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H.R. 1518, H.R. 1776, AND H.R. 2114

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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H.R. 1518, TO REQUIRE THE SECRETARY OF THE INTERIOR TO INCLUDE ON THE NATIONAL REGISTER OF HISTORIC PLACES THE AVERY POINT LIGHTHOUSE IN GROTON, CONNECTICUT, AND PROVIDE $200,000 FOR THE RESTORATION OF THAT LIGHTHOUSE; H.R. 1776, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO STUDY THE SUITABILITY AND FEASIBILITY OF ESTABLISHING THE BUFFALO BAYOU NATIONAL HERITAGE AREA IN WEST HOUSTON, TEXAS; AND H.R. 2114, TO AMEND THE ANTIQUITIES ACT REGARDING THE ESTABLISHMENT BY THE PRESIDENT OF CERTAIN NATIONAL MONUMENTS AND TO PROVIDE FOR PUBLIC PARTICIPATION IN THE PROCLAMATION OF NATIONAL MONUMENTS.

Tuesday, July 17, 2001
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to call, at 10:05 a.m., in Room 1334, Longworth House Office Building, Hon. Joel Hefley [Chairman of the Subcommittee] presiding.

STATEMENT OF THE HONORABLE JOEL HEFLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. HEFLEY. Committee will come to order. This morning the Subcommittee on National Parks, Recreation and Public Lands will hear testimony on three bills, H.R. 1518, H.R. 1776 and H.R. 2114.

The first bill, H.R. 1518, was introduced by Congressman Rob Simmons of Connecticut. This legislation would require the Sec-

retary of the Interior to include on the National Register of Historic Places the Avery Point Lighthouse in Groton, Connecticut, and provide $200,000 for the restoration of the lighthouse.

H.R. 1776 was introduced by Congressman Gene Green of Texas. This bill would authorize the Secretary of Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

The last bill, H.R. 2114, would amend the Antiquities Act of 1906 by ensuring that the act is used only for those purposes originally attended. For example, H.R. 2114 would strengthen the act by ensuring that State and local officials are consulted and provided a role in the designation process. In addition, H.R. 2114 would require congressional approval within 2 years of any new National Monument that is more than 50,000 acres, the equivalent of 78 square miles, or enlarges an existing National Monument by more than 50,000 acres.

At this time I would like to ask unanimous consent that Congressman Simmons and Congressman Green be permitted to sit on the dais following their statements. Without objection, so ordered. Just a reminder to our witnesses, due to the very busy Committee schedule this afternoon, I would like to remind the witnesses to keep their testimony to 5 minutes if possible, and we will put you on the clock and you will see the little lights going on and off.

I would like to thank all of our witnesses for being here today to testify on these bills, and now I would turn to Mrs. Christensen for any comments she might make.

STATEMENT OF THE HONORABLE DONNA CHRISTENSEN, A DELEGATE TO CONGRESS FROM THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. I too want to welcome our colleagues back again to our Subcommittee, and as you said this morning, we are going to receive testimony on three bills.

The first, which is H.R. 1518, would require the Secretary of the Interior to include the Avery Point Lighthouse in Groton, Connecticut on the National Register of Historic Places. In addition, the bill would earmark $200,000 from amounts appropriated to carry out the National Historic Preservation Act, to be provided to the University of Connecticut Fund for Restoration of the Lighthouse.

Although the proposal I am sure has quite a bit of merit, and I was looking over the article that was shared with us before we got started, the approach is cause for concern. Normally, historic properties undergo a rigorous process, including local nomination and State approval, before being added to the Register. Similarly, Federal historic preservation funding is normally awarded to the States in the form of block grants, with the allocation of those funds within a State left up to the State historic preservation officer.

To completely remove all State and local input from both the listing and funding processes as H.R. 1518 would propose to do, it is troubling, particularly since it is our understanding there has not yet to date been an attempt to have the Avery Point Lighthouse listed on the National Register through the normal process, but we look forward to hearing from our witnesses today regarding any

circumstances that might make such an unprecedented step necessary in this case.

The next bill, H.R. 1776, would authorize the study of an area in Houston, Texas known as the Buffalo Bayou to determine whether the area deserves designation as a National Heritage Area. We understand that the administration may have technical suggestions for improvements of the bill and we look forward to learning more about those suggestions and about this interesting area.

Our final bill, H.R. 2114, by Mr. Simpson deals with a subject that is very familiar to the Subcommittee. The bill as introduced combines the legislation from controversial language of the 105th Congress, H.R. 1127, with language in the 106th Congress, H.R. 1487, that was amended and approved by the Resources Committee in the House on a bipartisan basis. Mr. Chairman, I am concerned that combining the Antiquities Act language from the 105th and the 106th Congress is a step backwards that will make it harder rather than easier to address the question of National Monument designations by a President.

I strongly support the public participation and comment provisions of the bill. These are the bipartisan provisions developed by the Committee last Congress. However, combining these provisions with the language from the 105th Congress limiting the size and duration of monuments designated by the President will only serve to reignite a controversy that many of us thought was settled by the bipartisan language that was developed in the last Congress.

Mr. Chairman, I look forward to the testimony of our witnesses on the Antiquities Act and the other matters before the Subcommittee today and appreciate their taking time to testify before this Subcommittee.

Mr. HEFLEY. Mr. Simpson, comment?

Mr. SIMPSON. No.

Mr. HEFLEY. Our first panel is composed of the Honorable Gene Green, 29th District of Texas, and the Honorable Rob Simmons, the Second District of Connecticut. We will start with Mr. Simmons.

STATEMENT OF THE HON. ROB SIMMONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. SIMMONS. Good morning, Mr. Chairman, good morning, Mrs. Christensen, Mr. Simpson. I am going to be testifying this morning on the Avery Point Lighthouse Act and the Avery Point Lighthouse. So to honor the event I have worn my nice bright red lighthouse tie, and I hope you all can see it up there, but it is a beacon of brightness in this dark city this wonderful Tuesday morning.

Let me speak briefly about the Avery Point Lighthouse Restoration Act of 2001 and let me also introduce to the Committee my mayor of Groton, Connecticut, Dee Hauber, who will be paneled a little later in the morning, and Jim Streeter, who has been involved in the local project to restore this lighthouse.

The Avery Point Lighthouse is located on the grounds of the University of Connecticut in Groton, Connecticut, in my district on Long Island Sound, and for those of you who have seen the postcard it is a very dramatic location. This lighthouse is special for several reasons. First of all, it was constructed as a memorial to

all lighthouse keepers, to all lighthouse keepers across this great Nation. It was constructed as a memorial to them. It was also the last lighthouse that was constructed in the State of Connecticut, being completed in 1943 during World War II as part of a project to establish a Coast Guard facility on that site and to provide appropriate lighting.

And we are accompanied here today by Commander Glenn Zilmasia of the U.S. Coast Guard. If you could stand up, Glen. If there are any issues relative to the Coast Guard's involvement with this lighthouse, I am sure he will be happy to answer your questions.

A couple of years ago the lighthouse was in serious conditions, seriously deteriorated for a number of reasons, and there was even a concern that it might be demolished, but the Avery Point Lighthouse Society was established in February of last year. One of the cofounders was Jim Streeter, who is here with us today, and funds have been raised to begin the effort to restore, maintain and relight the lighthouse. This citizens initiative has already raised over $35,000, and I believe that we have with us here today a citizens petition with over 10,000 signatures to indicate the very broad-based local public support for this project.

Secondly, some of my former colleagues in the Connecticut General Assembly who represent the district have introduced legislation to the Connecticut General Assembly to secure $150,000 in bonding dollars for this project, and so we have substantial State level support. The University of Connecticut, which holds the deed to the property, has entered into a memorandum of understanding with the Avery Point Lighthouse Society to cooperate and work with them on the restoration and maintenance of this facility.

What we are asking for here today are two things: One, that the lighthouse be placed on the National Register of Historic Places and, to respond to the comments of the ranking member, yes, we will work closely with organizations in Connecticut. We are already in touch with them so that we can do this as a two-track process. We are not trying to bypass anybody in this. We have just been at it for a little over a year, and so we are working on a two-track process for that. And secondly, to secure just a few Federal dollars to assist us in this initiative.

We feel that this lighthouse is special. It is special in its construction. It is special in its dedication to lighthouse keepers across the country, and it is special to us because it is the last lighthouse built in this State. We also think it is special and deserves some Federal support because we have local citizen support. We have municipal support. We have support of the State of Connecticut and University of Connecticut, and so finally we want to complete the process with just a little bit of Federal support.

And I thank the Chair and the members, and I would be happy to respond to any questions.

[The prepared statement of Mr. Simmons follows:]

Statement of The Honorable Rob Simmons, a Representative in Congress from the State of Connecticut on H.R. 1518

Mr. Chairman and members of the Committee,

I am pleased to be here this afternoon to testify in support of H.R. 1518, the "Avery Point Lighthouse Restoration Act of 2001," legislation that represents a vital

step toward restoring one of the nation's last remaining historical lighthouses. And I am grateful that you have allowed my two of my constituents, Mayor Dee Hauber and Jim Streeter to join me in participating in this congressional hearing.

The Avery Point Lighthouse is located on the University of Connecticut's Avery Point Campus in my district of Groton, Connecticut. The Avery Point Lighthouse is located on the University of Connecticut's Avery Point Campus in Groton, Connecticut. In 1942, the United States Coast Guard bought the Avery Point property for a training facility. Subsequently, in 1943, the Avery Point Lighthouse was built as a memorial to lighthouse keepers. It was the last lighthouse built in the state of Connecticut and I am proud to say that my father worked as an architect for the very firm that built the lighthouse.

Sadly, the years have not been kind to the Avery Point Lighthouse. Exposure to weather, coupled with lack of maintenance, has resulted in significant damage and deterioration to this treasure. The light was extinguished in 1967.

But as we have seen time and time again in this great nation, citizens have banded together to save and restore the Avery Point Lighthouse. The Avery Point Lighthouse Society was established in February of 2000 to lead the effort to restore, relight and maintain the lighthouse. Led by co-founder Jim Streeter, the Avery Point Lighthouse Society has raised nearly $35,000 in private donations, including the cost of an engineering study being done by the engineering firm of Gibble, Norden and Champion of Old Saybrook, Connecticut. We also anticipate receiving state funding for this project.

However, this strong local effort is not enough. Although the Lighthouse Society has made great strides toward providing the necessary funds for restoration, additional monies are needed to see the project through. That's why I introduced the Avery Point Lighthouse Act, which would authorize the Secretary of the Interior to use $200,000 for the restoration of the lighthouse. My bill also would direct the Secretary to place the Avery Point Lighthouse on the National Register of Historic Places, making it eligible for preservation funds and affording it certain protections under that program.

I believe the Avery Point Lighthouse deserves special congressional recognition for two reasons. First, it is the last lighthouse erected in the State of Connecticut. This structure remains an important historical part of our state and the nation and should not be lost. Second, it is a strong symbolic representation of the U.S. Coast Guard's lighthouse keeping duties. As you may know, the U.S. Coast Guard Academy is located in the Groton–New London area, as is the U.S. Coast Guard Museum. It is in the nation's best interest to preserve this important symbol of one of the Coast Guard's essential tasks—protecting our country's coastlines.

Mr. Chairman, this public/private partnership effort will ensure that the Avery Point Lighthouse continues to serve as a memorial to lighthouse keepers and an educational tool for many future generations.

I thank you, Mr. Chairman, for your attention. I am happy to answer any questions that you have and look forward to working with you and your Committee on this legislation as we move forward.

[An article attached to Mr. Simmons' statement follows:]

Simmons trying to help lighthouse drive

By **GLADYS ALCEDO**
Day Staff Writer

Groton — U.S. Rep. Rob Simmons, R-2nd District, is trying to secure $200,000 in federal funds to help restore the landmark Avery Point Lighthouse.

Simmons also is working to get the nearly 58-year-old lighthouse, the only one in the country built as a memorial to lighthouse keepers, placed on the National Register of Historic Places.

The Coast Guard built the 55-foot-tall lighthouse, now owned by the University of Connecticut, in 1943.

Simmons' efforts, if successful, would give a much-needed boost to a volunteer effort to restore the lighthouse, which has fallen into disrepair.

A co-founder of the Avery Point Lighthouse Society, a local grass-roots group that formed last year to raise the awareness and funds needed to restore the lighthouse, hopes the federal government will support Simmons' effort.

"I'm going to work hard for it and I'm cautiously optimistic," said Simmons, who believes his father, Charles Herbert Simmons Jr., may have been involved in the construction of the lighthouse, although that has yet to be documented. The elder Simmons worked as an architect for the construction firm that built the former Coast Guard buildings at Avery Point.

Initially, the effort to stabilize, restore and relight the lighthouse was pegged at around $300,000, but that estimate may change as an ongoing engineering study is completed, members of the lighthouse society said. That estimate didn't include the cost of maintaining the lighthouse once it's restored.

"It certainly will help. The more money they give us the less we have to raise," society member Penny Patch said of Simmons' request for federal funding. "It was kind of a shock. I guess it came as a surprise to all of us. We had been up to the state and put in a (legislative) bill there for $150,000, so this came as a big surprise to me."

Fund-raising

The society has raised about $50,000 in donations and in-kind contributions since July. The legislature's Finance, Revenue and Bonding Committee has approved the requested $150,000 in state bond funds for the lighthouse and moved the funding, along with other bonding packages, to the full General Assembly for further action.

Simmons and Patch said placing the lighthouse on the National Register of Historic Places would help the society secure funding for the preservation of the lighthouse. "It would enable to us to get funds to maintain it once it's restored," she said. "Obviously, it has to be maintained."

The engineering study being conducted for free by James Norden of the Old Saybrook engineering firm of Gibble, Norden & Champion must be completed before cost estimates can be further refined, Patch said.

Dale Treadway, a co-founder of the society, said one of the blocks from the lighthouse has been removed for further testing to determine what kind of materials were used in the construction. The society hopes to use the restored lighthouse as an educational tool, Treadway said.

Mr. HEFLEY. Thank you very much.
Mr. Green.

STATEMENT OF THE HON. GENE GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GREEN. Thank you, Mr. Chairman, and like my colleague, I thank the Chairman and the Committee for holding the hearing today on H.R. 1776, the Buffalo Bayou Heritage Area Study Act.

The State of Texas is not typical of most large western and southwestern States in that we do not have large tracts of public lands owned by the Federal Government. The vast majority of our State is privately owned or State owned. This means that we do not have the large tracts of either BLM, Forest Service or National Park Service property for our residents to visit.

What we do have though in a number of urban areas is pockets of green space that our residents can use for recreation and relaxation. One of these green space pockets is located in eastside Houston along Buffalo Bayou. It has been one of the highest priorities since I arrived in Congress to help develop east end Houston as a magnet for not only business but also recreation.

This legislation is the first step on what I would hope to lead to Buffalo Bayou's designation as a National Heritage Area and I have invited witnesses from Houston who actually go into the history of Buffalo Bayou. Having lived and worked along Buffalo Bayou all my life, I can tell you but not near as well as Anne Olson and Steve Fox, who will both give you much better background on it.

Just a brief description of the significance of the waterways use, the original founders of Houston, the Allen brothers, came up Buffalo Bayou in the mid-1830's and stopped at what today is called Allen's Landing in downtown Houston. The City of Houston now is the energy capital of the world and a major center for shipping in not only the Gulf of Mexico but also it started with facilitating these docks on Buffalo Bayou in downtown Houston. Now our ship channel is moved to the east, not included in this request for this heritage area, but it is the beginning of the Houston area.

And I am only scratching the surface of the historical and cultural nature, and my witnesses again will go into more depth and more detail on Buffalo Bayou and how it is a perfect candidate for a National Heritage Area designation and why it has such strong local support. The redevelopment project has significant local support from both our mayor of Houston and our county judge of our Harris County, our county executive. In addition, the City of Houston recently approved $350,000 expenditures for the Buffalo Bayou Partnership to begin formulating the master plan development for Buffalo Bayou. These financial commitments not only by the City of Houston but our County of Harris is what I believe is the important critical element needed to gain National Heritage designation. We have that local support.

In that light, I want to compliment the organization, the Buffalo Bayou Partnership. This local group brings these vast resources to Houston and Harris County for the purpose of building something to benefit all our local residents. The Buffalo Bayou Partnership is a group of dedicated, hardworking people and Anne Olson is here

to talk about that today. It is a great conduit for the development of this National Heritage Area.

Our local organization and broad public support for this designation is exactly what the program was designed to complement. Our local folks feel that the designation itself will be a magnet for both public and private investment, and while envisioned when this legislation was first proposed, Buffalo Bayou would create a mechanism that would create new development opportunities and highlight our historical nature in Houston and cultural significance in our area.

Again, it is part of Buffalo Bayou that is historic, not only from 1835 but even up through the Civil War, and again, Mr. Chairman and Committee members, I could talk about it, but I will leave that up to the experts, and I will be glad to try and answer any questions.

[The prepared statement of Mr. Green follows:]

Statement of The Honorable Gene Green, A Representative in Congress from the State of Texas on H.R 1776

Mr. Chairman, I would like to begin by thanking you and the Ranking Member for holding this important legislative hearing on H.R. 1776, the Buffalo Bayou Heritage Area Study Act.

The State of Texas is not typical of many large western or southwestern states in that we do not have large tracts of public lands owned by the federal government. The vast majority of our state is privately owned. This means that we do not have the vast tracts of BLM, Forest Service, or National Park Service property for our residents to visit. What we do have, especially in our major urban centers, are pockets of public green space that our residents can use for recreation and relaxation.

One of these green space pockets is located on the East side of Houston, Texas along the Buffalo Bayou. It has been one of my highest priorities since I arrived in Congress to help develop this open space into a real recreation magnet for folks in East Houston. This legislation is the first step in what I hope will lead to Buffalo Bayou's designation as a National Heritage Area. I have invited several witnesses from Houston who will testify in greater detail the cultural and historical significance of the area being studied for the designation, but I can tell you that this ten mile stretch of green space and waterway has a lot of potential.

Just to give you a brief historical snapshot of the significance of this waterway to Houston. The original founders of Houston, the Allen Brothers, came up Buffalo Bayou and stopped at what is today Allen's Landing in downtown landing. The City of Houston was established as a major center of international shipping in the Gulf of Mexico, and to facilitate commerce the city was oriented toward Buffalo Bayou's docks. Again, I am only scratching the surface on the cultural and historical significance of this waterway. My witnesses will provide you with a much more in depth description of what makes Buffalo Bayou a perfect candidate for a National Heritage Area designation and why it has such strong local support.

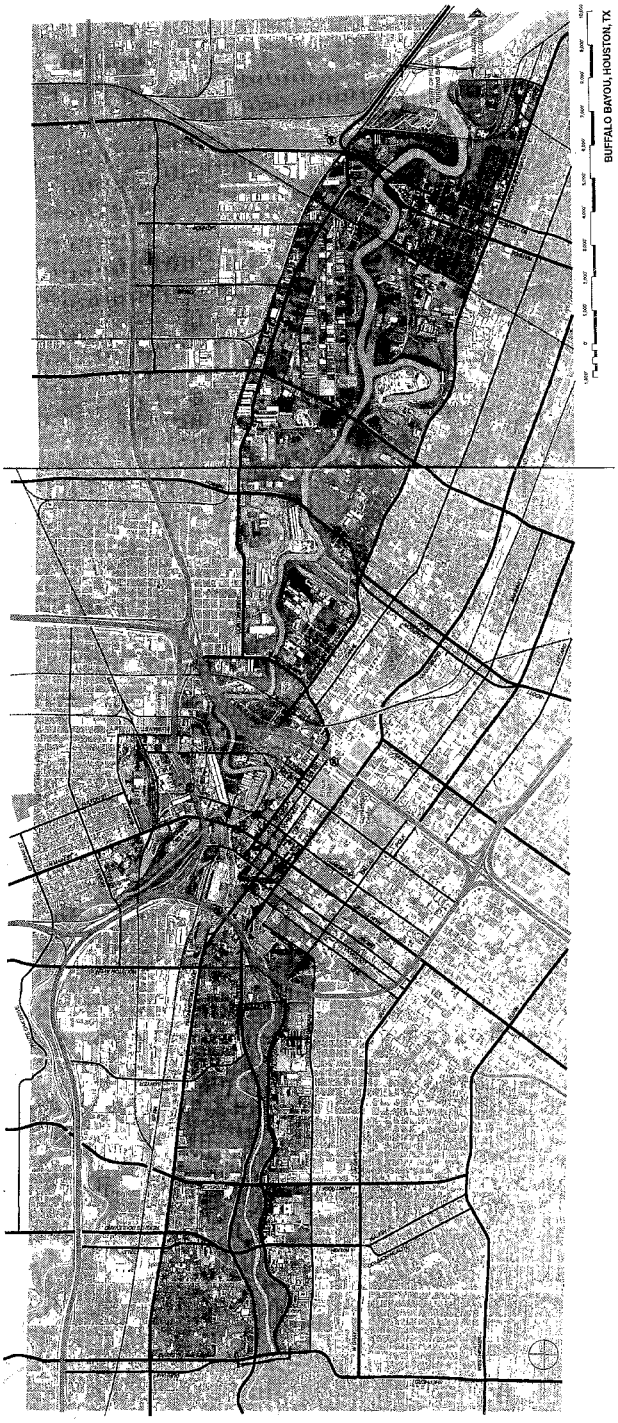
This redevelopment project has significant local support from both the Mayor of Houston and the County Judge. In addition, the Houston City Council recently approved a $350,000 expenditure for the Buffalo Bayou Partnership to begin formulating their master development plan for Buffalo Bayou. This financial commitment highlights what I believe is the most critical component needed to gain a National Heritage Designation—solid local support. In that light, I want to compliment the organization that is charged with spearheading this development effort, the Buffalo Bayou Partnership. This local group has been able to bring the vast resources of the Houston and Harris County communities together for the purpose of building something for the benefit of all the local residents.

