

The original documents are located in Box 65, folder “10/18/76 HR5682 Tinicum National Environmental Center” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library

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APPROVED
OCT 18 1976

§ 10/18/76

THE WHITE HOUSE
WASHINGTON

ACTION

October 18, 1976

Last Day: October 20

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Jim Cannon*
SUBJECT: H.R. 5682 - Tinicum National Environmental Center

Attached for your consideration is H.R. 5682, sponsored by Representative Edgar.

The enrolled bill would provide for expansion of the Tinicum National Environmental Center in Philadelphia, Pennsylvania. The Tinicum National Environmental Center was established as an element of the National Wildlife Refuge System in 1972. The enrolled bill would extend the existing boundaries of the Center to include a 45-acre landfill area and authorize \$1.6 million for acquisition and development of the site.

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

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5682 at Tab B.



OCT 18 1976



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

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5682 - Tinicum National
Environmental Center
Sponsor - Rep. Edgar (D) Pennsylvania

Last Day for Action

October 20, 1976 - Wednesday

Purpose

Provides for certain additions to the Tinicum National Environmental Center in Philadelphia, Pennsylvania.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval (Informally)
Council on Environmental Quality	Approval
General Services Administration	No objection
Department of the Army	Defers to Interior

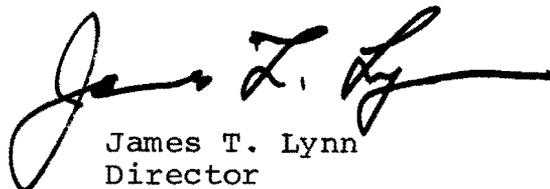
Discussion

The Tinicum National Environmental Center was established as an element of the National Wildlife Refuge System in 1972. Public Law 92-326 directed the Secretary of the Interior to acquire by donation, purchase, or exchange, some 1,200 acres of wetlands located immediately west of the Philadelphia International Airport for the purpose of preserving the area from further commercial and industrial encroachments. Appropriations of \$2.25 million were authorized to finance land acquisition and development of the area, including visitor-oriented facilities. To date, approximately 233 acres of marshland are under the direct control of the U.S. Fish and Wildlife Service. The remaining lands continue under private ownership.

Originally, the Tinicum wetlands were part of the much larger Tennakon-Minques Island marsh system. Today, it is estimated that only about 200 acres of the original marshlands remain untouched. Much of the area has been systematically destroyed through dredging, filling and other practices. To preserve the remaining wildlife habitat from similar destruction, the Congress, after considerable debate and in the face of Administration objections, bowed to pressure from local citizen and environmental groups to establish the area under Federal control.

The enrolled bill would extend the existing boundaries of the Tinicum Center to include a 45-acre landfill area referred to as the Folcroft dump site. The bill would authorize \$1.6 million for acquisition and development of the site.

In committee hearings on an earlier, more costly version of H.R. 5682, which would have also directed acquisition of an additional 80-acre dredging site, the Department of the Interior recommended against enactment arguing that the anticipated cost of acquiring the additional lands substantially outweighed any recreational or wildlife benefits to be derived from direct Federal ownership. However, in its report on H.R. 5682, the House Committee on Merchant Marine and Fisheries argued that the preservation of the Folcroft site is of "primary importance in order to prevent further decimation of the marshland within the Center." In its attached enrolled bill letter, Interior now recommends approval, noting that both the cost and acreage figures presently included in the enrolled bill have been substantially reduced in line with expressed Administration concerns.



James T. Lynn
Director

Enclosure

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

October 12, 1976

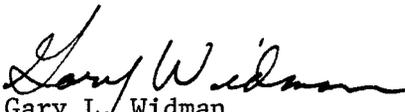
MEMORANDUM FOR JAMES M. FREY
ASSISTANT DIRECTOR FOR LEGISLATIVE REFERENCE
OFFICE OF MANAGEMENT AND BUDGET

ATTENTION: Ms. Ramsey, Room 7201 NEOB

SUBJECT: H.R. 5682 - Enrolled, "To extend the boundary
of the Tinicum National Environmental Center,
and for other purposes"

The Council recommends signing the Act into law.

The boundary changes described by the bill will make the
Center a more usable site for Philadelphia residents, and
the funds authorized are reasonable in light of the Center's
needs.


Gary L. Widman
General Counsel

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



October 7, 1976

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

Dear Mr. Lynn:

By letter of October 7, 1976, you requested the views of the General Services Administration (GSA) on enrolled bill H.R. 5682, "To extend the boundary of the Tinicum National Environmental Center, and for other purposes."

GSA has completed its review of this bill and offers no objection to presidential approval.

