasting effect and would offer a change from the usual field trips and outings in which members of the club participated.

The Club learned of the unique beauty of an area near Sleeping Bear Dunes called the Platte Plains, from a member who had visited the area in 1926 while making a film on wild-flowers of the Lake Leelanau, Glen Lake and Sleeping Bear Dunes area.¹ The Platte Plains is an area near the mouth of the Platte River which tells the history of plant succession over thousands of years as one walks from the shore inland over successive dunes and troughs, each containing plant life more advanced than the past dune and trough.

The Botanical Club appointed a committee, called the Natural Areas Committee (which later grew into an independent organization -- the Michigan Natural Areas Council), to make further studies of this area and to make recommendations for its protection. The Committee tried to get the State to include the Platte Plains into Benzie State Park but was unsuccessful.

When Sleeping Bear Dunes legislation was introduced, the Michigan Botanical Club was fully aware of the significance of protecting this area and supported the proposals enthusiastically. Their support for the lakeshore legislation was

¹Personal interview with Genevieve Gillette (on May 6, 1974), who is a landscape architect in Ann Arbor, Michigan and who has been active in the Michigan Botanical Club, the Natural Areas Council, Michigan United Conservation Clubs and the Michigan Park Association.

in full agreement with the objectives of the Club which encourages "sponsorship of legislation to promote the preservation of Michigan flora and to establish sanctuaries and natural areas" and "cooperation in programs concerned with the wise use and conservation of all natural resources and scenic features."²

Throughout the legislative history of the lakeshore the Botanical Club gave full support and supported any compromise in the legislation which would increase its size. The Club supported the concept that only through its inclusion into the National Park System would the area be adequately preserved.

The Michigan Natural Areas Council, which evolved out of the Michigan Botanical Club and which is affiliated with the Nature Conservancy at the national level, supported Sleeping Bear Dunes legislation since its introduction in 1961.³ The Council has as its goal the "preservation of areas of outstanding scenic beauty or scientific value which are representative of the full variety of Michigan's natural wealth."⁴ It "seeks to locate and evaluate choice natural areas and to prepare recommendations for their preservation."⁵

²From a pamphlet put out by the Michigan Botanical Club.

³The Natural Areas Council was instrumental in instigating the Great Lakes Shoreline Study in 1958 and 1959 by recommending the use of surplus money from the Mellon Fund which helped finance the shoreline studies on the East, West and Gulf coasts.

⁴From a pamphlet published by the Michigan Natural Areas Council.

⁵Ibid.

The Natural Areas Council supported the legislation along the same lines as the Botanical Club. The Council was convinced that only the Federal government had the funds and the ability to acquire and protect over time, the areas depicted in the bills. They supported a lakeshore of sufficient size to demonstrate as a unit the natural history values of the area.

Neither the Michigan Botanical Club nor the Natural Areas Council offered amendments or criticisms of any of the lakeshore bills. They were both supportive of the measures which would preserve the greatest amount of the Sleeping Bear area and took no part in discussions concerning condemnation of property, hunting and fishing, or any of the other controversies which delayed the enactment of a lakeshore bill.

An active conservation organization throughout the history of the legislation was the Michigan United Conservation Clubs (MUCC). MUCC was formed in 1937:

to further and advance the cause of the environment and conservation in all its phases, and to perpetuate and conserve the fish, game, mineral, air, water, forest and land resources of the state; to so manage the use of all natural resources that this generation and posterity⁶ will receive the maximum benefit from the same.

MUCC also performs an educational function through the publication of its monthly magazine "Michigan Out-of-Doors" which has a readership of approximately 450,000. MUCC is the state affiliate of the National Wildlife Federation, with a

⁶By-Laws, Michigan United Conservation Clubs, 1972.

total membership of about 125,000 members in approximately 350 local clubs.

In its early years, MUCC provided a unified voice of the sportsmen in the State Capitol. The primary purpose was to have a citizen pressure group to keep politics out of natural resource management. Much of the program dealt with fish and game management, treating other resource management activities mainly as they related to sporting interests.

Over the years sportsmen began recognizing the total inter-relationship of fish, game and human needs for environmental quality control, and their awareness was enlarged to include the total environment.

MUCC sent members to testify at almost all of the Congressional hearings and supported the bills either in full or in principle. When the first bill, S.2153, was introduced MUCC supported the principle of multiple use, a concept its members had supported many times concerning State forests and wildlands,⁷ and it favored the recreation area concept.

At the hearing on S.936 in 1965, MUCC supported the bill in principle and offered amendments:

- 1) The State should retain the control over hunting and fishing within the lakeshore area.
- 2) The local school districts should be reimbursed to help pay off bonded indebtedness.
- 3) A provision to assure the payment by the government of fair and equitable prices for condemned land was needed.

⁷Senate Hearing before the Subcommittee on Public Land of the Committee on Interior and Insular Affairs, 87th Congress, 1st Session on S.2153, p. 184.

At the hearing on H.R.11829 in 1970, MUCC approved the concept of sustained-yield harvesting of timber within the lakeshore when and where it was compatible with the project's primary mission. At the same time they called for ecologically sound planning and were dismayed at the proposed airstrip and minibus camper transporter system on North Manitou Island. MUCC supported a sixty thousand acre lakeshore, thirty thousand acres less than the Interior Department recommended in 1961 because that area was now "developed and no longer suitable for a National Park Service unit."⁸

According to Stuart Myers, past president of MUCC, the Michigan Parks Association, the Sierra Club and MUCC were the lay groups who kept the Sleeping Bear Dunes legislation alive over the years and who caused it to move. Congressman James G. O'Hara of Michigan stated in 1970 that MUCC was the motivating force enabling the lakeshore proposal to remain active over the period of years that assaults had been made against it.⁹

MUCC advocates managed use, they have a conservationist attitude, not preservationist, and credit their success to "recognition of the possible."¹⁰

During the early 1950s a group of people within MUCC became aware of the inadequacies in the State Park System.

⁸House Hearings on H.R.11829 and related bills, 1970, p. 276.

⁹Ibid., p. 278.

¹⁰Personal interview with Stuart Myers on May 7, 1974, past president of MUCC.

MUCC formed a parks committee to make a study of the conditions of the State parks and work toward improving them. Their survey identified the Michigan State parks as being inadequate to accommodate the number of visitors who wished to use them and that facilities were in poor condition or lacking. They discovered that one-third of the visitors were from out of state. Through correspondence with Congressmen from other states it became evident that state parks throughout the country were in bad shape. The Michigan legislature couldn't provide funding to upgrade the parks to meet the needs of Michigan residents, and one-third of the park users were from other states. It was a national problem.

This group within MUCC recommended the creation of an organization whose sole purpose would be to promote parks at every level. A group which would educate legislators concerning the condition of the parks for fear that when the legislature did get its money, it wouldn't know about the park problems. In 1959 the Michigan Parks Association was formed "to promote in Michigan in every possible way the acquisition and development of parks which are fully adequate to meet the needs of the people, both present and future."¹¹

The Michigan Parks Association went to their Congressmen with extensive data concerning many aspects of State parks in Michigan. They explained to them that Michigan could not solve its own problems and were there any Federal funds available, such as the Land and Water Conservation Fund?

¹¹ Pamphlet published by the Michigan Parks Association.

The point is that, for years before the first Sleeping Bear Dunes proposal, MUCC and the Michigan Parks Association had been gathering state park data. When opponents of the Dunes bill argued that Michigan had more public land per capita than any other Great Lakes state and that there was already too much government control over land, the Parks Association had the data to prove them wrong.

The Parks Association was active in the early stages of the legislation and offered amendments to the bills. Aside from supporting the bills the Association believed that established commercial activities within the lakeshore should be allowed to remain if the use was permitted by the Secretary.

The Association suggested the inclusion of a section of the Cape Cod Act which spelled out certain restrictions on the manner in which the lakeshore should be developed. They asked that improved properties surrounding the inland lakeshores be excluded from the areas that the Secretary may condemn to provide access for the public. In 1963 the Parks Association called for a 92,000 acre lakeshore as suggested by the Secretary of the Interior. They favored the inclusion of North Manitou Island into the lakeshore but objected to it substituting for acreage on the mainland. A two thousand acre area of Sugarloaf Mountain was included in their requests.

Around 1965 the participation of the Parks Association began to diminish. They had more or less opened the doors for

the Sleeping Bear proposals but the frustrations of legislative delays dampened their enthusiasm.

At the same time, a new voice for conservation was growing in Michigan which would continue the fight where the Parks Association had left off. In 1967 the Mackinac Chapter of the Sierra Club was established in Michigan:

to explore, enjoy, and preserve the Sierra Nevada and other scenic resources of the United States and its forests, waters, wildlife, and wilderness; to undertake and to publish scientific, literary, and educational studies concerning them; to educate the people with regard to the national and state forests, parks, monuments, and other natural resources of especial scenic beauty and to enlist¹² public interest and cooperation in protecting them.

Up to that time, Sierra Club members in Michigan had supported the Dunes legislation but now they had a formal organization through which to voice their support. With establishment of the chapter, a Sleeping Bear Dunes National Lakeshore Task Force was formed and the Dunes legislation became a priority conservation effort for the Mackinac Chapter.

The Sierra Club urged the strong protection of scenic beauty within the lakeshore and supported Representative Vander Jagt's first "Dunes" bill, H.R.12230, which put more emphasis on the preservation of the natural setting than earlier bills. They credit themselves with persuading Representative O'Hara and other Congressmen from Michigan, and Senators Hart and Griffin to support the same bill. They

¹²Sierra Club, "Bylaws."

also encouraged public hearings on the development plan. The Club strongly recommended that the lakeshore area be reviewed for areas of possible wilderness designation and called for public hearings concerning such areas.