The Buffalo Bayou Partnership consists of a small group of dedicated, hard-working people who I believe will be the perfect conduit to help develop our National Heritage Area proposal. Our local organization and broad public support for this designation is exactly what this program was designed to compliment. Our local folks feel that the designation itself will be a magnet for both public and private investment. What I envisioned when this legislation was first proposed for Buffalo Bayou was to create a mechanism that would create new development opportunities and highlight the historical and cultural significance of this important area.

In conclusion Mr. Chairman, I again what to thank you and the Ranking Member for including my legislation in today's hearing and I would be happy to answer any questions you may have.

Thank you.

[A map of Buffalo Bayou and three letters submitted for the record by Mr. Green follow:]


BUFFALO BAYOU, HOUSTON, TX

Lee P. Brown
Mayor

Office of the Mayor
City of Houston
Texas

July 13, 2001

The Honorable Joel Hefley
Chairman
Subcommittee on National Parks, Recreation & Public Lands
House Committee on Resources
1333 Longworth House Office Buliding
Washington, D. C. 20515-6201

Dear Chairman Hefley:

I am writing to lend my support to H.R. 1776, the Buffalo Bayou National Heritage Area Study Act, offered by Congressman Gene Green. It is my understanding that your committee will be considering this legislation in the coming weeks.

H.R. 1776 will begin the process of providing more opportunities for the redevelopment of Buffalo Bayou into a central recreational artery and green space haven. Although this legislation only authorizes the National Park Service (NPS) to study the feasibility of designating Buffalo Bayou as a National Heritage Area, I am confident that once all the cultural and historical points of the area are highlighted, the NPS will deem the proposed site worthy of the designation.

I, again, want to lend my support to H.R. 1776 and Congressman Green in his efforts to further the redevelopment of Buffalo Bayou.

Sincerely,

Lee P. Brown
Mayor

LPB:bb
C: The Honorable Gene Green
United States House of Representatives
2335 Rayburn House Office Bldg.
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ROBERT ECKELS
COUNTY JUDGE

July 13, 2001

The Honorable Joel Hefley
Chairman
Subcommittee on National Parks, Recreation and Public Lands
House Committee on Resources
1333 Longworth House Office Building
Washington, D.C. 20515-6201

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I again want to lend my support to H.R. 1776 and Congressman Green in his efforts to further the redevelopment of Buffalo Bayou.

Sincerely,

Robert Eckels,
Harris County Judge

TEXAS PARKS & WILDLIFE

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ANDREW SANSOM
EXECUTIVE DIRECTOR

July 11, 2001

Honorable Gene Green, Member
U. S. House of Representatives
Rayburn House Office Building
Room 2335
Washington, D.C. 20515

Dear Congressman Green:

I am writing you to express my support for the establishment of the Buffalo Bayou National Heritage Area.

As Texas Parks and Wildlife strives to manage and conserve the natural and cultural resources of the areas under its supervision, we are keenly aware of the need for the establishment and development of such places as the Buffalo Bayou National Heritage Area. As Executive Director of Texas Parks and Wildlife and as a lifelong historian and outdoor enthusiast, I can truly appreciate the benefits of such a designation.

The benefits to the Houston area and to all Texans are tremendous. The history of this area is extremely rich and of the utmost significance to Texas. Interpretation, development and redevelopment opportunities are extensive.

I applaud your efforts to establish this area, lend you my wholehearted support and offer my assistance.

Sincerely,

Andrew Sansom
Executive Director

AS:SP

cc: Ms. Anne Olson

Give Thanks for the Memories...

Lone Star Legacy.

Give to the Lone Star Legacy Endowment Fund

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To manage and conserve the natural and cultural resources of Texas for the use and enjoyment of present and future generations.

Mr. HEFLEY. Thank you, Mr. Green.
Mr. Simpson.

STATEMENT OF THE HON. MIKE SIMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mr. SIMPSON. Thank you, Mr. Chairman. First of all, I have an opening statement that I would like included in the record, and then I am just going to briefly discuss what this bill is about and why it is here, and then I want to thank all those individuals that came to testify both for and against this legislation, H.R. 2114, the National Antiquities Fairness Act.

I honestly believe that the biggest threat to the Antiquities Act today is its abuse or misinterpretation as the law is currently applied. In 1906, the antiquities law when it was written was the environmental law of the time. It was literally the environmental law of the time. It allowed for a President to declare a National Monument unilaterally, by himself, without congressional or public input, with only three or four different requirements, one of them being that it be of historic, scientific or geological significance, that the area be under some imminent threat, not some potential threat in the future but that it be under some actual imminent threat and that the smallest amount of land possible be used to protect that site.

In the original debate when this was brought to the floor in 1906, Mr. Stephens of Texas was questioning Mr. Lacey of Iowa, the sponsor of the legislation. Mr. Stephens said, "Will this take"—and I quote—"Will this take this land off the market or can they still be settled on as part of the public domain?"

Mr. Lacey: "it will take those portions of the reservation out of the market. It is meant to cover the cave dwellers and cliff dwellers."

Mr. Stephens of Texas: "how much land will be taken off the market in the western States by the passage of this bill?"

Mr. Lacey: "not very much. The bill provides that it shall be the smallest area necessary for the care and maintenance of the objects to be preserved."

Mr. Stephens of Texas: "would it be anything like the forest reserve bill by which 70 or 80 million acres of land of the United States have been tied up?"

Mr. Lacey: "certainly not. The object is entirely different. It is to preserve these old objects of special interests in the Southwest whilst the other reserves, the forest and the water courses...."

Certainly when you look back at the debate, the intent of the original Antiquities Act is not the way it is being used today, and in fact today there is some 80 million acres that are in National Monument status. Since that time we have passed and Congress has passed many other environmental laws that were not in place at the time, the Wilderness Act, the Wild and Scenic Act, the Clean Water Act, Clean Air Act. You can go on and on. There is lots of legislation that we have passed that were not there in 1906.

This is the only one that I am aware of which gives an individual the power to act without any public or congressional input. I would suggest that if we were here proposing legislation to take away the requirement that there be public input in the National Environ-

mental Policy Act or anything like that, that those people opposed to this legislation would be rightfully outraged that we wanted to take away the public's right to comment or to have input into the designation and use of public lands.

What this bill does is very simple. It says that a President can declare a National Monument up to 50,000 acres, he has to notify the congressional delegation and the governor 60 days before that declaration is made so that they can have public input, they can hold hearings, they can participate in the process. If the designation is over 50,000 acres, the President can still make that declaration. It doesn't take away his right to do it, but it says Congress has to affirm that designation within 2 years or it reverts to its original land designation. It does not take away the President's right to do anything he can currently do now.

What this does, I think, is restore some balance into an unbalanced law by putting Congress and the public in part of the mix. Now, some people say this bill is an anti-environmental law. I can guarantee you it is not. As I said, it just restores, I think, some balance between a unilateral declaration by an individual and Congress doing what it is constitutionally required, and that is make land use designations within the United States and to have some public input. As I said, the President can still make the designations to protect those lands. Those that are under imminent threat, immediate threat, he can still protect those lands.

Some will say this bill is an anti-American bill. I can guarantee you that it is not anti-American. What is anti-American is the current law because what we have is a system of government of a balance of power and checks and balances, and under the Antiquities Act as it currently is there is no checks and balance. Now some can say Congress can act and undo what the President does but the reality is that is not how it works. If we are placed in the position of having to do undo what a President does, essentially you would have to have a two-thirds vote to override a presidential veto if we were going to pass a bill to undo a National Monument status bill. And that is not the way our Constitution was established, and consequently I think this is a necessary bill.

It is not an attempt to undermine the Antiquities Act. It is an attempt, I believe, to strengthen the Antiquities Act, and I appreciate the ranking member's comment about the controversy that this brings up, but it is a controversy that needs to be engaged. I think the 1906 Antiquities Act needs to be viewed in the context of the laws that currently exist, not the way it was written in 1906 but with all the environmental laws and protections that we currently have on the books, and simply have Congress and the public get back into the debate of how we manage public lands.

I appreciate the Chairman's time constraints.

[The prepared statement of Mr. Simpson follows:]

Statement of The Honorable Mike Simpson, A Representative in Congress from The State of Idaho

Thank you for scheduling this important hearing on H.R. 2114, the National Monument Fairness Act. Additionally, I want to thank the panel members who have made the long journey to Washington, D.C., to testify on behalf of H.R. 2114.

H.R. 2114 eliminates the single greatest threat to the Antiquities Act- its abuse by a sitting President. One need only look at former President Clinton's declaration

of the 1.7 million acre Grand Staircase–Escalante National Monument in 1906, and the ensuing controversy to see what happens when you bypass the public and state and local officials. He undertook this action without the consent or input of the Governor or Congressional Delegation of the State of Utah. Further, he announced the designation in a grand press conference not in Utah, but in Arizona.

Former President Clinton's action on the Grand Staircase–Escalante National Monument designation, and other such designations, represents the greatest threat to the Antiquities Act. As any reasonable person knows, the abuse of any law erodes public support for the law and undermines the credibility of future designations. Former President Clinton's abuse of the Antiquities Act now threatens any future use of the Act, and thus the Act's worthy goal, as envisioned during the 1906 debate, of protecting truly threatened federal lands of historical, prehistorical or scientific interest.

As written, the Antiquities Act gives the President the unilateral authority to carve national monuments out of existing federal lands without any public input. The National Monument Fairness Act of 2001 amends the Antiquities Act of 1906 to require the President to seek input from state and local officials prior to a monument declaration and would require congressional approval of any monument designation or expansion that is more than 50,000 acres. This legislation is a direct response to the concerns of many people, including myself, who believe the recent rash of presidential declarations have misused or abused the Antiquities Act and been contrary to the original intent of Congress.

Specifically, H.R. 2114 requires the President to solicit public participation and comment, and to consult with the affected Governor(s) and congressional delegation(s) at least 60 days prior to any national monument designation. Additionally, it states that a proclamation of the President, which creates a national monument that is more than 50,000 acres, or enlarges an existing national monument by more than 50,000 acres, may not be issued until 30 days after the proposed proclamation has been transmitted to the Governor of the state(s), and that Congress must approve of such a monument designation within 2 years.

The common sense changes to the Antiquities Act that I am proposing will serve to reign in the unrestrained use of the Act and restore the original intent of Congress. Thereby, strengthening the Act.

The original intent of Congress was to allow the President to protect "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." In addition, as stated by the Act, reserved lands were to be "confined to the smallest area compatible with the proper care and management of the objects to be protected." Finally, the objects to be protected must face immediate threats or endangerment.

Unfortunately, the Antiquities Act is not being used as it was intended. It is now being used to lock up large tracts of land without any public comment, input from state and local elected officials, or congressional review. Former President Clinton used the Antiquities Act twenty-two times to designate nearly 5.8 million acres of federal land as national monuments, without any public input or consultation with state and local officials.

In reading the Congressional Record from the 1906 debate on consideration of the Antiquities Act, it is clear that western Members were concerned about possible "land grabs," and that the original intent of the Act was preserve old objects of historic value.

One member, Mr. Stephens of Texas, only agreed to consideration of the bill after being assured by the bill's proponent, Mr. Lacey of Iowa, that its intent was not to tie up large tracks of land. The following is taken from the debate transcript between Mr. Stephens and Mr. Lacey.

Mr. LACEY. There has been an effort made to have national parks in some of these regions, but this will merely make small reservations where the objects are of sufficient interest to preserve them.

Mr. STEPHENS OF TEXAS. Will that take this land off of market, or can they still be settled on as part of the public domain?

Mr. LACEY. It will take that portion of the reservation out of the market. It is meant to cover the cave dwellers and cliff dwellers.

Mr. STEPHENS OF TEXAS. How much land will be taken off the market in the Western States by the passage of this bill?

Mr. LACEY. Not very much. The bill provides that it shall be the smallest area necessary for the care and maintenance of the objects to be preserved.

Mr. STEPHENS OF TEXAS. Would it be anything like the forest-reserve bill [precursor to the National Forest System], by which seventy or eighty million acres of land in the United States have been tied up?

Mr. LACEY. Certainly not. The object is entirely different. It is to preserve these old objects of special interest in the Southwest, whilst the other reserves the forests and the water courses.

Mr. STEPHENS OF TEXAS. I hope the gentleman will succeed in passing that bill [a separate bill], and this bill will not result in locking up other lands. I have no objection to its consideration.

This bill preserves the President's ability to protect those special historical areas that are less than 50,000 acres and deserving of monument designation, while providing Congress with the power to conduct appropriate oversight over declarations involving greater expanses of land. Not only is this in line with the original intent of Congress, but is also in line with the U.S. Constitution. Article IV, Section 3 of the U.S. Constitution states: "Congress shall have Power to'make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

When one looks at the actual words of the Act and the original debate surrounding the Act, it is evident that the original intent of Congress was to protect special areas of limited size. This coupled with the constitutional role of Congress respecting federal lands; it is incumbent upon Congress to reign in the abuse of the Antiquities Act.

This common sense legislation restores Congress's constitutional oversight role regarding land use and management policies resulting from national monument status. Moreover, it holds the President accountable to Congress and the American people.

This legislation is not about preventing national monuments, but creating a process by which national monument decisions can be arrived at openly, with public participation and state and local government consultation. From the time of enactment of the Antiquities Act, Presidents have used the Act over 120 times, totaling over 70 million acres, without any formal public input. However, since 1943, only two Presidents have used the Antiquities Act to designate a national monument in excess of 50,000 acres—President Carter and President Clinton.

National monument declarations are major decisions with far reaching effects that should be made in the open, not in secret. Secret decision-making is not conducive to sound decision-making. Decisions, even those well intentioned, made without adequate input are often rejected because the public does not feel they have been a part of the process. I see no harm in allowing the public and state and local officials an opportunity to examine proposed monuments and provide input on possible local impacts. Bringing the public and Congress to the table strengthens, not weakens, the Antiquities Act and ensures all parties have a voice in the debate.

Once again, I want to take this opportunity to thank you for holding this hearing. I am hopeful that the information presented here will allow us to move forward with this common sense legislation.

Thank you Mr. Chairman.

Mr. HEFLEY. Thank you very much. Just two or three questions here. First of all, Mr. Green, who did you pay and how much did you pay to get that number on your bill? I mean, I want to hear drums and fifes and see flags waving.

Mr. GREEN. Mr. Chairman, I would have preferred 1836 but I didn't want to wait a hundred numbers or 75 numbers to get there.

Mr. HEFLEY. You did very well.

Mr. GREEN. It was the luck of the draw.

Mr. HEFLEY. This is a National Historic Area we are talking about. So I want you and your witnesses to tell us, tell this Committee, what is there about Buffalo Bayou? Now, I understand that it could be an economic development thing for Houston, I understand that it could be a recreational thing for people in the Houston area, but what is there about Buffalo Bayou that makes these Committee members want to go to Houston to see that National Heritage Area, Buffalo Bayou?

Mr. GREEN. Well, Mr. Chairman, I will let the experts talk about it, but I can tell you the benefit to the Nation. The Houston area

again is the energy capital of the world. It developed along Buffalo Bayou from 1836 to today and even increasing. In Houston, typically we are thinking so much about the future instead of the past. This would give us an opportunity to say, well, let's look at our heritage and what caused this to become the fourth largest city in the country, to cause the United States Congress in 1917 to provide for the deepening and widening of the Houston Ship Channel that is our first largest port of foreign tonnage. And it will recognize that heritage.

Literally from along Buffalo Bayou there is the Battle of San Jacinto in 1836 that really opened the way for Texas independence, an independent country, but the area we are talking about was the development of the City of Houston, and again that is of national significance because of the energy industry but also the fourth largest city in the Nation, and being in the State of Texas there is not a lot of Federal lands available. In fact, in the Park Service testimony you will see the National Park work and contacts in the Houston area are not extensive. This would give us a chance to show the culture and the history of Houston and how it benefits the Nation.

Mr. HEFLEY. Is there anything to see there of an historic nature now in Houston or is it all gone because Houston has been a fast developing, dynamic city?

Mr. GREEN. What we are seeing is by looking back, and again Stephen Fox and Anne Olson will say better, but I know in my own district that this includes—we have a park area that has been there for many years and we are continuing to rediscover the roots of Houston along Buffalo Bayou. Harrisburg, for example, that is in my district, was the first city along Buffalo Bayou. It was incorporated in the City of Houston many years ago, but that is the historic nature of it, and that is what we are seeing rediscovered in that Houston area, east end of Houston now, but the heritage that we have in that area.

Mr. HEFLEY. Thank you. Mr. Simmons, I love lighthouses and I think we ought—.

Mr. SIMMONS. We can share my tie.

Mr. HEFLEY. And I love your tie. I am a big fan of restoring lighthouses. I hate to see one torn down but why not go through the normal process for registry on the National Register? Why come to Congress? Ordinarily this isn't the process that we use for this.

Mr. SIMMONS. Yes, Mr. Chairman. It is a good process. We have been in touch with the State Historic Society. We have been in touch with the folks in the State of Connecticut who would normally assist in this process. Of course our concern is timeliness. This is a structure that came very close 2 years ago to being demolished, and if you look at the postcard that we have, which is very scenic and very beautiful, but if you look around the bottom of it you will see some red or orange plastic which is marking this off as a dangerous site, a site to keep away from. So we have come to the brink, if you will, with this. It nearly came down a couple of years ago. Citizen response, the response of the community, the response of the municipality and the State have been aggressive and active to put this on the front burner, and I guess in a way by establishing a faster track through legislation, we are respond-

ing to that concern that we have come very close to losing this, but if this is an issue for the Committee. I am sure that we would be able to provide additional testimony and input from the requisite State authorities to bring you up to date on what they are doing also to meet the requirements of national historic status.

Mr. HEFLEY. Mrs. Christensen.

Mrs. CHRISTENSEN. I don't have any questions at this point, Mr. Chairman.

Mr. HEFLEY. Committee members, anybody with questions for this panel? If not, we thank you, and again we welcome you to sit in, if you would like, with us during the deliberations.

Mr. SIMMONS. Thank you, Mr. Chairman.

Mr. HEFLEY. Panel number two, Mr. Tom Fulton, Deputy Assistant Secretary for Land and Minerals Management, the Department of Interior, Washington, D.C.; Mr. John Robbins, Assistant Director of Cultural Resources, Stewardship and Partnership, the National Park Service. Would you join us? Mr. Fulton.

STATEMENT OF TOM FULTON, DEPUTY ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, THE DEPARTMENT OF THE INTERIOR

Mr. FULTON. Thank you, Mr. Chairman, and thank you, Mrs. Christensen and other members of the Subcommittee. I appreciate the opportunity to testify today regarding H.R. 2114, the National Monument Fairness Act of 2001.

H.R. 2114 is consistent with and would reinforce actions already taken by this administration. As the Federal agency tasked by law with developing sound management plans for new national monuments, the Department of Interior is committed to bringing common sense and balance to the decision process by listening to the people most affected by these decisions. We have already undertaken that effort, and we believe that the result will be land use plans that reflect the special status of the lands that we have set aside while ensuring that those most directly affected are not disenfranchised by the process.