Sincerely,


TERRY CHAMBERS
Deputy Administrator



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

12 OCT 1976

Honorable James T. Lynn

Director, Office of Management and Budget

Dear Mr. Lynn:

This is in reply to your request for the views of the Department of the Army on enrolled enactment H.R. 5682, 94th Congress, "To provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes."

The Department of the Army defers to the views of the Department of the Interior, as the agency primarily concerned with this measure, on whether it should be approved.

This Act provides for readjustment in the authorized boundaries of the Tinicum Environmental Center, and for authorization of \$1,600,000 in addition to the previously-authorized \$2,250,000, to acquire needed lands. This measure undertakes certain steps to preserve the last remaining tidal marsh in Pennsylvania, providing a valuable resting and feeding area for waterfowl and other wildlife.

Approval of the enactment would have no fiscal effect upon the Department of the Army.

Sincerely,

A handwritten signature in black ink that reads "Charles R. Ford".

Charles R. Ford
Deputy Asst. Secretary of the Army
(Civil Works)



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 15

Time: 200pm

19

FOR ACTION: George Humphreys *GH* cc (for information): Jack Marsh
Max Friedersdorf *MF* Ed Schmults
Bobbie Kilberg *BK* Steve McConahey *SM*

FROM THE STAFF SECRETARY

DUE: Date: October 18

Time: 1000am

SUBJECT:

H.R. 5682-Tinicum National Environmental Center

ACTION REQUESTED:

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

REMARKS:

please return to judy johnson, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President

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

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5682 - Tinicum National
Environmental Center
Sponsor - Rep. Edgar (D) Pennsylvania

Last Day for Action

October 20, 1976 - Wednesday

Purpose

Provides for certain additions to the Tinicum National Environmental Center in Philadelphia, Pennsylvania.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval (Informally)
Council on Environmental Quality	Approval
General Services Administration	No objection
Department of the Army	Defers to Interior

Discussion

The Tinicum National Environmental Center was established as an element of the National Wildlife Refuge System in 1972. Public Law 92-326 directed the Secretary of the Interior to acquire by donation, purchase, or exchange, some 1,200 acres of wetlands located immediately west of the Philadelphia International Airport for the purpose of preserving the area from further commercial and industrial encroachments. Appropriations of \$2.25 million were authorized to finance land acquisition and development of the area, including visitor-oriented facilities. To date, approximately 233 acres of marshland are under the direct control of the U.S. Fish and Wildlife Service. The remaining lands continue under private ownership.

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 15

Time: 200pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: October 18

Time: 1100am

SUBJECT:

H.R. 5682-Tinicum National Environmental Center

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection -- Ken Lazarus 10/15/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 15

Time: 200pm

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

FROM THE STAFF SECRETARY

DUE: Date: October 18

Time: 1100am

SUBJECT:

H.R. 5682-Tinicum National Environmental Center

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommended approval

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 15

Time: 200pm

FOR ACTION: George Humphreys
 Max Friedersdorf
 Bobbie Kilberg

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

FROM THE STAFF SECRETARY

DUE: Date: October 18

Time: 1100am

SUBJECT:

H.R.5682-Tinicum National Environmental Center

ACTION REQUESTED:

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

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend
 approval.*

mf

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.
 For the President



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 15 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on H.R. 5682, "To extend the boundary of the Tinicum National Environmental Center, and for other purposes."

We recommend that the President approve the enrolled bill.

H.R. 5682 as enrolled would enlarge the authorized area of the Tinicum National Environmental Center by establishing a new boundary for the northern edge of the Center to include the Falcroft Landfill dump site. This boundary change would add approximately 45 acres to the Center. The bill would add \$1,600,000 to the present appropriations authorization ceiling beginning in Fiscal Year 1978.

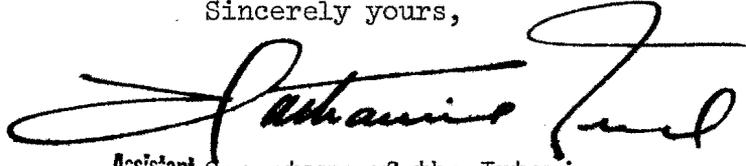
As originally introduced and reported on by this Department, H.R. 5682 would have added a second parcel of land to the Center of approximately 80 acres, west of Wanamaker Avenue. These two parcels were estimated to cost over \$2,000,000.

Although the Departmental report on H.R. 5682 which was cleared by the Office of Management and Budget recommended against any enlargement of the Center's boundary. This Department had submitted a proposed report to your Office recommending the inclusion of the two new areas. However, the cleared Departmental report did recommend an increase in the authorization ceiling of \$2,350,000 to complete the acquisition of land within the present boundary of the Center. H.R. 5682 provides for an increase in the present authorization ceiling of only \$1,600,000. During the discussion of the proposed amendment to the bill on the House floor, it was stated that this increase would provide additional funds to continue acquisition within the present boundaries and begin some acquisition of the new Falcroft addition until further hearings can be held in the 95th Congress to determine what other amendments to the Act are necessary.