An organization whose support for the Dunes legislation was similar to the Sierra Club's was the Izaak Walton League of America. The League is one of the oldest active conservation groups in the United States and is "dedicated to the wise and proper management and use of America's natural resources, and to optimum realization of the outdoor recreation opportunities which those resources provide."¹³

The Izaak Walton League enthusiastically supported a national lakeshore in the Sleeping Bear Dunes area and supported the principles and purposes of the early bills. They were concerned that S.792, an intermediate bill, went too far in protecting the interests of local property owners that the national interest was not fully recognized and protected. The League said that no national lakeshore should have as a major purpose protecting private properties for the enjoyment of the owners. They asked that the Secretary control the hunting and fishing within the lakeshore boundaries under established Michigan law. They questioned the designation of inland lakeshore residential areas because they discriminated in favor of the owner of undeveloped property in that, it was still marketable and a structure could have been

¹³Senate Hearings on S.792, 1963, p. 317.

built on it while other undeveloped property could only be purchased by the Park Service. Along with other conservation groups they urged the study of the Manitou Islands for possible wilderness designation.

One of the latest entries into the legislative debate over Dunes legislation was the West Michigan Environmental Action Council, Inc. The Action Council was formed in 1970:

to receive, administer and expend funds exclusively for the promotion of social welfare in West Michigan and elsewhere by assisting and coordinating the efforts of individuals and organizations to protect and restore the quality of the environment and to take whatever appropriate action is deemed necessary¹⁴ or desirable in order to accomplish this objective.

The Action Council participates primarily in legislative matters including the Michigan Natural Rivers Act, Michigan Environmental Protection Act and other similar measures at the state and Federal level.

The Action Council favored a lakeshore in the Dunes area and supported House bills 11839 and 12230 which were very similar to H.R.18776 which was enacted. All of these bills provided greater protection for the natural setting than did others. They were still apprehensive over the possibility that the lakeshore would be overdeveloped and urged the incorporation of provisions to protect the wilderness areas and uniqueness of the park.

¹⁴West Michigan Environmental Action Council, Inc., "Articles of Incorporation."

The Impact of Recommendations
Made by Conservation Organizations

As a group, the conservation organizations discussed above were very successful in influencing the design of the Sleeping Bear Dunes legislation. Some of the groups offered specific recommendations concerning the bills and others simply gave their full support and left the more active role to others.

The single most significant concept which these institutions as a whole were able to inject into the final bills was the development philosophy for the lakeshore. Each organization urged ecologically sound planning and the strong protection of scenic beauty. In the Act this provision was made when it states that the Secretary shall administer and protect the lakeshore "in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area."¹⁵

The size of the proposed lakeshore varied throughout its history. The initial proposal called for 77,000 acres and then it went to a low of 37,000 acres, then back and forth between 47,600 and 66,000 acres. Each of the proposals provided for lakeshores of differing size and ultimately these would change when the Committee report was issued. Much of the areas which some conservation groups favored, such as the inland lake areas, were ultimately excluded due

¹⁵Public Law 91-479.

to extensive development. Sugar Loaf Mountain was taken out because of the added acreage necessary for the parkway.¹⁶ North Manitou Island was taken in and out and ultimately included within the boundaries. The Act provides for a lakeshore of 71,168 acres of land and water. The total land area of 60,748 comprises:

40,959 acres in three closely associated mainland units;
5,332 acres South Manitou Island; and
14,457 acres North Manitou Island.

The conservation groups were able to keep the lakeshore at a significant size to protect the area but North Manitou did end up substituting for acreage on the mainland.

Commercial property which was in existence on December 31, 1964 is allowed to remain so long as its use is compatible with the purposes of the lakeshore. The only bill which excluded commercial activity was S.2153, the first Dunes proposal. The conservation groups realized the need for continued property tax revenue within the area until the lakeshore could be in full operation, and knew that in time these activities would eventually come into Park Service control through sales or due to the death of the owner.

Hunting and fishing had been included in all lakeshore proposals but the controversy centered around jurisdiction over the lakeshore area. The Act reads that the Secretary shall administer hunting and fishing within the lakeshore in

¹⁶House Hearings, op. cit., p. 281.

accordance with the laws of Michigan and shall consult with the appropriate agency of the State of Michigan concerning management of fish and wildlife. The conservation groups succeeded in giving most of the authority to the Secretary of the Interior who at times shall consult with the Michigan Department of Natural Resources.

Only one Dunes proposal provided for direct Federal payments to affected school districts and that was Representative Griffin's H.R.2400. When Governor Milliken gave his support to the Dunes legislation he promised the State of Michigan would provide relief for the school districts. Two bills are now pending in the State legislature, House Bill 4413 and Senate Bill 330. These identical bills provide for the conveyance of state-owned lands within the lakeshore to the Park Service and also provide for payments to school districts over a ten-year period to compensate for lost property tax revenue.

Inland lakeshore residential areas which were contained in the second Dunes proposal, S.3528, were subsequently deleted. The high degree of development around these inland lakes required a different set of regulations which then discriminated against other property owners within the lakeshore boundaries. All references to inland lakeshore residential areas were amended from the bills and ultimately these areas were excluded from the lakeshore.

The conservation groups were successful in incorporating the provision for wilderness review in the legislation. This

was an important element because according to the Wilderness Act, only areas which were under Federal ownership at the time the Wilderness Act was passed, are eligible for review.

The concept of multiple-use along with the practice of sustained-yield harvesting of forest products is incorporated in the philosophy of the lakeshore development. It is too early to determine precisely what form the development of the lakeshore will take but the Park Service will hold hearings on the areas designated for wilderness status and on the environmental impact statement for the lakeshore. Specific objections to the airstrip and the minibus transport system on North Manitou have not been settled as yet.

As a whole, the conservation interests were very successful in implementing their concepts and suggestions into the final Dunes Act. Only after the lakeshore has been fully developed, according to a master plan, will the total effect of the pressures and suggestions of the conservation groups be realized.

CHAPTER IX

INPUT FROM LEELANAU AND BENZIE COUNTIES

Introduction

During the early years of the proposals to create a national lakeshore in the Sleeping Bear Dunes region, there was considerable opposition to the concept throughout Michigan. Most of the opposition concerned the principle of condemnation of improved property, much of which had been in the same families since the region was first settled. The thought of the Federal government "uprooting" long-time residents to create a recreational area embittered people throughout Michigan and the Midwest. The strongest opposition was from Leelanau and Benzie Counties, for these were the people who would be directly affected.

When the first proposal, S.2153, was introduced, groups within Leelanau and Benzie Counties who favored the bill were few and far between. Individuals who favored the bill, did not always make the fact known to other residents for fear of economic reprisals.¹ This might have come in the form of

¹House Hearings before the Subcommittee on National Parks and Recreation, 89th Congress, 1st Session, on S.936, p. 87.

boycotts against businesses whose owner supported the lakeshore concept.

There were groups formed in this region as a direct result of the lakeshore proposals. Most organizations had been in existence beforehand. Most of them participated in the public hearings one way or the other.

This chapter will discuss the involvement of eight organizations within the Dunes region. This group of eight organizations includes the one which most actively supported the proposals and the two which most actively opposed them. These eight institutions display a good cross sectional view of the values and sentiments of the people in Leelanau and Benzie Counties during the controversy.

Input from Local Groups

One of the first people to come out in support of the Park Service proposals was John Peterson, who at that time owned, edited and published the "Benzie County Patriot." John Peterson had lived in the region for fifty-two years and had seen the area go from wilderness to near honky-tonk character.²

About two weeks after the park proposal was announced, Allen Edmunds, Assistant Regional Director for Resource Planning for the Park Service, stopped into Peterson's office

²Personal interview with John Peterson on May 9, 1974, Frankfort, Michigan.

to do a sales pitch on him. Peterson realized the significance the lakeshore would have on the region, as far as preserving its "small community character," and began to speak out in favor of it. Peterson doesn't know of any other newspaper which supported the concept from the start.

Up until World War II, Peterson said there were no signs of habitation for miles. After the war people became more mobile and more vacationers frequented the region. Many of these people eventually moved to the area. According to Peterson, the philosophy of the new residents was that "I should be the last to move in" and that "I'll preserve the character of my land but the next guy won't."

He saw the lakeshore as the best means of preserving the area and as providing the most good for the greatest number of people. He believed the lakeshore would be economically beneficial to the area and would be compatible with the existing resort development.

Peterson owned unimproved property within the proposed taking area, some of this fronting on Lake Michigan. He said his family would "deeply regret seeing this property sold," however he had faith he would be "fairly paid for (his) holdings" and would know that future generations would have the use of his prime recreation land.³

Peterson testified at the Senate hearings in Washington but primarily voiced his opinion through his newspaper.

³Senate Hearings before the Subcommittee on Public Lands, 88th Congress, 1st Session on S.792, p. 153.

A group which supported the lakeshore from the start was the Frankfort Chamber of Commerce. The purpose of the Chamber of Commerce is "to promote business in Frankfort."⁴

The decision for the Chamber of Commerce to actively participate in the promotion of the lakeshore was arrived at in consideration of the following points:⁵

- 1) The area was bound to change due to pressures from an increasing population, and to control the change to the best interest of local residents required Federal protection.
- 2) State and local government agencies could not have shouldered the financial burden of permanently protecting the area.
- 3) The need for setting aside additional recreation areas is a well-known fact and large groups who become frustrated in their attempts to enjoy the pleasures of our area could vent their frustrations in many costly forms, thus directly affecting the merchants.
- 4) A government-controlled recreation area in a region such as Leelanau and Benzie Counties does not stymie, but stimulate private enterprise.
- 5) The economic improvement, and the attempt to control the change that must occur, along with natural preservation, are obvious advantages to local residents.

Frankfort is about four miles south of the lakeshore boundary and was never included within the boundary of any legislative proposal. The Chamber of Commerce saw their job was to neutralize the opposition and to educate local residents. They put on a dinner for Senator Hart to bring him

⁴Personal interview with Don Wickham on May 9, 1974, Frankfort. President of the Frankfort Chamber of Commerce.

⁵Hearings on S.936, op. cit., p. 97.

to the area, show some local support, and offer a forum for answering questions.

The Chamber of Commerce recognized what the landbloom in northern Michigan was doing to the character of the region and modified their view away from recreation and toward preservation. To expand their role in advocating the national lakeshore the Chamber of Commerce along with local Democratic and Republican committees formed the Save-the-Sleeping-Bear-Dunes Committee.

The Save-the-Sleeping-Bear-Dunes Committee was primarily made up of members from the Frankfort and Beulah areas. The Committee sent representatives to the Congressional hearings and encouraged local Congressmen to support the bills.