Since enactment of the Antiquities Act of 1906, 121 national monuments have been created by presidential proclamation, many of which, such as the Grand Canyon, Carlsbad Caverns, the Statue of Liberty, have attained national recognition. Others such as Walnut Canyon in Arizona and Capulin Volcano in New Mexico are less well-known. Twenty-seven States have national monuments and the land area of these 121 monuments designated over time represent a special use category of approximately 100,000 square miles, equal to the combined land area of Arkansas, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

Congress has in the past acted to convert a number of national monuments into national parks, and in addition Congress has designated national monuments themselves. Congress has also acted to abolish some national monuments such as that of Wheeler, Colorado, abolished in 1950.

In the early years of the Antiquities Act, the War Department was given management authority over monuments. However, in 1933 President Franklin Roosevelt consolidated management of all

monuments created to that date within the National Park Service. Currently the only monument not managed by one of the land management agencies is the President Lincoln and Soldiers Home National Monument created July 7th, 2000. This 2.3-acre monument is managed by the Armed Forces Retirement Home through the U.S. Soldiers and Airmen's Home.

The overwhelming majority of national monuments created by presidential proclamation are managed by the National Park Service, beginning with President Theodore Roosevelt's proclamation of Devil's Tower National Monument in 1906. Most Presidents throughout the 20th century have used the Antiquities Act to establish what are now many of the National Park System's most famous sites.

Not all of the proclaimed national monuments have retained their National Monument designation. Some have been incorporated into larger national park units. Others have been redesignated as national parks or other types of units within the park system. Additionally, not all national park system units carry the name National Monument that were established by presidential proclamation. Congress has enacted legislation to establish national monuments 38 times. Like the national monuments designated by Presidents, some of these monuments have been redesignated through acts of Congress as other types of units.

The National Park Service administers national monuments in the same manner as other units of the National Park System. They are subject to the provisions of the proclamations that establish the individual monuments along with subsequent legislation addressing them and laws and regulations that govern national park units generally. The primary law on which the Park Management Service policies are based is the act of August 25, 1916, known as the Organic Act, as amended.

The Bureau of Land Management currently manages 14 presidentially proclaimed monuments and one congressionally designated national monument, the Santa Rosa and San Jacinto Mountains National Monument. These monuments range in size from a 4,148-acre Kasha-Katuwe Tent Rocks National Monument in New Mexico to the 1.8 million-acre Grand Staircase Escalante National Monument in Utah. Relatively new to the administration of monuments, the BLM manages the monuments subject to the provisions of each individual proclamation and the guiding principles of the Federal Lands Policy and Management Act, known as FLPMA.

Management of each monument is unique. However, they all share some common characteristics. The proclamation under the land laws, each limits vehicular traffic, and individual proclamations address issues specific to each monument.

On March 28, 2001, Interior Secretary Gail Norton sent some 200 letters to local elected officials of all political affiliations seeking their ideas on proper and appropriate land use. The letter was sent to affected State governors, Members of Congress, State House and Senate leaders, county commissioners and tribal chairs. The Department is currently receiving replies, not only from those who received the letter, but from others who have chosen to offer their views as well. We believe there are strong public policy reasons to

support H.R. 2114 because of population growth in the West and the impact of such declarations on individuals who live in the West.

In conclusion, the goal of enabling local communities and citizens to have the opportunity to be heard prior to the creation of a monument larger than 50,000 acres is valid and one that the administration supports.

Thank you again for the opportunity to express the administration's views, and I will attempt to answer any questions you might have.

[The prepared statement of Mr. Fulton follows:]

Statement of Tom Fulton, Deputy Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior on H.R. 2114

Our duty is to use the land well and, sometimes, not to use it at all. This is our responsibility as citizens, but more than that, it is our calling as stewards of the Earth. Good stewardship of the environment is not just a personal responsibility; it is a public value. Americans are united in the belief that we must preserve our natural heritage and safeguard the land around us. This belief is affirmed in our laws.
President George W. Bush
May 30, 2001

Thank you for the opportunity to appear before you today to provide testimony regarding

H.R. 2114, the National Monument Fairness Act of 2001. H.R. 2114 is consistent with and would reinforce actions already taken by this Administration. As the Federal agency tasked by law with developing sound management plans for new national monuments, the Department is committed to bringing common sense and balance to the decision process by listening to the people most affected by these decisions. We have already undertaken that effort and we believe that the result will be land use plans that reflect the special status of the lands that we have set aside while ensuring that those most directly affected are not disenfranchised by the process.

Background

Since enactment of the Antiquities Act (16 USC 431–433), in 1906, 121 national monuments have been created by Presidential proclamation, many of which, such as the Grand Canyon, Carslbad Caverns, and the Statue of Liberty, have attained national recognition over the years. Others, such as Walnut Canyon in Arizona or Capulin Volcano in New Mexico, are less well known. Twenty-seven states currently have national monuments. The land area of these 121 monuments represents a special use of approximately 100,000 square miles of land, equal to the land area of Arkansas, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

Congress has in the past acted to convert a number of national monuments into national parks. For example, Grand Teton National Park began life as Jackson Hole National Monument. Congress has also created national monuments independently of the President. In 2000, Congress designated the Santa Rosa and San Jacinto Mountains National Monument. In addition, Congress has acted to abolish some national monuments such as Wheeler, Colorado, which was abolished in 1950.

In the early years of the Antiquities Act, the War Department was given management authority over several monuments. However, in 1933, President Franklin Roosevelt consolidated management of all monuments created to that date within the National Park Service. Currently, the only monument not managed by one of the land managing agencies, such as the National Park Service, Bureau of Land Management, United States Forest Service or the U.S. Fish and Wildlife Service, is the President Lincoln and Soldier's Home National Monument created on

July 7, 2000. This 2.3 acre monument is managed by the Armed Forces Retirement Home through the U.S. Soldiers' and Airmens' Home with guidance provided by the National Park Service.

The following is a brief summary of some of the monuments administered by the agencies within the Department of the Interior and the authorities used to manage them.

National Park Service

The overwhelming majority of national monuments created by Presidential proclamation are managed by the National Park Service. Beginning with President Theodore Roosevelt's proclamation of Devil's Tower National Monument in 1906, most of the presidents throughout the 20th Century used the Antiquities Act authority to establish what are now many of the National Park System's most famous sites.

Not all of the proclaimed national monuments have retained their "national monument" designation. Some have been incorporated into larger national park units, and others have been redesignated as national parks or other types of units within the National Park System. Petrified Forest National Monument in Arizona, for example, was redesignated by an Act of Congress as Petrified Forest National Park. Chaco Culture National Monument in New Mexico is now Chaco Canyon National Historical Park. Santa Rosa Island National Monument in Florida is now part of Gulf Islands National Seashore.

Additionally, not all National Park System units that carry the name "national monument" were established by presidential proclamation. Congress has enacted legislation to establish national monuments 38 times. Like the national monuments designated by presidents, some of these monuments have been redesignated through acts of Congress as other types of units. For example, Harpers Ferry National Monument in West Virginia is now Harpers Ferry National Historical Park. Biscayne National Monument in Florida is now Biscayne National Park.

The National Park Service administers national monuments in the same manner as other units of the National Park System. They are subject to the provisions of the proclamations that established the individual monuments, along with any subsequent legislation addressing them, and to the laws and regulations that govern national park units generally. The primary law on which National Park Service management policies are based is the Act of August 25, 1916, known as the "Organic Act," as amended. This law, which continues to serve as the basic mission statement of the National Park Service, requires the agency "to conserve the scenery, and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same...as will leave them unimpaired for future generations."

Consistent with that principle, management plans for national monuments established by Presidential proclamation that are under the National Park Service's jurisdiction are developed in the same manner as other units of the National Park System. General management plans for park units are guided by the National Parks and Recreation Act of 1978. This Act directs the National Park Service to prepare and revise in a timely manner general management plans for the preservation and use of each unit of the National Park System and to include (1) measures for preservation of the area's resources, (2) indications of the type and general intensity of development, including visitor circulation and transportation patterns along with locations, timing, and anticipated costs, (3) identification of visitor carrying capacities, and (4) indications of potential modifications to the external boundaries of the unit. The general management planning process includes substantial public involvement.

Fish and Wildlife Service

In 1978, President Carter designated the 8.6 million acre Yukon Flats and the1.2 million acre Becharof National Monuments. These two areas remained national monuments until the passage of the Alaska National Interest Lands Conservation Act of 1980 which, among other things, repealed these monument designations and established them as National Wildlife Refuges. Currently, the U.S. Fish and Wildlife Service manages the majority of the Hanford Reach National Monument in Washington state, created in June of last year, in accordance with Presidential Proclamation 7319, the National Wildlife Refuge System Administration Act and through permits and memoranda of understanding between it and the Department of Energy.

Bureau of Land Management

The Bureau of Land Management (BLM) manages 14 Presidentially-proclaimed monuments and 1 Congressionally-designated national monument, the Santa Rosa and San Jacinto Mountains National Monument. These monuments range in size from the 4,148 acre Kasha–Katuwe Tent Rocks National Monument in New Mexico to the 1.8 million acre Grand Staircase–Escalante National Monument in Utah.

Relatively new to the administration of monuments, the BLM manages the monuments subject to the provisions of each individual proclamation and the guiding principles of the Federal Land Policy and Management Act (FLPMA). Management of each monument is unique. However, they all share some common characteristics. First, each of the proclamations withdraws the land within the monuments, subject to valid existing rights, from mining, mineral leasing and entry under the land laws. Second, each limits vehicular travel to roads and trails designated for such use.

Third, each places a priority on managing objects of historic or scientific interest within the monument for future generations. In addition, individual proclamations address issues specific to each monument.

The BLM has completed a management plan for only one of its 14 monuments, the Grand–Staircase Escalante National Monument created in 1996. That management plan was completed in February 2000. A comprehensive public planning process is required for each of BLM's 13 other Presidentially designated monuments. These plans will include in depth NEPA analysis, including extensive collaborative public participation. Open houses and other opportunities for public input and involvement are already underway. Among the issues on which BLM will seek guidance and advice from the public are: public access and transportation, recreational opportunities, protection of cultural and natural resources, environmental education, noxious weed eradication, grazing, commercial uses and fire management.

Recent Monument Designations

On March 28, 2001, Interior Secretary Gale Norton sent some 200 letters to local elected officials of all political affiliations seeking their ideas on proper and appropriate land use plans for the national monuments that had been created in 2000 and 2001. The letter was sent to affected states' Governors, Members of Congress, State House and Senate leaders, County Commissioners, and Tribal Chairs, in an effort to foster a cooperative partnership to ensure that these monuments are administered in a manner that considers local needs and concerns as well as national interests. The Department is currently receiving replies not only from those who received the letter, but also from others who have chosen to offer their views as well. Gaining public input, especially from those most directly affected by the creation of these new monuments, is a high priority of this Administration.

We believe that there are strong public policy reasons to support this bill. Population, particularly in the American West, has changed significantly in the last several years. Areas that for many decades had not seen rapid population growth have experienced extraordinary growth. In the early years following enactment of the Antiquities Act, the impacts resulting from large national monument designations on private landowners and local communities were not always as direct or significant as they are today. It is a high priority for the Administration to gather input from States and local communities as part of a collaborative decision-making process on issues that affect Federal lands. To that end, the objectives and requirements of H.R. 2114 are both timely and appropriate.

In conclusion, the goal of enabling local communities and citizens to have an opportunity to be heard prior to the creation of a monument larger than 50,000 acres is valid and one that the Administration supports. As such, the requirements of H.R. 2114 help to ensure that better, more informed decisions are reached where these monuments are concerned. As President Bush stated during a recent speech given at Sequoia National Park, "...a healthy environment is a national concern and requires an active National Government. At the same time, States and localities have their own responsibilities for the environment. They have their own authority, too." He went on to state, "Washington has sometimes relied too much on threat and mandate from afar, when it should be encouraging innovation and high standards from the people closest to the land."

Thank you again for the opportunity to express the Administration's views on this legislation. I will be happy to answer any questions of the Committee.

Mr. HEFLEY. Mr. Robbins.

STATEMENT OF JOHN ROBBINS, ASSISTANT DIRECTOR, CULTURAL RESOURCES, STEWARDSHIP AND PARTNERSHIP, NATIONAL PARK SERVICE, THE DEPARTMENT OF THE INTERIOR

Mr. ROBBINS. Morning, Mr. Chairman. I am addressing both H.R. 1518 and H.R. 1776.

On H.R. 1518 we agree that efforts to recognize, protect and preserve Avery Point Lighthouse and other lighthouses are very worthwhile. Recognition and protection and eligibility for most preservation funding begin with listing on the National Register of Historic Places. The National Park Service, in partnership with State historic preservation officers, is responsible for developing

and maintaining the National Register according to a process established in 1966 by the National Historic Preservation Act. The National Park Service would be pleased to work the Connecticut State historic preservation officer and the owners of Avery Point Lighthouse toward listing the property on the National Register of Historic Places.

The Department has concerns about earmarking limited National Park Service funds for specific nonpark purposes. Although this bill includes a small amount for rehabilitating Avery Point Lighthouse, such special support could divert funds from important initiatives to address maintenance backlogs in national parks. As an appropriate source of funding, Avery Point Lighthouse might be a candidate for a grant under the Save America's Treasures program, which assists in preserving significant endangered properties and collections throughout the United States.

The President's fiscal year 2002 budget proposes $30 million for the Save America's Treasures program with both House and Senate support. The National Park Service administers the Save America's Treasures program and would be pleased to provide the sponsors of the lighthouse project with information on how to apply for Save America's Treasures grants.

On H.R. 1776, again, thank you for the opportunity to present the Department's views on H.R. 1776, which would authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas. The legislation also authorizes $200,000 in fiscal year 2002 to fund the study.

Communities such as those surrounding Buffalo Bayou value their heritage and open space and are looking for ways to maintain and enhance their community resources. A heritage area study could consider the best methods for protecting and using the natural, cultural, and recreational resources of Buffalo Bayou while preserving the character of an area that is so central to the history of Houston.

The Department supports this legislation, if amended to make the bill similar to previous national heritage area study bills. The Department, however, does not request funding for the study in this or the next fiscal year in order to focus available resources on completing previously authorized studies. Currently, 41 authorized studies are pending and we expect to complete only a few of those this year.

We also caution that our support of this legislation authorizing the study does not necessarily mean that the Department will support designation of Buffalo Bayou as a national heritage area. The administration is determined to eliminate the deferred maintenance backlog in national parks. The cost of new parks or other commitments such as grants for new heritage areas could divert funds from taking care of current responsibilities.

H.R. 1776 and ongoing community involvement demonstrate commitment to protecting and preserving Buffalo Bayou. We would be happy to work with the Subcommittee and with the bill's sponsor, Representative Green, to amend the legislation so that H.R. 1776 is similar to other bills that have authorized studies of

potential heritage areas. Proposed amendments to H.R. 1776 are attached to the end of the testimony submitted.

I would be happy to respond to any questions that you or other Committee members might have on these matters.

[The prepared statements of Mr. Robbins follow:]

Statement of John Robbins, Assistant Director, Cultural Resources Stewardship and Partnerships, U.S. Department of the Interior on H.R. 1518

Mr. Chairman, thank you for the opportunity to appear before your committee to present the views of the Department of the Interior on H.R. 1518, to require the Secretary of the Interior to include on the National Register of Historic Places the Avery Point Lighthouse in Groton, Connecticut, and provide $200,000 for the restoration of that lighthouse.

The Department appreciates the efforts to protect this historic lighthouse. This site could be an excellent candidate for funding through the Save America's Treasures program, for which the President's fiscal year 2002 Budget proposed $30 million and the House and Senate have both supported. We would be happy to provide the local sponsors with more information on how to apply for these grants to protect the historic buildings, sites, artifacts, and collections that represent significant achievements in American culture.

The Department, however, has concerns with the concept of earmarking limited National Park Service funds for specific non-park facilities. Although the amount in this bill is small, it nevertheless diverts funds away from the President's initiatives to take care of current responsibilities by addressing deferred maintenance backlogs. The Department supports the principle that States—not the Federal Government—are best suited to determine the highest priorities for using grant funding, including Historic Preservation Fund funds, which would be allocated in this bill for a specific project. We are concerned that legislative earmarks could effectively take funding away from grants to States and Indian tribes nationwide and dictate how those funds should be spent.

We support efforts to preserve significant historic lighthouses, which are important national historic treasures worthy of our care and attention. We note that this Committee took the lead in passing legislation to facilitate the transfer of historic lighthouses to non-government organizations willing to help preserve them. We stand ready to help the owners of this lighthouse to recognize this historic structure by nominating it for listing on the National Register of Historic Places. Long-standing procedures, however, require that the owners work through the State's Historic Preservation Officer, and we understand that such coordination on an application has not been completed. If needed, we can help the owners, working with the Connecticut State Historic Preservation Officer, on the documentation necessary to evaluate the property's eligibility for listing.

Mr. Chairman, thank you for the opportunity to comment. This concludes my prepared remarks and I will be happy to answer any questions you or other committee members might have.

Statement of John Robbins, Assistant Director, Cultural Resources Stewardship and Partnerships, National Park Service, U.S. Department of the Interior on H.R. 1776

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H. R. 1776. This bill would authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

The Department supports this legislation, if amended to make the bill similar to previous national heritage area study bills. Nevertheless, we will not request funding for the study in this or the next fiscal year so as to focus available time and resources on completing previously authorized studies. As of now, there are 41 authorized studies that are pending, and we only expect to complete a few of those this year. We caution that our support of this legislation authorizing a study does not necessarily mean that the Department will support designation of this National Heritage Area. The Administration is determined to eliminate the deferred maintenance backlog in national parks, but the costs of new parks or other commitments, such as grants for new National Heritage Areas, could divert funds from taking care of current responsibilities. Furthermore, in order to better plan for the future of our National Parks, we believe that any such studies should carefully examine the full

life cycle operation and maintenance costs that would result from each alternative considered.

H.R. 1776 outlines the characteristics and qualities of the Buffalo Bayou area in Houston, Texas including the history and role of the Bayou in the creation and development of the city. The bill authorizes the Secretary of the Interior to conduct a suitability and feasibility study to determine if the area known as Buffalo Bayou in Houston, Texas could be designated as a national heritage area. The legislation authorizes $200,000 in Fiscal Year 2002 to fund the study, with a report due to Congress describing the results of the study.

The National Park Service has not had extensive involvement in the Houston area. However, the Rivers, Trails and Conservation Assistance Program (RTCA) has worked with the Buffalo Bayou Partnership and other local groups to establish a 5 mile rail-trail that runs parallel to the Bayou. Through that work, and from brief reviews of planning documents and activities surrounding the Bayou, it is clear that this area of Houston was central to the creation of the city. The Bayou has now become a focal point for downtown Houston, encouraging its residents to enjoy, use, and appreciate their great resources today as the city continues to renew and define itself.

It is also evident that the groups and communities in the area value their heritage and open space and are looking for ways to maintain and enhance these qualities. A study that looks at the natural, cultural, and recreational significance and values of the area could make recommendations on the best method to protect and use these resources while retaining the character of this part of Houston.

As we have testified previously before this subcommittee, there are several steps we believe should be taken prior to Congress designating a national heritage area to help ensure that the heritage area is successful. Those steps are:

1. completion of a suitability/feasibility study;
2. public involvement in the suitability/feasibility study;
3. demonstration of widespread public support among heritage area residents for the proposed designation; and
4. commitment to the proposal from the appropriate players which may include governments, industry, and private, non-profit organizations, in addition to the local citizenry.

H.R. 1776 and previous work in the community demonstrates the commitment to the idea of pursuing a study to look at further protection and preservation options. It is also apparent that there is widespread support for the Buffalo Bayou that will ensure public involvement. A critical element of the study will be to evaluate the integrity of the resources and the nationally distinctive character of the region before recommending national heritage area designation.

We would be happy to work with the subcommittee and the bill's sponsor, Representative Green, to amend the legislation so that it is similar to other bills that have authorized studies of national heritage areas. We have attached proposed amendments at the end of this testimony.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the subcommittee may have.

PROPOSED AMENDMENTS

H. R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas.

On page 3, line 20 insert "the City of Houston, and other appropriate organizations" after "the State of Texas,".