Since H.R. 5682 only provides for the enlargement of the Tinicum Center's boundary to include one new area and only increases the authorization ceiling by \$1,600,000 or \$750,000 less than the Administration's recommendation, we recommend that the President approve the enrolled bill.

Sincerely yours,



Nathaniel Reed

Assistant Secretary of the Interior

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

[Reported with Amendments]

94TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
2d Session } } No. 94-1139

TINICUM NATIONAL ENVIRONMENTAL CENTER

MAY 14, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

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

REPORT

[To accompany H.R. 5682]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 5682) to provide for certain additions to the Tinicum National Environmental Center, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

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

That the Act of June 30, 1972, entitled "An Act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes" (Public Law 92-326) is amended—

(1) by striking out "and Prospect Park Boroughs, exclusive of the portion of marshland which has been filled by the Polcroft Landfill Corporation." in the last sentence of section 2 and inserting in lieu thereof "Prospect Park Boroughs, and the Delaware County incinerator numbered 2."; and

(2) by striking out "\$2,250,000" in section 7 and inserting in lieu thereof "\$5,900,000".

Amend the title so as to read:

A bill to extend the boundary of the Tinicum National Environmental Center, and for other purposes.

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to further the preservation of the last true tidal marshland in the Commonwealth of Pennsylvania.

In achieving this purpose, the bill would amend the Tinicum National Environmental Center Act (P.L. 92-326, enacted June 30, 1972) by extending the boundary of the Center and by increasing the original funding authorization of \$2,225,000 to \$5,900,000. These funds would be used to complete the acquisition of the lands within the boundaries of the Center.

LEGISLATIVE BACKGROUND

H.R. 5682 was introduced on April 8, 1976, by Mr. Edgar. Identical bills in the form of H.R. 7499, H.R. 9098, H.R. 10900 were introduced by Mr. Edgar and others. The co-sponsors of the legislation are as follows: Mr. Eilberg, Mr. Forsythe, Mr. Green, Mr. Leggett, Mr. Moorhead of Pennsylvania, Mr. Nix, Mr. Thompson, Mr. Biester, Mr. Rooney, Ms. Chisholm, Mr. Coughlin, Mr. D'Amours, Mr. Baucus, Ms. Abzug, Mr. Reuss, Mr. Ottinger, Mr. Stark, Mr. Fisher and Mr. Brown of California.

H.R. 5682 and identical bills, as introduced, would provide for the addition of two parcels of land in the Center, a dredging site at the western edge of the Center and a dump site at the northern edge of the Center. The legislation contained no provision for increasing the funding authorization under the Act.

The Subcommittee on Fisheries and Wildlife Conservation and the Environment held hearings on the bills on March 5, 1976. Local public interest groups, such as the Concerned Area Residents for the Preservation of Tinicum Marsh, testified in strong support of including the two parcels in the Center as current plans to commercially develop these areas would have a detrimental affect on the Center. Other witnesses testifying in strong support of the legislation were Congressmen Robert W. Edgar; Harold A. Lockwood, Jr., Representative of the Delaware County, Pennsylvania Sierra Club; Dr. Joseph Willis, Professor of Water Resources and Environmental Engineering, Swarthmore College; and Mr. Gerald W. Stump, Jr., Director, Eastwick Project Area Committee, Inc. The witness for the Layne Investment Corporation testified in opposition to inclusion of the lands at the Western edge of the Center in view of the Company's current plans to develop that site.

The views of the Department of the Interior witness paralleled the views contained in the Department's report on the legislation. In its report, the Department recommended against enactment of the bill because the cost of acquiring the additional lands outweighed the benefits of adding them to the Center. The Department further pointed out that while these two areas could be developed for recreational and visitor use facilities, they would not contribute significantly to the waterfowl benefits of the entire area. Also, the Department pointed out that the acquisition of these lands at a cost of over \$2,000,000 could not be justified on the basis of prospective recreational benefits alone. In lieu of H.R. 5682, the Department offered a draft bill which would amend the original Act to increase the funding authorization from \$2,250,000 to \$4,600,000 for the purpose of acquiring the lands originally designated in the 1972 Act.

The Department of the Army, on behalf of the Department of Defense, and the General Services Administration, in their reports on the legislation, deferred to the views of the Department of the Interior. The Council on Environmental Quality submitted a report on the legislation, but made no comments.