The Committee was the most active proponent of the lakeshore in the Benzie-Leelanau area and channeled most of its efforts into education of the public. Their program of "education and people involvement"⁶ was successful in that a public opinion poll in 1969, in the 9th Congressional District (the Dunes region) showed sixty-two percent of twenty-one thousand respondents as favoring the establishment of the lakeshore.

Their greatest success was in persuading Congressman Vander Jagt to support the proposal. Representative Guy Vander Jagt had opposed the lakeshore as a State Senator. In

⁶House Hearings before the Subcommittee on National Parks and Recreation, 91st Congress, 2nd Session on H.R.11829 and related bills, p. 292.

1965, in a rally opposing the Dunes bill, then State Senator Vander Jagt labeled S.936 (the current bill) as a challenge to the constitutional rights of citizens of the United States and stated it lacked respect for justice and for the law.⁷ A few years later, and as a United States Congressman, growing pressures in support of the lakeshore forced him to take the opinion poll mentioned above. As a result of a majority favoring the lakeshore, Vander Jagt decided to "bite the bullet" and draft his own bill.⁸ His bill H.R.12230 emphasized ecological planning and de-emphasized recreation. It also gave greater assurance to owners of unimproved property. Since he introduced his Dunes bill, Vander Jagt's voting record on conservation has been very good.⁹

The members of the Save-the-Dunes Committee realized the value of their region and looked upon the national lakeshore as a means for preserving its character while controlling development. They viewed the lakeshore as primarily a tool for preservation and considered its recreational opportunities as incidental.¹⁰

⁷Ibid., pp. 217, 218.

⁸Personal interview with Eric Leudke on May 9, 1974, owner of Leudke Engineering Company of Frankfort, and Vander Jagt's campaign manager.

⁹Ibid.

¹⁰Personal interview with Roger Johnson on May 9, 1974, in Frankfort, who is a member of the Chamber of Commerce, Save-the-Sleeping-Bear-Dunes Committee, and is a supervisor for Crystal Lake Township.

Opposition to the Dunes legislation was intense, and of these groups very few changed their stand. Generally, the groups which opposed the first bill were opposed to the final bill.

Some groups who opposed the lakeshore made constructive criticisms of the bills, perhaps to indicate the form which a bill should take if they were to support it. Other groups simply opposed the bills, offering no suggestions, just reasons for discontinuing efforts toward establishing the lakeshore.

The Glen Arbor Women's Club opposed all Dunes proposals. The object of the Women's Club is "a pure motive to worthy, and charitable purposes; the promotion of goodwill in the community; the recognition of civic responsibility."¹¹

The Women's Club opposed the legislation for the following reasons:¹²

- 1) It would require the acquisition of over fifteen hundred privately owned homes, resorts, farms, and business establishments. (When the bill was amended to include only two hundred private homes, farms, cottages, etc., they still opposed it on this basis.)
- 2) The project was contrary to the expressed wishes of the people in the area.
- 3) No urgent public necessity required the inclusion of privately owned and developed land.
- 4) Nothing was gained by turning over productive developed property to the use of casual visitors

¹¹Glen Arbor Women's Club, "Bylaws."

¹²Senate Hearings on S.792, op. cit., p. 263.

for ten weeks out of the year, while destroying its use and enjoyment by year-round residents and private owners for the rest of their lives.

- 5) The economy of the entire area proposed by the Park Service had worsened and would have been adversely affected by the passage of the bill.
- 6) Eighteen percent of Michigan is already in public ownership, including five national and twenty-three state forests.
- 7) Twenty-one thousand acres of the finest lands and waters in the proposed area were already owned by the State.
- 8) The type of legislation embodied in the bills would open the way for further takeover of private lands throughout the State and Nation with full constitutional protection.
- 9) The removal of so much valuable land from private ownership would result in crippling property tax losses to two large consolidated school districts as well as to governmental functions of the two counties.
- 10) At issue was the future of individual rights to hold land and other property against arbitrary control or seizure by Government.

Glen Arbor is surrounded on three sides by the national lakeshore and on one side by Lake Michigan.

Mrs. Jack Rader, past president of the Women's Club, said that they were primarily concerned that the Park Service would acquire almost all of their township, leaving just a narrow strip between Glen Lake and Lake Michigan. She said she could see no reason for such a large lakeshore because visitors just came to see the Sleeping Bear Dune and then left, that the Dune was the only attraction of the area.

The object of the Glen Arbor Women's Club states the object to be "a pure motive to worthy and charitable purposes." In opposing the lakeshore, the "worthy and

charitable purposes" were in advocating the will of the community of Glen Arbor, in contrast possibly to the wishes of the people of the United States who might visit the area. Supporting the view of the Glen Arbor residents was their option, an option which the Frankfort Chamber of Commerce apparently elected to dismiss. The Frankfort Chamber of Commerce may have had the wishes of the local residents at heart and thought federalization of the region best, or possibly they were looking for the "economic carrot" as some suggested.¹³

The same can be said of the Women's Club's responsibility to "the promotion of goodwill in the community" and "the recognition of civic responsibility." The fact that they opposed the lakeshore confirms their desire to promote goodwill in the community, in the light of the boycotts against businessmen in Frankfort who supported the park proposals. As far as civic responsibility goes, taking the word "civic" as it relates to the city or community, yes it was their civic responsibility to oppose the lakeshore. "Civic" as related to citizen, in that we are all United States citizens, no, they did not recognize their civic responsibility to encourage the establishment of a recreation area for our growing population.

Of the schools that opposed the lakeshore, the Glen Lake Community Schools were the most vocal. The Glen Lake School

¹³Senate Hearings before the Subcommittee on Parks and Recreation, 91st Congress, 2nd Session on S.1023 and H.R.18776, p. 87.

District takes in the southwestern half of Leelanau County.

The Board of Education has developed and operated the schools under the philosophy that:

government by the people is a manner of living best suited to developing inherent worth and work of the individual personality; that desirable democratic ideals and behavior should be implanted by practice; that each individual should be guaranteed certain inalienable rights of life, liberty, and the pursuit of happiness.¹⁴

The Glen Lake Schools opposed the lakeshore proposals for the following reasons:¹⁵

- 1) The school district would suffer a great loss in revenue by being deprived of a majority of the schools' assessed property valuation.
- 2) School population would not decrease proportional to the loss of property valuation.
- 3) The school district is bonded over a twenty-year period thus creating an excessive tax burden on the remaining district.
- 4) Federal funds to subsidize the loss in revenue were not in the best interest of a sound educational program.
- 5) With the exception of State-owned lands, the land to be acquired was mostly improved property.
- 6) Adequate facilities and property for a suitable recreation area already existed.
- 7) Sales tax funds collected from any increased business would be distributed over the entire State, with no direct benefit to the school district.
- 8) Any change in the property valuation and loss in revenue would have a direct effect upon the educational program.

¹⁴Senate Hearings on S.792, op. cit., p. 259, statement by Ellsworth Faulman, president, Glen Lake Community Schools Board of Education.

¹⁵Senate Hearings on S.2153, op. cit., pp. 63, 64.

- 9) The proposed Federal lakeshore created a negative voting attitude in the taxpayer.

The Glen Lake Schools offered one amendment, to include a provision for payment in lieu of taxes to school districts over a twenty-year period.

The Glen Lakes Schools were motivated to vigorously oppose this legislation for the obvious reason that they would definitely lose some money if the State or Federal government did not provide payments in lieu of taxes. The amount they might lose would depend on how much land the Secretary would acquire for public use and development and on how many people voluntarily sold land in Categories II and III to the Secretary. The school district obviously felt the need to oppose any loss in funding because they saw this loss as a threat to their educational philosophy of "develop(ing) each child to his (or her) full potentiality."¹⁶

Various woman's groups in the Dunes area participated in the public hearings. The Empire Woman's Club was one of these. The village of Empire is located about one-quarter of a mile north of the northern border of the Platte Bay segment of the lakeshore, and over one mile south of the southern border of Glen Arbor Area segment. The Lake Michigan shoreline due west from Empire was not affected in any of the Dunes proposals. The proposed scenic parkway is approximately three miles east of Empire.

¹⁶Article by J.C. Greenan, superintendent, Glen Lake Community School District.

The Empire Woman's Club was formed in 1915 with the purpose "to forward social, civic and intellectual development; to advance practical educational work, (and) to foster club life in the county."¹⁷ Most of their work has been in community improvements; projects such as park improvement and bus shelters for school children.

The Woman's Club opposed the bills for these reasons:¹⁸

- 1) The bill was contrary to the will of the people.
- 2) The economy of the area was based on the construction of new homes and the July 1, 1961 cutoff date had affected businesses.
- 3) Passage of the bills would eventually remove all permanent residences from the area.
- 4) Ninety-five hundred acres in the taking area were already protected by State, county, and township ownership.
- 5) The area had been highly developed by private enterprises for the past one hundred years for resort, residential, and commercial use.
- 6) The State is fully capable under the Conservation Fund Act, of expanding and improving existing parks to meet the needs of future generations.
- 7) The removal of substantial parts of land from the tax rolls would create a serious loss in tax revenues to the school districts.
- 8) The sound economy and established tourist industry had been damaged by the threat of nationalization of the area with subsequent destruction of property values.
- 9) The Federal government would be guilty of gross encroachment of private property rights.

¹⁷ Empire Woman's Club, "Bylaws."

¹⁸ Senate Hearings on S.792, op. cit., p. 335.

The Woman's Club opposed the Dunes bills because they saw the lakeshore as a threat to the "civic . . . development" of Empire. In that the lakeshore may have produced a change in Empire which was inconsistent with their concept of development, the Woman's Club was justified in their opposition.

By far the most vocal opposition to any Dunes bill came from two groups: the Citizens' Council of Sleeping Bear Dunes and the Platte Lakes Area Association. These two groups coordinated their efforts in opposing the lakeshore through every public hearing, and employed one lawyer to work for both groups.

The Platte Lakes Area Association was organized in 1961 "to promote and protect, the interests of people in the Platte Lakes area."¹⁹ Approximately 450 families were members of the Association.

In the first two proposals, both of the Platte Lakes were completely surrounded by the lakeshore. Senate bill 936 and subsequent bills had removed the lakes from the proposed lakeshore thus removing the majority of the structures.