On page 3, line 19 insert "(1)" before "The Secretary shall," and then insert a new paragraph (2) on page 3, line 23 as follows:

"(2) The study shall include analysis and documentation that the Study Area:

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, and/or scenic features;
(D) provides outstanding recreational and educational opportunities;
(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;
(F) includes residents, business interests, non-profit organizations, and local and state governments who are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants including the federal government, and have demonstrated support for the concept of a national heritage area;
(G) has a potential management entity to work in partnership with residents, business interests, non-profit organizations, and local and state governments to develop a national heritage area consistent with continued local and state economic activity; and
(H) has a conceptual boundary map that is supported by the public.

On page 3, line 23 through page 4, line 2 strike Section 2(c) and replace with the following:

"(c) BOUNDARIES OF THE STUDY AREA. The Study Area shall be comprised of sites in Houston, Texas, in an area roughly bounded by Shepherd Drive and extending to the Turning Basin, commonly referred to as the Buffalo Bayou.

Mr. HEFLEY. Thank you very much. Let me ask a mechanical question first of all. The rules require that the administration testimony be submitted to us 2 days in advance. We got it last night about 7 o'clock, I think. What is the mechanical problem? This doesn't give us a chance to really go over your testimony and be prepared to ask intelligent questions and so forth. What is the mechanical problem connected with that and can that be corrected?

Mr. FULTON. Mr. Chairman, I apologize for the delay in getting the reply. As you may know, the Secretary has been, quote, home alone at the Department of Interior. That today will be somewhat rectified by the swearing in of an additional six individuals. It literally has been a case of there has been not enough individuals at the Department, but that is a matter that is rectifying itself and I would certainly hope that in the future we could be more timely with our submissions.

Mr. HEFLEY. Well, if you can, that will be very, very helpful to us.

Mr. Fulton, you mentioned in your testimony that the Bureau of Land Management has only completed one of 14 management plans toward 14 monuments. How much time and money has the Bureau spent just on the management plan for the Grand Staircase Escalante National Monument and what do you see as the overall cost in staff time to complete the balance? Do you not agree that the monument designations by President Clinton which were accompanied by no budget or management plans just added to the already difficult fiscal and management problems faced by our Federal land managers?

You know Clinton went on an orgy of naming monuments before he got out of office. I don't think there is any question about that. He was desperately searching, I guess, for a legacy and he thought this would be his legacy, and some of it is probably good and some of it is very questionable. So would you respond to that question, please?

Mr. FULTON. Yes, sir. It is very clear that the Bureau of Land Management and the other land management agencies face a very, very complex and difficult mission as they administer public lands. These are public lands that are in everyone's backyard and everyone feels personally attached to at least their piece of public land. It is analogous, I guess, to the 14 monuments that were designated in the years 2000, 2001 as sort of like the pig and the python there. They are going through the land management process and it will cost millions of dollars, I don't know the exact number, and it will involve substantial numbers of people.

The Grand Staircase Escalante management plan, I am not certain of the dollar amount that was expended there, and we can get that information for the Committee, but it was a 3-year planning process that involved certainly at least more than a million dollars. I am not sure what the exact amount was.

Mr. HEFLEY. Well, I remember when Senator bill Armstrong was doing the Colorado Wilderness Act, trying to put that together, and you know, we had Senators from Colorado come and go working on that over the years. We had Senator Hart, we had Senator Wirth, and senator Armstrong finally got something done, but he knew where every mine, every claim, every road, every communication tower, he knew exactly where all of that was, and they planned the wilderness area with that in mind. You can't do that when a President just arbitrarily designates something because he thinks it is a good idea, and in this particular case it was very interesting that he didn't even think it was attractive enough to go there to do his announcement. He did the announcement in Arizona where he had a better background.

By and large, shouldn't there be careful planning in advance before these things are done, and, as was indicated by Mr. Simpson, wasn't the purpose of the law to take care of things that, by gosh, there is going to be a Wal-Mart there if we don't do something immediately, let's do it now, not to do things that there is no imminent danger? And I have asked too many questions and I apologize.

Mr. FULTON. That is all right. I will sort through them and see which ones I can answer. I think the Secretary shares your concern, which is why early on once she was sworn in she reached out by mailing out over 200 letters to every local county commissioner, tribal chair, State House and Senate, bipartisan, Republican and Democrat, governors, Members of Congress, senators of those States impacted and affected by the designation of these monuments in 2000 and 2001 because that is in fact what she wants to know through local consultation and communication, what is it that the impact of these monuments implies for these local areas. She also has not had the opportunity to visit all 20 of them but she very much wants to hear from local impacted individuals to see what it means in their lives.

The Grand Staircase, for instance, in the southern counties of Utah represents, well, the public land base represents nearly 90 percent of the total for those counties. So anything that the Federal Government does in those areas, those rural areas, can have a tremendous impact on the local population and is something she wants to be very much aware of as she moves forward in the very difficult task of administering these monuments.

Mr. HEFLEY. Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. I guess I will direct my first question to Mr. Robbins. How long is the process on average for a property to be placed on the National Register?

Mr. ROBBINS. Something between a year and 2 years. Each State has a National Register Review Board, which is a citizens advisory Committee, and so the process includes the investigation of the proposal, the preparation of the nomination, and then the nomination must go before each State's citizens advisory committee, the National Register Review Board, and those meetings are scheduled, depending on the State, either twice, three or four times a year, and then the nomination if it has the concurrence of the review board is then forwarded to the National Park Service for listing.

Mrs. CHRISTENSEN. Thank you. And you are not really opposing the inclusion of the lighthouse, you think it is a good property, you just agree with us on the process; is that correct?

Mr. ROBBINS. In fact, we don't know that much about the lighthouse because the information hasn't been transferred to the National Park Service through the process.

Mrs. CHRISTENSEN. And you also indicated that there were other sources of funding that you would be happy to assist?

Mr. ROBBINS. The two chief sources of funding for historic properties that are listed on the National Register are the Historic Preservation Fund, the portion of which is distributed to the States, and then the Save America's Treasures program, which is also funded through the Historic Preservation Fund, which has both a competitive and has an earmarked portion.

Mrs. CHRISTENSEN. Thank you. Mr. Fulton, in your testimony you said that there was strong public policy reasons for the administration to support 2114. Could you elaborate on those reasons for us?

Mr. FULTON. Yes, ma'am. It is the local consultation, the need to visit with and fully understand the local concerns as these processes move forward, visiting with people at the front end of these monument designations in an effort to fully understand the impact that the Federal Government can have when it makes a specific land use designation.

Mrs. CHRISTENSEN. Well, we appreciate the consultation part of the bill and we did receive a letter from the Secretary. It is with our governor and I think we have responded to it. I am clear on the administration's support of the consultation and advocacy for the consultation part of the bill, but I am not clear whether the administration is in support of some of the other areas, the limitation placed on the monuments and the need for congressional approval of those monuments after 2 years. Does the administration also support that part of the bill?

Mr. FULTON. It is my understanding that it does, yes. My testimony was cleared through the Office of Management and Budget representing the White House. It is my understanding that that testimony was approved by them. The size of these monuments can very dramatically impact the land use for local communities, and some of the monuments created are nearly 2 million acres in size, and the grand total for this special use category of land use within the Federal Government is, as I said, almost 100,000 square miles,

representing the total land area of many States. This is a significant constriction on the multiple use that these lands were open for prior to their designation as a monument.

Mrs. CHRISTENSEN. I would think that you know that issue could have been settled during the consultation process, but for Congress to be able to by not approving and in essence overturn a presidential declaration, that limits the authority of the President and significantly changes the intent of the Antiquities Act. The administration supports that?

Mr. FULTON. It is my understanding through the clearance of the testimony that it does. The Antiquities Act, as pointed out by Mr. Simpson, was meant to protect some of the cultural and archaeological resources and, to the smallest extent practicable, some of these monument designations in the millions of acres, they are extraordinarily large, and whether they are needed to protect those archaeological or antiquities resources is just an issue still open for debate.

Mrs. CHRISTENSEN. The bill also, just one short question, also says that any management plan shall comply with NEPA. Are monuments currently not required to comply with NEPA?

Mr. FULTON. No, it is my understanding that well, under—no, I believe that they do, that all the environmental laws that are relative and applicable would in fact be applied in monuments that are already extant and newly created monuments as well. Adequate environmental laws are already on the books.

Mrs. CHRISTENSEN. Apply. Thank you.

Thank you, Mr. Chairman.

Mr. HEFLEY. Mr. Simpson.

Mr. SIMPSON. My understanding is that with the NEPA you do not have to go through the public comment period and everything else that is required by the NEPA process when you declare a National Monument and that is the intent of this, that you have to go through the public process, the same public process as all other environmental laws that are required.

The concern of overturning a presidential declaration and authority of the President, this is authority given to the President by Congress. It is not authority in the Constitution. The Constitution gives Congress the right to make land use designations, and we have delegated some of that authority to the President to do that. Certainly we can overturn by law a presidential declaration of a monument or change it, as has happened.

The concern is, and I will use this example just because it is one of the more recent ones, but with the Grand Staircase Escalante that was declared in 1995 or 1996, whenever it was, if the President declared that a National Monument and Congress wanted to overturn that, it would have to essentially have two-thirds vote in the House and Senate to override a presidential veto because the President would probably veto a bill overturning a National Monument that he created, and to me, that is just bassackwards from the way that things should act. Congress should be the ones to make these types of things maybe upon recommendation from the President, that is fine, but Congress ought to be involved particularly in these huge designations.

And if you look back in the history, since 1906, at the designations, most of them were 160 acres, 1,100 acres, 1,600 acres. Occasionally—the Grand Canyon was 808,000 acres. I believe Congress would have probably acted to protect that, as we have. Since the Wilderness Act was enacted we have put over 128 million acres in national wilderness. So Congress has not been irresponsible in this area. 639 acres in Mount Olympus, but most of them were 2,000, 10,000, 20,000. And then in the later years as we get into the National Monument Act, if you look at as an example in the Carter years, 1.1 million, 350,000 acres, 1.2, 2.6, 3.8, 8.2, 10.9, 10.6 millions of acres and these monuments have become not what they were originally intended to protect these archaeologically significant areas and so forth, but they have become ways of taking huge tracts of land and making land use designations without any public input or the requirement for any public input, and that is my concern with this legislation and whether the law is actually being followed as it was intended. And I will use this example.

Craters of the Moon expansion in Idaho took 52,000 acres and expanded it by an additional 660,000 acres. I wasn't opposed to it, and in fact I talked to the Secretary a couple of times about it and offered to run legislation to create it. It had been talked about several times in Idaho and so forth. But if you look at the standard by which you can declare a National Monument, that it has to be unique and geological and of some significance, that area qualifies. Has to be under some imminent threat. I repeatedly wrote to the Secretary and said what is the imminent threat of this area, and there is none. There is totally no imminent threat to this. You can't walk across this area. I mean it is nothing but lava rock. And he eventually told me that it was to protect from future mining claims. There are no mining claims out there. No one is going to want to mine out there, and the Antiquities Act is not to protect something from something that might happen in the future. It is for an imminent threat that currently exists.

And so that is why this legislation is here. It is not to undermine the Antiquities Act. You know, I want to preserve these areas as much as anybody does, but I do believe the public has a right to have some participation and Congress has a right to have some participation in this designation. And this is not an anti-Clinton or an anti-anything else bill. It is one that says Congress ought to be responsible and take back some of its authority, but I appreciate the—I know that is not in the form of a question. I appreciate your testimony on the legislation, and I look forward to working with the administration on this and I appreciate the attitude of the administration.

I know that they are not out to overturn national monuments willy-nilly or anything else, but they are asking for input from the public as to the effects of these national monuments and if changes need to be made or whatever so that they can look at it in a rational manner rather than just declare national monuments. I appreciate it.

Thank you.

Mr. HEFLEY. Mr. Gibbons.

Mr. GIBBONS. Thank you very much, Mr. Chairman. I actually have only one comment to make and then perhaps one short ques-

tion for Mr. Robbins, but with regard to public lands, Mr. Fulton, being in your backyard, Reno recently I read was designated as the highest density city per square mile of population of any city in the United States, registered number one, which points to me that in Nevada public land is not only in your backyard, it is your front yard and it is your side yard. The State of Nevada, something less than 90 percent of it is owned by the public and that is a large area of Nevada. In some counties we have 98 percent of the land in those counties owned by the public and it is indeed frustrating, difficult and many times impossible for local governments to use the property tax base to fund needed resources and operations within those counties.

Mr. GIBBONS. Now, that point being made, let me ask Mr. Robbins with regard to the lighthouse in Connecticut, I presume that lighthouse in Connecticut is publicly owned at this point in time, the university or—is there—and this would be my question, is there historic precedent for funding restoration of such lighthouses publicly owned in the past through the Park Service?

Mr. ROBBINS. Yes, there is.

Mr. GIBBONS. So this is not something we are going to create out of whole cloth as a unique change or circumstance under which the government hasn't done this before.

Mr. ROBBINS. I think the difference would be that previous funding, because Congress had begun the maritime initiative, which the National Park Service administers—the difference is that the emphasis through the maritime initiative is on already-listed National Register properties.

Mr. GIBBONS. Is there an effort, then, to transfer title to the National Park Service once these funds and restoration have been completed?

Mr. ROBBINS. Through the maritime initiatives?

Mr. GIBBONS. Yes.

Mr. ROBBINS. No. In fact, the effort is in the other direction. It is to find public or nonprofit owners other than the National Park Service for maritime resources including lighthouses.

Mr. GIBBONS. That is the only question I have, Mr. Chairman. Thank you.

Mr. HEFLEY. Mr. Cannon.

STATEMNENT OF THE HON. CHRIS CANNON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. CANNON. Thank you, Mr. Chairman. I want to thank our panel for coming today, and especially I would like to thank you, Mr. Fulton, for the attitude of this administration which is pleasant. I'd like to recall, to everyone's memory, the abuses of the Antiquities Act were truly monumental in their excess. The previous administration, as this Committee has pointed out in the past in a report, actually lied to the delegation from Utah about the imminent designation. And the public input was limited to a phone call of about one-half hour duration with the Governor of Utah, which was initiated by the President at 2 or 3 in the morning.

Fortunately, the Governor had some handwritten notes at his bedside and was able to convey a number of points which were hastily included in the designation, but overwritten, undermined,

and ignored in the planning process. So we appreciate your being here. Let me just say I recently had a couple of town hall meetings in the two areas. In fact, you pointed out, Mr. Fulton, these areas are nearly 90 percent public lands, these two countries that are affected. They are actually 93% public lands. And so, if the Federal Government sneezes, people die of pneumonia. And this is now years and years after the designation, after the plan has finally been finished. It was surprising to me to see the intensity of emotion and the pain that is still being felt in that area by those people on many levels on the level of just the invasiveness of some of the recent decisions of managers in the area, but also based upon the way the plan went forward. I think that what President Clinton did was deeply destructive of the faith and trust of the American people and has required that we in Congress act to put some constraints.

I think this bill is infinitely reasonable but would not even be before the American people except for the abuses that the Antiquities Act was used to foist off on the American people. So we are anxious to work with you. We are thrilled. I would say the people in Utah have been waiting for the confirmation process, the political people from the Department of Interior were thrilled to see that happen. I have the greatest expectations that this administration will not respond with excess to the excesses of the prior administration, but with thought, with a process that is inclusive and helpful and that we will get on with solving some of the problems that have been created by the prior administration, which have been extreme in the lives of the few people that live at least in those two countries which wholly encompass the Grand Staircase-Escalante National Monument, which are both in my district. So we are pleased to have you here and look forward to working with you and the administration over time on these issues. Thank you and I yield back.

[The prepared statement of Mr. Cannon follows:]

Statement of The Honorable Chris Cannon, a Representative in Congress from the State of Utah on H.R. 2114

Thank you, Mr. Chairman, for holding this hearing.

As many of you know, the people in my district were the first to suffer under former President Clinton's abuse of the Antiquities Act. The problems that this bill seeks to solve were epitomized by the flawed process used to designate the Grand Staircase–Escalante National Monument.

Recently, I held two meetings in my district to gain a better understanding of the issues that still remain. Several hundred people attended and provided poignant testimony of the disruption the Monument has caused in their lives. If the National Monument Fairness Act had been in place, these people would have been able to provide their input prior to the designation, eliminating many of the problems and ensuring that the Monument protected existing uses.

In the absence of checks and balances in the process, Utah's Governor Leavitt was awakened by a phone call late the night before Clinton designated the Monument. The Governors of our states must know of the President's intentions in time to provide their important and detailed feedback.

The Antiquities Act can serve an important purpose in protecting lands from imminent danger. However, the Grand Staircase–Escalante National Monument comprises almost 2 million acres. Clearly, a change in the management of such a large amount of land should be addressed by Congress, the body charged with determining public lands policy, and not take place by executive fiat.

I firmly believe that we must amend the Antiquities Act to ensure that an orderly process is followed when designating a National Monument, one that provides for local input before irrevocable decisions are made. More importantly, the people in

my district would be relieved to know that the abuse of the Antiquities Act that they suffered will not be imposed on others.

I look forward to hearing the testimony of the witnesses and especially welcome Mike Noel, Chairman of the Kane County Resources Development Committee in Kanab, UT. He has provided invaluable information to my office throughout this process and I expect that he will also provide invaluable information to the committee.

Mr. HEFLEY. Mr. Duncan.

STATEMENT OF THE HON. JOHN DUNCAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. DUNCAN. Thank you, Mr. Chairman. I don't have any questions, but I would like to make a couple of comments, and first of all, I would like to voice very strong support for Dr. Simpson's bill. I think that many of our environmental policies and actions in recent years have been dictated or controlled by extremists, and this bill is a very reasonable attempt to put a little tiny bit of balance and moderation back into our environmental policies. And I think anyone who opposes this would be opposing any type of minimal public input into this process, and really would be coming out in favor of secrecy or doing things in a dictatorial fashion that I think is very unAmerican.

I remember well some of the hearings on the Grand Staircase-Escalante Monument in which it was brought out after the fact that one of the law professors, I believe from Colorado who was involved in the process many months in advance, had put out a memo to the White House stating that he couldn't overemphasize the need for secrecy in the process, because if there was public notice, that there would be such a huge outcry against this. And that is really sad to think that we have got to the point where we are doing things in secrecy so that the people have no knowledge or input or no voice in their own government.

And then I remember the Governor of Utah being here to testify and saying that he first read about the possibility of this just a few days in advance in The Washington Post, and then he got this after-midnight call that Mr. Cannon just referred to. We always hear about Theodore Roosevelt in here. I think Theodore Roosevelt would be shocked to know how much land is in the public domain today. Over 30 percent of the land in this country is owned by the Federal Government, and another 20 percent is owned by the State and local governments and quasi-governmental agencies. And his first designation under this Antiquities Act was a little over 1100 acres. In the first 10 I see 857 acres, 533 acres, 360 acres, 487 acres. And you go on down and you see from 1939 to 1978 a 40-year period there. There were three designations: 1481 acres, 880 acres, 311 acres, for 40 years, none between 1980 and 1989.

And then you get into this period here where you start getting into all these million-acre designations. And unless you just want the Federal Government to take over all the land in this country and you just want to—I believe there are some people who want to do away with private property. Yet if we don't realize—if we don't wake up and realize that private property is one of the foundations and cornerstones of not only our freedom, but of our prosperity, we are going to be in bad trouble in this country.

I will say on the other things, unfortunately, we have got many, many, many local governments now because we have designated all the big things as national parks or national forests or whatever, we are having many people come to us now for what should be items that are being done by local, city or county governments or State governments, almost all of which are in better financial shape than the Federal Government, which is still almost $6 trillion in debt. So I do wonder about that, Mr. Chairman. I heard some comments that you made in that regard. But that is—I do want to say that I am strongly in support Dr. Simpson's bill, and I hope that we can move that very quickly through this Subcommittee and Committee. Thank you very much.

Mr. HEFLEY. Mr. Duncan, thank you. Mr. Robbins—I am sorry. Mr. Simmons, before I ask another question.

Mr. SIMMONS. Thank you, Mr. Chairman and the Subcommittee for the courtesy of allowing me to sit here. I truly appreciate it. Let me just very briefly thank Mr. Robbins for his statement that he feels the Avery Point Lighthouse Project is worthwhile, and that he looks forward to working with us on that. He made some very helpful suggestions which we will follow up on.