After giving careful consideration to the evidence presented at the hearing and the views contained in the Departmental Reports, the Committee concluded that the preservation of the Folcroft dump area

was of primary importance in order to prevent further decimation of the marshland within the Center, and that action to acquire this site and to complete the acquisition of the other designated land should be undertaken as soon as possible.

In making its determination, the Committee was impressed by the argument of Congressman Edgar that ". . . the land comprising the dump has been damaged beyond repair, so it cannot be reclaimed as marshland. But, it could be topsoiled and sealed to minimize the rat problem. And it has been built up to such an elevation that it is a natural choice as a site for a visitor center to overlook the marsh." The United States Fish and Wildlife Service estimates it would cost \$1,300,000 to acquire the dump site.

With respect to the dredge site west of Wanamaker Avenue, testimony at the hearing indicated that prior to the passage of the 1972 Act, this marsh area was dredged to a depth of 60 feet for fill material for the roadbed of I-95. Then, in September of 1974, the Corporation applied to the Corps of Engineers for a permit to fill the two boundaries of their lands for the purpose of constructing a shopping center. The U.S. Fish and Wildlife Service has recommended against issuance of the permit on the basis of fish and wildlife considerations. The Corps witness indicated that additional information has been requested from the Corporation after which the information will be analyzed along with the information submitted by those objecting to the issuance of a permit. Plans are for the Corps to go forward with hearings on the application and to complete the preparation of an environmental impact statement on this proposal. In view of the proceedings under way and the recommendations of the Department of the Interior, the Committee determined not to take action to include this area in the Center.

Accordingly, the bill, as ordered reported by the Committee, retained the provision that would extend the boundary of the Center to include the dump site, but eliminated the provision that called for the inclusion of the dredging site. In addition, the bill contained a new provision that would provide for an increase in the amount of funds authorized to be appropriated to carry out the purposes of the Act from \$2,250,000 to \$5,900,000.

The Committee unanimously ordered the bill reported by voice vote.

Following is a map of the boundaries of the Tinicum National Environmental Center, as provided by the 1972 Act, and the lands proposed to be included by H.R. 5682, as introduced.

BACKGROUND AND NEED FOR THE LEGISLATION

Tinicum Marsh is located in the megalopolitan region of the Eastern United States. More specifically, it lies immediately West of the International Airport at the southwest edge of the city of Philadelphia. Most of the region is situated in Delaware County. However, a portion of it is located in Philadelphia County.

Tinicum Marsh originally was a part of the Tinnakon-Minques Island Marshes that occupied 5,700 acres at the time of the first settlement in 1643. The early settlers diked and drained parts of the marsh for grazing land. Similar modification of the wetlands occurred piecemeal during the next two and a half centuries. Then, more rapid and drastic changes began to take place during the late 19th century.

Since World War I, more than 5,000 acres of tidal wetlands have been deeply covered with fill to construct railroads, highways, boatyards, the International Airport, disposal sites, and residential and industrial sites. By 1968, the last tidal wetland in the Commonwealth of Pennsylvania had been reduced to 523 acres.

In early 1968, the Conservation Foundation (Washington, D.C.), under a grant from the Ford Foundation, selected Tinicum Marsh as a classic example of prime urban open space threatened by numerous development pressures. The foundation requested Dr. Jack McCormick and Dr. Ruth Patrick to carry out a study of the area. Following is a brief summary of the results of the study which further points up the need for preserving this marshland:

