

# SIERRA

June 1964

CLUB BULLETIN



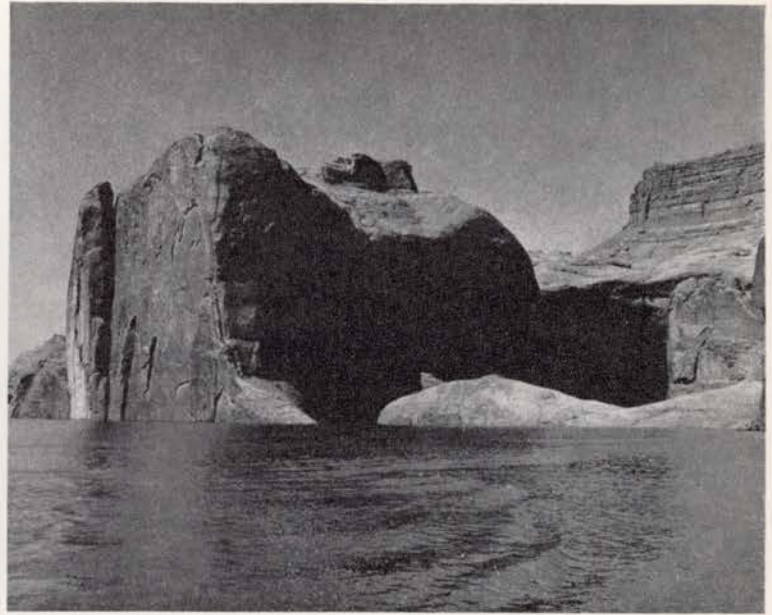
“Leave it as it is . . .

The ages have been at work on it,  
and man can only mar it.”

—THEODORE ROOSEVELT



Entrance to Hidden Passage in Glen Canyon on the Colorado River as photographed by Bruce M. Kilgore in April, 1963.



The entrance to Hidden Passage in Glen Canyon on "Lake Powell" as photographed by Philip Hyde on a special club trip late in May, 1964.

## The Uneasy Chair

### Lake Powell— Halfway to Desolation

[Our Grand Canyon covers this month take on a special importance when we remember what has happened to Glen Canyon—something that need not have happened and certainly must not be allowed to happen to Grand Canyon. In mid-June a special Sierra Club photographic expedition traveled up Lake Powell from Warm Creek, probing a few of the side canyons and recording what had happened to the place no one knew as the waters behind Glen Canyon Dam rose to the mid-point of their eventual depth. There were 23 people on the trip, including Hugh Barnes of Barnes Press in New York, printer of the two Eliot Porter books and of the forthcoming Grand Canyon book. He had come to see for himself if the color he had reproduced in the Glen Canyon book actually existed (it did), and to see also what nature had actually done chromatically in Grand Canyon.

Philip Hyde, upon whose photographic achievements the illustrations of the Grand Canyon book will primarily rest, was also along. A letter he wrote immediately upon his return, together with a sampling of his black and white photographs from Lake Powell, will serve to remind all Sierra Club members of the battle ahead—one of the club's toughest, and one in which it must not fail.

—D.B.]

Dear Editors:

My wife and I have just returned from the "lake" Powell trip, the high point of which was the exploration for four days of some of the Escalante River canyons. How often I thought

COVER: Lava Falls, Grand Canyon National Monument, Arizona, from the forthcoming Sierra Club book *Time and the River Flowing*: Grand Canyon, by François Leydet.

of what might have been, had President Roosevelt only signed the order that would have created Escalante National Monument. What we saw in the Escalante canyons was easily the equal of anything we've seen in Glen—and that is saying a very great deal! This new knowledge increases my great sense of loss over Glen. In fact, the whole trip had an overtone to me of attending the funeral of a beloved friend.

There were certainly some moments of great beauty on the "lake," but I think I have seen enough of it now to feel that the allegations that it would make beautiful country accessible, and would gain as much as lost, can be put to rest. Our trip confirmed my earlier impression that the finest parts of the side canyons were those next to their mouths at the Colorado. What is left now is more than will be left when the water is at its highest—if, indeed, it can be made to reach the maximum

(Continued on page 19)



## Sierra Club Bulletin

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... TO EXPLORE, ENJOY, AND PROTECT  
THE NATION'S SCENIC RESOURCES ...

*THE SIERRA CLUB*,\* founded in 1892, has devoted itself to the study and protection of national scenic resources, particularly those of mountain regions. Participation is invited in the program to enjoy and preserve wilderness, wildlife, forests, and streams.

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# President Johnson Orders Redwood Park Study

In an historic meeting in the Cabinet Room of the White House on June 25, 1964, President Lyndon B. Johnson directed the Department of the Interior to prepare a study and plans for a redwoods national park in northern California. The occasion, as reported in the *New York Times*, was the presentation of a plan by the National Geographic Society for acquiring a slice of redwood forest land along Redwood Creek near Orick as nucleus for such a park. Eventually, it is hoped that 30,000 acres or more may be set aside to preserve the virgin forest there. Conservationists hope that the park can be blocked out in a seven-mile-long valley near the Pacific Coast by purchase of some land and by trading national forest or other public land for land now in the hands of private owners.

The text of President Johnson's statement follows:

I HAVE MET TODAY with Secretary Udall and conservation leaders from both Congress and private life, with our distinguished and beloved Chief Justice to express my own personal concern over the future of the great redwood forests in California.

The redwoods are one of nature's masterpieces in North America—and in the world. Yet, at the present rate of logging and with destruction resulting from inadequate conservation practices, the future of the redwoods is in doubt.

Once there were two million acres of virgin coast redwoods reaching from Point Sur to southern Oregon. Today only about 15 per cent remains uncut. Only about 2½ per cent has some degree of permanent protection. The current rate of logging will cut nearly all the old growth within the next five decades.

Here is a picture taken by National Geographic which shows the beauty of that countryside there where the redwoods still remain far removed from any noise and transportation or highways, and it is hoped that some of that area can be acquired for national park purposes.

Many of the standing redwood forests are in jeopardy from flooding and fire and plans for highway construction. More than 500 redwoods were lost in one year. Last year, the National Geographic Society discovered in a secluded grove of coast redwoods the world's three tallest trees—the tallest standing 367 feet. . . .

Now a preliminary report from the National Park Service and the National Geographic Society indicates there remains a last chance opportunity for the United States. This nation can protect these redwoods by creating a great and unique national park in one area of northern California. I have directed Secretary Udall to prepare a plan for a redwoods national park and to have it ready for presentation to the Congress next January.

I have expressed my concern and determination to save our countrysides. I know of no better place to begin than in

this work of saving the majestic redwood forests of the American West.

I would especially like to commend the National Geographic Society and the Sierra Club, the Save-the-Redwoods League and other such fine organizations for the unselfish efforts they have made in this work. Secretary Udall will direct the Park Service to proceed with their study and will report back to the President at the beginning of the year and, assuming that report is a favorable one, we will give serious consideration to making the appropriation recommendations to Congress in the next session.



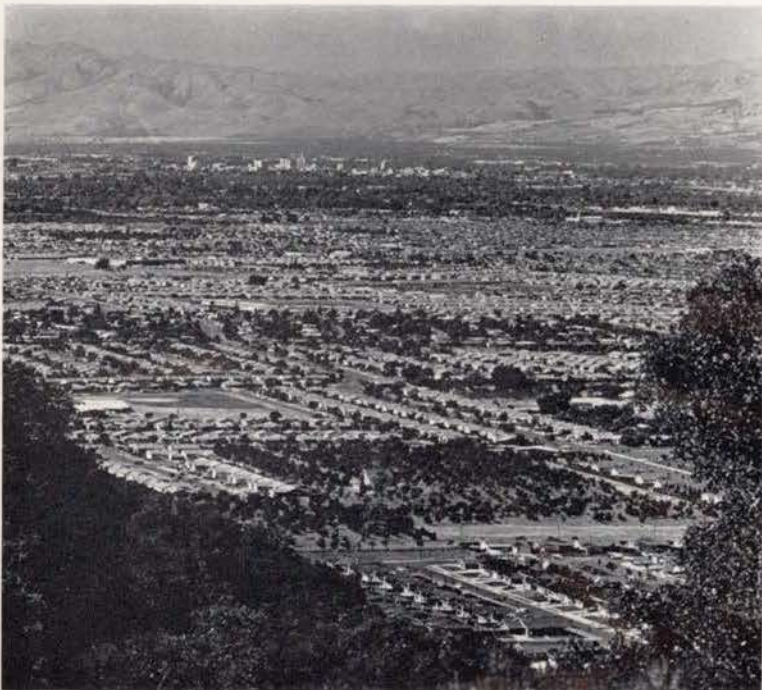
On June 25, 1964, President Lyndon B. Johnson told Congressional leaders and conservationists of his order to study a proposed redwoods national park in northern California. Seated (left to right): Will Siri, President, Sierra Club; Paul L. Phillips, National Park Advisory Board; Secretary of the Interior Stewart L. Udall; the President; Chief Justice Earl Warren; Senator Clinton P. Anderson; Mrs. Marian S. Dryfoos, National Park Advisory Board. Standing (left to right): David Brower, Executive Director, Sierra Club; Irvine Sprague, representing California Governor Edmund G. Brown; Senator Thomas H. Kuchel; Undersecretary of the Interior James Carr; Congressman Wayne N. Aspinwall; Anthony Wayne Smith, President, National Parks Association; Dr. Melvin M. Payne (hidden), Vice-President, National Geographic Society; Dr. Meville Bell Grosvenor, President, National Geographic Society; Dr. Stanley A. Cain, Chairman of the National Park Advisory Board; Congressman Donald Clausen, representing the district containing the redwood area; Thomas L. Kimball, Executive Director, National Wildlife Federation; Senator Alan Bible; Conrad Wirth (partly hidden), former Director, National Park Service; Oscar Chapman, former Secretary of the Interior; George B. Hartzog, Director of the National Park Service; and Chester C. Brown, Chief, Coast Redwoods Study Team.