With the permission of the Chair, we would like to submit some additional information that we don't have with us here today that relates to the efforts to get the State of Connecticut to assist us for placing this on the national historic list. And if that is agreeable to the Chair, we will submit that by letter within the next week or 10 days. We have that ongoing, but we don't have that in our presentation.

And let me finally just comment on his remarks or his testimony regarding earmarking. He did indicate that earmarking is not preferred by the agency, and I appreciate that. He, of course, referred to it as a small amount which it is, but let me just simply comment that this lighthouse was constructed by the Federal Government in 1943 through the Coast Guard. It was designated at the time as a memorial to all lighthouse keepers, all members of the Coast Guard and other citizens who, in some cases, placed their lives on the line to preserve and protect not only those involved in the maritime trades, but any others who needed this assistance as they made their way at sea. When the Coast Guard turned the property over to the State of Connecticut in 1967, I grant you, we failed in our fiduciary responsibility to maintain the property. We failed. And we came very close to losing the property a couple years ago when it was considered a hazard and designated for demolition. But we have realized our mistake. We have thousands of local citizens who have contributed money. We have had money come in from two municipalities, the city of Groton and the town of Groton, and we have had money designated by the State of Connecticut.

So all we are asking is a small amount earmarked by the Federal Government to partner with us and to reflect that original fiduciary interest that the Federal Government had in this property when they built it. And with that, I thank the Chairman again and yield back my time.

Mr. HEFLEY. Thank you. One last question for me, Mr. Robbins. You indicated that there are 41 authorized studies that are pending, and that I only expect a few of those studies to be completed

this year. I would like for to you elaborate a little bit more about what "a few" means, and if you are only going to do a handful a year, then we are talking maybe 7 or maybe 8 years to finish these studies. And maybe give us an idea of how soon you anticipate getting the 41 authorized studies completed.

Mr. ROBBINS. Sir, I would have to look into the status of each of the authorized studies and get back to you with additional information on that, which I will do.

Mr. HEFLEY. If you would do that, that would be helpful. Further comments or questions? If not, thank the witnesses. And appreciate you being here.

[The information referred to follows:]

SPECIAL RESOURCE STUDIES

24-Jul-01

Potential National Park System Units	Source	Internal Draft Target/Actual	Public Draft Target/Actual	Final Target/Actual
Anderson Cottage, DC	LEGIS*	**01/19/01**	Oct-01	Jan-02
Angel Island, CA	FY99	**05/04/00**	Sep-01	Jul-02
Battle of Homestead & Carrie Furnace, PA	FY99	Dec-01	Feb-02	Aug-02
Bioluminescent Bay, PR	LEGIS	Oct-01	Dec-01	Mar-02
Carter G. Woodson Home	LEGIS	**01/17/01**	**07/17/01**	Jan-02
Chesapeake Bay Sites, MD & VA	FY98	Aug-01	Feb-02	Jul-02
Civil Rights Sites, Nationwide	LEGIS	**07/13/01**	Sep-01	Dec-01
Eakers Airforce Base, AR	FY99	**01/14/99**	**04/26/99**	Nov-01
Ferry Farm, VA	LEGIS	**02/02/01**	Sep-01	Dec-02
Fort Hunter Liggett, CA	LEGIS	Sep-01	Nov-01	Jun-02
Fort King, FL	LEGIS	Feb-02	May-02	Jun-02
Gaviota Coast Seashore, CA	LEGIS	Sep-01	Jan-02	Sep-02
Harriet Tubman Sites, NY, MD	LEGIS	Sep-02	Sep-03	Nov-03
Hot Springs High School, AR	FY99	Oct-01	Nov-01	Dec-01
Kate Mullany House, NY	LEGIS	Sep-01	Apr-02	Sep-02
Loess Hills, IA	LEGIS	**03/08/01**	Nov-01	Jan-02
Nan Madol, Micronesia	LEGIS	On Hold Pending Local Authorization		
Revolutionary War & War of 1812	LEGIS	Jan-02	Mar-02	Aug-02
Robert Moton High School, VA	FY97	**07/31/00**	**03/16/00**	Oct-01
Susan B. Anthony Home, NY	FY96	**02/19/97**	**04/18/01**	Oct-01
Walden Pond and Woods, MA	LEGIS	Aug-01	Oct-01	Nov-01
WW II Home Front (in addition to Rosie)	LEGIS	Jul-02	Oct-03	Nov-03
WW II Sites in Northern Marianas	LEGIS	**12/01/00**	Oct-01	Nov-01
WWII Sites in Palau	LEGIS	Dec-01	Mar-02	Dec-02
Sub-Total: 24				

Potential National Heritage Areas	Source	Internal Draft Target/Actual	Public Draft Target/Actual	Final Target/Actual
Androscoggin Valley, NH	FY98	**07/06/00**	**03/12/01**	Sep-01
Golden Spike Heritage, UT	LEGIS	Schedule TBA pending funding		
Lincoln Highway, Multi-State	LEGIS	Jun-03	Oct-03	Sep-04
Northern Frontier, NY	FY98	**03/28/00**	Sep-01	Dec-01
Upper Housatonic River Valley, CT	LEGIS	May-02	Jul-02	Sep-03
Sub-Total: 5				

Potential Additions to the National Trails System	Source	Internal Draft Target/Actual	Public Draft Target/Actual	Final Target/Actual
Old Spanish Trail, NM to CA	LEGIS	**1/19/00**	**5/9/00**	Sep-01
Star-Spagled Banner Trail, NJ and MD	LEGIS	Mar-02	Jun-02	Jan-03
Vicksburg Campaign Trail, Multi State	LEGIS	Mar-03	Apr-03	Nov-03
Washington & Rochambeau in the American Revolutionary War	LEGIS	Sep-03	Feb-04	Jan-05
Womens Rights Trail, NY	FY99	**6/4/01**	Sep-01	Nov-01
Sub-Total 5				

Potential Additions to the National Wild and Scenic River System	Source	Internal Draft Target/Actual	Public Draft Target/Actual	Final Target/Actual
Musconetcon River, NJ	LEGIS	Mar-02	Jun-02	Oct-02
New River, VA and WV	LEGIS	Nov-01	Jan-02	Mar-02
Taunton River, MA	LEGIS	Mar-03	Oct-03	Oct-04
Sub-Total: 3				

Potential Boundary Expansion		Internal Draft	Public Draft	Final
	Source	Target/**Actual**	Target/**Actual**	Target/**Actual**
Grazing Use & Open Space, Grand Tetons NP, WY	LEGIS	**05/01/01**	**06/01/01**	Oct-01
Sub-Total: 1				

Combination of Potential Categories		Internal Draft	Public Draft	Final
	Source	Target/**Actual**	Target/**Actual**	Target/**Actual**
Crossroads of the American Revolution (NP Unit/Heriage Area)	LEGIS	Oct-01	Jan-02	Jun-02
Ice Age Floods, MT, WA, OR (Heritage Area/Trail)	NPS	**05/01/00**	**09/19/00**	Oct-01
Low Country Gullah Culture, SC, FL, GA, TX (NP Unit/Heriage Area)	LEGIS	Feb-02	Sep-02	Dec-02
Shenandoah Valley Battlefields, VA (NP Unit/Heritage Area)	LEGIS	**02/17/00**	**04/17/00**	**04/12/01**
Sub-Total: 4				

Total Studies: 42

*LEGIS - Nonappropriation legislation

Next panel, panel 3, will be composed of Ms. Adena Cook, Public Lands Director, Blue Ribbon Coalition, Idaho Falls, Idaho; Mr. Mike Noel, Chairman, Kane County Resources Development Committee, Kanab, Utah; Mr. Theodore Roosevelt, IV, from New York. Of course he would be from New York.

Mr. HEFLEY. We will start with Ms. Cook.

STATEMENT OF ADENA COOK, PUBLIC LANDS DIRECTOR, BLUE RIBBON COALITION

Ms. COOK. Thank you, Mr. Chairman. The Blue Ribbon Coalition supports H.R. 2114 which amends the 1906 Antiquities Act. H.R. 2114 sets up a legal process to establish large scale national monuments. I would like to give you examples of why that process is necessary. President Clinton first used the 1906 Antiquities Act to designate Grand Staircase-Escalante National Monument in Utah in 1996. That monument encompassing 1.7 million acres was declared without prior notice to Utah's Governor, congressional delegation or residents local to the area.

And it is possible that the controversy over the secrecy surrounding this monument influenced Secretary of Interior Bruce Babbitt to get subsequent announcements an aura of process by means of informal visits to the area.

The circumstances surrounding the designation of the Craters of the Moon National Monument Expansion is an example. On April 18th, 2000, Babbitt met with the local residents in the area, visited on the ground with local grazers, and also the public in Arco, Idaho. His visit was generally unannounced. He traveled again to Idaho on June 23rd and met with a few more citizens in Rupert. That time our executive director, Clark Collins, discussed our concerns about roads, trails and access directly with the Secretary. Collins was promised that his suggestions would be considered. Babbitt asked him for some language. But nothing further was heard and our suggestions were ignored. Similarly, the hunting access issue was ignored in the proclamation, even though Babbitt had been aware of the problems.

Now Congressman Mike Simpson has had to introduce legislation to correct this deficiency. It will take an act of Congress to correct what could have been a simple matter had an official process been in place.

The Cascade-Siskiyou National Monument is another example. It is located on Oregon's southern border with California and encompasses around 85,000 acres with about 53,000 BLM monument property and 32,000 private property. The BLM was aware of what this area's special values and features was and in the middle of a planning process when Babbitt showed up in October 1999 with a monument in mind.

Now you have this map before you. But how would you like to be a monument manager trying to manage these little isolated parcels surrounded by private property and conversely, be a private property owner surrounded by monument. The intermingle ownership will consume Federal and public attention for some time to come. And the EIS process that the BLM had in place already could have sorted this out. Now the use of the Antiquities Act in

this way has been challenged in court. A lawsuit is still pending on the Grand Staircase-Escalante in Utah.

In the Mountain States Legal Foundation of Blue Ribbon Coalition has sued over the establishment of six other national monuments. These lawsuits are still pending. In almost all these monuments, there has been insufficient inventories of roads, trails and recreation access. Monument status means that recreation opportunities will be lost without ever evaluating their significance.

Last year, Congressman James Hansen introduced H.R. 1487, which is similar to H.R. 2114, but reasonable discussion over this legislation was poisoned by speculation over designation of the ad hoc process, the secrecy and the polarization. The events surrounding the creation of large scale national monuments since 1996 have revealed the problems that can be created when unilateral declarations are made without a formal process. H.R. 2114 remedies this and sets a process in place.

Now, past events have demonstrated that an ad hoc arbitrary process is already in place. It will take place as it has in the past with headline grabbing, speculation, polarization. H.R. 2114 offers a far better option. It assures the Antiquities Act can be used to set aside special places, but a process will be followed that will direct discussion in a productive way.

Mr. HEFLEY. Thank you.

[The prepared statement of Ms. Cook follows:]

Statement of Adena Cook, Public Lands Director, BlueRibbon Coalition on H.R. 2114

BACKGROUND

President Clinton first used the 1906 Antiquities Act to designate the Grand Staircase Escalante National Monument in Utah in 1996. That monument, encompassing 1.7 million acres, was declared without prior notice to Utah's governor, congressional delegation or residents local to the area. The press who were invited to the proclamation ceremonies knew about the forthcoming announcement before Utah's elected officials

The announcement was followed by a firestorm of controversy. The internal dealings within the administration that led to the selection of the area and its designation were subsequently investigated and reported by Congress. Congressional investigation revealed internal discussions creating a paper trail to give a semblance of internal process. Apparently, the administration was attempting to bolster the credibility of the proclamation. These machinations within the administration have been well documented by an investigative report authored by this very committee in 1997, "Behind Closed Doors: The Abuse of Trust And Discretion In The Establishment Of The Grand Staircase–Escalante National Monument." - Majority Staff Report, Subcommittee on National Parks & Public Lands, Committee on Resources.

The procedural deficiencies of the Antiquities Act were highlighted by this first and largest national monument declared by President Clinton. It was to be followed by 17 more for a grand total of 18 national monuments and 5.6 million acres in the next four years.

It is possible that the controversy over the secrecy surrounding the Grand Staircase Escalante National Monument influenced Secretary of Interior Babbitt to give subsequent announcements an aura of process by means of informal visits to prospective candidates. Absent statutorial requirements, these "fact-finding" visits were ad-hoc and minimally announced. They were surrounded by headline-grabbing speculation that polarized both sides of the issue. Absent an orderly process, both opponents and proponents took their case to the press.

CRATERS OF THE MOON

A series of events preceding the Craters of the Moon National Monument Expansion in Idaho exemplifies this ad hoc fact finding. On April 18,2000 Secretary Babbitt made a generally unannounced visit to the Craters of the Moon National Monument area, with a presumed intent to expand the boundaries of the monument. He

met on the ground with grazing permittees, and with a hastily assembled group (whoever could get there with just a few hours notice) at the high school in Arco, Idaho. There was no official record made of the proceedings.

On June 17, 2000, in Twin Falls, Idaho, the Senate Subcommittee on Forests and Public Land Management, chaired by Senator Larry Craig, held an oversight hearing on the proposed expansion of the Craters of the Moon National Monument. This oversight hearing created an official record of the proposal, the only existing public record. It was at this hearing that issues relevant to the expansion were identified. Among them were hunting and trail and road access.

On June 23, Secretary Babbitt returned to Idaho. A public meeting was convened in Rupert, Idaho. With a couple of days advance notice, a few more people were able to attend, including Blue Ribbon Executive Director Clark Collins.

Collins took the opportunity to discuss our concerns about roads, trails, and access directly with Secretary Babbitt. During that conversation, Babbitt promised Collins that he would present language to address recreation access concerns in his monument expansion proposal to President Clinton. Collins said that he would provide Babbitt with language suggestions.

On June 27, Collins wrote to Secretary Babbitt providing the following suggested language for the proclamation addressing roads, trails, and access:

> Vehicle travel is limited to existing roads and trails. No special access restrictions will be imposed by this designation pending completion of the following planning process. Local BLM officials will, in cooperation with local motorized recreationists, begin an inventory of roads and trails within the expanded monument. Within three years, the agency will designate, for motorized use, a system of these inventoried roads and trails that perpetuates the area's essential recreational experience. The process will be subject to the National Environmental Policy Act. Off road and trail travel will be prohibited except during hunting season for game retrieval. (See Exhibit 1)

Collins received no response to this letter in spite of efforts to contact Secretary Babbitt. The subsequent monument expansion proclamation made no reference to this suggestion.

Similarly, the hunting access issue was ignored in the proclamation. Typically, hunting is not allowed in properties managed by the National Park Service. However, it can be accommodated if given special exception (a hunting season is allowed by statute in Grand Teton National Park).

Discussions surrounding the Craters of the Moon National Monument expansion indicated that the management would be split between the Bureau of Land Management (BLM) and the National Park Service (NPS), with NPS managing the lava flows and BLM managing the rest. However, congressional testimony and comment letters from Idaho Department of Fish and Game revealed that there were little pockets of habitat within the lavas where deer summered. In order to manage the population and continue successful hunts, hunting should be accommodated in these areas under NPS jurisdiction.

The subsequent proclamation did not address this issue, therefore hunting is still prohibited within NPS administered areas of the monument expansion. In order to correct this deficiency, Congressman Mike Simpson has deemed it necessary to introduce separate legislation allowing hunting in the NPS portion. It will take an Act of Congress to correct what could have been a simple matter had an official process been in place.

Without addressing these two (and perhaps more) critical elements, Craters of the Moon National Monument expansion of 661,000 acres was declared by President Clinton on November 9, 2000. Total monument acreage is now 715,440.

CASCADE–SISKIYOU NATIONAL MONUMENT

The Cascade-Siskiyou National Monument was declared by President Clinton on June 9, 2000. It is located in Jackson County, Oregon on Oregon's southern border with California. It consists of 52,987 acres of federal land administered by the BLM. There are 32,222 acres of non-federal land, mostly private property, interspersed among the Monument boundaries.

A BLM National Environmental Policy Act (NEPA) process that would have culminated in an Environmental Impact Statement (EIS) and decision was well underway when Secretary Babbitt first visited the area on October 28, 1999. The EIS was considering how to manage the Cascade Siskiyou Ecological Emphasis Area and protect its special features while allowing a variety of uses to continue.

The Ashland (OR) Daily Tidings, on October 28, reported on the visit:

> Babbitt, who frequently lines up behind environmentalists on such controversial issues as dam removal, acknowledged that he is not always welcome in the West.

> "Some people say, 'When Bruce Babbitt is in the neighborhood, people better guard their lives, their children, their public land and their future,'" Babbit told a gathered crowd of about 20 citizens, government employees, BLM staff and media. "But I don't have any proposal (for the ecological emphasis area), I just have a lot of questions. I'm on a trip here to have a look at a lot of issues."
>
> Citizens on the tour took the opportunity to try to influence Babbitt to support their respective sides...
>
> Jackson County Commissioner Sue Kupillas said instituting further federal restrictions on public land is not the way to go. She said Oregonians have a reputation of coming up with creative solutions, and should be given the freedom to manage public lands for ecological, social and economic values.

These kinds of visits exemplify what passed for a public process as national monuments were designated by President Clinton. The formal NEPA process underway for the Cascade Siskiyou Ecological Emphasis Area was trumped by the monument designation.

Management problems remain as a result. Foremost is the intermingling of private and monument property. Within the monument area, there are 85,173 acres of land across all ownerships, 52,947 are monument property. Some monument parcels are small plots intermingled with private lands; some parcels of private land are intermingled with monument (see Exhibit 2). Private property owners have been assured that monument management policies will not affect them, but that would seem difficult when one views a map.

Federal acquisition of some of this private property is a possibility. Some of this acquisition has already taken place. In 1995, the BLM purchased the Box O Ranch, consisting of 1200 acres. Scoping information published by the agency on the Cascade/Siksiyou Special Emphasis Area EIS stated:

> BLM has used the purchase of the privately owned ranch in 1995 as an opportunitry to reestablish stream-side vegetation and improve habitat for native rainbow (redband) trout and the dwarf Klamath small-scale sucker. The creek portion of the ranch will be included in the Jenny Creek ACEC.

When Secretary Babbitt visited the area on October 28, 1999, Dave Willis, chair of the Soda Mountain Wilderness Council handed Babbitt the deed to 75 acres of formerly private land inside the area. This donation augmented the amount of BLM-owned land in the area.

The mingling of public and private ownership in the Cascade–Siskiyou National Monument will consume federal and the public's attention and resources for some time to come. The abandoned EIS process could have sorted this out through an appropriate range of alternatives. Now, those options are limited.

Access and recreation management problems will continue to consume resources in this monument. A popular jeep road, the Schoheim Jeep Road, was mandated closed to vehicles, even bicycles, as a result of the monument declaration (See Exhibit 3). This jeep road, originally built in 1964 as a necessary fire access road, had been a subject of controversy. The BLM's EIS process was taking all relevant information on this popular road into consideration when the monument declaration established the closure.

USE OF ANTIQUITIES ACT CHALLENGED IN COURT

Many have questioned the use of the Antiquities Act to designate large scale national monuments of thousands of acres. Section 2 of the Antiquities Act, 16 U.S.C. 431, authorizes the President to establish as national monuments "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States...."

A reasonable interpretation of this statute is that it is intended for discrete features, not whole landscapes.

Mountain States Legal Foundation and the Utah Association of Counties filed suit over the establishment of the Grand Staircase Escalante National Monument. That suit is currently working its way through the court system. Most recently, groups filed to intervene, that intervention was denied at the District Court level. The District Court's decision was appealed by the potential intervenors, and the decision on that appeal is pending.

On August 29, 2000, Mountain States Legal Foundation and the BlueRibbon Coalition filed suit over the establishment of the Cascade Siskiyou, Hanford Reach, Canyon of the Ancients, Grand Canyon–Parashant, Ironwood, and Sonoran Desert National Monuments. The BlueRibbon Coalition, concerned about the application of the Antiquities Act, is also concerned about loss of access and recreation opportuni-

ties. This lawsuit, filed in Washington, D.C., is also proceeding through the court system.

In almost all of the national monuments designated since 1996, there have been insufficient inventories of roads, trails, and recreation access. Monument status generally means that these recreation opportunities will be lost without ever evaluating their significance.