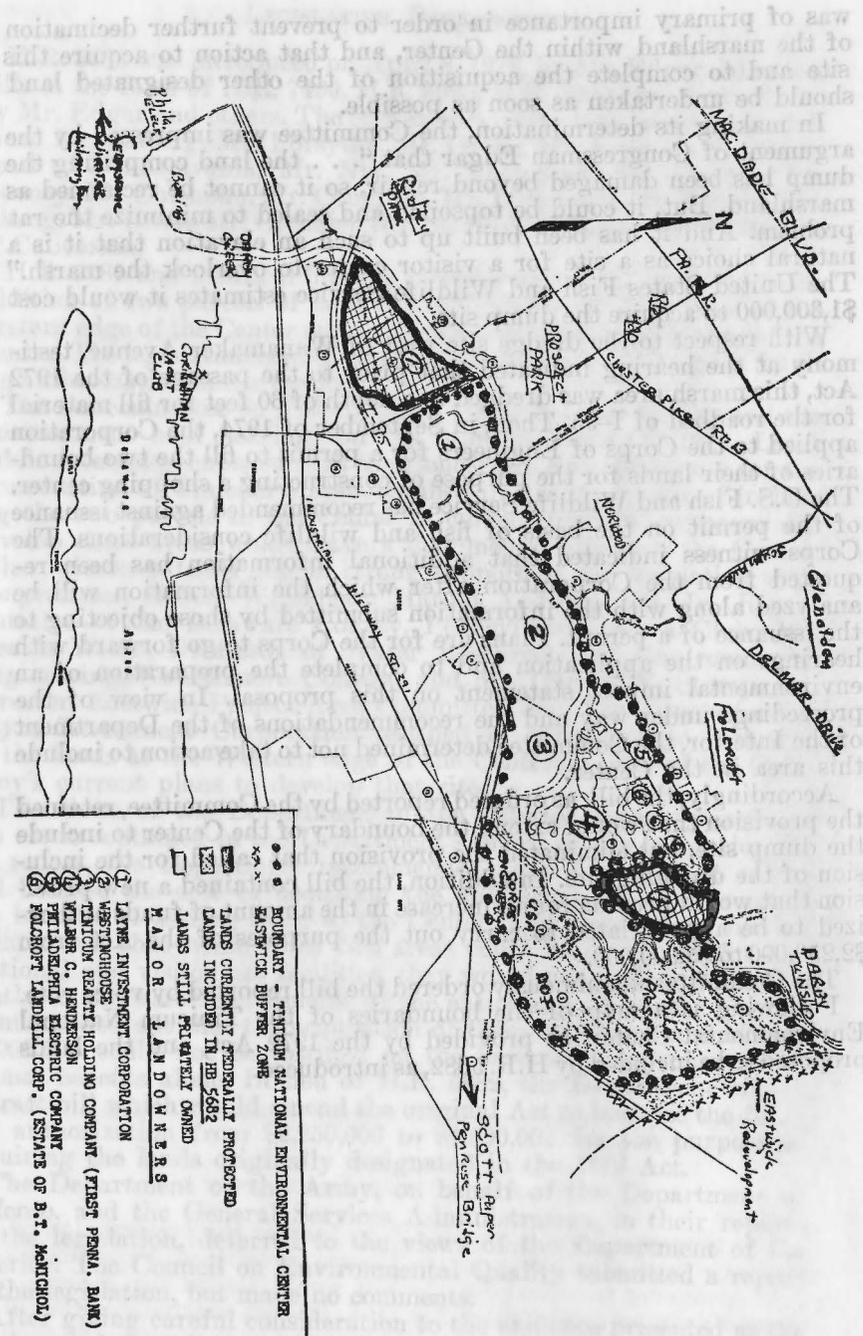
My study revealed that slightly more than a fourth of the tidal marsh was covered by wild rice. This grass, which reaches 11 feet in height, produces seeds that are of outstanding value as waterfowl food. Other major vegetation types of the marsh included spatterdock, cattail, giant ragweed, and a mixture of several species. Common reedgrass covered more than 200 acres of filled lands. Marshmallow, purple loosestrife, and spatterdock were the most common plants in diked marshlands.

We found that thousands of migratory waterfowl and shore birds—sometimes tens of thousands—pause on the Tinicum Marshes to rest and feed. In all, at least 119 kinds of waterfowl and shore birds and 177 species of land birds are known to occur at Tinicum.

The native mammals, fish, reptiles, amphibians, and insects also were surveyed. No unusual, rare, or endangered species were noted. It was found, however, that carp have usurped the water and Norway rats now rule the land.

The dominance of these introduced, undesirable species is a reflection of intolerable pollution of the water and of the existence of rich supplies of garbage in the nearby "sanitary landfill." As a result of decisive State and interstate action, the water quality will improve substantially during the next decade as sewage treatment plants that discharge into the marsh are phased out. Rat populations should decline rapidly as a result of the termination of the landfill by order of the U.S. Army, Corps of Engineers, and the Commonwealth of Pennsylvania.

As of today, more than half of the remaining 1968 tidal marsh acreage (consisting of 523 acres), has been destroyed. The construction of



a 2.5 mile long section of Interstate Highway I-95 occupies 60 acres of the 1968 marsh; at least another 80 acres of the marsh have been dredged; an additional 130 acres have been filled with removal spoil; and about 20 acres have been covered with refuse. Consequently, there is now remaining about 200 acres of the original pristine tidal marsh.

In an effort to preserve this last true tidal marshland, in 1972 the Committee reported legislation which resulted in the enactment of Public Law 92-326. This Act authorized the Secretary of the Interior to establish the Tinicum National Environmental Center and administer it as a part of the National Wildlife Refuge System. The Secretary was directed to acquire by donation, purchase, exchange, or otherwise all lands within the boundaries of the Center, but not in excess of 1,200 acres. To date, some 233 acres of the marshlands are under the control of the U.S. Fish and Wildlife Service. Of this, 145 acres were donated to the Service by the City of Philadelphia and the remaining 88 acres were transferred to the Service by the Corps of Engineers. Of the \$2,250,000 authorized under Public Law 92-326 to carry out the purposes of the Act, only \$1,500,000 has been appropriated for land acquisition through Fiscal Year 1976. Contract appraisal information, provided by the Department of the Interior, indicates that an additional \$3.1 million will be necessary in order to complete the acquisition authorized under the original Act.