The Citizens' Council of Sleeping Bear Dunes Area, Inc. was organized during the first signs of a lakeshore proposal. The Council represented over six hundred families in the Platte Lakes, Glen and Little Traverse Lakes and Good Harbor

¹⁹House Hearings on H.R.11829 and others, op. cit., p. 218.

regions. The following statement of policy was adopted as the policy of the corporation:

We oppose the imposition of a federal recreation park on this area and will resist it with all the political and legal means available to us at local, state and congressional legislative levels, and in our state and federal courts.²⁰

The first two proposals provided for a lakeshore which surrounded the Platte Lakes, Glen and Little Traverse Lake, and most of Good Harbor Bay.

As in the case of the Platte Lakes, S.936 and subsequent bills had Glen Lake and Little Traverse Lake amended from them.

The arguments against the lakeshore legislation for both the Platte Lakes Association and the Citizens' Council will be combined due to their similarity and the cooperation between these two organizations. These two groups opposed the lakeshore proposals for the following reasons:²¹

- 1) Michigan had adequate lands in public ownership. More than half of the thirty-six northern counties were in State and Federal ownership.
- 2) The long-range program of park development planned by the State was a better financial investment and home ownership, businesses and farming were allowed to continue without restriction.
- 3) Their chief concern was that human rights be protected while the tourist and agricultural industries continued a healthy growth.

²⁰Citizens' Council of Sleeping Bear Dunes Area, Inc., Statement of Incorporation.

²¹Senate and House Hearings on S.2153 et. al.

- 4) A good education was more important than a federalized play area. The park proposal would remove valuable lands from the tax rolls and severely hamper the school systems.
- 5) The power of eminent domain was inalienable and no legislative body could bind itself not to exercise that power.
- 6) Property owners had no guarantee that they would receive fair compensation for their property, if and when they decided to sell.
- 7) When less than ten percent of the population of Benzie and Leelanau Counties were within the taking area, the bills required a minority of residents to secure the consent to zoning laws of all the people in the county.
- 8) The Secretary could amend the zoning bylaws at any time.
- 9) There was no provision for hardship cases where people might have been forced to sell.
- 10) There was nothing permitting existing commercial use during the life of the owner.
- 11) The planners of the Federal park presented no reason why local and national public interest was not and could not continue to adequately serve the growing public park and forest system of the State.
- 12) As owners of inholdings, all residents would continue to live under the cloud of knowledge that the Park Service would eventually eliminate all inholdings.
- 13) The designation of inland lakeshore residential areas would discriminate against owners of property not in those areas.
- 14) The July 1, 1961 cutoff date amounted to retroactive legislation.
- 15) A national lakeshore open only during summer months would have intensified the highly seasonable economic atmosphere.
- 16) The bills infringed improperly on the rights of private citizens.

- 17) Outdoor recreation areas were most urgently needed near metropolitan areas.
- 18) With the inland lakes protected under township zoning and the dunes and related areas protected under public ownership, there was no justification for Federal involvement.
- 19) There was no justification for taking over sixteen hundred homes.²²
- 20) There was a marked change from the original proposal to preserve the area, to developing a national recreation area.
- 21) The predicted influx of three million people would create sanitation and pollution problems.
- 22) The Scenic Parkway would seriously damage the forested moraine watershed.
- 23) Recreation on the proposed scale was not compatible with conservation.
- 24) While the emphasis on development had changed from preservation to recreation, which would have destroyed the area, protection was already assured through the existing zoning laws.
- 25) The State owned twenty-one thousand acres and seventeen miles of Lake Michigan shoreline in the taking area.
- 26) There would be a sharp increase in crime in the area.
- 27) Local support was not concerned with preservation, just the "economic carrot."

During the congressional hearings the Platte Lakes Association and the Citizens' Council proposed the following amendments, should a bill pass:

- 1) Just compensation must be paid to every owner for any taking, in whole or in part, and no matter how limited.

²²The Citizens' Council stated this as probably the greatest direct cause for the violent opposition to S.2153 and S.792.

- 2) The Secretary's power to condemn should be eliminated from the bill.
- 3) If any property, improved or unimproved, was not acquired by the Secretary on or before the expiration of two years from the effective date of enactment, the Secretary could not acquire such property without the consent of the owner.
- 4) The \$17,625,000 for acquisition was not realistic; a more logical figure for acquisition and development would be \$75 to \$90 million.
- 5) North Manitou Island should be a wilderness type area where only back packers and horse-back trails are allowed -- no motorized vehicles.
- 6) North Manitou should be purchased or leased by the State.
- 7) South Manitou Island should be maintained in its present status with a mixture of private and state holdings.
- 8) The State should attempt to buy, on the open market, another mile of frontage on Good Harbor Bay, make some additions to D.H. Day and Benzie State Parks, and solidify its holdings in the Platte Lake area from time to time as land becomes available.
- 9) In lieu of the scenic parkway, the County Road Commission should develop a series of winding woodland trails suitable for hikers, horseback riders, and snowmobiles.
- 10) Local zoning ordinances should be kept tight, and exceptions made only where development is compatible with the surrounding countryside.

Both the Citizens' Council and the Platte Lakes Association stuck to their purpose throughout the legislative battle. The Platte Lakes group truly fought to protect the interests of its members through opposing the Dunes bills. Through the reading of congressional transcripts and through

personal interviews in Leelanau and Benzie Counties, it can be said that a good many residents also owned some or a great deal of unimproved property within the taking area. The Platte Lakes group, and others, saw the lakeshore proposals as a threat to their option of developing the land in the "surrounding countryside."

The Citizens' Council carried through with its intended purpose of opposing the lakeshore concept with all legal means, which in 1972 included an attempt at seeking an injunction restraining the Secretary and the National Park Service from carrying out the provisions of Public Law 91-479.²³ The Leelanau County Court found the statute establishing the Sleeping Bear Dunes National Lakeshore "constitutional on its face and as a clear matter of law."²⁴

The Impact of Local Pressure Upon the Lakeshore Legislation

The reduction in size of the lakeshore, and thus the reduction in the number of improved properties within the taking area, was the most significant accomplishment of the local opposition.²⁵ The acreage on the mainland was reduced

²³Personal interview with Anne Fisher on May 11, 1974 in Glen Arbor.

²⁴Leelanau County Courthouse, Opinion from the Bench, June 19, 1972.

²⁵Anne Fisher, one of the plaintiffs in the attempted court injunction, credits the Citizens' Council with reducing the size of the lakeshore.

from 71,700 acres in S.2153 to 40,959 acres in H.R.18776, and the number of homes and summer cottages was reduced from 1600 to fewer than 350.²⁶

The only legislative proposal that provided for payments, in lieu of taxes, to local school districts was Griffin's bill H.R.2400. However, two bills are pending in the State legislature, which will provide payments to affected school districts for a period not to exceed ten years.

The cutoff date for designating improved property was changed from July 1, 1961 to December 31, 1964, and in regard to the legality of this, the Department of the Interior said the following:

In 1965 there were approximately 266 residential properties within the proposed lakeshore area. In 1967 there were 280. However, in the approximately two-year period from January 1967 to December 1968, the figure jumped to 397. At the present time there are 420, for a fifty-eight percent increase over the December 31, 1964 level. We believe those persons who constructed residences after December 31, 1964, did so with adequate notice of the reasonable expectancy that Congress would act to preserve the area and authorize the acquisition of land for the lakeshore.

The establishment of a 'cutoff date' before the enactment of the authorizing legislation is not 'retroactive.' Rather it is a means of defining those persons whom Congress wishes to recognize have a long-term attachment to their lands, as distinguished from those who, for example, may have developed their property for speculative reasons. The Congress has adopted similar definitions of improved property, with a 'cutoff date,' in nine

²⁶Since the introduction of H.R.12230 on June 17, 1969, the number of homes and cottages had increased from less than 350 to 420 on September 9, 1970.

other laws authorizing areas of the National Park System, beginning with Cape Cod National Seashore in 1961.²⁷

Concerning the controversy surrounding the ability of residents, who may experience hardship through continued ownership of their land within the lakeshore, to sell their property to the Government; the Act provides that upon notification of the Secretary, such property shall be purchased within one year, subject to the availability of funds.

The difficulty of providing county zoning was eliminated through the use of township zoning and in the absence of this, an owner may notify the Secretary in writing of his agreement to use his property in a manner consistent with the purposes of the lakeshore.

The Secretary is prohibited from condemning any commercial property in existence on December 31, 1964, so long as, in his opinion, the use thereof would further the purposes of the Act.

The inland lakeshore residential areas were amended from the Act because of the amount of development and the special privileges which these areas would have enjoyed.

In developing a solution to the dilemma of the acquisition of property by the Park Service, for developing the lakeshore, and the private property owners wishing to

²⁷Senate Hearings on S.1023 and H.R.18776, op. cit., p. 79.

know where he stood in regard to possible condemnation, Representative Vander Jagt and the Park Service developed the following solution:

. . . the bill provides for three land-use categories in the Lakeshore. One category, Public Use and Development, would consist of lands to be owned outright by the Federal Government. The second, Environmental Conservation, would consist of some lands owned outright, but others subject only to scenic easement provisions, allowing the owners of this unimproved land the continued right to private use of the land so long as they complied with the scenic easement provisions. The land area subject to this provision has not been specifically defined, but would occupy roughly twenty-five percent of the land acreage of the lakeshore. The third category of land, Private Use and Development, covers property which could remain in unincumbered private ownership, and comprises those lands on which private residences or businesses specifically excluded from condemnation are now located.²⁸

The change in emphasis from preservation to recreation, which was noted by local groups, was reversed by some measure in the final bill. The introductory paragraph now states that the lakeshore shall be administered "in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment."²⁹ The degree to which the lakeshore is developed according to this statement cannot be ascertained until development has been well underway.

The Secretary is authorized to pay just compensation, which shall not exceed fair market price, only for lands

²⁸House Hearings on S.1023 and H.R.18776, op. cit., p. 131.

²⁹Public Law 91-479.

which he acquires. Compensation is not provided for use restrictions, zoning restrictions, scenic easements, etc.