*Hills in northern California's  
Contra Costa County*



Can  
Regional  
Planning  
Save

# Our Deteriorating Environment?



By Mel Scott

Photographs by

Rondal Partridge

*The San Jose area at the southern  
end of San Francisco Bay*

THE OBVIOUS THING TO SAY about regional planning in California is that there has not been much of it, although we have been talking about it for more than forty years. When we do decide that regional planning programs are essential, we shall probably embrace them with fervor, assuming that they promise deliverance from our twentieth-century difficulties. Regional planning alone, however, is no panacea for the ills of our physical environment.

First, though, what does the word "region" suggest? I do not use it to denote vast territories, such as river basins encompassing parts of several states, or great valleys, such as the Central Valley of California. When the United States had a national planning agency, the National Resources Planning Board, more than twenty years ago, that significant but relatively short-lived organization was tremendously concerned with such regions. Nowadays, however, our national life tends to be focused on the metropolitan regions or urban areas. Not that the larger geographical divisions have ceased to be important; they have been crowded from the spotlight by the immense growth and insistent problems of the aggregations of cities that our economy has produced. In fact, it was the National Resources Planning Board that made us aware of the dynamism of our cities, witness its landmark publication *Our Cities: Their Role in the National Economy*. I am therefore referring here to the presently developed urban complexes and the immediately surrounding agricultural and natural areas into which they will expand.

These metropolitan regions are not the same as the nine regions into which the State Office of Planning has divided California for planning purposes. In preparing a long-range development plan for the state, the planning agency has mainly designated physiographic units, within some of which lie the urban regions that engage our attention: Los Angeles-San Bernardino-Riverside, the San Francisco Bay Area, San Diego, Sacramento, Stockton, Bakersfield, and Santa Barbara-Ventura. In time the Monterey-Salinas area will also be among the larger urban accretions.

The state is not formulating plans for these urban concentrations and their surroundings. State planning traditionally has been concerned with the use and development of natural resources and with major public works, such as state highway and freeway systems; dams, reservoirs, and aqueducts; state parks; and state institutions of all kinds. Knowing that such facilities inevitably must serve additional millions of Californians, the State Office of Planning is attempting to project population and economic trends and then to develop policies to guide the expected growth and development. But state planning activities tend to focus on the problems and projects of state agencies. The staff of the State Office of Planning and its consultants will merely indicate broad guidelines within which each of the metropolitan regions of California should develop its own long-range plan. In other words, the people of each of our large urban areas must themselves make the difficult decisions about how the population shall be distributed in the future, what are the most desirable locations for commercial and industrial activities, where and how land shall be reserved for recreation and permanent agricultural use, and what kinds of transportation shall serve the various parts of the region and link them together.

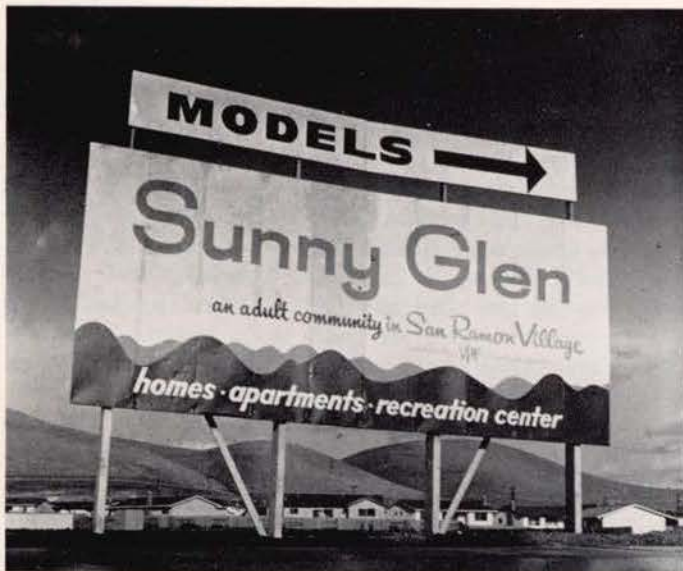
If you think for a minute about the way in which our cities

have been spreading all over the landscape, you realize that metropolitan regional planning cannot be a very tidy operation in some parts of our state, because some urban complexes have ceased to be distinct. The San Diego and Los Angeles urban areas nearly coalesce, whereas the San Bernardino-Riverside area is really a part of the Greater Los Angeles area. Ventura and Santa Barbara increasingly tend to be absorbed into this far-flung southern California megalopolis—that ugly Greek word with connotations of unhealthy, elephantine growth. Further, I foresee the possibility that the San Francisco Bay area may collide with the Stockton and Sacramento areas and some day with a burgeoning Monterey-Salinas area. As for the Central Valley, there are already some projections showing a great strip-city extending all the way down the center of the valley, with Sacramento, Stockton, Modesto, Fresno, Bakersfield, and smaller cities engulfed in the amorphous aggregation.

To me, as I suppose to most of you, this kind of gigantic urban mass is frightening to contemplate. It seems to reduce the individual to utter insignificance and to destroy the cherished identity of communities. It poses political problems that appear almost unmanageable, and it presents formidable problems of physical organization. I do not doubt that human ingenuity could cope, somehow, with all the complexities, but I should prefer to see us head off the worst problems now by instituting the sort of regional planning that can give us reasonably satisfying urban environments. I believe that we can have urban regions of not too great size, with outer greenbelts and many regional parks, as well as permanent agricultural lands and well-distributed urban parks—but we have only a decade or so in which to act. By 1975 it may be too late to acquire the regional parks; the agricultural lands may have diminished appallingly, having been supplanted by subdivisions; and the last opportunities to create even small city-parks may have been lost.

I BEGAN BY SAYING that there has been little regional planning in California. We have had a great deal of city planning and county planning, but almost no multicounty planning. And when we are talking about our larger urban areas, we are talking about several counties—five, at least, in the Los Angeles area, nine in the San Francisco Bay Area, three or four in the Sacramento area. Los Angeles County has a planning department that is also known as a regional planning agency, but since its jurisdiction is limited to Los Angeles County, it is not truly a regional planning organization. The San Francisco Bay Area has the distinction of having decided, through its Association of Bay Area Governments, to embark on a nine-county regional planning program that may well mark a turning point in urban history in California, for the program, if successful, will surely inspire others of similar scope.

This organization is a voluntary federation of sixty-eight of the eighty-seven municipalities and eight of the nine counties in the Bay Area. Allied under provisions of the Joint Exercise of Powers Act, these governments have invoked this same statute to undertake a modest, two-year program of metropolitan regional planning. The eight counties have pledged \$85,000 in contributions, and the Housing and Home



*"I believe that we can have urban regions of not too great size, with outer greenbelts and many regional parks, as well as permanent agricultural lands and well-distributed urban parks—but we have only a decade or so in which to act. By 1975 it may be too*

Finance Agency of the federal government has granted \$171,000 to finance preparation of a preliminary regional general plan.

Like me, you may consider \$256,000 insufficient for a comprehensive planning effort. It would be, indeed, if the ABAG program were not to be related to a metropolitan transportation study that may cost as much as \$4,000,000. This study presumably will produce an over-all scheme for the future distribution of population, the use of land, and the movement of people and goods by means of an integrated transportation system—trafficways, rail rapid transit, aircraft, and perhaps transbay hovercraft.

Regional planning of the kind I am describing differs from city and county planning in both scale and emphasis. It concentrates on systems and facilities serving the entire metropolitan region or large subregions: the big, over-all pattern of land uses; the circulation networks connecting all these areas of residential, economic, governmental, and recreational activity; the large natural parks serving thousands of people primarily for day use (instead of overnight use, as in state parks); the water supply system or systems; reserves of land for future needs now difficult to foresee; and similar area-wide facilities and sites. Just as state planning, at an even larger scale, establishes guidelines for metropolitan regional planning, so metropolitan regional planning attempts to provide the framework within which cities and counties can develop their plans. Such plans are concerned generally with land use and a desirable distribution of population and, more specifically, with such things as local streets, small parks, cultural centers, neighborhood and subregional shopping centers, hospitals, schools, playgrounds, and libraries.

Regional planning, in short, does not supplant city and county planning. It adds something that is now lacking—the big view of the total urban region. This type of planning provides over-all population and traffic estimates for the use of all the city and county planning agencies in the metropolitan region. A regional planning agency, moreover, can suggest a compre-



*late to acquire the regional parks; the agricultural lands may have diminished appallingly, having been supplanted by subdivisions; and the last opportunities to create even small city parks may have been lost."*

hensive organization of the urban complex, showing the limits to which some cities might expand, where open space should be saved, where entirely new towns could be developed to take the population pressure off existing cities. In other words, a metropolitan planning agency can center attention, as can no individual city or county planning department, on the kind of urban pattern that would give us ample living space, adequate open land to supplement the daily experience of living in built-up surroundings, and the rich diversity that we are rapidly in danger of losing.

**I**S ANY IMPORTANT governmental agency that enjoys regional prominence cautioning us against our profligate use of land, our heedless obsession with the automobile, and our slavish acceptance of the shibboleths of commercial enterprise? We cannot continue to build "slurbs" in which we use up a square mile of fertile land to provide living space for only 1,300 to 1,500 persons. We cannot indefinitely extend tracts without losing all sense of community. And we cannot concentrate on the single-family house without sacrificing the very essence of city life—frequent and valuable exchange among all classes of society.