LACK OF PROCESS FUELS CONTROVERSY

As Secretary Babbitt continued to use informal visits to investigate potential monuments, controversy increased. He refused to provide Congress with a list of federal, state, and private lands being considered for national monument designation. On October 19, 1999, a press release from Congressman John Shadegg's office stated:

> Secretary Babbitt's refusal came after Congressman John Shadegg (R–AZ) asked if the Secretary would be willing to provide a list of all national monument proposals currently being discussed within the Administration. Babbitt's unwillingness to supply the list is of significant concern to Shadegg and the entire Congress. In 1996, when the president designated the Grand Staircase–Escalante National Monument in Utah, the Clinton Administration did so without consulting the Utah congressional delegation, the U.S. Congress or most importantly the people of Utah. The president even denied his intention to declare the area as a national monument in a conversation the night before with the Governor of Utah.
>
> "It is precisely this type of arrogant refusal to communicate which makes amending the Antiquities Act of 1906 essential to keeping presidential powers in check. The American people and their congressional representatives should not be left out of land-use decisions which have significant local impact," said Shadegg.

Congressman James Hansen introduced H.R. 1487, quite similar to H.R. 2114, in the last Congress. Like H.R. 2114, it would have amended the Antiquities Act to require large scale monuments be subject to a process before they could be declared. However, the atmosphere for reasonable discussion of process was poisoned by speculation over designations, the ad-hoc process, the secrecy, and the polarization. Frequent headlines in the press took precedence over rational consideration of H.R. 1487.

CONCLUSION

The events surrounding the creation of large-scale national monuments since 1996 have revealed the problems that can be created when the unilateral declarations are made without process. Management problems created by these hasty decisions will consume resources for years to come. Congressional action will be required to resolve some of these problems, as is exemplified by Congressman Simpson's bill to allow hunting in the Craters of the Moon expansion.

These problems could have been avoided or more easily resolved if a process had been in place. H.R. 2114 amends the Antiquities Act to establish such a process . Among other features, it requires Congressional approval for new national monuments and additions over 50,000 acres within 2 years of a declaration. It requires that the creation of a monument and monument addition over 50,000 acres be first submitted to a state's governor and congressional delegation for comment, and receive comment from the public. It requires that the President consider existing plans and management programs.

These procedures strengthen the Antiquities Act. They direct the discussion over a potential large monument to an established process where reasonable dialogue can take place.

Past events have demonstrated that discussion will take place. We have a choice. Will it take place, as in the past, amid headline-grabbing, speculation, and polarization? H.R. 2114 offers a far better option. It assures that the Antiquities Act can be used to set aside special places, even on a large scale, but that a legal process will be followed that will direct discussion in a productive way.

[Attachments to Ms. Cook's statement follow:]

EXHIBIT 1

BLUERIBBON COALITION
"Preserving our natural Resources FOR the public instead of FROM the public"
P.O. Box 5449, Pocatello, ID • 83202-0003 • 1-800-258-3742
www.sharetrails.org

June 27, 2000

Bruce Babbitt, Secretary
Department of Interior
1849 C St., NW
Washington, D.C. 20240

Dear Secretary Babbitt:

I appreciated meeting with you Friday, June 23 at the public meeting in Rupert, Idaho on the proposed expansion of the Craters of the Moon National Monument. I also appreciate that you once again wanted to meet with the public and hear their concerns about the proposal

You must realize, from what you have heard directly, and from the testimony at the congressional hearing in Twin Falls, Idaho on June 17, that the area in general is lightly used and currently exhibits few or no adverse affects of human impacts. Indeed, the lavas are generally impervious to human travel and are protected by the inhospitable character of the terrain.

We understand that your intentions in recommending the monument expansion are to preserve the unique area for future generations. We agree that this is a worthy objective. However, special designation of this area is not necessary in our opinion.

If the designated area is to be expanded, it is important that the existing recreation opportunities the area offers must also be preserved. The experience of vastness, the possibility of discovery, the sense of exploration are made real by the two tracks and primitive trails that travel and wind across the desert. Because of the scope and generally inhospitable terrain, this area is best enjoyed by motorcycle, ATV or 4WD. This experience must also be preserved, passed from parent to child, and is a part of the legacy for generations to come.

We therefore suggest that, in any potential proclamation, you acknowledge the need to perpetuate this recreational experience as a part of the land legacy. This can be accomplished by the following suggested language:

"Vehicle travel is limited to existing roads and trails. No special access restrictions will be imposed by this designation pending completion of the following planning process. Local BLM officials will, in cooperation with local motorized recreationists, begin an inventory of roads and trails within the expanded monument. Within three years, the agency will designate, for motorized use, a system of these inventoried roads and trails that perpetuates the area's essential recreational experience. The process will be subject to the National Environmental Policy Act. Off road and trail travel will be prohibited except during hunting season for game retrieval."

We still have problems with the procedure by which this proposal is being considered. We believe that a deliberative process that includes all the affected interest groups, and Congressional consideration, is the best way to ensure public support and proper protection of the area.

Thank you for your consideration of our concerns. I look forward to hearing back from you on this suggestion.

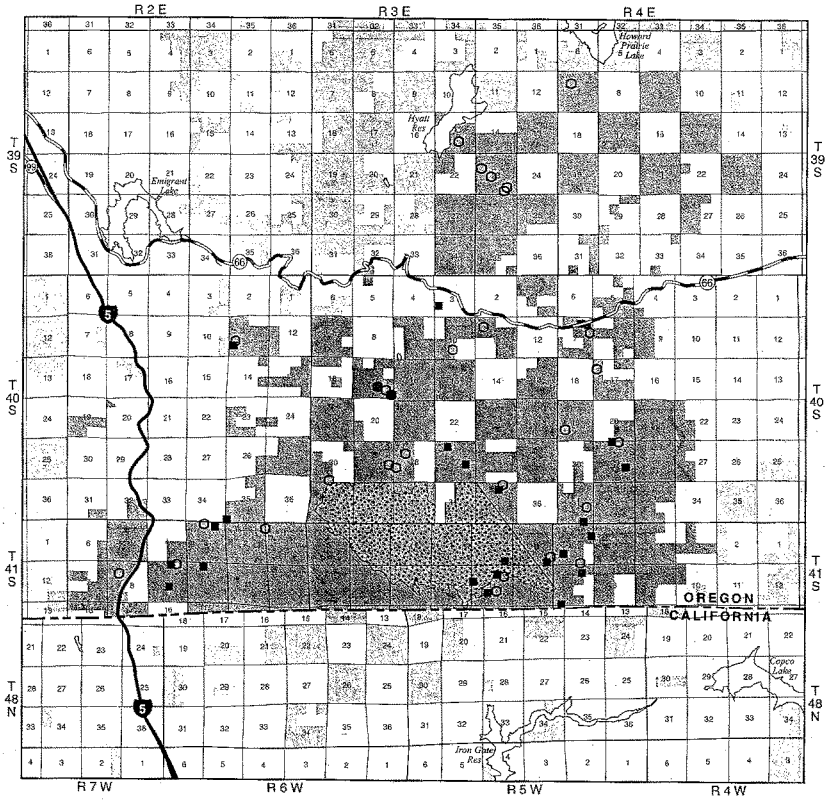
Sincerely,

Clark L. Collins
Executive Director

cc: Senators Larry Craig & Mike Crapo
Idaho State Controller J.D. Williams
Representative Mike Simpson

Exhibit 2

Cascade-Siskiyou National Monument
Rangeland Plots and Livestock Exclosures



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U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Medford District
2001

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LEGEND

- Rangeland Utilization Plot
- Rangeland Trend Plot
- Completed Livestock Exclosure
- Proposed Livestock Exclosures
- Cascade-Siskiyou National Monument
- Other BLM Administered Land
- U.S. Forest Service
- Bureau of Reclamation
- Non-Federal Land
- Wilderness Study Area

MAP 47

D11-05-2000:JR

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Exhibit 3

MOTORCYCLE ASSOCIATION RIDERS

OCTOBER 28, 1999

THE MOTORCYCLE RIDERS ASSOCIATION (MRA) POSITION ON:

THE SCHOHEIM JEEP ROAD

ISSUE OF ROAD CLOSURE AND/OR OBLITERATION

THE MRA POSITION IS THAT THE SCHOHEIM JEEP ROAD, WHICH IS OUTSIDE THE BOUNDARY OF THE SODA MOUNTAIN WILDERNESS STUDY AREA, MUST REMAIN OPEN, INTACT, AND ACCESSIBLE.

THE IDEA OF CLOSURE AND/OR OBLITERATION OF THE SCHOHEIM JEEP ROAD HAS BEEN PROPOSED AS A DESIRED OBJECTIVE BY A LIMITED NUMBER OF ORGANIZATIONS AND INDIVIDUALS. OUR POSITION OF KEEPING THIS VITAL BOUNDARY ROAD OPEN IS ALSO SUPPORTED BY NUMEROUS ORGANIZATIONS AND INDIVIDUALS. THESE INCLUDE THE OREGON STATE OFFICE OF THE DISTRICT FORESTER. DOCUMENTATION DATED AUGUST 1,1990, & JULY 7, 1987 FROM THE STATE OF OREGON TO BLM OFFICIALS IS QUITE CLEAR ON WANTING THE SCHOHEIM JEEP ROAD TO REMAIN OPEN.

THE SCHOHEIM WAS BUILT IN 1964 BY CURT NESHEIM, HEAD OF THE SOUTHWEST OREGON DEPARTMENT OF FORESTRY OFFICE, IN CONJUNCTION WITH DON SCHOFIELD, DISTRICT MANAGER OF THE LOCAL BUREAU OF LAND MANAGEMENT OFFICE, AS A STABLE AND NECESSARY FIRE ACCESS ROAD TO AND THROUGH THE AREA. THE SCHOHEIM ROAD IS STILL CRITICAL ACCESS TO THE SCOTCH CREEK, DUTCH OVEN CREEK, CAMP CREEK, AND SALT CREEK DRAINAGES, AND FOR NUMEROUS IMPORTANT INTERESTS INCLUDING:

> **LOCAL PROPERTY OWNERS OUTSIDE THE WILDERNESS STUDY AREA (WSA), EMERGENCY SEARCH AND RESCUE TEAMS AND EQUIPMENT, WILDFIRE SUPPRESSION TEAMS AND EQUIPMENT, AND PRIVATE AND GOVERNMENT LAND MANAGEMENT AGENCIES.** THE SOLE ACCESS IT OFFERS TO MANY MILES OF THE WSA BOUNDARY, AND MORE EXTENSIVE OUTLYING TERRITORIES BEYOND IS IRREPLACEABLE.
>
> **THE GENERAL RECREATING PUBLIC,** ESPECIALLY INCLUDING THOSE PHYSICALLY CHALLENGED INDIVIDUALS OR GROUPS THAT OTHERWISE WOULD NOT, OR COULD NOT, ENJOY THESE PARTICULAR GREAT AMERICAN OUTDOORS EXPERIENCES THAT ARE ONLY AVAILABLE VIA THE SCHOHEIM ROAD.

UNFOUNDED CONCERNS HAVE BEEN RAISED BY THOSE SEEKING A FULL WILDERNESS DESIGNATION FOR THE AREA THAT OFF-HIGHWAY VEHICLES (OHV'S) WOULD START A FIRE IN THIS AREA. THERE HAVE BEEN NO OHV-CAUSED FIRES DOCUMENTED IN THIS REGION TO DATE. POORLY DESIGNED CAMPFIRES OR LIGHTNING STRIKES HAVE HISTORICALLY BEEN THE CAUSE OF MAJOR CONFLAGRATIONS, NOT OHV USE. EXISTING SEASONAL FIRE RESTRICTIONS ARE UNDERSTANDABLE AND DESIRABLE, AND ADEQUATELY ADDRESS THE CONCERNS OF MOTORIZED USE DURING FIRE-PRONE MONTHS. REGARDLESS OF CAUSE, THE SCHOHEIM ROAD PROVIDES FIRE CREWS AND EQUIPMENT THE SOLE, AND NECESSARY, ACCESS FOR SUPPRESSION.

TO REITERATE OUR POSITION, WE FEEL THE SCHOHEIM ROAD AND ITS MULTIPLE-USE PUBLIC ACCESS MUST BE PROTECTED, AND THAT OBLITERATION AND/OR CLOSURE OF THIS NEEDED ACCESS ROAD IS RISKY, COSTLY, AND UNWISE. WE LOOK FORWARD TO WORKING WITH THE BLM TO RESOLVE DIFFERENCES IN OUR POSITIONS, AND VOLUNTEER OUR RESOURCES IN HELPING KEEP THE SCHOHEIM ROAD AND ITS ACCESS PROTECTED FOR THE FUTURE USE AND ENJOYMENT OF ALL.

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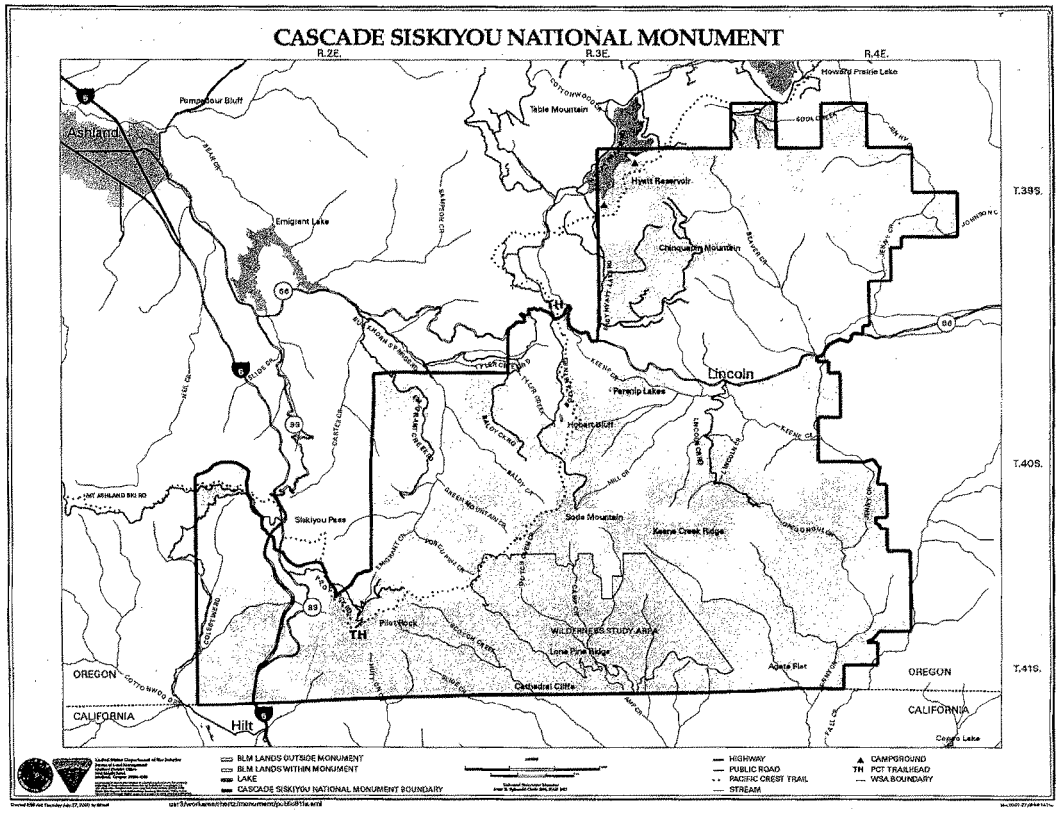
CASCADE SISKIYOU NATIONAL MONUMENT
R.2E.
R.3E.
R.4E.
T.39S.
T.40S.
T.41S.
Ashland
Pompadour Bluff
Emigrant Lake
Table Mountain
Howard Prairie Lake
Hyatt Reservoir
Chinquapin Mountain
Lincoln
Persiplo Lakes
Hobart Bluff
Siskiyou Pass
Soda Mountain
Keene Creek Ridge
Pilot Rock
WILDERNESS STUDY AREA
Lone Pine Ridge
Agate Flat
Cathedral Cliffs
Cedars Lake
Hilt
TH
OREGON
CALIFORNIA
BLM LANDS OUTSIDE MONUMENT
BLM LANDS WITHIN MONUMENT
LAKE
CASCADE SISKIYOU NATIONAL MONUMENT BOUNDARY
HIGHWAY
PUBLIC ROAD
PACIFIC CREST TRAIL
STREAM
CAMPGROUND
PCT TRAILHEAD
WSA BOUNDARY

Mr. HEFLEY. Mr. Noel.

STATEMENT OF MIKE NOEL, CHAIRMAN, KANE COUNTY RESOURCES DEVELOPMENT COMMITTEE

Mr. NOEL. Thank you, Mr. Chairman. It is a pleasure to be here. I sit before you today as the Chairman of the Kane County Resource Development Committee. I am currently employed as the executive director of the Kane County Water Conservancy District. I am also a retired BLM land manager having served twenty years in the Kane County area and with my son-in-law I ranch and farm and run a herd of commercial cows somewhat like Mr. Roosevelt here. However, unlike Mr. Roosevelt, if I went back to Kane County and said I was testifying in support of Friends of the Earth, the ranchers in the area would rope me and drag me through the sage brush. In case you didn't know, Friends of the Earth is a radical environmental organization that put out a pamphlet asking their members to oil slick the cowman's water tanks, to cut our fences, to protest our use of the public lands, and to generally wreak havoc on our livelihoods.

I support H.R. 2114. With twenty years of federal land management experience, I am here to tell you that we need some balance in the Antiquities Act process. In September 1996 President Clinton designated almost 3000 square miles of land in Kane and Garfield counties as needing special protection under the Antiquities Act of 1906. In Kane County 96% of the land is already federally owned and managed, leaving only 4% in private ownership. Trying to live and earn a living on 4% of the land in your county is impossible without the cooperation of the federal land managers. When this land is taken out of multiple use and put in special monument or other designations, the private land owner becomes an in holder who must rely on the federal government to maintain his access his water rights, his grazing rights, etc. to survive. I am in fact one of those disenfranchised people the congressman from Connecticut spoke about, in fact almost everyone but the federal land managers living in Kane County are disenfranchised. There are hundreds of private property water rights located inside the Grand Staircase. There are vast mineral resources such as coal and oil and gas in the monument. There are timber and cattle grazing resources. It is in fact impossible to live in a county where 96% of the land is controlled by the Federal Government without having some kind of balance in the management of that land. Monument designations take away that balance.

When the Federal Land Policy and Management Act (FLPMA) of 1976 was passed after much debate and compromise in the congress of the United States, everyone realized that the public lands were different than the parks and national monuments. Everyone realized that the public lands were to be managed under the philosophy of multiple use and sustained yield. There are a myriad of federal environmental protection laws that have been passed since the Antiquities Act of 1906. These laws such as FLPMA were passed to protect the public lands from abuse but to allow for the multiple use of the public lands by the general public and more particularly by the citizens in the states were the lands occur. The environmental organizations would have the public believe that

without monument designations, their public lands will be bulldozed, drilled, and timbered without any protections what so ever.

Since 1906 the National Environmental Policy Act, FLPMA, the Archaeological Resource Protection Act, the 3809 mining regulations, the Visual Resource Management regulations, the Wild and Scenic Rivers Act, the Threatened and Endangered Species Act, the Riparian and Wetlands Acts, and numerous other laws and regulations both on a federal and state level have been put into place to "protect" the public lands. Kane County and other rural counties in the west are inundated by hundreds of federal laws and regulations as well as governmental policies designed to protect the public lands.

My county is about the size as the state of Connecticut. Can the congressman from Connecticut imagine trying to operate his state on 4% of your lands and accomplish any of your economic development goals? We are having a difficult time making a living there. We need to use the public lands for cattle grazing, timber harvesting and mineral extraction in order to survive. We can't import gravel from hundreds of miles away without a huge costs to our citizens. We need access to our private lands and our water rights.

I noticed while preparing for this testimony and reviewing the literature pertinent to the Antiquities Act that many of our past Presidents, subsequent to the designations of monuments, went back and made changes. Mr. Franklin D. Roosevelt made two changes to the Grand Canyon and also to the New Mexico Capulin National Monument. Calvin Coolidge, and Warren G. Harding and even John F. Kennedy made significant changes in national monument boundaries during their administrations. The use of the Antiquities Act needs to occur in a well thought out process that doesn't allow presidents to abuse their authority like Mr. Clinton did. There needs to be meaningful input from state government and from the local public who have to live in the area and who know the resources better than the land managers who for the most part have a limited tenure on the lands.