The sum authorized for acquisition was increased to \$19.8 million, but not to the recommended \$75 to \$90 million.

The lakeshore will be studied for areas of possible wilderness designation, as required in the Act, but specific locations have not been identified.

Local zoning ordinances will definitely be "kept tight," as per the Citizens' Council request, however there will be no development on the "surrounding countryside," except by the Park Service.

The participating organizations made their greatest strides in reducing the size of the lakeshore. More protection was given to owners of improved property, and commercial activities were allowed to remain. They were able to affect a partial change away from the past emphasis on recreational development.

With all of their blatant attacks upon the lakeshore concept and the National Park Service, they were not able to prevent the lakeshore from going in. Possibly with the use of more constructive criticisms and suggestions, a lakeshore could have been established which would have been more compatible with their values.

CHAPTER X

INPUT FROM THE NATIONAL PARK SERVICE

Background on the Recreation Area Category of the National Park System

In looking back at the legislative enactments that have shaped the National Park System, it is clear that the Congress has included within the growing System three different categories of areas -- natural, historical, and recreational.

Natural areas are the oldest category, reaching back to the establishment of Yellowstone National Park almost a century ago. A little later historical areas began to be authorized culminating in the broad charter for historical preservation set forth in the Historic Sites Act of 1935. In recent decades, with exploding population and diminishing open space, the urgent need for National Recreation Areas is receiving new emphasis and attention. (A) single, broad management concept encompassing these three categories of areas within the System is inadequate either for their proper preservation or realization of their full potential for public use as embodied in the expressions of Congressional policy. Each of these categories requires a separate management concept and a¹ separate set of management principles

The purpose of the Natural Area Category of the Park System is to preserve for all time the superlative examples of scenic beauty, wilderness, native wildlife, indigenous plantlife, and areas of scientific significance.

¹Udall, Stewart L., Memorandum of July 10, 1964, Administrative Policies for Recreation Areas of the National Park System, pp. 64, 65.

The Historical Area Category includes national historic sites, historic parks, military parks, memorials, memorial parks, monuments, and battlefield sites. Historic areas preserve antiquities, such as ancient Indian ruins and sites related to national history.

Areas in the Recreation Area Category are areas having natural endowments well above the ordinary in quality and recreation appeal and of lesser significance than the unique scenic and historic elements of the Park System. National Recreation areas offer a quality of recreational experience which transcends that normally associated with areas provided by State and local governments. Names often associated with areas in the Recreation Area Category are: National Seashore, National Lakeshore, National Waterway, National Riverway, National Recreation Demonstration Areas, and similar names embodying either the physical resource base or the functional purpose to be served.

In developing legislative proposals for the Sleeping Bear Dunes area the Park Service, and Congressmen had to consider the following criteria for the establishment of national recreation areas. These criteria, developed by the Recreation Advisory Council in 1963, are mandatory for all recreation areas.²

- 1) National Recreation Areas should be spacious areas, including within their perimeter an aggregate gross

²Department of the Interior, National Park Service, Administrative Policies for Recreation Areas of the National Park System, p. 71.

area of not less than twenty thousand acres of land and water surface, except for riverways, narrow coastal strips, or areas where total population within a 250-mile radius is in excess of thirty million people.

- 2) National Recreation Areas should be located and designated to achieve a comparatively high recreation carrying capacity, in relation to type of recreation primarily to be served.
- 3) National Recreation Areas should provide recreation opportunities significant enough to assure interstate patronage within the region of service, and to a limited extent should attract patronage from outside of the normal service region.
- 4) The scale of investment, development, and operational responsibility should be sufficiently high to require either direct Federal involvement, or substantial Federal participation to assure optimum public benefit.
- 5) Although non-urban in character, National Recreation Areas should nevertheless be strategically located within easy driving distance, i.e., not more than 250 miles from urban population centers which are to be served. Such areas should be readily accessible at all times, for all-purpose recreational use.
- 6) Within National Recreation Areas, outdoor recreation shall be recognized as the dominant or primary resource management purpose. If additional natural resource utilization is carried on, such additional use shall be compatible with fulfilling the recreation mission, and none will be carried on that is significantly detrimental to it.
- 7) National Recreation Areas should be established in only those areas where other programs (Federal and non-Federal) will not fulfill high priority recreation needs in the foreseeable future.

Because of the significance of natural areas of the Park System, such as Yellowstone and Yosemite, the long-range preservation of these areas can be best achieved when exploitative and private uses are eliminated by acquisition.

Recreation areas also possess natural endowments well above the ordinary. However, to achieve the primary objective of recreation areas it is not essential to eliminate all private uses with the area.

Some of the earlier legislation creating recreation areas, such as the Cape Hatteras and Cape Cod legislation, introduced innovations in land acquisition and management which have had a profound influence on the administrative policies of the Park Service for the management of recreation areas. The Cape Cod legislation of 1961 authorized the Secretary to approve zoning bylaws, where, if complied with, would prohibit the condemnation of such property. The act also allowed landowners to sell their property to the Government and retain "the right of use and occupancy" for a specified time period.³

The Cape Hatteras and Cape Cod legislation authorized hunting as an appropriate recreational activity.

The Ozark National Scenic Riverways legislation of 1964 authorized the Secretary to acquire lesser interests in land than fee, including scenic easements.

Discussions with the Superintendent
of Sleeping Bear Dunes National Lakeshore

Many changes and improvements have been made in the Dunes legislation since its first introduction. This is a

³Ibid., p. 12.

product of the pressures, pro and con, which were put on the Park Service through the legislative channels.

Throughout the planning process there have been changes in the size of the lakeshore, changes in condemnation procedure, changes in use restrictions, changes in the use emphasis, and many others. The effect of the conflicting institutional pressures on the design of the legislation is evident, but now how will these legislative changes affect the development of the lakeshore? This question can be answered only after implementation of the master plan is well underway.

During an interview⁴ with Jules A. Martinek, Superintendent of Sleeping Bear Dunes National Lakeshore, I was able to gain some insight as to the course of development the Park Service will take.

The question had come up many times during the hearings, from both the local opposition and the conservation organizations, of why the Dunes area was being developed as a recreation area, with the major emphasis being on high intensity use, rather than as a natural area. Considering the fragile character of the sand dunes ecosystem this did not seem the appropriate course of action.

Mr. Martinek said that to preserve the Dunes area as a natural area would require its designation as a national park. He said that there were no areas left within the forty-eight

⁴On May 9, 1974 in Frankfort.

states and Hawaii which had landscapes of national park caliber. The United States has been developed to the extent that no large areas, where the impact of man is substantially unnoticeable and that the unusual scenic qualities, remain. He noted the State of Alaska as the only possibility for acquiring another National Park.

Mr. Martinek said that all areas of significant size will be incorporated into the Recreation Area Category of the National Park System. The Park Service cannot justify "throwing people off their land and then saying no one can use it."⁵ He said the recreation area concept was developed to establish areas in populated regions, and now that most of the United States has reached a state of significant development only recreation areas will be established.

I asked him about the theme of development, since the bill which was enacted put more emphasis on preservation of the area than previous bills, and how this new approach would affect the master plan for development which was prepared in 1969. He said that whether Sleeping Bear Dunes was called a recreation area or a preservation area, that this would not change the method of, or emphasis on development. "You can't have cars driving onto the sand and getting stuck, or people throwing trash on the ground for lack of waste receptacles, or people relieving themselves in the woods for lack of toilets -- this would be worse than development."⁶

⁵Personal interview with Jules Martinek on May 9, 1974.

⁶Ibid.

I asked him how the Park Service could justify not revising the master plan for development so as to be in agreement with the emphasis of the act. He said that the emphasis would not be changed. The plan will stay basically the same, with the same number and types of activities, but that the location of some activities may change. Mr. Martinek said that the area had been surveyed for areas of possible wilderness designation and hearings would be held concerning that. The addition of wilderness areas will provide for areas of preservation and he said this will not change the character of the rest of the development.

The introductory paragraph of the Dunes Act did not have much impact on Park Service policies regarding development of the recreation area. It may make them more conscious of the impact of recreational activities on the surrounding landscape. Public hearings will be held on the environmental impact statement of the lakeshore development and public input can once again influence change. Only after development is nearly complete will the impact of "recreational opportunities consistent with the maximum protection of the natural environment"⁷ be recognized.

⁷Public Law 91-479.

CHAPTER XI

CONCLUSIONS

Changing Institutional Values

The institutions, and the values implicit in the institutions who participated in and made an impact upon the Sleeping Bear Dunes legislation, are a product of history. These institutional values are the result of past errors and experiences as well as current practices.

This section will primarily be concerned with the changing institutional values of the groups who participated in the Dunes legislation as they relate to the environmental awareness movement of the late 1960s, and how these changing values influenced their criticisms of the Dunes proposals.

The environmental awareness movement which began in the mid 1960s created a new "land ethic" in this country. One need not go to a Sierra Club meeting to find people genuinely concerned with environmental quality. Today the average citizen is much more aware of what are compatible land, water and air uses.

The Sleeping Bear Dunes region is an example of people concerned with the quality of their communities and who

planned and developed their region with the "land ethic" in mind. The Dunes area has been fortunate in that the population pressures experienced in many parts of the country have been slow to affect the Leelanau-Benzie region. This made preservation of the natural character of the region less difficult but does not negate the fact that local residents had a genuine interest in preserving the quality of their region.

During the years of the Dunes legislation, local residents viewed the lakeshore proposals as a threat to their efforts to plan and develop the region as they wished. In the early years of debate, from 1961-1965, the local arguments opposing the lakeshore concerned the control which the Park Service would have over the region and the amount of success a national park so far from the population centers could expect to enjoy. In short, local residents were against any Federal plan for preservation, due to excessive restrictions on use of private property; and if a national park was established, no one would travel that far to use it.

The early arguments in opposition to the lakeshore, from local residents were the following:

- 1) Sleeping Bear Dunes was too far from the population centers.
- 2) The Park Service would spend millions of dollars acquiring and developing the recreation area and no one would use it.
- 3) The Park Service estimate for the number of visitor days per year were too high.
- 4) The area was mostly improved property.