California has approximately 103,000,000 acres of land, of which some 3,000,000 acres are used for urban purposes. But only 10,000,000 of the other 100,000,000 acres are prime agricultural land. Add another 40,000,000 people by the year 2,020 and distribute them at the densities we have today in outlying areas of our metropolitan regions, and we shall quickly use up not only all this good agricultural land, but even hillsides.

Our wasteful use of land is serious because California provides 24 per cent of all the fruits and vegetables consumed in the United States. Our national population is now more than 190,000,000 and will double in another twenty-five or thirty years—and double again by the year 2,020 unless Americans begin making serious efforts to limit the size of their families.

In any event, fifty or sixty years from now we probably shall not be troubled by agricultural surpluses. On the contrary, we may be worried about deficiencies of supply.

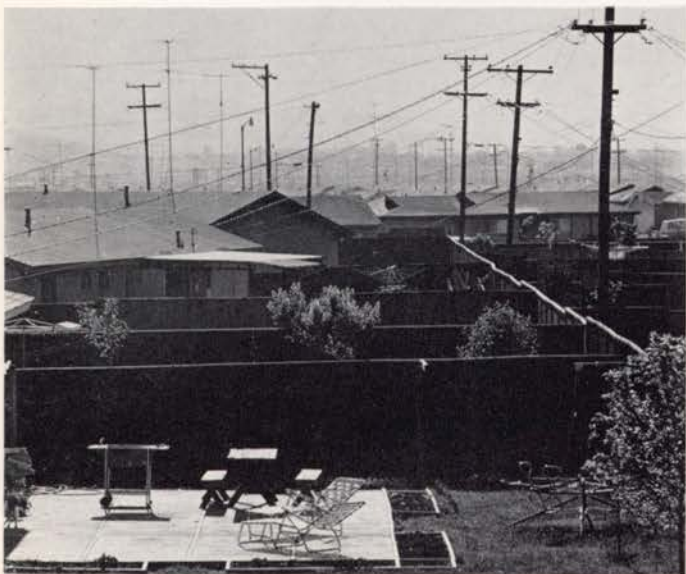
Agriculture in our two largest metropolitan regions, the Los Angeles and San Francisco Bay areas, already has suffered severe attrition and is still in retreat before the advance of the bulldozer. If we continue to distribute population as thinly as in the San Jose area, for example, we shall use more than half the total area of the nine counties to accommodate the next 10,000,000 residents. I need hardly add that there will be no farmlands, and perhaps few regional parks.

The megalopolitan complexes we are developing, seemingly without any thought of consequences, will oblige us all to travel long distances. We shall live farther from schools, libraries, art centers, and parks than we should, because the radius of each of these community facilities will be unduly extended in order to serve a reasonable number of people. Moreover, our costs for all indispensable services—such as delivery of mail, milk, and laundry—and for utilities will be excessive because of the small number of families per square mile. In more compact urban areas, however, each mile of water main or electric cable serves three or four times as many families, at low costs to everyone.

We are building the most expensive and inconvenient urban areas that could be imagined; and we are doing it on such a vast scale and in many places so poorly that we are creating a staggering job of urban renewal for the future. In two or three decades the hastily built tracts of the postwar years will begin to deteriorate, in wholesale fashion. The cost of rehabilitating them or tearing down the worst of them will make present expenditures for urban renewal seem relatively modest.

I think we must reverse the trend toward the extinction of the city as man has known it throughout most of history. In many parts of the urban region we must accept higher densities of population and more concentration of activities. Otherwise the population increase of the next half century will engulf what is left of the open countryside and leave behind, blighted and economically beleaguered, the older, central cities that originally nurtured metropolitan development.

Now to return to the problem of instituting regional plan-



ning, I mentioned that the Association of Bay Area Governments has utilized the Joint Exercise of Powers Act to negotiate an agreement among its member governments to finance a planning program. Elsewhere in the state our cities and counties can also use this statute or can invoke legislation enabling the state to authorize the formation of regional planning districts. No other area, however, has availed itself of this enabling legislation. In the Los Angeles area there is a movement to create a governmental entity similar to the Association of Bay Area Governments, but no one can say at this time whether the new organization will engage in regional planning. At first the leaders of the Association of Bay Area Governments opposed the whole idea of regional planning. Now they have become mildly enthusiastic about it, but regional "government" gives them pause. In some ways ABAG is a defensive mechanism against area-wide government, as well as against any attempts of the state government to decide the future of the San Francisco Bay area. Perhaps because of my family background in Jeffersonian rationalism, I nevertheless have faith that as the leaders of the association grapple with regional problems, they will swallow hard and accept the necessity for some metropolitan governmental apparatus capable of carrying out their plans.

**A** MUNICIPAL GOVERNMENT has the power to carry out a considerable part of the master or general plan prepared by its city planning department. The public works department builds various public improvements, and the city planning department, by enforcing zoning and subdivision ordinances, regulates physical developments undertaken by private persons and firms. But not one regional planning agency in the United States serves a regional government with the power to translate plans into reality. All our regional planning agencies depend upon the voluntary cooperation of cities, counties, special districts, and the state and federal governments to put their plans into effect. Consequently, the record of accomplishment thus far is not impressive.

Even when the Association of Bay Area Governments succeeds in formulating a regional plan, this organization will have to beseech its member governments to cooperate in carrying out the plan—and some may balk if they think that particular features of the plan would adversely affect their own interests. I therefore believe that political leaders who value regional planning must recognize the necessity for a representative regional government capable of executing the will of the majority of local governments. Few local elected officials have much enthusiasm for a new tier of government, and many political scientists despair of attaining it, but we cannot make any substantial improvement in the metropolitan environment without it.

The residents of the San Francisco Bay Area, in fact, have been experimenting with various kinds of regional government for the past decade. What is the air pollution control district but a single-purpose regional government? It presently includes the six most populous counties, but the other three may join whenever they realize that they cannot escape smog. Similarly, the nine-county water pollution control board, though

*"We cannot indefinitely extend tracts without losing all sense of community."*

*Danville Square in Danville,  
a town 30 miles east  
of San Francisco*

functioning under a state board, is actually another form of area-wide government. The rapid transit district, once embracing five counties but now reduced to three, is still a regional government, because it includes the very heart of the Bay Area and eventually could expand to encompass all nine counties. For a long time our freeway planning has been on an area-wide scale, though under a state agency.

Public acceptance of all these governmental approaches to problems that cut across city and county boundary lines indicates that there is really no rational basis for opposing genuine regional government: a consolidation of all single-function, area-wide agencies under one governing board. The conservative warning that regional government is dangerous socialism, if not downright communism, becomes utterly ridiculous when one asks whether a transit district or an air pollution control district in itself is inimical to "the American way." What, then, would be a sound objection to merging all indisputably regional governmental functions under one responsible, representative body?

The obvious weakness of our present method of creating separate special districts and state boards to deal with area-wide problems is that there is little if any coordination among these agencies. The air pollution control district rarely concerns itself with the operations of the rapid transit district, and the State Division of Highways makes plans that may not relate to those of the transit district. We cannot achieve integrated solutions of area-wide problems or develop a well-planned urban environment by proliferating autonomous regional districts and commissions. We can only increase the disorder that already plagues us.

**W**HY, THEN, DO WE NOT ABANDON this piecemeal approach to problems that are inextricably linked? Fearing increased taxes, many local elected officials and prominent taxpayers oppose the establishment of more taxing districts, yet these gentlemen offer no realistic way out of regional difficulties when they suggest that voluntary cooperation of a multiplicity of city and county governments and the existing special districts can remedy matters. One or two bitterly selfish local governments can wreck hopes for concerted action, disappoint the expectations of millions of long-suffering metropolitan residents, and unwittingly endanger public health and safety or add to the cost of doing business. Worse, parochial intransigence can generate loud appeals to the state and federal governments to take a hand in regional affairs—and in the long-run can destroy the cherished "home rule" that local politicians profess to revere and seek to protect.

The Association of Bay Area Governments and any similar organizations formed in other metropolitan regions of California will fail in their missions if they do not evolve into regional governments or spearhead the formation of such governments. There is no denying that the state and federal governments have legitimate interests in the welfare of metro-

*A view of San Francisco City Hall  
from a point a few blocks  
west of the Civic Center*



politan populations, but in the very nature of things these more distant governments cannot know intimately the conditions in particular urban regions. They cannot guide each metropolitan community in fashioning the kind of area-wide government that will respect its regional traditions, satisfactorily relate to its local governments, and adequately meet demands for comprehensive planning and development. The higher levels of governments tend always to impose standardized forms and procedures, in the erroneous belief that uniformity has administrative virtue. Each urban region, however, is in some respects unique. Those regional governments will be most effective that most precisely reflect the peculiarities of the political microcosm.

*(Continued on page 14)*





# The Powers of the Highway Commission

By Robert W. Jaspersen

The Sierra Club has been receiving a number of questions about the authority of the Division of Highways from its members and others interested in the controversy over proposals to build freeways through some of California's state redwood parks. In view of this interest, it seems appropriate that the *SCB* carry an article describing objectively the powers of the State Highway Commission and the Division of Highways and the relationship of these two groups to the State Legislature, the Governor, and the public. The author of this article, attorney Robert W. Jaspersen, is Executive Secretary and General Counsel of the Conservation Law Society of America (220 Bush Street, San Francisco), an organization founded in 1963 to strengthen, through the application of law, the defense of the public interest in public lands.

A GREAT DEAL of authority is vested in the California Highway Commission as recent freeway controversies throughout the state will attest. Concern over the impact of highway route selection has focused public attention upon the extent of this power wielded by highway officials, and questions have been raised about what limitations exist upon their authority.