The Committee would like to emphasize that it is most hopeful that all of the public owners of lands within the Center and all of the Federal, State, and local authorities involved will cooperate fully with the Secretary of the Interior in helping to make the Tinicum National Environmental Center a success. It is only in this way that these valuable marshlands can be preserved and given the protection to which they are entitled. Also, the Committee would like to compliment the Philadelphia Conservationists, Inc., a nonprofit organization, that has raised \$155,000 of a goal of \$200,000 for the purpose of providing the Center an access road, parking area, information building, planting and landscaping on land at the entrance to the Center. The Committee would like to encourage other organizations and State and local authorities to take similar action.

The Committee urges the Secretary of the Interior to act expeditiously in completing the land purchases authorized by the legislation before irreparable decimation occurs.

WHAT THE BILL DOES

As indicated in the legislative background of this report, the Committee ordered reported to the House H.R. 5682, with amendments. This was accomplished by striking out all after the enacting clause and inserting new language and amending the title to the bill.

There follows a section-by-section summary of H.R. 5682, as ordered reported, accompanied by discussion where appropriate.

Paragraph (1) of the bill would amend section 2 of the Act to redefine the boundaries of the Tinicum National Environmental Center to include the Folcroft dump site located at the northern edge of the Center. This would result in increasing the area of the Center by approximately 45 acres.

Naturally, the Committee expects, and so directs, the Secretary of the Interior to: (1) publish in the Federal Register a description by metes and bounds of the Center, including the Folcroft dump site added by this legislation; and (2) make a scale drawing of the Center to be available in the Office of the Secretary and at appropriate places in the Center.

Paragraph (2) of the bill would amend section 7 of the Act to increase the amount of funds authorized to be appropriated to carry out the purposes of the Act from \$2,250,000 to \$5,900,000.

The Department of the Interior recommended increasing the funding authorization only to \$4,600,000. The extra \$1,300,000 included in the authorization was added by the Committee to cover the estimated cost of acquiring the Folcroft dump site.

COST OF THE LEGISLATION

In the event the legislation is enacted into law, the maximum cost to the Federal Government would be \$3,650,000, which is the difference between the present funding authorization under the Act of \$2,250,000 and the increase of such authorization to \$5,900,000, as provided by this legislation.

After reviewing the estimate of costs provided at the Committee hearings, the Committee has concluded that the estimates are accurate and that most of the funds authorized to be appropriated are likely to be expended during the current fiscal year and the next five succeeding fiscal years.

COMPLIANCE WITH CLAUSE 2(1)(3) OF RULE XI

With respect to the requirements of Clause 2(1)(3) of House Rule XI, of the Rules of the House of Representatives:

(A) No oversight hearings were held on the administration of this Act during this session of Congress, beyond the one day of hearings on the legislation held by the Subcommittee on Fisheries and Wildlife Conservation and the Environment. However, the Subcommittee does plan to hold oversight hearings on the administration of this Act from time to time.

(B) The requirements of section 308(a) of the Congressional Budget Act of 1974 are not applicable to this legislation;

(C) No estimate and comparison of costs has been received by the Committee from the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974;

(D) The Committee on Government Operations has sent no report to the Committee on Merchant Marine and Fisheries pursuant to Clause 2(b)(2) of Rule X.

INFLATIONARY IMPACT STATEMENT

Pursuant to Clause 2(1)(4) of Rule XI, of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 5682 would have no significant inflationary impact on the prices and cost in the national economy.

DEPARTMENTAL REPORTS

H.R. 5682 was the subject of Departmental Reports from Interior, Army, General Services Administration, and the Council on Environmental Quality. The reports follow.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 5, 1976.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This responds to the request of your Committee for the views of this Department on H.R. 5682, a bill "To provide certain additions to the Tinicum National Environmental Center."

We recommend against the enactment of the bill, and recommend that the enclosed draft bill be enacted in lieu thereof.

H.R. 5682 would enlarge the authorized area of the Tinicum National Environmental Center by establishing new general boundaries.

Historically, the Tinicum Marsh in Delaware and Philadelphia Counties, Pennsylvania, comprised several thousand acres of important feeding and resting area for large numbers of waterfowl and other wildlife. It is an important feature of the Delaware River estuary system which supports a valuable fishery. The marsh also acts as a floodway and a purification basin for Darby Creek.