- 5) The State already owned too much land.
- 6) The proposal was detrimental to the overall growth and development of Leelanau and Benzie Counties.
- 7) Owners of property would be greatly restricted in their use by zoning imposed by the Secretary.
- 8) Under the State plan for preservation of the area, home ownership, business and farming could continue without restriction.
- 9) Their chief concern was the protection of human rights while the tourist and agriculture industries continued a healthy growth.
- 10) Real estate and construction activities had come to a near standstill as a result of park proposals.
- 11) A great deal of money had been invested in resort businesses and the lakeshore would have replaced these privately-owned enterprises with Federal facilities.

After 1966 and 1967, when the environmental awareness movement began, the type of arguments listed above were replaced with the arguments listed below which de-emphasized the Federal restrictions on construction and use, etc., and emphasized the environmental damage the lakeshore and the increased visitor use would cause:

- 1) The lakeshore would have created sewage disposal and pollution problems from the influx of visitors.
- 2) The proposed recreation plan was not compatible with preserving the natural character of the area.
- 3) The scenic parkway would scar the forested moraine watershed and severely damage the surrounding landscape.
- 4) The existing State-owned lands along with local zoning could do a better job of preserving the area than the Federal government.
- 5) There was a marked change from the original proposal to preserve the area, to developing a national recreation area.

- 6) With the inland lakes protected under township zoning and the dunes related areas protected under public ownership, there was no justification for Federal involvement.
- 7) While the emphasis on development had changed from preservation to recreation, which would have destroyed the area, protection was already assured through the existing zoning laws.

The emphasis of criticisms and suggestions from conservation organizations also changed during this time of increased environmental awareness. During the early years of the Dunes proposals, the role of conservation groups was primarily supportive in nature. They offered few amendments other than encouraging a lakeshore of a significant size to protect the natural characteristics and to meet the demands of a growing population. Their goal was to see a lakeshore developed at Sleeping Bear, and left the future development of the lakeshore in the hands of the National Park Service.

Just as the movement of the late '60s affected local groups, it also affected conservation groups. They became more concerned with the character of development the Park Service was proposing because of the significance of the sand dunes and the coastal zone in the total environmental picture of the area. They wanted assurances that the proposed recreational activities did not take precedent over the need for preservation.

Conservation groups asked the Park Service to include a provision in the bill for a wilderness survey of the area. They asked that more emphasis be given to preservation and sound ecological planning as a means of controlling

recreational development. In the 1970 congressional hearings, continued use of the airstrip and the proposed minibus transporter system on North Manitou Island were criticized because North Manitou had been planned as a primitive, if not wilderness, area and they viewed these as incompatible uses.

Since the enactment of a Dunes bill, conservation groups and residents of the Dunes area have continued to scrutinize the developments in the lakeshore plan. In 1974, the proposed harbor of refuge at the mouth of the Platte River was defeated as a result of pressure from these groups. Both conservation groups and local residents anticipate the hearings on the proposed wilderness areas and environmental impact statement for the lakeshore.

Summary of Controversies and Pressures on the Park Service

During the legislative debates the pressures on the National Park Service centered on two questions:

- 1) Should the Park Service establish a national lakeshore in the Sleeping Bear Dunes Area?
- 2) If so, did the proposed bills provide a good means for doing this?

The arguments presented to influence the decision on these questions can be summarized as follows:

- 1) Size -- The proponents of the lakeshore wanted to establish an area of sufficient size to protect the natural elements of the Dunes area and to provide adequate space for recreational pursuits of a growing population. The opponents

proposed no lakeshore at all, or one which would incorporate basically the existing State-owned lands. Opponents wanted to minimize the number of improved properties within the lakeshore boundaries.

2) Condemnation -- Proponents wanted to assure just compensation to property owners and were in agreement with the continued use of commercial properties consistent with the lakeshore purposes. Opponents were primarily concerned that they would constantly be under the threat of condemnation and that when they did wish to sell, the Park Service would not have sufficient funds. Owners of unimproved property were concerned the Park Service would not buy their land and they would be forced to pay property taxes with no hope for building a home or summer cottage.

3) Zoning -- Opponents claimed that requiring countywide zoning was unjust. They were afraid the Secretary would change the zoning regulations to suit his needs.

4) Cutoff Date -- Opponents claimed the cutoff dates were retroactive and unconstitutional. They said many people had saved for a lifetime to build retirement homes or cottages and the Government was violating private property rights.

5) Character of Development -- Proponents wanted the lakeshore reviewed for areas of possible wilderness designation and encouraged the rewriting of the bill to emphasize preservation and ecologically sound planning. Opponents claimed recreation and preservation were incompatible; the proposed scenic parkway would scar the landscape; and

increased visitation would create sanitation and pollution problems.

6) Loss of Taxbase -- Most participants were concerned that the school districts receive adequate funding. The opposition was concerned that both the school districts and local government would be in financial hardship and stated that Federal aid to schools did not provide the basis for a sound educational program.

7) Dunes Area Should Be State Developed -- The opposition claimed that the State program was a better financial investment because it already owned twenty-one thousand acres and seventeen miles of Lake Michigan shoreline in the taking area. The State development would not require the purchase of existing homes, and commerce and industry could continue.

8) Economy -- Proponents claimed that the increased tourist activity would soon offset any economic hardships the area experienced. Opponents claimed that the mere introduction of the lakeshore proposal had seriously affected the real estate, tourist and construction activities.

9) Public Lands -- The lakeshore opposition claimed that eighteen percent of the State was already in public ownership and adequate parks and recreation areas were available. Some conservation groups argued that Michigan was in desperate need of funds for the upgrading of existing parks and acquisition of new ones.

10) Hunting and Fishing -- Local interests and the State, wanted State control of hunting and fishing. The Park Service wanted the Secretary to control these activities.

11) North Manitou Island -- Various interests wanted to include the island in the lakeshore but conservation groups did not want it to substitute for acreage on the mainland.

12) Proximity -- Opponents of the proposal claimed the Dunes area was too far from population centers to justify Federal expenditures.

A Review of the Opportunities
for the Public to Become Involved
and Affectuate Change in the
Design Process

Over the nine-year legislative history of the Sleeping Bear Dunes National Lakeshore, the opportunities for public input were significant. The concerned conservation groups were the ones who provided the impetus for the Great Lakes Recreation Area Survey of 1958 and 1959. The congressional hearings provided a forum for direct citizen input with the decision makers present. Hearings were held in the Sleeping Bear Dunes area as well as in Washington. Those who could not attend the hearings provided letters, telegrams and resolutions to the committee. The public had every opportunity to participate.

The use of United States and State representatives proved most successful in attempting to prevent passage of or implementing change in the Dunes legislation. Senator

Griffin, who earlier represented the Dunes area, was cognizant of the lakeshore opposition in his district and supported that opposition in Congress. He also introduced a bill of his own, H.R.2400, which was the smallest lakeshore proposal, in an attempt at preventing a much larger national lakeshore in the future. His bill included payments to local subdivisions of State government, including school districts, and a provision which allowed for condemnation of improved property only as a means of acquiring scenic easements. Neither of these provisions were included in another proposal.

Representative Vander Jagt vigorously opposed all Dunes bills until he discovered a majority of his district favored the lakeshore concept. He then introduced his own bill which gave added protection to natural areas and provided more assurances to owners of improved property.

Because of the strong local opposition the State Legislature opposed the early Dunes bills. They later passed a measure requiring the sale of State lands within the lakeshore to the Secretary. The money from this sale was to reimburse local governments who would experience the loss. This transaction was later found to be illegal, so two additional bills were introduced to provide payments to local units of government with State funds. This might not have occurred if local interests had not voiced their concern.

The same opportunities were provided to interests who supported the lakeshore. Conservation groups have won

passage of important environmental legislation in the past and many of these have affected the Dunes legislation. The Wilderness Act gave the public a means through which areas could be set aside as wilderness, to be preserved for all time. NEPA gives the public a second chance to review the proposal of the Park Service and to provide input concerning the environmental impact statement. It was citizen involvement which defeated the proposed harbor of refuge at the mouth of the Platte River.

Even after the Dunes bill became law, the Citizens' Council of Sleeping Bear Dunes, Inc., exercised their right and sought to obtain a court injunction restraining the Government from carrying out the provisions of the Dunes Act.

Changes were made in every legislative proposal as a direct result of pressure from organized interests. The American system of government provides every opportunity for public input when developing policy decisions of this type. Those who are dedicated to a cause and those who stand to lose the most will utilize every opportunity to influence the outcome.

Evaluation of the Planning Process of Sleeping Bear Dunes

In researching the history of the Sleeping Bear Dunes controversy it became evident that certain procedures might have increased the public support of the lakeshore. Had more thought gone into the first bill, some of the antagonisms and

misconceptions which continued throughout the legislative history might have been prevented.

A common complaint when interviewing local residents concerned the initial approach the Park Service took when introducing the proposal. The local residents were not consulted before or during the first proposal and the Park Service made no attempt to gather input from the people directly affected. Had the Park Service held public hearings before the bill was introduced much time and effort would have been saved. By proposing a national lakeshore which would encompass a large part of two counties, without concern for the local residents, created animosities which still exist in the Dunes region. The initial contact with Conrad Wirth of the Park Service who in effect said "we're going to put a park in here whether you like it or not" did little to create an atmosphere of trust between the Park Service and local residents.

The Park Service should have made a greater effort to explain the need for Federal involvement, other than that Sleeping Bear was of national significance. Documentation of the park shortages in Michigan, the lack of State funds, the future threats of commercial and industrial enterprises in the region, and others might have converted a few more local residents.

They should have explained that most of the eighteen percent of Michigan in public ownership did not possess the amenities that vacationers seek. A comprehensive

documentation of existing public lands and the outlook for future population trends, might have given the proposed concept more credence in the eyes of local residents.

The Park Service concept of "eventually eliminating all inholdings" gave little assurance to private property owners who wished to remain. The first bill proposed the elimination of all commercial activities. Rather than eliminating commercial activities and suggesting eventual elimination of all private property, the Park Service should have encouraged people to stay. Farming, orchard growing, and similar pursuits which are an outgrowth of the economic activities of early settlers should have been encouraged to stay for their historical significance.