The final decision on the route to be selected for any freeway or other state highway in California rests with the State Highway Commission. This commission is an arm of the Highway Transportation Agency, which also includes the Department of Public Works and its subsidiary, the Division of Highways. No specific authority is granted by the California Constitution to the Highway Commission or to the Division of Highways, but the Constitution expressly authorizes the California State Legislature to

establish a system of state highways and to pass all laws necessary or proper to construct and maintain that system.<sup>1</sup> Accordingly, the California State Legislature in 1921 created the California Highway System and the provisions for its administration. The laws pertaining to this system were revised from time to time and codified in the Streets and Highways Code in 1935.

Perhaps because highway location questions had become political footballs in the past, the legislators were anxious to divest themselves of the bickering and controversy that could arise each time a decision had to be made on a highway route. So the California Highway Commission was created and the responsibilities of route selection and allocation of funds for the increasingly complex network of highways were delegated to it.<sup>2</sup>

To achieve a degree of impartiality, the Legislature provided that the commissioners were not to be selected to represent any particular section of the state,

but were to be appointed by the Governor to represent the state as a whole. The Legislature reserved to itself the authority to determine merely the termini of the various state highways. For example, Highway 101, the Redwood Highway, was pinpointed by the Legislature as follows: "A point in Marin County opposite San Francisco to the Oregon state line via Crescent City."<sup>3</sup> The routing between the termini is left to the discretion of the commission by statutes granting it the power to select and adopt the location for a new highway, and to alter or change the location of any existing highway.<sup>4</sup>

Once the location of a state highway has been selected, the Department of Public Works may condemn for the Division of Highways any property it is authorized to acquire. However, the code provides that condemnation proceedings shall not begin unless the Highway Commission first adopts a resolution declaring that the public interest and neces-



*The Division of Highways caption for this photograph reads as follows: "View of the famous high cut near the Federation of Women's Clubs Grove in the Humboldt Redwoods State Park. The uppermost part of the cut is 480 feet above the roadbed. South Fork Eel River is in the foreground."*

sity require the acquisition of the property in question.<sup>5</sup> Section 103 of the Streets and Highways Code grants sweeping powers to the commission by stating that the resolution of that body shall be *conclusive* evidence that such a highway is planned or located in a manner that will be most compatible with the greatest public good and the least private injury. There have been several recent cases in which the California courts have discussed the effects of this statute. Among them is *People vs. Chevalier*,<sup>6</sup> in which the California Supreme Court stated that the question of the necessity of a certain location for a highway cannot be made an issue for the court to decide. This is so even though fraud, bad faith, or abuse of discretion on the part of the commission may be alleged by those opposing the route. In addition, evidence of alternate routes or evidence of the cost of acquisition of other land is not admissible.

In the early days of highway construction there may have been some question as to whether the power to condemn land for highway purposes was applicable to public lands such as state parks, if the administrators of those lands were opposed to the acquisition. But in 1937 the Legislature saw fit to enact Section 103.5 of the Streets and Highways Code. This section provides: "The real property which the Department (of Public Works) may acquire by eminent domain, or otherwise, includes any property dedicated to park purposes, however it may

have been dedicated, when the commission has determined by such resolution that such property is necessary for State highway purposes." It is an interesting coincidence that 1937 was also the year in which planning began for the first expressway in California. This was the Arroyo Seco Parkway in Los Angeles County which was constructed directly through the length of the municipal park of the same name. The park was originally acquired through condemnation proceedings in which two assessment districts were formed and the cost of the land taken was assessed against the adjacent lands in the districts. In a case which reached the California District Court of Appeal in 1940,<sup>7</sup> it was protested that the proposed high speed highway, which would occupy a major portion of the park, would be inconsistent with the purposes for which the assessment districts were formed. But the court held to be valid the proceedings of the city authorities making the park land available for the highway, and also held that there was no trust requiring the land to be used solely for park purposes.

When Section 103.5 providing for the acquisition of parks lands is read together with the "conclusive evidence" provision of Section 103, mentioned above, it is evident that a resolution of the Highway Commission is conclusive in the case of parks just as it is when private lands are to be acquired. Prior to this statute, park lands could be acquired for highway purposes if such was consid-

ered to be a more necessary public use, and the question of which was the higher use in a given situation could be presented and litigated in court. However, the conclusive presumption now given to the resolutions of the Highway Commission places in that body the ultimate authority to determine whether a freeway or a park is the best use for the land in question. This is true despite the fact that the public might already have considered the land to be of the highest value as a park and set it aside for that purpose.

It is interesting to note in this connection that the California Division of Beaches and Parks may condemn land for park purposes. But the resolution adopted to initiate such acquisition serves only as presumptive evidence that such acquisition is in the public interest, and the presumption may be overcome by contrary evidence.<sup>8</sup>

### The Role of the Governor

In the search for limitations upon the powers of highway officials, an obvious source of control would seem to be the Governor. Indeed, in addition to the commission chairman whose appointment and functions we will discuss later, the Governor appoints six members of the Highway Commission.<sup>9</sup> The appointments are made with the advice and consent of the State Senate. To give continuity to the commission, the law provides that the members are to be appointed to staggered terms of four years' duration. But once appointed, there is no provision for removal of a member. Conceivably, the Governor could fail to reappoint any member who acted contrary to his express wishes on a given route selection. However, it is unlikely that the Governor would do so on the basis of a single incident, and ideally the appointment of the commissioners would not be founded upon the implied stipulation that they would agree with the Governor on every issue.

The Governor also appoints the Administrator of Highway Transportation, as a member of his cabinet. This appointment, too, is subject to Senate confirmation. The Administrator, by virtue of his office, is the chairman and a voting member of the Highway Commission. As mentioned before, the Administrator of Highway Transportation has under his jurisdiction the Department of Public Works and the Division of Highways. Within the Division of Highways are



*A recently completed freeway showing the old and the new routes in Humboldt Redwoods State Park. Division of Highways Photograph*

the engineers who perform the actual surveys and studies involved in the location and relocation of highways. Based upon these studies, the division, from an engineering viewpoint, recommends to the commission the best location for a section of highway. Although the commissioners are not bound to follow the engineers' recommendations their views receive careful consideration. The commissioners are generally laymen selected from the business community who are interested in the development of the California Highway Transportation System.

To consider further the influence of the Governor it should be pointed out that the Administrator of Highway Transportation serves in that capacity at the pleasure of the chief executive. Thus the Administrator might be dismissed in the event of malfeasance or of inability to cooperate with the Governor's policies. Any such conflict would be likely to occur only within the context of the Administrator's position as chief of the Highway Transportation Agency. It would not be reasonable to assume that the Governor would dismiss the Administrator solely because he made an unpopular decision in his capacity as chairman of the Highway Commission.

In summary, there is no constitutional or statutory authority granting the Governor the power to require the commission to choose a certain highway location, or to alter a location the commission has already chosen.

### **The Legislature and the Highway Commission**

From the legal point of view the most logical source of control over the Highway Commission and the Division of Highways is the State Legislature. Inasmuch as the Constitution empowers the Legislature to pass all laws concerning highways, the Legislature could modify or repeal the code section concerning the acquisition of park property for highway purposes, or the section giving conclusive effect to a commission resolution. But though they have the power to enact such modifying legislation, the California Senate and Assembly have exerted little influence except by the passage of resolutions stating the wishes of the majority of the legislators on a given issue. However, the Assembly is now conducting an interim study of the freeway problem.

Recently, Assemblyman Edwin L. Z'berg of Sacramento introduced a reso-

*The Highway Commission now has the ultimate authority to determine whether a freeway or a park is the best use for a given piece of land in California.*



lution that was adopted by the Assembly after amendment by the Transportation Committee.<sup>10</sup> The resolution concerned the current study of alternate freeway locations in the vicinity of Prairie Creek Redwoods State Park. It stated, in part: "Resolved . . . That the Division of Highways and the California Highway Commission is requested to consider the impact of the proposed 'bluff' and 'beach' routes on the Prairie Creek Redwoods State Park, and unless it can be thoroughly demonstrated that the public interest lies in routing a freeway through the park, that the routing be outside the park; . . ."

Generally, a state legislature can indirectly exercise influence by its control over the appropriations for various public works projects. But in California the Legislature has for the most part denied itself this indirect influence. The California Constitution established the State Highway Fund to be derived largely from taxes on gasoline and other highway user taxes.<sup>11</sup> The Constitution imposes the restriction that the fund can only be used for highway purposes. Under these circumstances, the Legislators (perhaps recalling earlier difficulties in deciding which counties or districts were to receive highway funds—usually significant sums in any local community) enacted the code provisions by which the commission is allowed to allocate money from the State Highway Fund for various construction projects.<sup>12</sup> Without further need for legislative authorization of any kind, the Highway Commission decides what amounts from the fund will be spent on which projects; thus the Division of

Highways is not dependent upon annual legislative appropriations from the general fund, as are almost all other state agencies. At present the law does require that the budget for the Department of Public Works be submitted to the Governor for inclusion in his annual budget message to the Legislature. But the money for the various Public Works budget items is already considered to have been appropriated from the Highway Fund at the time the budget is submitted.<sup>13</sup> The code does provide guidelines for the allocation of these funds by requiring that certain percentages of the total be expended in each highway district,<sup>14</sup> and that a certain minimum amount be spent in each highway district during a four-year period.<sup>15</sup>

The Legislature, if it so desired, could repeal the provision for the commission's continual allocation of money from the Highway Fund and reassume the power of making annual appropriations to the Division of Highways out of that fund. If this were done, the Legislature could then delete from the budget any undesirable project by failing to appropriate the necessary funds. The Constitution requires only that the money be expended for highway purposes; it does not have to be spent for any specific project.