Prior to my taking an early retirement from the Bureau of Land Management, I was the project manager for the Warm Springs Environmental Impact Statement. The BLM was evaluating the Environmental Impacts of approving an access road to a proposed average size coal mine on the Kaiparowits Plateau which is now within the boundaries of the Grand Staircase Escalante National Monument. We had completed a 6-year EIS process and were ready to release the draft EIS to the public when the monument was announced by President Clinton. What did the EIS say about the impacts to the public lands which would result from the development of the coal mine and the access roads (the BLM preferred alternative)? The DEIS stated that there would be mainly negligible to minor and some moderate impacts to the area of the proposed mine and road. This included impacts of minor in the short term and negligible in the long term to paleontological resources which were one of the primary resources the president identified in his proclamation that needed protection. Yet the President and Mr. Babbitt who had full access to this DEIS information, chose to deceive the public by declaring that the coal mine would destroy the area

knowing full well that a review of the DEIS record would prove this to be false.

I can tell you from a Bureau of Land Management agency perspective that the President's statements were totally false. There were four government agencies participating in the EIS process. The BLM and Office of Surface Mining Reclamation and Enforcement were the lead agencies, the National Park Service and the Utah Division of Oil Gas and Mining were cooperating agencies. In addition a private consulting firm ENSR out of Boulder, Colorado was the federally contracted consultants for the project. There were over 100 individual reviewers and contributors to the DEIS who evaluated the proposed action for up to four years. The total new surface impacts as a result of the mine were anticipated to be less than 200 acres. This mine would have produced millions of tons of coal for our future. What did the creation of the monument do? It locked up about a half million acres of land that is a known recoverable coal resource area. A coal field that contains billions of tons of high BTU low sulfur low moisture coal that could be used to meet our immediate and future energy requirements with very minimal impacts to the environment.

Locking up these resources is just not acceptable at a time when we are dependent on foreign oil supplies for power generation. These are just some of the negative impacts that result from a President who has been given unilateral authority to designate massive tracts of public land as monuments without any congressional approval or review, without any local input and without any state government input. H. R. 2114 limits the Presidents authority to designate up to 50,000 acres or about 78 square miles of land for protection. This would be totally adequate to protect any objects of antiquity that needed protection.

I thank you for the opportunity to testify. This concludes my oral testimony but I would like to submit to the committee a report prepared by the Kane County Resource Development Committee entitled "Living with the Grand Staircase Escalante National Monument, A Report on the Creation, and Implementation of the GSENM Management Plan and the Deleterious Effects of the Monument on the People of Kane and Garfield Counties and the Citizens of the United States of America".

Mr. HEFLEY. Thank you.

[The prepared statement of Mr. Noel follows:]

Statement of Michael E. Noel, Chairman, Kane County Resource Development Committee, Kane County, Utah on H.R. 2114

It is an honor and a privilege to be asked to testify before the United States House of Representatives Subcommittee on National Parks, Recreation, and Public Lands regarding the "The National Monument Fairness Act of 2001" (H. R. 2144). I am here today representing the Kane County, Utah Resources Development Committee (KCRDC). The KCRDC was established by the Kane County Board of Commissioners (KCBC) by Ordinance No. 1998–2 on June 22, 1998. The committee acts as an advisory committee to the KCBC for the purpose of assisting the board in promoting the development of the countys mineral, water, manpower, industrial, historical, cultural, timber, and other resources on all lands including federal land and state land within Kane County. The KCRDC was established pursuant to State Law as prescribed in the Utah State Code Sections 17–5–265, 267, 269, 270 and 271. The committee is specifically empowered to assist the commission in the proper development and utilization of the vast resources of the county which occur on private, state controlled, and federally controlled lands. The historical planning process for

administration of these lands is directed by federal and state agencies with the legal requirement that the federal agencies will coordinate all land use plans with state and county land use plans. Kane County has a detailed and inclusive General Plan which identifies among other things the need for economic development of the federal and state lands, access across the federal and state lands, and the historical sustained multiple use of these lands for the economic, recreational, transportation, public purpose, cultural customs, and historical needs of the citizens of Kane County.

The federal government under the direction of the United States Congress has a long history of cooperation with the local counties wherein they control the management on large tracts of public lands. The public use and proper economic development of the federal lands in Kane County under a multiple use and sustained yield approach is essential to the economic stability of the county. With the creation of the Grand Staircase–Escalante National Monument (GSENM) in September of 1996, over 51% of the land in Kane County and almost 20% of the land in adjacent Garfield County was placed in special management categories that severely limit economic development in the counties. As result of this action the citizens of Kane and Garfield county have suffered economically. The size of the monument designation is staggering when compared to other national parks in the lower 48. It is 52 times larger than Bryce Canyon National Park, and 13 times larger than Zion National Park. It is one third larger than the entire Glen Canyon National Recreation Area including Lake Powell which contains over 2000 miles of shoreline. It is in fact 500 square miles larger than the entire state of Delaware. For the president to act unilaterally to set aside this vast area of public land without so much as a notification of the Governor of the State, the Congressional Delegation, county government or the local citizens can only be viewed as an irresponsible act taken for political purposes to evade the provisions of the National Environmental Policy Act (NEPA) and to overcome Congressional involvement.

The KCRDC and the Citizens of Kane County have been closely following the progress of the United States House of Representatives Committee on Resources and the House Subcommittee on National Parks, Recreation, and Public Lands, who early on recognized the illegal nature of the creation of the GSENM. We have appreciated the work that the committee has done to try and rectify this misuse of power and to put into place a process that will insure that this type of unilateral decision by the executive branch of government will not occur in the future. In the interim, the KCRDC is hopeful that the United States Congress can find ways to mitigate the damage done to the local economies of Kane and Garfield Counties as a result of these massive restrictive land designations. H. R. 2114 is a step in the right direction to modify and update the 95 year old Antiquities Act to meet the needs of the American public in 2001.

Over the past six months, the KCRDC worked diligently to prepare a report entitled "Living With the Grand Staircase–Escalante National Monument, AA Report on the Creation, Management, Implementation, and Deleterious Effects of the Monument on the People of Kane and Garfield Counties and the Citizens of the United States of America". The report was written to provide information that can be used in determining what immediate actions can be taken to relieve the burden of the monument creation on the citizens of Kane and Garfield Counties. In addition, the KCRDC feels that the report will provide meaningful information to the Subcommittee and to the United States House of Representatives to enable them to see the effects of special management designations on large tracts of public lands in rural America without local and State input and without the ratification of the U. S. Congress who has the ultimate responsibility for the management and disposition of all the public lands. The following is a brief summary of the subject 95 page report:

Kane County and Garfield Counties have suffered at the hands of the biocentric radical environmental movement in the past through the loss of the many major economic resource based employers beginning in 1991 with the initial downsizing of Kaibab Industries Lumber Mill. The final closing of the Kaibab Lumber Mill operation in 1996 resulted in the total loss of 273 jobs and a forecast out-migration of 470 persons from Kane County. Additional jobs were lost in Garfield County. The average of the jobs lost had a median income of more than double the median income of the remaining workforce. When the new Grand Staircase/Escalante National Monument was designated by Executive Order by President Clinton, the federal government gave the impression that the new Monument would be a major contributor to Kane County's economy even though traditionally such monument designations follow their mandate of restrictive preservation of the resources with little significant contributions to the economic base of the surrounding communities. Sadly, after five years of living with the monument, the economic conditions in Kane

and Garfield are worse than ever. Promises of increased tourism and additional business opportunities have not materialized. In addition, the increased federal presence and the restrictive Monument Plan have created a divisive community.

Transportation: Over the past five years, the Clinton, Gore, Babbitt Administration, acting in advocacy for an extreme environmental philosophy, ignored existing law and congressional mandate by using unilateral administrative fiat to usurp valid existing rights (RS 2477 rights-of-way) in an effort to effect complete control and authority over transportation and access within the Monument. The Monument Plan fails to recognize both the rights and importance of a viable transportation system to Kane County and its residents who rely on natural resource utilization on public lands for economic stability.

Livestock Grazing: The GSENM Plan is a carefully crafted document that was produced with a total disregard for the Kane County General Land Use Plan and existing federal and state law. The plan has the potential to eliminate sustained yield and multiple-use of the public lands within the Monument specifically centering on cattle grazing. The Monument Plan states that the evaluation of grazing will be consistent with all applicable legal authorities, including the Federal Land Policy and Management Act (FLPMA), the Taylor Grazing Act (TGA), the Public Rangelands Improvement Act (PRIA)...etc. (Page 41, GSENM Plan). The plan and the "Professionals" that wrote the plan ignored federal and state law and put in place a document that can be utilized to remove cattle from the public lands within the monument. The plan changes the existing rules and regulations that were in place to manage livestock on the public lands and supplants them with the BLM produced "Standards for Rangeland Health and Guidelines for Grazing Management." The GSENM Management Plan is contradictory to the Kane County General Plan in several areas regarding livestock management and use of the public lands.

Kane County is an area larger in land mass that the state of Connecticut, however, unlike Connecticut, 90% of the land is controlled by the federal government. Only 4.4% of the entire land mass in Kane County is in private hands. Residents must utilize the natural resources and public lands to sustain their families. The battle over public land use and access has been ongoing for decades. Severe livestock grazing reductions, restrictive regulations, and access to the land are at the forefront of the current battle. Since September 2000, there have been two notices of allotment closures posted at the Kane County Courthouse. Although, BLM states that it will furnish a copy of the regulations and a detailed map of the closed areas, citizens have been denied the document by the BLM. These closures are unreasonable, impractical and not science-based closures. This action by monument management was arbitrary and capricious and fails to meet federal requirements regarding consultation, negotiations, and reasonable multiple use and range improvement mandates. It also violates the pledge in the Presidential Proclamation establishing the monument subject to valid existing rights which include but are not limited to livestock grazing preference rights on federal lands.

As Paul Jenkins (retired BLM range manager) representing the Kane County Cattlemen's Association stated at a Congressional hearing in 1979, "What is this desperate need, and what is so great about an unused and wasted resource—what is this grave fondness for non-productivity? If locking up our resources is the answer to this nation's problems, then the federal government should take immediate steps to acquire 65% of the lands in all the 50 states. If the government can best manage forest and range land, they can surely do a better job than the Iowa corn grower or the Georgia peanut farmer. Further, think of the improvement and disbursement of the aesthetic venture if every state would contribute 6 or 7 million acres to wilderness."

Water Resources: Perhaps the greatest threat to the use and enjoyment of private land in Kane County is the effects of the GSENM on private water rights. Although water rights are adjudicated by the State of Utah and are the private property rights of the citizens of Kane County, the Grand Staircase Monument Plan greatly impacts private water rights on private property within the boundaries of the monument and on private property situated adjacent to the monument. There are approximately 1400 points of diversion for water rights within the monument. About half are in the name of the Bureau of Land Management and the other half are recorded in the name of the private or state water right owner. Those diversions which are in the name of the BLM are in fact rights connected to cattle grazing permittees and would not have been adjudicated in the name of the federal government without the private cattle permittee=s showing of beneficial use. The other 700 or so water rights are connected to private land parcels within the Monument boundaries. In addition those parcels of private land lying adjacent to the monument, in many cases, derive their water from the watershed areas inside the monument. It is estimated that an additional 700 to 1000 private water rights were im-

pacted by the monument designation. This would mean that more that 2000 private water rights in Kane County alone were negatively impacted by the creation of the GSENM and the implementation of the monument plan. Although there was a vigorous appeal of the language in the Monument Plan regarding water resources, the monument planners totally ignored public input, the Kane County Water Conservancy District input, and the Utah State Engineer=s input to the Monument Plan regarding the use and development of private water rights in the monument.

The information regarding water rights as recorded in the Monument Plan conflicts with Utah state law. The plan states that: "In general, diversions of water out of the Monument will not be permitted." The plan does allow for some exceptions for "community culinary water if the applicant can demonstrate that the diversion of water will not damage water resources within the Monument or conflict with the objectives of the plan..." The ability for a public utility to meet the criteria for moving private water rights off the monument is severely limited by the plan. This would be the case even if the applicant has the legal l water rights to a particular surface flow or underground aquifer flow. The federal government could protest the action and go to court to stop water development. This is simply a takings of private water rights without compensation. There were no federal reserve water rights created as a result of the presidential proclamation, but that did not stop the federal planners from restricting the use and development of private water rights in the Monument Plan. Wild and Scenic Rivers recommendations were also included in the plan with over 252 miles recommended. If these designations are approved this could add additional restrictive management to another 80,060 acres which will further impact private and federal grazing water rights as well as access, recreational use, and cattle grazing. It is apparent, that the Monument Plan is the document that will be used to stop the private use of valid existing private water rights and to impede any type of water right development in Kane County.

Minerals: A Utah State Geological Society report describe perhaps the most controversial debates regarding the creation of the Monument. These are the unresolved issues with the vast mineral values and mineral potential within the boundaries of the Monument. In January of 1997 M. Lee Allison, Utah State Geologist for the Utah Geological Society produced Circular 93, "A Preliminary Assessment of Energy and Mineral Resources with the Grand Staircase–Escalante National Monument." Although the BLM Division of Minerals were aware of the extensive mineral reserves in the monument, it is unfortunate that this report could not have been made public prior to the designation. The lock up of literally billions of tons of energy minerals and strategic minerals at a time when the United States is facing an energy crisis is malfeasance. The report states in the summary section that "the value of known and potential and energy mineral resources in the GSENM at 1997 prices is between $223 billion and $330 billion dollars" (this value would now be higher due to domestic energy shortages). This figure does not include any additional value for tar sands, carbon dioxide reserves, or any other mineral deposits such as titanium, uranium, or copper. The report goes on to state that the 1.9 million monument acres in Kane and Garfield counties includes some of the most energy-rich lands in the lower 48 states. The Utah School and Institutional Trust Lands at one time held over 200,000 acres of mineral rights in the monument. After the Monument designation, President Clinton directed the Secretary of Interior to trade these lands for other federal lands or resources in Utah that are of comparable value. The State has since traded these lands for money and mineral rights in other locations. Circular 93 was created for the purpose of assessing and evaluating the mineral resources in the monument, to qualitatively describe the resource potential for each known commodity, and to propose plans to better assess the potential values in order to help assure that Utah's school children receive fair and just compensation.

The Monument Plan specifically withdrew all of the Federal lands and interests in lands within the Monument from entry, location, selection, sale leasing, or other disposition under the public land laws, including the mineral leasing and mining laws. Thus no new Federal mineral leases or prospecting permits may be issued, nor may new mining claims be located within the Monument. Authorization for activities on existing mineral leases and mining claims, according to the Proclamation will be governed by Valid Existing Rights. Within the monument there are currently 68 Federal mining claims covering approximately 2,700 acres, 85 Federal oil and gas leases encompassing more than 136,000 acres, and 18 Federal coal leases on about 52,800 acres (GSENM Plan page 51). It is interesting to note that these 191,000 acres of land is only 1% of the entire 1.9 million acre Monument. The obvious question is why did the Clinton–Gore–Babbitt administration act to lock up 1.9 million acres of federal land under the Antiquities Act that was supposedly threatened by development when only 1% of the land was under mineral lease?

Recreation and Tourism: Gary Nicholes a professional recreation specialist has worked as a consultant for the BLM the National Park Service, the United States Forest Service and the State of Utah over a period of 25 years. He calls the creation of the Monument a "Politically Motivated Action" and describes how the proposed resource plan or management policy for the new recreation resource was initiated by special interests or political appointees to meet specific opportunistic purposes. As a result, Nicholes concludes that the Monument plan doesn't meet the broader concern of local economies or preferred recreation user groups. "While the GSENM has some unique dispersed characteristics located within its boundaries its special environment is common in its entirety for such a large national monument designation. The present GSENM's Administrative Plan doesn't replace the economic value or quality of life it extracts from local communities by severely restricting regional travel and recreation experiences within its boundaries.

Creation of the Monument–Legal Analysis: This section of the report is a legal analysis of the creation of the Monument. It outlines the process by which the Clinton Babbitt administration illegally made the designation and the reasons why it is contrary to law. In order to be both legal and legitimately accepted, President Clinton's Proclamation designating the GSENM must have met the following criteria as identified in the 1906 Antiquities Act: (1). The use of the Antiquities Act must originate with the President. (2). The Antiquities Act can only protect objects of historic and scientific interest. (3). The objects of historic and scientific interest must be endangered. (4). Land reserved under the Antiquities Act "in all cases shall be confined to the smallest area" necessary to manage the protected objects.

President Clinton did not initiate the GSENM inquiry, however, a fake paper trail was established to make it appear that he did. The Department of Interior initiated the process in order to exclude Congress and the American public from participating in this decision as required by the Federal Land Policy Management Act (FLPMA), the National Environmental Protection Act (NEPA), the Administrative Procedures Act (APA) and other laws. The GSENM Proclamation eliminates almost two million acres of land from multiple use and sustained yield and was driven by an extreme environmental philosophy related to expanding wilderness status and for political reasons rather than protecting endangered objects. The Babbitt administration clearly knew that no objects of historic or scientific interest were endangered.

The nearly two million acres within the GSENM and the lack of endangered objects of historic and scientific interest combine to violate the smallest area test. The GSENM Monument is equal in size to a one and one-half mile wide parcel of land stretching from San Francisco to New York City and far exceeds the intent and authority delegated to the President under the Antiquities Act. The legality of the Monument designation aside, the Monument boundary and the GSENM Management Plan also exceed authority provided in either the Antiquities Act Proclamation or FLPMA, the BLM's organic act. The entire Management Plan, including the Monument boundary, requires extensive revision in order to meet lawful compliance with the Antiquities Act, FLPMA, NEPA, APA, Taylor Grazing Act, the Public Range Lands Improvement Act and others. The public, the economic needs of local communities, private property interests and valid existing rights need to be considered in planning revisions, in a meaningful way, as that has not happened regarding the Monument planning process to date. The use of the Antiquities Act in evading public participation and Congressional involvement creates concern beyond a legal argument. It raises questions regarding the nobility of the entire designation process.

The Monument Plan Locks the American People out of their Land: Although Bill Clinton promised on September 19th, 2001 that valid existing rights would be protected and that the creation of the Monument would somehow preserve the land for the American people and provide a place where they could enjoy solitude and the peace of nature, this was in fact a lie. The reality at that time was that the subject 1.9 million acre land area was already accessible and available for use by the American public and the reality today is that the creation of Monument and the resulting Monument plan greatly restricts the access and multiple use of these public lands for recreation and solitude. With the GSENM Plan in place only about 6% of the entire Monument (Frontcountry Zone and Passage Zone) will be readily accessible by the vast majority of American taxpayers. The GSENM Plan totally restricts vehicle or any kind of mechanical access to over 65% of the Monument. Because of the rugged and remote character of the Monument, only the most hardy and probably because of the limitations most Americans have on their time due to the need to make a living and support their families, only the most affluent in the society will ever be able to visit this area. In other words how many Americans have the financial capability to back pack into a remote area for two to three weeks at a time, and that is assuming that you can even get the BLM to issue you a camping permit.

Prior to the creation of the Monument camping, hunting, backpacking, four-wheeling, wood cutting was readily available on these lands with little or no restrictions.

Conclusions: One of the major objectives of the KCRDC report was to motivate those in "political power" positions on the federal, state and local levels to seriously consider and actively seek solutions to the regional problems generated by the monument's designation. Local residents and local elected officials feel that the problems created by the monument designation are not fully understood by those who reside outside of the affected region. BLM monument planners touted the benefits of the plan to the tourist economy. The monument was supposed increase recreational and tourist activity in the county which would compensate for the loss of resource based employment. However, it is readily apparent from a review of the monument plan that little opportunity will be offered to local economies to seek a mix of travel and recreation resources within the monument. When attractions and activities are restricted in the monument plan as they are, this action severely limits investment capital and planning flexibility to establish a variety of successful business opportunities for those living in local communities.

The only Kane County residents that seem to be benefitting economically from the monument are the highly paid GS–12's, 13's, 14's and GS 15 GSENM employees and the management team which were hand picked by the Babbitt administration to move into the area. Very few positions went to the local populace. The American taxpayer is getting fleeced twice on this illegal action. First he was told that the lands were set aside for present and future generations to use and enjoy which after reading the KRDC report one will discover was a deception to garner support from the American public. The land if kept in monument status, will only be available for federal bureaucrats, researchers, and a few elite individuals who are able to spend weeks hiking and traveling on foot with the proper permits. Second the taxpayer gets to foot the bill for the 1000% increase in budget to "manage" the lands with 5 times the number of highly paid federal employees (from 20 to over 109 not including summer hires which brings to total to close to 120). At a time when the average Kane County family is bringing home less than $28,000 in annual wages the designation and over staffing of the monument by the federal government has created a new privileged class of citizen in the county i.e. the federal bureaucrat.