Because of the critical nature of planning for facilities the size of Sleeping Bear, independent planning consultants should be employed to determine future land use, carrying capacities, etc., to insure an unbiased development plan. Then both the Park Service and the public could provide input with neither one holding the stick.

The use of the lakeshore should have been determined by the ecological characteristics of the area and not by some preconceived recreational concept. The Park Service should have made an effort to prepare a plan emphasizing preservation if indeed this was the purpose of the Great Lakes Survey of '58 and '59, "to determine what portions of undeveloped

shoreline remained that were worthy of preservation for their scenic, natural or other recreational values."¹

The Park Service should have expanded upon its year-round-use program. Activities such as ice fishing, cross-country skiing, etc., should have been encouraged to promote year-round use and entice the commercial community into accepting the plan.

They should have made a greater effort to document and publicize the success of the Cape Cod National Seashore and others. Had local residents been informed of the local satisfaction with other similar areas, acceptance of the Dunes proposal might have been greater.

With the encouragement of the continued use of existing private developments, the fears of local governments and school districts regarding loss of tax base would have been eased.

The role of the local residents and conservation interests was also a determining factor in the encumbered progress of the planning process.

Had the local residents accepted the fact that true preservation of the area was possible only by Federal means, and worked with rather than against the Park Service, a lake-shore might have been established more to their liking. If the local residents were truly concerned about preserving the area, they should have helped the Park Service in this manner.

¹National Park Service, Our Fourth Shore: Great Lakes Shoreline Recreation Area Survey, p. 3.

The type of information and the manner of presentation made a difference in the acceptance by the decision-making body. Many participants relied on information which was grossly generalized or exaggerated. The presentations which included concise and documented facts held the most weight during committee hearings.

Most of the active participants utilized data from the National Park Service, the State Department of Natural Resources, or the local counties. Even when this documented information was used, half-truths surfaced. For instance, the Glen Lake Community Schools based their yearly loss in revenue on the assumption that all privately owned lands would be purchased immediately. This ignored the fact that many would remain and continue paying taxes and that the Park Service would not purchase many of the privately owned lands for years.

The Citizens' Council of Sleeping Bear Dunes, Inc., retained the J.L. Jacobs Company of Chicago, Illinois to make an economic survey of the area, upon which their information was based.

Many groups argued that the proposed lakeshore had depressed the real estate and construction industries. This was probably true in the early years but as documented by the Interior Department, the residential properties within the taking area increased by fifty-eight percent from December 31, 1964 to September, 1970.

The conservation groups did most of their own research, backed up by their national affiliates. The Michigan Parks Association did extensive research into park conditions, all done by Association members, and supported by the State Conservation Commission.²

Comments from park opponents such as the "scenic parkway would damage the forested moraine watershed" were not supported by any information. Comments such as this were generally deflated through committee questioning. Arguments designed to appeal to the emotions of the committee or the Park Service were not influential. The committee relied on facts for making judgments and considered suggestions over criticisms. One constructive suggestion was worth ten criticisms of the Park Service or the lakeshore proposal. Those groups which gave specific suggestions as to the wording of given provisions of the bill were remarkably successful in effectuating change.

In Conclusion

Since the enactment of the Dunes bill and the failure to obtain a court injunction against the lakeshore the local residents are learning to accept the lakeshore and are making the best of it. The upcoming hearings on wilderness areas and impact statements will provide the opportunity for additional public input.

²Senate Hearings on S.792, 88th Congress, 1st Session, p. 135.

The values of the conservation organizations dictated that they should promote the lakeshore proposal and attempt to influence policy decisions regarding its administration. The greatest success of the conservation organizations was keeping the Dunes legislation alive over the nine-year period. The results of early hearings left doubt as to its eventual passage. Through interorganizational communication and cooperation the controversy stayed alive until a bill was written which satisfied a majority.

The values of the local opposition influenced them to discourage all national lakeshore proposals. The local opposition can be credited with successfully postponing the passage of a bill for nine years. Throughout that time many changes and improvements were made as a direct result of local criticism.

The changes in the design of the legislation were considerable and were the result of the efforts of these participating groups. The ultimate effect of these legislative changes on the final development of the lakeshore will not be known for some time. Through additional public involvement in the hearings on wilderness areas and the environmental impact statement the Park Service will become more responsive to public input into the planning process.

APPENDIX



Public Law 91-479
91st Congress, H. R. 18776
October 21, 1970

An Act

84 STAT. 1075

To establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, 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) the Congress finds that certain outstanding natural features, including forests, beaches, dune formations, and ancient glacial phenomena, exist along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, and that such features ought to be preserved in their natural setting and protected from developments and uses which would destroy the scenic beauty and natural character of the area. In order to accomplish this purpose for the benefit, inspiration, education, recreation, and enjoyment of the public, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action, as herein provided, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore. In carrying out the provisions of this Act, the Secretary shall administer and protect the Sleeping Bear Dunes National Lakeshore in a manner which provides for recreational opportunities consistent with the maximum protection of the natural environment within the area.

Sleeping Bear
Dunes National
Lakeshore, Mich.

(b) In preserving the lakeshore and stabilizing its development, substantial reliance shall be placed on cooperation between Federal, State, and local governments to apply sound principles of land use planning and zoning. In developing the lakeshore, full recognition shall be given to protecting the private properties for the enjoyment of the owners.

SEC. 2. (a) The Sleeping Bear Dunes National Lakeshore (hereinafter referred to as the "lakeshore") shall comprise the land and water area generally depicted on the map entitled "A Proposed Sleeping Bear Dunes National Lakeshore Boundary Map", numbered NI-SBD-91,000 and dated May 1969, which shall be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior.

(b) As soon as practicable after the date of enactment of this Act and following the acquisition by the Secretary of those lands owned by the State of Michigan within the boundaries of the area designated for inclusion in the lakeshore (excepting not to exceed three hundred acres in the Platte Bay area) and of such additional lands, if any, as are necessary to provide an area which in his opinion is efficiently administrable for the purposes of this Act, he shall establish the Sleeping Bear Dunes National Lakeshore by publication of notice thereof in the Federal Register.

Publication in
Federal Register.

SEC. 3. (a) Within thirty days, or as soon as possible thereafter, after the effective date of this Act, the Secretary shall publish in the Federal Register a map or other description of the lakeshore delineating areas constituting the following categories:

Description.
Publication in
Federal Register.

Category I, public use and development areas.

Category II, environmental conservation areas.

Category III, private use and development areas.

(b) Lands and interests therein designated as category I may be acquired by the Secretary in accordance with section 8 of this Act.

(c) Within one hundred and fifty days after the effective date of this Act, the Secretary shall publish in the Federal Register an additional map or other description of those lands, if any, designated as within categories II and III for acquisition by him in fee in accordance with section 8 of this Act.

Additional map.
Publication in
Federal Register.

84 STAT, 1076

Land acquisition,
limitation.

(d) Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category II, other than those to be acquired in fee simple, as he deems appropriate to insure the continued conservation and preservation of the environmental quality of the lakeshore.

(e) Except as provided in subsection (f) of this section, the Secretary may, after the publication provided for in subsection (c), acquire only such interests in lands designated as category III, other than those lands to be acquired in fee simple, as he deems appropriate to protect lands designated for acquisition.

Real property,
use and devel-
opment by
owners.
Notification
of restric-
tions.

(f) Not later than one hundred and fifty days after the effective date of this Act, the Secretary shall notify owners of real property in categories II and III, other than property designated by him for fee acquisition, of the minimum restrictions on use and development of such property under which such property can be retained in a manner compatible with the purpose for which the lakeshore was established. If the owner of any real property in categories II and III agrees to the use and development of his property in accordance with such restrictions, the Secretary may not acquire, without the consent of such owner, such property or interests therein for so long as the property affected is used in accordance with such restrictions, unless he determines that such property is needed for public use development. The foregoing limitations on acquisition shall also apply to any owners of real property to whom the Secretary did not, within the time set forth, give such a notice, except that if any property owner has not, within ninety days of the notice agreed to use the property in accordance with the notice, then the Secretary may acquire, without limitation, fee or lesser interests in property by any of the methods set forth in section 8 of this Act: *Provided*, That nothing contained in subsections (d) and (e), and in this subsection, which limits the acquisition of the fee simple title to property within the lakeshore, shall prevent the Secretary from acquiring, without the consent of the owner, the fee simple title whenever in the Secretary's judgment the estimated cost of acquiring the lesser interest would be a substantial percentage of the estimated cost of acquiring the fee simple title.

Advisory com-
mission.

SEC. 4. (a) There is hereby established a Sleeping Bear Dunes National Lakeshore Advisory Commission. The Commission shall cease to exist ten years after the establishment of the lakeshore pursuant to section 2 of this Act.

Membership.

(b) The Commission shall be composed of ten members, each appointed for a term of two years by the Secretary, as follows:

(1) Four members to be appointed from recommendations made by the counties in which the lakeshore is situated, two members to represent each such county;

(2) Four members to be appointed from recommendations made by the Governor of the State of Michigan; and

(3) Two members to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(e) The Secretary or his designee shall consult with the Commission with respect to matters relating to the development of the lakeshore and with respect to the provisions of sections 9, 12, and 13 of this Act.

Hunting and
fishing regu-
lations.

SEC. 5. In administering the lakeshore the Secretary shall permit

October 21, 1970

- 3 -

Pub. Law 91-479

84 STAT. 1077

hunting and fishing on lands and waters under his jurisdiction in accordance with the laws of the State of Michigan and the United States applicable thereto. The Secretary, after consultation with the appropriate agency of the State of Michigan, may designate zones and establish periods where and when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment and issue regulations, consistent with this section, as he may determine necessary to carry out the purposes of this section.

SEC. 6. (a) The administration, protection, and development of the lakeshore shall be exercised by the Secretary, subject to the provisions of this Act and of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented, relating to the areas administered and supervised by the Secretary through the National Park Service; except that authority otherwise available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of this Act. Administration.

(b) In the administration, protection, and development of the area, the Secretary shall prepare and implement a land and water use management plan, which shall include specific provisions for— Land and water use plan.