The system of taxation that furnishes the money for the State Highway Fund provides a substantial amount of revenue for highway construction and maintenance. When amounts derived from the state tax are augmented by matching federal funds for primary and interstate highways, which are derived in large measure from federal gasoline taxes, the

budget that the commission and the Division of Highways may allocate and expend is of impressive proportions. For example, for the fiscal year beginning July 1, 1964, the State Highway Commission has budgeted \$577,213,100 for state highway construction (including right of way acquisition and engineering studies). In addition, the commission budgeted over \$78,000,000 for state highway purposes other than construction, plus another \$140,000,000 for items such as city streets, county roads and bridges.<sup>16</sup> Thus almost \$800,000,000 is available to the Division of Highways for expenditure on freeways, roads, and streets in California during the current fiscal year.

### Freeways at the Local Level

Although the foregoing discussion has been concerned largely with the authority of the commission over highway funds and routes on a state-wide basis, the picture changes little at the local level. It is true that the Streets and Highways Code requires the commissioners to cooperate with city and county officials with regard to freeway route selection but there is no provision for local officials to disapprove the route finally selected.<sup>17</sup> If cooperation at the local level fails, as in the case of the San Francisco "freeway revolt," the Highway Commission could conceivably go ahead with its plans even though the local people did not desire a freeway at all. The code does, however, provide that no city street or county road may be closed, either directly or indirectly, by the construction of a freeway (other than temporarily during construction operations), except through an agreement between the Department of Public Works and the local officials. As a practical matter, therefore, failure to reach an agreement would block freeway construction in areas such as San Francisco and Beverly Hills where many roads would have to be closed. In less densely populated areas, however, such as the west shore of Lake Tahoe, the Division of Highways could design a freeway to overpass the roads that would otherwise be closed.

Legislation was recently enacted that provides a suggested outline for coordinated planning between the highway officials and various local agencies. It suggests also that public meetings should be held to permit interested individuals and groups an opportunity to express their views concerning proposed freeway locations.<sup>18</sup> Indeed, the Division of Highways

and the commission have followed such a procedure for some time.<sup>19</sup> On the other hand, Section 215, the last section of this recent legislation, provides as follows: "Failure of the department or the commission to comply with the requirements of this article shall not invalidate any action of the commission as to the adoption of a routing for any state highway, nor shall such failure be admissible evidence in any litigation for the acquisition of rights of way or involving the allocation of funds for the construction of the highway." This brings us back to the decision in the above-mentioned *Chevallier* case, which says that no issue can be made of any alleged fraud, bad faith or abuse of discretion on the part of the Highway Commission.

At the time the laws were being formulated to govern the administration of the California highway system there was some justification for the creation of an independent administrative agency and commission with full power to build a complex network of roads in as short a period of time as possible. In that era of California's development there were fewer people and vast areas of open land, and the growing communities were anxious to have the newly important arteries for automobile and truck transportation routed their way. But over the years open land has become everywhere more scarce and as a result more valuable for a variety of uses. At the same time, the modern arterial, the freeway, has grown to monstrous proportions, consuming countless acres of land and causing a profound impact upon the environment in both urban and rural areas. Perhaps the time has come to reassess the system of controls over this modern phenomenon and to restore to the people of the state the modicum of authority necessary to decide which paths its highways will follow. It would take but a few changes in the existing statutes to provide a system of checks and balances between the Highway Transportation Agency and those officials and individuals concerned with other forms of land use.

#### Citations

1. California Constitution, Article IV, Section 36.
2. California Streets and Highways Code, Sections 70, 71, and 75 (unless otherwise specified, citations to code sections refer to California Streets and Highways Code.)
3. Section 401(c).
4. Sections 71 and 75(a).

5. Section 102.
6. 52 Cal. 2d 299 (1959).
7. *Ritzman v. City of Los Angeles*, 38 Cal. App. 2d 470 (1940).
8. California Public Resources Code Section 5006.1 (in the form of a declaration of the Director of Parks and Recreation).
9. Section 70.
10. House Resolution No. 272, as amended; 1964 Assembly First Extraordinary Session.
11. California Constitution Article XXVI.
12. Section 75. "Except as otherwise provided by law, the Commission at any time and from time to time may: . . . (b) Allocate, from the funds available therefor, moneys for the construction, improvement or maintenance of the various highways or portions thereof under the jurisdiction of the Department. The Commission may determine in each case the maximum sum of money that shall be made available. . . ."
13. Section 143.1. (The section provides in part . . . "The said report as submitted by the Department shall be included in the printed fiscal year budget submitted to the Legislature. It shall constitute as submitted the complete and detailed budget submitted to the Department of Finance. . . . Said budget shall be administered . . . as the fiscal year budget of the Division of Highways. . . .")
14. Sections 187, 188, and 188.8.
15. Section 188.9 (\$4,000,000 to be expended in each county during a four-year period, except only \$1,000,000 in sparsely populated Alpine and Sierra counties.)
16. *California Highways and Public Works*, "Official Journal of the Division of Highways, Department of Public Works, State of California," Vol. 42, November-December, 1963; Annual Report Issue.
17. Sections 100.2 and 100.25.
18. Sections 210 through 215.
19. This procedure is outlined in California Administrative Code, Title 21, Section 1451, sub-chapter 4; adopted 1958.

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# The Prospect of a Vanishing Legacy

By Edward P. Morgan

*Sacramento, May 28, 1964.*—Once upon a time in the nineteenth century a visionary New York editor named Horace Greeley said to somebody: “go West, young man, go West.” So faithfully did this young man, his relatives and descendants follow Greeley’s advice that today, as everybody knows, California claims more people than any other state in the union. And if there is any wide open space left it has a billboard on it or will have tomorrow, along with a real estate development and a freeway to connect it with a shopping center over the next hill.

Americans are continuing to multiply so fast that the Secretary of the Interior, Stewart Udall, a native of Arizona, sometimes tortures himself and shocks anybody else in earshot with the spooky formula that “unlimited population increases will ultimately reduce the amount of open space per person to zero.” This cozy state of affairs has not quite arrived yet but if you think it is light years away just move around the country a bit—almost any part of it, if you can get through the traffic jams—and keep your eyes open—if you can avoid being blinded by smog or the blazing neon signs of some new metropolitan extension, or “slurb” as sensitive people out here call the suburban sprawl. Udall has a more basic formula which says, also frighteningly, “the amount of open space available per person will tend to decrease at a faster rate than the population increase.” The latter continues to rise in proportions almost too appalling to grasp. We are some 190,000,000 Americans today

and in 36 years, if we don’t control ourselves, we will be between 340 and 350,000,000.

This poses a promising outlook for diaper services and property values but it hastens the prospect that haunts Udall, namely that his successors in the Department of Interior won’t have any interior to administer. It will all be subdivided. Clearly we’ve got to do a little planning ahead or we’re going to crowd ourselves, almost literally, out of the future. The incredible bounty of the beautiful American land is excelled only by our wanton determination to despoil and exploit it. The pressures for profit if not profiteering from the population explosion have become so great that somebody had the greedy gall the other day to propose that part of New York City’s Central Park be sliced up for a public housing project. A sly trade was offered: more small parks in the slums of Harlem. But as *The New York Times* quickly and angrily pointed out, this is false and dangerous reasoning because more small parks are needed in addition to, not in exchange for, existing parkland.

**T**HIS NEED IS NATIONAL and does not exist just in special cases. It is with this need vividly in mind that Secretary Udall and other individuals and groups dedicated to conservation—both public and private—are trying to promote a new national park to preserve and protect a legacy of incalculable value and unique beauty in our land, the California redwoods. These majestic trees populate quiet forests in northern California and some of them are 2,000 years old—predating the birth of Christianity and other civilizations by respectable spans of time. One splendid stand on Redwood Creek, recently discovered to contain the tallest trees in the world, is part of the area that conservationists want to acquire by outright purchase and incorporate into a Redwoods National Park.

The going, however, is rough. Some acreages have been set aside as “memorials,” thanks to private contributions, but most of the tall redwood timber is privately owned. A representative of the National Geographic Society recently approached two lumber companies with the

generous, public-spirited suggestion that the Society buy a large lump of their holdings outright as a starter for the national park project. The companies were so rude in their rejection of the idea that a Washington bureaucrat described their attitude as one of “scornful intransigence.” Admittedly lumbering is a basic industry, important to California’s economy, but it will be a pity and a shame if the companies can’t be persuaded to cooperate in a reasonable compromise that will show as much consideration for the recreational welfare of future generations as for private profit margins.

Superhighways are another threat. Conservation groups, which are not without power and influence in the West have been battling fiercely against the incredible arrogance of so-called planners in the state highway department. These planners have insisted that the best route for a northbound thruway is along a stretch of Pacific beach where the giant redwoods tower in silent and singular splendor above the ocean. Trucking lobbies argued this was the “best” and most economical path for them.

This particular route may have been deflected farther inland. But here in the capital of the state, highway planners overrode the protests of citizens and the influential voice of *The Sacramento Bee*, queen of the McClatchey newspapers, who were trying to restore the city’s historic waterfront along the Sacramento River. It was on this waterfront that the pony express used to transfer the mail to packet boats that churned down to San Francisco Bay. A new highway will roll up the city side of the river, ruining these plans. As if all that weren’t enough, the shimmering alpine beauty of Lake Tahoe is being threatened not only by gambling interest developments on the Nevada side but by a California highway department plan to thrust another multi-lane highway along its western shore with a bridge over pristine Emerald Bay. Ah, well, cheer up, folks. There’s always Disneyland, and as for the trees we can memorize Joyce Kilmer’s poem.