Prior to enactment of Public Law 92-326, landfill for commercial and residential development, waste disposal, channel maintenance and highway construction brought the natural values of Tinicum Marsh to the brink of destruction. While local interests had long sought protection for those portions of the Tinicum Marsh which remained unspoiled, it became evident that preservation could be accomplished only through public ownership. Recognition of this came in June 1972 as Public Law 92-326 which directed the Secretary of the Interior to undertake the acquisition and development of an area not to exceed 1,200 acres, to be called the Tinicum National Environmental Center, and to be administered as a unit of the National Wildlife Refuge System. An appropriation of \$2.25 million was authorized to carry out land acquisition, development, operation and maintenance.

H.R. 5682 would add two new units to the existing boundary of the Tinicum National Environmental Center. Most of the remaining open space in the Tinicum Marsh area would thus be Federally protected. The 45 acre Falcroft landfill unit is approximately 25 feet above the elevation of the marsh. The 80 acre tract west of Wanamaker Avenue presently consists of two 40 foot deep ponds dredged for building material in construction of Interstate Highway 95. A commercial trash compaction operation is slated for the landfill unit. An application is presently pending with the Corps of Engineers to fill the unit west of Wanamaker Avenue with construction of a shopping center projected for the future.

While these two areas could be developed for recreation and visitor use facilities, they do not contribute significantly to the waterfowl benefits of the total area. The Fish and Wildlife Service cannot justify an acquisition cost of over \$2 million on recreation benefits alone. In addition, through the Fish and Wildlife Coordination Act and the National Environmental Policy Act, the Fish and Wildlife Service will have an opportunity to influence decisions regarding development of these two areas. Development which would adversely impact the existing refuge will be contested.

Presently 233 acres of Tinicum Marsh are under the control of the Fish and Wildlife Service. The Corps of Engineers is processing the transfer of approximately 65 more acres to the Fish and Wildlife Service. We are also trying to exchange a 17 acre parcel which lies outside the project boundary for lands inside the boundary. At this time most of our appraisals have been completed, and it is evident additional funds will be necessary to complete land acquisition.

In fiscal year 1975, \$1.2 million were appropriated for land acquisition, but \$1 million were deferred until fiscal year 1976. Of the total \$2.25 million authorized, \$1.5 million have been appropriated through FY 1976. Our appraisal information indicates that an additional \$3.1 million will be necessary to complete the authorized acquisition.

For the above mentioned reasons, we oppose the enactment of H.R. 5682 in its present form and recommend the enactment of the enclosed draft bill.

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

Sincerely yours,

NATHANIEL P. REED,
Assistant Secretary of the Interior.

Enclosure.

A BILL To provide for an additional appropriation authorization to establish the Tinicum National Environmental Center

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of June 30, 1972, is amended by striking "\$2,250,000 to carry out the provisions of this Act." and inserting in lieu thereof "\$4,600,000 to carry out the provisions of this Act."

DEPARTMENT OF THE ARMY,
OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D.C., March 5, 1976.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives

DEAR MADAM CHAIRMAN: This is in reply to your requests to the Secretary of Defense for the views of the Department of Defense on H.R. 5682 and H.R. 7499, 94th Congress, identical bills "To provide for certain additions to the Tinicum National Environmental Center."

The Department of the Army has been assigned responsibility for reporting on these bills.

The Tinicum National Environmental Center represents the last remaining true tidal marshland in the Commonwealth of Pennsylvania. By the Act of June 30, 1972 (86 Stat. 391) the Secretary of the Interior is directed to preserve the Tinicum Marsh area by acquiring up to, but not exceeding, 1200 acres within the general boundaries designated in Section 2 of the Act.

The purpose of the subject bills is to enlarge the area enclosed within the general boundaries designated in Section 2 of the Act by removing the western boundary, now designated as Wanamaker Avenue, and extending the boundary out to Darby Creek. The specific requirement, however, that the National Environmental Center shall not exceed 1200 acres, remains unchanged.

The Department of the Army defers to the views of the Department of the Interior as the Agency having primary interest in this legislation.

The enactment of these bills would cause no increase in budgetary requirements of the Department of the Army.

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

Sincerely,

VICTOR V. VEYSEY,
Assistant Secretary of the Army (Civil Works).

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., March 11, 1976.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MRS. CHAIRMAN: Your letter of April 10, 1975, requested the views of the General Services Administration on H.R. 5682, a bill "To provide for certain additions to the Tinicum National Environmental Center."

The Tinicum National Environmental Center was established by P.L. 92-326, June 30, 1972. GSA had no objection to the legislation establishing the Center. H.R. 5682 provides for the addition of certain lands to this Center.