(1) development of facilities to provide the benefits of public recreation;

(2) protection of scenic, scientific, and historic features contributing to public enjoyment; and

(3) such protection, management, and utilization of renewable natural resources as in the judgment of the Secretary is consistent with, and will further the purpose of, public recreation and protection of scenic, scientific, and historic features contributing to public enjoyment.

(c) Within four years from the date of enactment of this Act, the Secretary of the Interior shall review the area within the Sleeping Bear Dunes National Lakeshore 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 unsuitability of any area within the lakeshore for preservation as wilderness, and any designation of any such area as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act. Area review; report to President.

(d) In developing the lakeshore the Secretary shall provide public use areas in such places and manner as he determines will not diminish the value or enjoyment for the owner or occupant of any improved property located thereon.

SEC. 7. Nothing in this Act shall be construed as prohibiting any governmental jurisdiction in the State of Michigan from assessing taxes upon any interest in real estate retained under the provisions of section 10 of this Act to the owner of such interest. Tax assessments.

SEC. 8. (a) The Secretary is authorized to acquire by donation, purchase from any Federal agency, or appropriated funds, transfer funds, transfer or exchange. from any Federal agency, or exchange lands and interests therein for the purposes of this Act. When an individual tract of land is only partly within the area designated, the Secretary may acquire the entire tract by any of the above methods to avoid the payment of severance costs. Land so acquired outside the designated area may be exchanged by the Secretary for non-Federal lands within such area, and any portion of the land not utilized for such exchanges may be disposed of in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (40 U.S.C. 471 et seq.). Land acquisition or exchange.

(b) In exercising his authority to acquire property under this Act, the Secretary shall give immediate and careful consideration to any offer made by an individual owning property within the lakeshore to sell such property to the Secretary. An individual owning property within the lakeshore may notify the Secretary that the continued ownership by such individual of that property would result in hardship to him, and the Secretary shall immediately consider such evidence and shall within one year following the submission of such notice, subject to the availability of funds, purchase such property offered for a price which does not exceed its fair market value.

Transfer of
Federal prop-
erty.

(c) Any property or interests therein, owned by the State of Michigan or any political subdivisions thereof, may be acquired only by donation. Notwithstanding any other provision of law, any property owned by the United States on the date of enactment of this Act located within such area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the provisions of this Act.

Acquisition by
condemnation.

(d) With respect to that property which the Secretary is authorized to acquire by condemnation under the terms of this Act, the Secretary shall initiate no condemnation proceedings until after he has made every reasonable effort to acquire such property by negotiation and purchase. The certificate of the determination by the Secretary or his designated representative that there has been compliance with the provisions of this subsection and of subsection (b) of this section shall be prima facie evidence of such compliance.

(e) Nothing in this Act shall be construed to prohibit the use of condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

Zoning bylaws.

SEC. 9. (a) The Secretary shall, at the request of any township or county in or adjacent to the lakeshore affected by this Act, assist and consult with the appropriate officers and employees of such township or county in establishing zoning bylaws for the purpose of this Act. Such assistance may include payments to the county or township for technical aid.

(b) No improved property within the area designated for inclusion in the lakeshore shall be acquired by the Secretary by condemnation so long as the affected county or township has in force and applicable thereto a duly adopted, valid zoning bylaw approved by the Secretary in accordance with the provisions of subsection (d) of this section and the use of improved property is in compliance therewith. In the event that the affected county or township does not have in effect and applicable to any improved property a duly adopted, valid zoning bylaw so approved, the Secretary shall be prohibited from acquiring such property by condemnation, if the owner thereof notifies the Secretary in writing of such owner's agreement to use his property in a manner consistent with the applicable standard set forth in subsection (d) of this section, and such prohibition against condemnation shall remain in effect for so long as such property is so used.

(c) If the Secretary determines that any such property referred to in subsection (b) of this section covered by any such bylaw is being used in a way which is not in substantial compliance with such bylaw, or that any such property referred to in subsection (b) with respect to which an agreement has been made is being used in a manner which is not substantially consistent with such applicable standards, he shall so notify the owner of any such property in writing. Such notice shall contain a detailed statement as to why the Secretary believes that such use is not in substantial compliance with such zoning bylaw or why such use is not substantially consistent with such applicable standards, as the case may be. Any such owner shall have sixty days following the

October 21, 1970

- 5 -

Pub. Law 91-479

84 STAT. 1079

receipt by him of that written notification within which to discontinue the use referred to in such notification. Discontinuance of such use within such sixty-day period shall have the effect of prohibiting the Secretary from acquiring such property by condemnation by reason of such use. In any case in which such use is not discontinued within such sixty-day period, the Secretary may, in his discretion, acquire such property by condemnation.

(d) Any zoning bylaw or amendment thereto submitted to the Secretary for approval for the purposes of this Act shall be approved by him if such bylaw or amendment contains provisions which—

Bylaws.
Conditions for
approval.

(1) contribute to the effect of prohibiting the commercial and industrial use (other than a use for a commercial purpose as authorized under section 13 of this Act) of all property within the boundaries of such area which is situated within the county or township adopting such bylaw or amendment;

(2) are consistent with the objectives and purposes of this Act so that, to the extent possible under Michigan law, the scenic and scientific values of the lakeshore area will be protected;

(3) are designed to preserve the lakeshore character of the area by appropriate restrictions upon the burning of cover, cutting of timber (except tracts managed for sustained yield), removal of sand or gravel, and dumping, storage, or piling of refuse and other unsightly objects or other uses which would detract from the natural or traditional lakeshore scene;

(4) provide that no construction, reconstruction, moving, alteration, or enlargement of any property, including improved property as defined in this Act, within the lakeshore area shall be permitted, if such construction, reconstruction, moving, alteration, or enlargement would afford less than a fifty-foot setback from all streets measured at a right angle with the street line, and a twenty-five-foot distance from all contiguous properties. Any owner or zoning authority may request the Secretary of the Interior to determine whether a proposed move, alteration, construction, reconstruction, or enlargement of any such property would subject such property to acquisition by condemnation, and the Secretary, within sixty days of the receipt of such request, shall advise the owner or zoning authority in writing whether the intended use will subject the property to acquisition by condemnation; and

(5) have the effect of providing that the Secretary shall receive notice of any variance granted under, and of any exception made to the application of, such bylaw or amendment.

(e) The approval of any bylaw or amendment pursuant to subsection (d) shall not be withdrawn or revoked by the Secretary for so long as such bylaw or amendment remains in effect as approved. Any such bylaw or amendment so approved shall not be retroactive in its application.

SEC. 10. (a) Any owner or owners of improved property situated within the area designated for inclusion in the lakeshore on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain, for a term of not to exceed twenty-five years, or for a term ending at the death of such owner or owners, the right of use and occupancy of such property for any residential purpose which is not incompatible with the purposes of this Act or which does not impair the usefulness and attractiveness of the area designated for inclusion. The Secretary shall pay to the owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Where any such owner retains a right of use and occupancy as herein provided, such right during its existence may be conveyed or leased for noncommercial residential purposes in accordance with the provisions of this section.

Property owners,
retention of
use.

84 STAT. 1080

Termination
rights by
Secretary.

(b) Any deed or other instrument used to transfer title to property, with respect to which a right of use and occupancy is retained under this section, shall provide that such property shall not be used for any purpose which is incompatible with purposes of this Act, or which impairs the usefulness and attractiveness of such area and if it should be so used, the Secretary shall have authority to terminate such right. In the event the Secretary exercises his power of termination under this subsection he shall pay to the owner of the right terminated an amount equal to the value of that portion of such right which remained unexpired on the date of such termination.

"Improved
property."

SEC. 11. As used in this Act, the term "improved property" means a detached, one-family dwelling, construction of which was begun before December 31, 1964, together with so much of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the lands so designated. The amount of the land so designated shall in every case be at least three acres in area, or all of such lesser acreage as may be held in the same ownership as the dwelling, and in making such designation the Secretary shall take into account the manner of noncommercial residential use in which the dwelling and land have customarily been enjoyed: *Provided, however*, That the Secretary may exclude from the land so designated any beach or waters on Lake Michigan, together with so much of the land adjoining any such beach or waters, as the Secretary may deem necessary for public access thereto. If the Secretary makes such exclusion, an appropriate buffer zone shall be provided between any residence and the public access or beach.

Scenic roads.

SEC. 12. In order to facilitate visitor travel, provide scenic overlooks for public enjoyment and interpretation of the national lakeshore and related features, and in order to enhance recreational opportunities, the Secretary is authorized to construct and administer as a part of the national lakeshore scenic roads of parkway standards generally lying within the parkway zone designated on the map specified in section 2(a) of this Act. Such scenic roads shall include necessary connections, bridges, and other structural utilities. Notwithstanding any other provision of this Act, the Secretary may procure for this purpose land, or interest therein, by donation, purchase with appropriated or donated funds, or otherwise: *Provided*, That land and interest so procured shall not exceed one hundred and fifty acres per mile of scenic road, except that tracts may be procured in their entirety in order to avoid severances. Property so acquired in excess of the acreage limitation provided in this section may be exchanged by the Secretary for any land of approximately equal value authorized for acquisition by this Act.

Commercial
property.

SEC. 13. In any case not otherwise provided for in this Act, the Secretary shall be prohibited from condemning any commercial property used for commercial purposes in existence on December 31, 1964, so long as, in his opinion, the use thereof would further the purpose of this Act, and such use does not impair the usefulness and attractiveness of the area designated for inclusion in the lakeshore. The following uses, among others, shall be considered to be uses compatible with the purposes of this Act: Commercial farms, orchards, motels, rental cottages, camps, craft and art studios, marinas, medical, legal, architectural, and other such professional offices, and tree farms.

SEC. 14. The Secretary shall furnish to any interested person requesting the same a certificate indicating, with respect to any property

October 21, 1970

- 7 -

Pub. Law 91-479

84 STAT. 1081

which the Secretary has been prohibited from acquiring by condemnation in accordance with provisions of this Act, that such authority is prohibited and the reasons therefor.

SEC. 15. There are authorized to be appropriated not more than Appropriation.
\$19,800,000 for the acquisition of lands and interests in lands and not more than \$18,769,000 (June 1970 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Approved October 21, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1401 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 91-1263 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 116 (1970):
Sept. 22, considered and passed House.
Oct. 7, considered and passed Senate.

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