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The House Committee on Interior and Insular Affairs has now reported to the House the **Wilderness Bill** based on the bill introduced by Representative John Saylor (H.R. 9070) but including a number of highly debatable amendments. Of especial interest in California is the requirement that the Secretary of Agriculture set aside 3,500 acres for the controversial San Geronio ski project. Also objectionable is the language that permits mineral exploration and mining for a period of 25 years. A third vital amendment or set of amendments, requires an Act of Congress to establish future Wilderness Areas, whether in the forests or in the parks. Unlike the procedure it followed two years ago, the House committee, through its chairman, intends to ask for a rule that will permit amendment of the bill when it is being considered by the House. The chairman is expected to ask for the rule as soon as possible after July 20, when the recess occasioned by the Republican National Convention comes to an end.

A more controversial bill, H.R. 3846 to establish the **Land and Water Conservation Fund**, is scheduled for debate on July 22 (and July 23 if necessary) in the House. Opposition to the bill is directed not so much to its purposes as to the methods by which money for the fund will be obtained: (1) taxes on motor boat fuel purchased for recreation uses; (2) fees to be prescribed for admission and use facilities in certain federal areas; and (3) net proceeds from the sale of federal surplus real property. The bill has strong administration support. Recently Speaker of the House John W. McCormack took the unusual step of writing a letter in support of the bill to all members of the House.

The House has passed H.R. 8070, the bill to establish a **Public Land Law Review Commission**, and the Public Lands Subcommittee of the Senate Interior Committee held hearings

on the bill on June 30. The Senators have indicated that the only serious doubts they have about the bill concerned the number of members on the Commission (the House proposed 19) and the manner in which they should be selected. As this bill has administration approval it is likely to become law at this session.

Action has been taken in both houses on bills to direct the Federal Power Commission to issue no license of permit on the **Lower Colorado** between Glen Canyon and Lake Mead. The Senate has passed S. 502 and the House Committee on Interstate Commerce has reported out the companion bill, H.R. 9752. The prohibition in the Senate bill is to December 31, 1965; in the House version it is to December 31, 1966. The purpose of the legislation is to give Congress time to determine whether or not Marble Canyon and Bridge Canyon dams should be built, and if so, by whom. Assuming that the Wilderness Bill will be out of the way, I suggest that this bill, which is necessary if the Congress is to give proper attention to Secretary of Interior Udall's comprehensive Southwest Water and Power project, may be the first shot in a new major legislative battle.

Both the Senate and the House have approved the conference reports on S. 2, the bill to authorize the establishment of **water research centers** at colleges and universities. Although patterned after the agricultural experiment stations, the work in these centers will not be limited to a single discipline, but will be concerned with research in all uses and functions of water. For the land grant colleges the bill authorizes an annual appropriation to begin at \$6,000,000 with increases to a maximum of \$10,000,000. For the non-land grant colleges the bill authorizes annual grants totalling \$1,000,000 a year for a term of ten years. The President will undoubtedly sign the bill.

## Our Deteriorating Environment

*(Continued from page 7)*

We have all too little time to devise responsive limited-function regional governments. In this latter half of the twentieth century we are losing the battle against deterioration of our environment, and losing it in large measure because of our failure to realize the need for political innovation. Regional planning alone cannot save oak-shaded hillsides, flourishing orchards and vineyards, and the green fields that give us delight. Planning is only the first step in a political process whose consummation is the acquisition and development of scenic parkways and the purchase of the development rights in farmlands to be preserved as open spaces.

If elected officials of our cities and counties are reluctant to look beyond the planning stage to the establishment of governmental machinery capable of providing regional parks, integrated circulation networks, and perhaps entire new towns, then citizens' organizations and civic leaders have the duty to raise insistent questions: How do you propose to carry out the regional plan? What governmental apparatus can you offer that will actually finance and build the public improve-

ments shown in your plan? None of the familiar types of districts, authorities, boards, and commissions will suffice. Only multipurpose government armed with the fiscal and administrative means to meet the needs of millions of metropolitan residents can give reality to regional plans.

Planning for this new form of government cannot be postponed until after plans for a better physical environment have been completed. The specters of future crises should spur city councilmen and county supervisors to draft simultaneously the charters of the metropolitan federations needed to transform regional plans into the urban constellations of tomorrow.

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*This article, in its original form, was given as a talk at the Sierra Club's fifth Information and Education Conference, held this April at Carmel. Mel Scott is a Research City Planner and a Lecturer in the Department of City and Regional Planning at the University of California in Berkeley. His interest in the problems of the San Francisco Bay Area as representative of the problems posed by our newly city-oriented society is of long standing. Rondal Partridge is a free lance photographer whose work has recently appeared in the book God's Own Junkyard and in the December, 1963, and May, 1964, Bulletins.*

# Wilderness Parks of British Columbia

By J. Michael McCloskey

At the end of 1963, a new minister assumed the portfolio of Recreation and Conservation in British Columbia. He was Kenneth Kiernan, who already held the portfolios for Mines, Petroleum, and Commercial Transport. On February 19, 1964, in his maiden speech to the legislative assembly, he advocated opening the 11 large, so-called wilderness parks of the province to commercial mining, selective logging, and private resort operation. Some seven million acres are estimated to be in such parks, though as recently as 1945 they embraced some 11 million acres. Drastic reductions have been made in the size of such parks as Hamber and Tweedsmuir to accommodate commercial developments.

Conservationists in British Columbia have vigorously denounced Kiernan's proposal. Conservationist-author Roderick Haig-Brown said people like Kiernan "are not fit to have charge of the parks in B.C. . . . the big steal is on."

Kiernan said that "logging should be allowed in park forest stands that are reaching maturity or pose a fire hazard."

"If there is some particular merit," he said, "in allowing over-mature trees to fall down and rot, simply because they are in a park area, I fail to comprehend it." Kiernan pointed out, however, that parks of less than 5000 acres in size would not be open to mining or logging and that where mining was allowed, it would be restricted to tracts of less than 100 acres. A mining lease has already been granted in Kohanee Glacier Park and one is reported to be contemplated for Strathcona Park on Vancouver Island by Western Mines Limited.

In addition, Kiernan has declared a small part of large Garibaldi Park (one-twelfth of it) as a "Nature Conservancy" where no commercial development will be permitted. However, Roderick Haig-Brown has rejoined that such a designation "provides no protection not already provided in the act by which the minister is bound, and one can only suppose that its purpose is, by implication, to open the way for removing the rest of the park from proper protection."

Kiernan's proposal is regarded as a testing of public opinion preparatory to a revision of B.C.'s basic park act.

Kiernan has said he will propose such a revision next fall.

Led by the *Sun* of Vancouver, public reaction has been quite adverse. In an editorial on February 21, the *Sun* said, "Mr. Kiernan talks of aesthetic mining and logging. But plainly neither the U.S. or Canadian national park systems believe there is any such thing. . . . Is

## Letters

### Population and Parks

*At the April meeting of the Commonwealth Club's Parks, Recreation, and Wildlife section, Henry Ray King, Executive Secretary of Californians for Beaches and Parks (the organization working for passage of the state park bond act in November), spoke on the importance of the act for future recreation and park opportunities in the state. Mr. King's schedule limited the question period that followed his talk so that some section members had to express their views without the benefit of Mr. King's comments. One of those statements, concerned with the issue of population control and conservation, was made by Emmanuel Fritz, professor emeritus of the school of forestry, University of California, Berkeley. Because of his interest in Sierra Club programs, especially the club's role in supporting the California State Beaches and Parks bond, Professor Fritz sent a copy of his letter to the Bulletin.*

Dear Mr. King:

I was sorry you had to leave early from the Commonwealth Club's park section meeting before I could comment on the underlying cause of today's conservationists' running scared about a shortage of recreation facilities. I wanted to suggest to you that, in the course of your speech-making tour in behalf of Proposition No. 1 you could put in some direct, or subtle, reference to population increase control. Americans have a propensity for concentrating on mending undesirable effects while ignoring their causes.

For two decades now we have seen the effect of "population explosion" on our several resources, particularly the loss of scenery, and recreation areas. Now we are in a rush to put fences around what is left but are doing all too little to mitigate the cause. As long as we concentrate on erecting these figurative fences we accomplish only a de-

it any wonder then that conservationists think Mr. Kiernan has merely inserted the thin edge of the wedge? That not satisfied with the 137 million acres of commercial timber still available to the B.C. logger, he intends to lay out 7.5 million acres of parkland for assault by chainsaw? It is all very well for Mr. Kiernan to assure us that we too could learn to love the slag heap and the slash. But we need to be told much more before we would endorse selling our dedicated acres of wilderness for a quick industrial dollar."

laying action. The end result remains the same and can be worse.

No Americans have had better opportunities to observe the pervasive and destructive effect of "too many people" than Californians. Nothing is sacred or too remote when people multiply too rapidly and excessively and need more and more and more housing plus all its ancillary structures, facilities and space. The Bodega situation is an example. There will be many more. . . .

When you speak in behalf of Proposition No. 1, I think you could put in as direct a plug as possible in explanation of the cause of our concern for open spaces in the future. It would speed the awakening of interest—and action—in promoting population increase control. Without such an effort no permanent good is performed.

Let the present expansion keep on increasing and we will have to relinquish open spaces being set aside now for inspiration and recreation and for scenery, and we will have to be satisfied with the view of roof tops from freeways.

Conservationists should be the leaders in initiating a move toward population increase control. The Sierra Club could be doing recreationists no greater favor than to devote the next of its series of photographic books to the impact of "too many people" on resources.

EMMANUEL FRITZ  
Berkeley, California

### Ninth Wilderness Conference

The Ninth Biennial Wilderness Conference will be held on Friday and Saturday, April 2 and 3, 1965, in the Hilton Hotel, San Francisco. For information, write to Mrs. Peggy Wayburn, 1050 Mills Tower, San Francisco 4, California.