Since the area to be added to the Center does not involve any excess or surplus property reported to GSA for disposition, and in view of GSA's previous position on the establishment of the Center, we defer to the views of the Department of Interior.

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

Sincerely,

KENNETH M. DUBERSTEIN,
Director of Congressional Affairs.

EXECUTIVE OFFICE OF THE PRESIDENT,
COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, D. C., May 20, 1975.

HON. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Thank you for your letter of April 10, 1975 inviting the Council on Environmental Quality to comment on H.R. 5682, a bill to provide for certain additions to the Tinicum National Environmental Center. We appreciated the opportunity to review this proposed legislation. At this time, however, the Council has no comment.

Sincerely,

RUSSELL W. PETERSON,
Chairman.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 30, 1972

(Public Law 92-326; 86 Stat. 391)

AN ACT To provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation from imminent destruction, the last remaining true tidal marshland in the Commonwealth of Pennsylvania, with its highly significant ecological features, including prime habitat for many species of wildlife, and a feeding and resting place for migratory wildfowl, the Secretary of the Interior is authorized and directed to establish the Tinicum National Environmental Center and administer same as a unit of the National Wildlife Refuge System in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd-668ee).

SEC. 2. In fulfillment of the purposes of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall acquire by donation, purchase with donated or appropriated funds, by exchange of federally owned lands in the vicinity, or otherwise, such lands or interests therein, or other property in the counties of Delaware and Philadelphia, Commonwealth of Pennsylvania, as he may deem necessary for the purpose of preserving, restoring, and developing the natural area known as Tinicum Marsh. The area to be acquired for the foregoing purposes shall not exceed 1200 acres: *Provided, however,* That said limitation shall not preclude such boundary adjustments as may be deemed necessary for effective administration of

the Tincum National Environmental Center. Lands or interests therein, title to which is held by the Commonwealth of Pennsylvania or a political subdivision thereof, may be acquired only by donation. A description by metes and bounds of the proposed Tincum National Environmental Center shall be published in the Federal Register, and a scale drawing thereof shall be available in the Office of the Secretary, and such other place or places in the immediate vicinity of the proposed center as will afford all interested parties easy access to information respecting the proposed center.

The area to be acquired will be generally bounded on the west by Wanamaker Avenue, on the south by Interstate Highway I-95, on the east by the easterly edge of the Tincum Wildlife Preserve and the lands owned by the United States Department of the Interior and the United States Army Corps of Engineers, and on the north by the developed areas and parklands of Darby Township, Folcroft, Norwood, [and Prospect Park Boroughs, exclusive of the portion of marshland which has been filled by the Folcroft Landfill Corporation.] *Prospect Park Boroughs, and the Delaware County incinerator numbered 2.*

SEC. 3. The Secretary shall construct, administer, and maintain at an appropriate site within the Tincum National Environmental Center hereby authorized a wildlife interpretative center for the purpose of promoting environmental education, and to afford visitors an opportunity for the study of wildlife in its natural habitat.

SEC. 4. Notwithstanding any other provision of law, any Federal property located within any of the areas described under the provisions of the second section of this Act may, with the concurrence of the head 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 purposes of the Act.

SEC. 5. The Secretary of the Interior may enter into cooperative agreements with the Commonwealth of Pennsylvania, political subdivisions thereof, corporations, associations, or individuals to carry out the provisions of the Act.

SEC. 6. (a) Each party with whom a cooperative agreement is entered into under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of any funds received under the cooperative agreement, the total cost of any project or undertaking in connection with the cooperative agreement entered into, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the party to the cooperative agreement that are pertinent to the cooperative agreements entered into under this Act.

SEC. 7. There are hereby authorized to be appropriated **[\$2,250,000]** \$5,900,000 to carry out the provisions of this Act.



Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

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

An Act

To extend the boundary of the Tinicum National Environmental Center, and
for other purposes.

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled, That the Act of
June 30, 1972, entitled "An Act to provide for the establishment of
the Tinicum National Environmental Center in the Commonwealth of
Pennsylvania, and for other purposes" (Public Law 92-326) is
amended—*

(1) by striking out "and Prospect Park Boroughs, exclusive
of the portion of marshland which has been filled by the Folcroft
Landfill Corporation." in the last sentence of section 2 and
inserting in lieu thereof "Prospect Park Boroughs, and the
Delaware County incinerator numbered 2."; and

(2) by amending section 7 to read as follows:

"SEC. 7. (a) There are authorized to be appropriated \$2,250,000 to
carry out the provisions of this Act.

"(b) Beginning with fiscal year 1978, there are authorized to be
appropriated, in addition to the authorization appropriated under
subsection (a), \$1,600,000 to carry out the purposes of this Act."

Speaker of the House of Representatives.

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