## Board Actions and Election of Officers

On May 2, the Board of Directors holds its annual organization meeting in San Francisco. William E. Siri was elected club president, Dr. Edgar Wayburn vice-president, Richard M. Leonard secretary, Lewis F. Clark treasurer, and George Marshall fifth officer. Walter P. Ward was elected assistant treasurer, and Charlotte E. Mauk associate secretary. William E. Colby was elected honorary president. The Board also took the following actions.

**Redwoods**—Urged the United States government to establish a Redwoods National Park and requested the Governor of California to speedily complete the acquisition program for the state redwoods parks by adding those lands that are scenically and ecologically related to the park lands. It suggested that general priority be given to:

- (1) Protection of virgin redwoods that are still in private ownership in the watersheds of the existing parks.
- (2) Acquisition of cutover and other lands in such watershed drainages, to protect the existing investment.
- (3) Securing additional lands for recreational development, to enhance the values of the redwood parks.

*Specific recommended priorities are:*

- (1) a Jediah Smith (5,000 acres of virgin redwoods in Mill Creek).  
b A few hundred acres of roadside strips adjacent to the existing highway adjoining the park.
- (2) Prairie Creek (Gold Bluffs and beach).

- (3) Van Duzen River (redwoods near Grizzly Creek State Park).
- (4) Cutover lands in watersheds of smaller state parks.
- (5) Roadside strip along Avenue of the Giants (e.g., Pepperwood Grove).

**Freeways and Parks**—Stated the Club policy as follows:

- (1) Freeways are not compatible with natural parks—they belong outside them.
- (2) There is a public trust in the disposition of lands acquired with private funds.
- (3) Land affected by freeways must be evaluated in terms of its highest public use—both present and future.
- (4) Recognition of the higher values of park lands implies a willingness to pay more for the preservation of those values.

**Olympic National Park**—Following a report by Director Dyer on a proposed recommendation, for a road down the "Ocean Strip," with spur roads to several of the beaches, the Board:

- (a) Supported maintenance of the roadless wilderness integrity of the Ocean Strip of Olympic National Park from Rialto Beach north to LaPush, and LaPush to Ozette River, in which are found unique wild seascape values.
- (2) Opposed any intrusion by a parallel coast road or spur roads, penetrating

through Olympic National Park's Ocean Strip.

(3) Endorsed the recommendations of the Olympic Park Associates for an alternative road branching northwesterly from the vicinity of Forks to the northeast shore of Lake Ozette, thence north of Ozette River to and along the coast between Olympic National Park and the Makah Indian Reservation.

**Squaw Valley State Park**—Recommended, because of avalanche hazard, that construction of the ski lift in the Shirley Lakes watershed near the park be deferred, pending study of the area by the U.S. Forest Service and the California Department of Parks and Recreation.

**Anza Borrego State Park**—Considered that appropriate portions of the Coyote Mountains in southwestern Imperial County, California, and adjacent to the southeastern boundary of the state park, are worthy of inclusion in the park. "Appropriate portions" would include such features as Painted Gorge and Fossil (Alverson) Canyon.

**Colorado River Dredging**—Supported and endorsed the resolution adopted by the California Wildlife Federation on the Cibola Valley Channelization Project in San Diego County, California. It further suggested that any plan for channelization be integrated with the total recreational plan for the area.

The next meeting of the Board of Directors will be held at Parsons Lodge, Tuolumne Meadows, Yosemite National Park, over Labor Day weekend, September 5, 6, and 7.

## John Muir Award

The Sierra Club's fourth annual John Muir Award was presented this year to Walter A. Starr with gratitude and appreciation for his many varied contributions to the club and to the wilderness values it advocates. Presented at the annual club banquet in early May, the award was accompanied by an Ansel Adams print.



Walter A. Starr

Mr. Starr was elected an honorary club vice-president in 1948 after having held the positions of president (1941-43), vice-president (1940-41), and chairman of the Conservation Committee. Since 1946, he has headed the Trails Committee. He has been a club member since 1895.

Mr. Starr has also served as president of the California Historical Society and is a director of the Save-the-Redwoods League.

It was in recognition of these activities and many others in behalf of wilderness preservation, as well as of his philanthropy in supporting them, that Walter Starr was chosen for the Muir Award. But the award was also presented in especial appreciation for Mr. Starr's devotion to a work written by his son, Walter A. Starr, Jr., and published in his memory, "Starr's Guide to the John Muir Trail and the High Sierra." With diligence and understanding, Mr. Starr assembled and, in the words of the award, "has kept current the most fitting monument to a son who heard the call of the wilderness and wanted others to be guided to the John Muir Trail and its High Sierra world 'of shining summits, bright and cool.'"

### *Folk Songs of the Colorado River*

You may want to reserve space beside THE PLACE NO ONE KNEW for *Folk Songs of the Colorado River*, a new record by Katie Lee. The 33 $\frac{1}{3}$  record and the accompanying eight-page brochure from Folkways is a compilation of 14 songs of the river, the boats and the canyons, ranging from ballads to lullabies. For those who remember Sierra Club float trips through Glen Canyon, those who wish they had gone, and those who know the Grand Canyon country, this record recreates the mood.

Members may obtain their copy at \$5.95 by writing Sierra Club, Mills Tower, San Francisco.

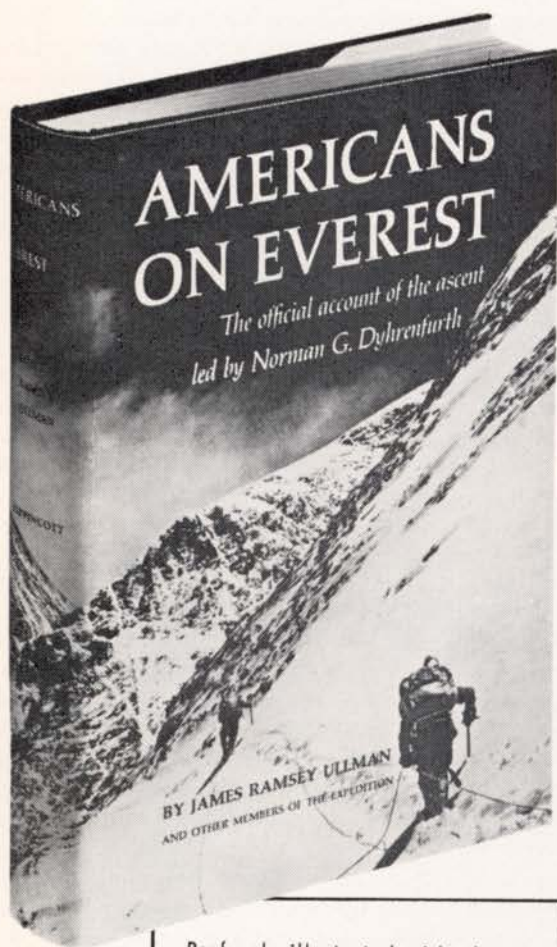


A stunning achievement — the story of the first American conquest of Mt. Everest in May, 1963

# AMERICANS ON EVEREST

The Official Account of the Ascent led by  
**Norman G. Dyhrenfurth**

By JAMES RAMSEY ULLMAN, the official historian of the expedition, with additional chapters on the technical aspects of the climb written by members of the expedition.



Profusely illustrated with photographs in color and black-and-white

“This is the story of how an American team of mountaineers, led by the resourceful, patient, persistent Norman Dyhrenfurth, conquered the world’s highest mountain. I suspect that AMERICANS ON EVEREST will stand out like Mt. Everest, for at least a few centuries, as a mountaineering classic.

“If you like thrills, here they are—as many as I’ve encountered in one volume.

“While you wind up with almost boundless admiration for all who took part, somehow Norman Dyhrenfurth, the leader, emerges as a sort of Mt. Everest among men.”—LOWELL THOMAS

“Mr. Ullman’s account is a classic in mountaineering literature; it reads like a good mystery story and is exhilarating. These American annals are proud as a study in logistics under severe conditions, it is impressive; as a depiction of individual behavior, it is exhilarating. These American annals are proud ones.”—JUSTICE WILLIAM O. DOUGLAS

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AT ALL BOOKSTORES

# NATURE AND THE VALUE OF DIVERSITY

By Justice William O. Douglas

*The following article has been excerpted from a talk Justice Douglas gave earlier this year as part of the Franklin Lecture Series at Wayne State University, Detroit, Michigan. The entire talk will be published by the Wayne State University Press in 1965 under the title "All Men Are Created Equal."*

THE FORCES I have mentioned are only a few of those which have robbed America of much of her individuality, tolerance, spontaneity, and originality.

A subtler, more pervasive force has probably been the dominance of science in our lives. Barzun in *Science: The Glorious Entertainment* treats the matter provocatively.

Science atomizes all branches of nature:

"Science, in short, substitutes the complication of its system for the complexity of the world, and what man needs is renewed contact with the world.

"For he is inquisitive in a larger sense than is fulfilled through the curiosity of research. Where and what am I, wither bound and for what ends? These questions that man keeps asking, all agree that science cannot answer. But the confirming cliché—science tells how not why—is falsified in reality by the appearance of answer-giving which science has been guilty of for over a century. And when it has not so transgressed it has issued prohibitions against answers given by others. The truth may be that it is in fact impossible for the scientist—or for any man—to describe without interpreting, and interpreting is a hair's breadth from explanation." . . .

The wonders and eternal mysteries of life are in those imponderables—most of which are beyond the reach of science.

The lichen has a built-in device that gives it capacity to reproduce without outside help or intervention. Year after year the avalanche lily grows on the edge of snowbanks, producing delicate petals that have a consistency, a symmetry, and abandon that technology does not know.

The saguaro cactus during a rainstorm multiplies its tiny hair-like roots so fast that the process is visible; its central intelligence center seemingly is aware that

when the drought is broken, the time has arrived for storage of water within the plant against the exigencies of the next dry cycle.

The ironwood tree of Australia lays on an outer layer of criss-crossed lattice that is so tough that an ax bounces off it, and so strong and wiry that a gale will seldom level the tree even though termites have eaten out its inner core. How did its central intelligence learn without benefit of a slide rule that a given weight of cellulose fabricated in the form of a hollow, criss-crossed lattice cylinder is stronger than the same weight of material made into a round, solid shaft?

The examples from nature multiply endlessly from the purple-eyed grass to the pasque flower to the pitcher plant. Science can displace or destroy, it can interpret, it can imitate; but science cannot take the place of the wonders of creation nor explain them. An eminent doctor recently said that after decades of work on the human ear, he had come to believe in God. I asked why; and he replied "God is the only explanation of ear wax."

Francis Thompson, the English poet, said last century:

Thou canst not stir a flower  
Without troubling of a star.

Rachel Carson added, "but the poet's insight has not become part of general knowledge." . . .

WHERE DOES ONE START with this new education? Certainly the first grade is not too soon. How does one go about it? By teaching the virtues and values of diversity and some of the "social costs" of so-called "progress."

Exposure of the young to nature under the guidance of sensitive and knowledgeable adults is one necessary starting point. This is virtually impossible in modern cities of asphalt and concrete where even playgrounds are paved. It means planning years ahead so that blighted areas are reclaimed and returned to nature, so that our suburbia retain woodlands and swamps immune from throughways and other developments. Our urban plight is due to the fact that

we have left our future in the hands of engineers and landscape architects. We need to bring in the botanists, zoologists, biologists, ornithologists and geologists if wonder, reverence, and awe are to become values in our society.

Every school needs a nature trail; and every person—adult or young—needs a bit of wilderness, if wonder, reverence, and awe are to be cultivated. The wilderness areas are fast disappearing. Science and technology have transformed our concepts of recreation. Recreation today is not generally related to physical exertion but to transportation by auto to picnic grounds, to a scenic lookout, to a place where other people are engaged in exercise or games. The car, people urge, now needs to go wherever engineers can build a road. Once a road enters, the wilderness is at an end. Loggers usually go where roads go. All the debris of civilization follows roads. Roads are a death sentence to the quiet and repose of wilderness sanctuaries. Roads mean the end of certain species of game, such as elk that need large buffer zones to survive.

A return to the mysteries of nature is necessary for members of a society that honors diversity and teaches it. That return requires many paths. It entails, among other things, the inculcation of a new land ethic.

Those who streamed through Cumberland gap, headed west, saw mostly unbroken forests; and those barriers had to be levelled so that farms could be established, towns built, and a network of roads constructed. First the ax and later the bulldozer became our symbol of power and achievement, our mark of distinction. They are also the Russian's, who we resemble in many particulars . . . [but] . . . The leveler has had no one political ideology. The leveller of forests is, indeed, the extrovert whether he be capitalist, socialist, or dictator. But the energies of the extroverts must be redirected lest every valley be paved and every mountain peak have a chair lift. If we are to have a new land ethic, the child of five needs a new symbol of American power; he needs to be directed not to the bulldozer but to the wildlife and wild flowers of the woodlands and to the endless wonders of nature.



The mouth of Aztec Creek in Glen Canyon in 1961 when the Colorado River that flowed through the Canyon was still a living river.



The mouth of Aztec Creek in late May 1964, when the Colorado River had been dammed into wind swept "Lake Powell." Photographs by Philip Hyde

## The Uneasy Chair

(Continued from page 2)

pool. The upper parts of the canyons we so "conveniently" boated to, are but pale shadows of what was there. And the boating involved pushing through flotsam, dead trees, and the floating wreckage of the canyons' living space. Several times, on emerging from the mouths of canyons we were greeted by howling gales that all but prevented us from getting onto the open, wave-furrowed surface of the lake. I have seen some good winds on the living river, but nothing like the gales on the dead lake.

Another impression that is most vivid to me is that of hot, nearly vertical stone meeting a hostile, featureless lake. It is the more vivid for having seen the friendly glens and verdant, sheltered floors of the canyons. In a few places, we enjoyed camping on sloping slickrock, which is one of our favorite places to be. But most of it will also be drowned in the rising waters.

We saw the "lake" under the most favorable circumstances of continually rising water, but except for the more appealing swimming conditions in many places, I can't say that it is a place I will want to go to again for pleasure. I relinquish it to the motor culture with only the regret that I and my countrymen might have been better able to value the living, natural river-scape over the ersatz lake that all but stamps out the great natural beauty that the creator put there.

I relinquish it, too, with the firm resolve to do what I can to prevent a repetition of such a poor exchange anywhere else on the Colorado. I hope we in the Sierra Club are doing everything we humanly can to block further dam-foolishness on the Colorado.

Our earlier trip down through the Grand Canyon two months ago reinforces this determination that another superb stretch of the wild, beautiful river shall not be flushed down the drain

of political and economic myopia. Marble Gorge is the equal of the finest canyonland in Glen—though quite different. It deserves a better fate than drowning. And, of course, I do not have to emphasize that the area threatened by the Bridge Canyon dam proposal should not suffer such a fate, either.

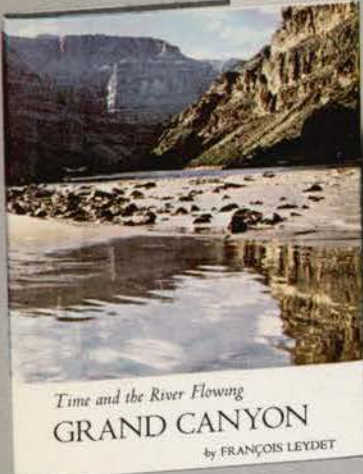
What are we doing to counter the fact that the chief purpose of these dams is not power, not water, but the expenditure of money to prime the economy of highly localized areas, to stimulate the growth of economic activity in areas where other needs would be better served?

What are we doing to find a better modus operandi for our society than the growth syndrome? To me, Glen becomes a symbol of what happens to the intangible values we prize when the disease of growth goes unchecked—a symbol, and a prophesy. We must not fail to heed its warning!

PHILIP HYDE



This waterfall on Aztec Creek is now under "Lake Powell." Photograph by Philip Hyde



Time and the River Flowing

# GRAND CANYON

by FRANÇOIS LEYDET

*Fresh-water spring on beach, Spring Canyon, at Mile 204 in Grand Canyon. Bridge Canyon dam would put it 400 feet under.*

Time, two billion years of it, laid down the stone of what Powell called the Plateau Province. Within that plateau would be some of the most colorful and dramatic natural sculpture man ever saw.

Time and the river flowing—the Colorado River through the milleniums—carved deep, created the great canyon, and is still shaping it.

Standing on its rim May 6, 1903, Theodore Roosevelt said: "In the Grand Canyon, Arizona has a natural wonder which, so far as I know, is in kind absolutely unparalleled. . . . I want to ask you to do one thing in connection with it in your own interest and in the interest of the country. . . . Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it."

Upstream and unmarred was the exquisite beauty of Glen Canyon, *The Place No One Knew*. Most of it was destroyed early in 1963 when the U.S. Bureau of Reclamation closed a dam that was not necessary for this century and perhaps would never have been necessary. Now the same bureau has proposed to build dams in Grand Canyon itself as part of its Pacific Southwest Water Plan—to end the living river's flowing for all this civilization's time.

The dams the bureau plans to build in Marble Gorge and at Bridge Canyon, within the Grand Canyon proper, would destroy not only the living river but also the unique life forms that through the ages have come to depend upon the river's life. The major part of the canyon walls would still be there, but the pulsing heart of the place would be stopped. A chain of destructive forces would be begun in what by law was set apart as part of the National Park System, to be preserved unimpaired for all America's present and future.

And needlessly. With the tinsel removed, these dams are seen as nothing more than hydro-

electric power devices to produce electricity and dollars from its sale to pay for projects that ought to be financed by less costly means. The dams would make no water available that is not available already. Indeed, they would waste enough to supply a major city and impair the quality of the too little that is left: water already too saline is made more so by evaporation, to the peril of downstream users, especially of neighbors in Mexico. All this on a river that already has more dams than it has water to fill them.

*Time and the River Flowing* exploits the investigating, reporting, and poetic skills of François Leydet, author of *The Last Redwoods*, combining it with the finest photographs we have been able to find of Grand Canyon to emphasize what the living river means. Thanks to imaginative philanthropy we are able to publish it as a public service (hoping that it will return its cost and make similar work feasible) to inform the people. If enough people care, and act according to what their love for the land and their reverence for life tells them is right, the tragedy will not come to pass.

## Important note about the book

The cover photograph, Lava Falls, Grand Canyon, is by a well-known Sierra Club photographer who prefers to remain anonymous, and is from the forthcoming book, eighth in the club's Exhibit-Format Series. There will be 160 pages in all and 72 color plates, lithographed by Barnes Press (who did the two Porter books for us). The text is by François Leydet, author of *The Last Redwoods* and editor of *Tomorrow's Wilderness*.

Once again the club has set out to publish a timeless book about a place that should be ageless, not dammed. The Grand Canyon book is another in the format that has won us many awards, has inspired many editorials, reviews, and other books, and is represented in libraries, exhibits, and honored places in homes of Americans who care. Members can help the books and the club continue their work by owning or giving this book or the others. Gifts of the books for purposes of conservation education are tax-deductible.

A special price of \$20 on Grand Canyon is in effect until December 31, after which it will be \$25. Prepaid advance orders will be particularly helpful to the club's publishing program. —D.B.