H.R. 2114 is just the type of legislation that is needed to prevent the kind of problems that have resulted from the creation of the GSENM. If the legislation is passed, the President would still be free to designate 50,000 acres of public land as a National Monument without congressional approval. This is more than 78 square miles of land and would be more than adequate to protect historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest. Having worked in federal land management for over 21 years I can testify that the federal and state laws and regulations that have been passed and implemented since 1906 are entirely adequate to protect the values identified in the Antiquities Act. We have come a long way in environmental protection since 1906 and we also have improved technology that allows us to develop resources and still protect the environment.

It is ludicrous to lock up our natural resources and energy supplies and then send our sons and daughters to Kuwait to protect the energy resources of a foreign country. My own son came in harms way as he served as an officer in the Desert Storm conflict. I don't want to see him or my grandsons obligated to fight for foreign oil or strategic minerals when they are readily available in this country. Wouldn't it be better to develop our own natural resources in an environmentally responsible manner rather shift our energy burden to other countries? Rural America is where the products are produced and where the energy supplies are located. Behind every light switch is a coal miner, in every loaf of bread and in every hamburger is the hard work of a rural farmer or rancher. We should continue to look at ways to become energy self-sufficient. Let's approach life with the attitude that there are an abundance resources and opportunities. To lock down and lock out the public from the public lands to supposedly "protect it" from ourselves is contrary to the wise and conservative use of our available resources. The vast majority of these resources are renewable. The coal energy of the Kaiparowits and other areas is our stepping stone to the future of a yet to be discovered renewable energy supply. We can buy hundreds of years of research time with clean coal energy while the best minds work to develop alternative sources of renewable energy or we can lock ourselves and our children out of these resources and continue to depend on an ever decreasing supply of foreign oil.

Thank you again for the opportunity to testify on this important legislation.

Mr. HEFLEY. Mr. Roosevelt.

STATEMENT OF THEODORE ROOSEVELT, IV, BUSINESSMAN AND CONSERVATIONIST FROM NEW YORK

Mr. ROOSEVELT. Mr. Chairman and members of the Subcommittee, thank you very much for allowing me to testify. I am delighted to be here today in my capacity as a member of the Governing Council of the Wilderness Society and other environmental organizations. I dare say it will not come as a surprise to you when you know that I am going to strenuously oppose 2114 on behalf of these organizations. It won't come as a surprise to me if I am subjected to a fair amount of sharp questioning on your part. I do hope that you won't consider me to be dictatorial or unAmerican in the views that I have.

The timing I think is particularly good for this, from my perspective. I just returned from a trip to Montana, where I spent 10 days on my ranch. Like most ranchers I spent most of my time worrying about fences, rain, grass and cattle. But I also gave a lot of thought to western land issues, especially in the wake of the Time Magazine article, "War on the West." this, as you probably know, is the third time in less than 5 years I have testified before this Committee and Committees in the Senate on the Antiquities Act. But I do hope that 1 day Congress will recognize that the Act itself is a monument to our national conscience.

I believe that H.R. 2114 seeks to emasculate the Antiquities Act by limiting the size of national monuments that can be designated by the President to 50,000 acres or less.

If T. R. were president today, he would be unable to designate Grand Canyon National Monument. In his time, that action was exceedingly controversial as were some of the recent proclamations that we have heard about today. Rather than reading from my written transcript, I would like to share with you some of my thoughts about the conflict in the west over public lands, and I am going to depart a little bit from my written testimony, which you can read.

It is my belief that the conflict over the western public lands which fuels this attack on that has served our country well. The Antiquities Act has, in fact, become a focal point for old controversy. Should Federal lands be managed for national values or local interests? Is there a strategy for management that can accommodate both? There are some in the west who claim we have moved away from a multiple use strategy to a "no use strategy." I disagree, and I will try to explain why.

We are also failing to realize the full range of what multiple use encompasses. National Forests, for example, protect clean water. In California, 50 percent of the drinking water originates on National Forests. In T. R.'s time, we did not have the science which we do today to help us understand what is involved in maintaining healthy ecosystems. Today's science clearly tells us that keeping larger tracts of land intact is the best way in maintaining the health and resilience of ecosystems as a whole.

Most Americans view our public lands as bastions in our conservation efforts. In reality, lands protected in conservation areas, which I will characterize as wilderness areas, wildlife refugees, national parks and private nature reserves, are far from excessive.

They account for about 5 percent of the U.S. land area excluding Alaska.

Open space initiatives throughout the country are on the rise and embraced enthusiastically by the American people. The phenomenon which I am sure that all of you are familiar with, and this probably comes from the fact that in the L.A. Times poll, they discovered that a large majority of Americans expressed a sense of ownership of Federal lands. A walloping 61 percent felt that the Federal Government should consider the views of all Americans when setting environmental policy on those lands.

Now, I recognize that the issue is somewhat more complicated, and I have learned a great deal on that score from my service on the board of the University of Wyoming's Institute for the Environment of National Resources. A close friend of mine, Dan Kemis, who also serves on that board and was the former mayor of Missoula, Montana. Dan has written an extraordinarily interesting essay entitled "Rethinking Public Land Governance for the New Century," which will be published this fall. He points out rightfully, in my opinion, the resentment toward and resistance to the national presence has had a long history in the west. He cites in his essay the insensitivity of the national government toward issues that fuel Western anger. He points to the extraordinary success of some of the local collaborative conservation efforts, the Nalpi Borderlands Group may be the most famous of these. The Antiquities Act, however, is the wrong target for addressing the west's anger. Dan Kemis frames the problem, in my opinion, very aptly in his essay, and I would like to read a some what long quote from it.

It is impossible to imagine environmentalists or other progressives trusting westerners to run the west unless they could be shown how western control of the land is not just a cover for corporate greed. This is from the former mayor of Missoula. Democrats, in other words, will not and should not abandon their undemocratic attitude toward the west until conservatives agree to abandon their own anti-conservative approaches to western issues.

A few responsible western Republicans are beginning to recognize that the pursuit of quick profit at the expense of sustainable ecosystems and sustainable communities does not conserve anything. I believe that if we took conservation issues as much to heart as the American people do, we could find solutions to land management in the west and elsewhere who would work effectively on local, regional and continental scales.

The Antiquities Act, however, does not deserve to be the battleground of what Time Magazine calls the "War Over the West." neither should conservation. We should both—we should be on the same side here, which is the side of the American people. And in the end, I truly believe no one will lose including local communities or future generations.

[The prepared statement of Mr. Roosevelt follows:]

Statement of Theodore Roosevelt IV, on behalf of American Lands, American Rivers, Defenders of Wildlife, Earthjustice Legal Defense Fund, Friends of the Earth, Grand Canyon Trust, League of Conservation Voters, Marine Conservation Biology Institute, National Hispanic Environmental Council, National Parks Conservation Association, National Trust for Historic Preservation, Natural Resources Defense Council, Preservation Action, Republicans for Environmental Protection, Scenic America, Sierra Club, Southern Utah Wilderness Association, The Ocean Conservancy, The Wilderness Society, U.S. PIRG

Mr. Chairman and members of the Subcommittee, I am Ted Roosevelt IV, a businessman, conservationist, and a rancher. I am also Republican and a great grandson of President Theodore Roosevelt, who signed the Antiquities Act of 1906 into law and proclaimed the first national monuments under it. I am honored to be here today in my capacity as a member of. the Governing Council of The Wilderness Society and to represent the twenty organizations listed above. We are strenuously opposed to enactment of H.R. 2114, the "National Monument Fairness Act of 2001."

This is the third time that I have testified before House and Senate Committees in defense of the Antiquities Act. It is my hope that, eventually, these challenges to the Act will be simply a matter for the history books and that Congress will come to recognize that the Act itself is a monument to our national conscience.

Our national identity is not solely defined by the success of our economic enterprise, and the American people repeatedly and resoundingly confirm to their representatives in Congress that the health, integrity, and beauty of our landscape is an absolute value of national importance to them. As one serviceman of my acquaintance put it: "I may not have the privilege of living in God's country, but I had the privilege of fighting for it. That is the landscape upon which I fixed my heart and hopes." And it is that signature landscape, so beloved by the American people, that the Antiquities Act has helped us to preserve, including: the Grand Canyon, Arizona's Petrified Forest, Mount Olympus in Washington, Zion National Park in Utah, Yukon Flats in Alaska, Death Valley in California—to name just a few of the national monuments that exceeded 50,000 acres.

H.R. 2114 seeks to limit the size of national monuments that can be designated without congressional approval to 50,000 acres or less; it seeks, therefore, to preclude future presidents from acting as Theodore Roosevelt once did when he designated 808,120 acres in northern Arizona as the Grand Canyon National Monument. On that occasion, he said of the Canyon, "Leave it as it is. You cannot improve upon it; not a bit. What you can do is to keep it for your children, your children's children, and for all who come after you." These are sentiments to which the vast majority of Americans ascribe. In fact, we overlook at our peril the essentially grassroots nature of American conservation. The Antiquities Act itself was a response in the late 19th century to a national, popular outcry against the vandalism and looting occurring on national landmarks. And throughout the service of 13 presidents of both political parties, the Antiquities Act has been an invaluable tool in preserving what the American people clearly saw as requiring swift and special protection.

The Antiquities Act is not unlike other powers that Congress has given to the president to forestall swiftly a threat that Congress cannot address in a timely or decisive fashion. The Act represents a true balance of powers between the President and the Congress. It confers only the power to reserve public lands from specific uses that threaten these lands' special qualities. Congress retains all other powers over any presidentially proclaimed national monument. Congress may set the terms and conditions of a monument's management, as this Committee has recently seen fit to do in H.R. 601, which clarified the status and management prescriptions of the Craters of the Moon National Monument in Idaho, as expanded by President Clinton. Congress may determine its funding, as it has done with the Grand Staircase–Escalante National Monument, despite continuing local controversy. Congress may alter the boundaries of national monuments, again as it did in 1998 with the Grand Staircase–Escalante National Monument. It may even decide to abolish a national monument, an action some Members of this Committee may be contemplating with respect to one or more of our newest national monuments, but an action which, I venture to say, will find little support with the American people.

President Clinton's proclamation of the Grand Staircase–Escalante National Monument in Utah, and the subsequent national monument proclamations that followed, kindled the fierce reaction among those who have sponsored legislation to change radically this time-tested law. Based on this action, sponsors of H.R. 2114 apparently believe that presidents have abused the Act and that it needs major sur-

gery. But a close examination of each of President Clinton's proclamations reveals the careful rationale used to protect our nation's newest crown jewels. For example:

Cascade–Siskiyou National Monument, Oregon:

With towering fir forests, sunlit oak groves, wildflower-strewn meadows, and steep canyons, the Cascade–Siskiyou National Monument is an ecological wonder, with biological diversity unmatched in the Cascade Range. This rich enclave of natural resources is at a biological crossroads—the interface of the Cascade, Klamath, and Siskiyou ecoregions, in an area of unique geology biology, climate, and topography.... The monument is home to a spectacular variety of rare and beautiful species of plants and animals, whose survival in this region depends upon its continued ecological integrity....

Grand Canyon–Parashant National Monument, Arizona:

The Grand Canyon–Parashant National Monument is a vast, biologically diverse, impressive landscape encompassing an array of scientific and historic objects. This remote area of open, undeveloped spaces and engaging scenery is located on the edge of one of the most beautiful places on earth, the Grand Canyon. Despite the hardships created by rugged isolation and the lack of natural waters, the monument has a long and rich human history spanning more than 11,000 years, and an equally rich geologic history spanning almost 2 billion years. Full of natural splendor and solitude, this area remains remote and unspoiled, qualities that are essential to the protection of the scientific and historic resources it contains.

Ironwood Forest National Monument, Arizona:

The monument contains objects of scientific interest throughout its desert environment. Stands of ironwood, palo verde, and saguaro blanket the monument floor beneath the rugged mountain ranges, including the Silver Bell Mountains. Ragged Top Mountain is a biological and geological crown jewel amid the depositional plains in the monument. The monument presents a quintessential view of the Sonoran Desert with ancient legume and cactus forests. The geologic and topographic variability of the monument contributes to the area's high biological diversity. In addition to the biological and geological resources, the area holds abundant rock art sites and other archeological objects of scientific interest. Humans have inhabited the area for more than 5,000 years. More than 200 sites from the prehistoric Hohokam period (600 A.D. to 1450 A.D.) have been recorded in the area.

Upper Missouri Breaks National Monument, Montana:

The Upper Missouri River Breaks National Monument contains a spectacular array of biological, geological, and historical objects of interest. The area has remained largely unchanged in the nearly 200 years since Meriwether Lewis and William Clark traveled through it on their epic journey. ..

Some claim that more recent federal laws, particularly the National Environmental Protection Act (NEPA) and the Federal Land Policy and Management Act (FLPMA) render the Antiquities Act obsolete. This is not true. NEPA is an analytical tool that establishes a public involvement process and has no special authority to protect unique federal lands. FLPMA does not assure long term protection under its emergency powers and has no authority for National Park Service management of those national monuments designated for Park Service stewardship. The Antiquities Act remains an important tool for protection of federal lands held in trust for all Americans, not just the residents in a particular state.

In conclusion, the Antiquities Act is a distinctly American law, designed by your far-sighted predecessors to assure that we do not damage those natural, archeological, and cultural treasures unique to our American landscape. Since its passage in 1906, it has served our nation well, ensuring that presidents have the ability to protect fragile and special places from ill-conceived commercial exploitation with the speed not found in the ordinary legislative process. Presidents have used the Act sparingly and appropriately to respond to public concerns about the preservation of places that are keystones to our national memory and that help define us as a people and a nation. We respectfully urge your opposition to H.R. 2114.

Mr. HEFLEY. Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. I want to welcome our panelists and particularly welcome you, Mr. Roosevelt. I guess I would have one question. In the previous Congress, on a bipartisan agreement had been reached between our current—the Chairman of the Resources Committee, now Mr. Hansen, and Mr.

Vento, and that amendment provided for public participation and comment as well as consultation on the proposed monument designation for consideration by the President of any information made available in the development of existing plans and programs for the management of the lands and it made it clear that NEPA applied to any management plan developed subsequent to the declaration. Would this not accomplish all that we are trying to—that we want to accomplish with regard to the designation of monuments?

Mr. ROOSEVELT. Mrs. Christensen, I think you raise a very good question. On balance, I think I and most of the environmental movement would endorse increased coordination, increased collaboration. Our biggest concern is the provision of 50,000 acres. And I think if you can see within reason increased cooperation between the local regions and they have to have an input, but I don't think we want to see where they have a majority. But reasonable coordination, reasonable input, absolutely.

Mrs. CHRISTENSEN. Thank you. Would anyone else—.

Mr. NOEL. I would like to comment on that. Yes NEPA is very important in considering whether to establish a National Monument. NEPA will allow for the review of social economic impacts to local communities. In fact, as was noted here, after the uproar caused by the creation of the GSENM, Secretary Babbitt had Interior put together a report on other potential monument designations. The administration asked for public comments and held public meetings before proceeding with the creation of any of the subsequent monuments. So I believe that requiring NEPA analysis is not a problem and should in fact be a part of the process. Why would an environmentally friendly administration not want to complete a NEPA analysis? I would also like to comment on a point that Mr. Roosevelt made regarding water conservation being important and on watersheds. We know that it is very important and that the public lands are the watershed areas for our communities. A great deal of our water in Kane County is collected in the Grand Staircase Escalante National Monument and stored in the Navajo Sandstone Aquifer. With only 4% of the land in Kane County in private ownership we are totally dependent on a protected watershed on public lands. Unfortunately, the GSENM plan does not allow for the transfer of private water rights off the monument even though state law allows us that right. There were no Federal Reserved Water Rights designated in the proclamation, yet private citizens can't even take their privately held water rights off the monument.

It is interesting as some here have talked about the polls that show that the American Public wants more land set aside for recreation and public use. The environmental organizations use the poles to push for monument designations, and wilderness designations. What they don't tell the public however is that these lands are already open to public use and enjoyment and the various designations do nothing more than to lock out the majority of American Citizens. This is the great myth perpetrated by the greens, that we are saving the land for your children, when in fact your children will never get to see the vast majority of the public lands in the monuments because of the closing of access, the extensive

permitting process and the management closure of the vast majority of the designated land. Under the previous management of these lands under FLPMA, the public could use the public lands for recreation and tourism and the local resident populations could use the public lands on a multiple use sustained yield basis. Now, under the GSENM Plan if you have more than 12 members in your family that want to camp or have a family reunion, you can't. The plan allows for only 12 heartbeats. You could have 10 family members and 2 dogs and that is it. You can't bring your family to see the public lands because access is now severely limited. The monument plan proposes closing over 1000 miles of existing county roads.

FLPMA was passed to allow access and use of the public lands by the American people in a myriad of ways. Access to these lands was provided not just by backpacking and hiking but also by mechanical means. Specific areas that need further protection from off road vehicles or human impacts can be protected by creating Areas of Critical Environmental Concern (ACEC's). Rivers can be protected by the Wild and Scenic Rivers Act. You don't need to lock up almost 1.9 million acres to protect a few antiquities. You can keep the public lands open to the public and protect the environment. The BLM has been doing both for over 25 years. That is what FLPMA was all about, protecting the land while using the mostly renewable resources. 1906 was a long time ago. There were no other environmental laws on the books to protect the antiquities on public lands. We have come a long way in the last 95 years in managing and protecting the public lands. This is not antiquities protection issue, this is a wilderness issue. It was a back door method that the Babbitt administration used to create wilderness in Southern Utah, something that they couldn't accomplish legally in congress.

Ms. COOK. I would like to comment on 50,000 acre provision, and then after I am done, ask Congressman Simpson to comment on Congress's role. But I would like to again to refer to the Cascade-Siskiyou National Monument. Now the national monument portion of this is only 53,000 acres. But had a process been in place prior to the designation of the monument parcels, the public and private ownership controversies would have been minimized, whereas now the management options are constrained, the land managers of the monument are constrained by the proclamation, and controversy will be assured for years to come. And it is my understanding that over 50,000 acres, Congress has to agree. If Congress can't agree, within 2 years, then the President's proclamation stands. Is that correct, or am I incorrect about that?

Mr. SIMMONS. That is correct. Under this legislation, the President has 2 years or the Congress has 2 years in which to ratify that decision. The President could still make that designation. There is nothing that prevents the President of making a designation of 10 million acres if he so chooses.

Ms. COOK. If Congress can't act then the designation stands?

Mr. SIMMONS. No. Congress has to act to affirm that decision.

Ms. COOK. I appreciate you clarifying that. Yes.

Mrs. CHRISTENSEN. I thank you for your answers. Having had monument designations recently declared in my district and have

been in the middle of a fire storm over them, I, you know, fully support the propose—the consultation with the community to mitigate any adverse impact, but even, despite my recent experience, I cannot support the rest of the provisions of this bill.

Mr. HEFLEY. Does anyone have any question? We have a whole other panel we need to be through here by noon. Does anyone have burning questions of this panel?

Mr. SIMPSON. I have a couple.

Mr. HEFLEY. If you keep them short. We will do that. Because we have got people that have come from out of town we do want to hear them, but Mr. Simpson.

Mr. SIMPSON. Mr. Roosevelt, your comment that it prevents the President from making a designation it doesn't do that. The President can make any size designation he wants to. It is just if it is over 50,000 acres, Congress has to be involved in the process. The value of the Antiquities Act, given all the environmental laws we have today, is for a president to get out and prevent some damage that could be done immediately by some threat, I mean, that really is the only value of the Antiquities Act versus the other laws we have on the books. Isn't that true?

Mr. ROOSEVELT. Well, you asked two questions, if I may, Congressman. The first is by not acting, the President's declaration is overturned. And Congress, as you know, some times get an awful lot of business on its plate and it won't get to the things it might want to get to and the designation will expire. And given the success of this Act, and going back and seeing how many monuments have been put into place, I think that this piece of legislation is unwise. I think the legislation has stood very well, has been extraordinarily effective.

Mr. SIMPSON. Let me respond to that if I could. I continually hear the environmental community say jeez, Congress won't act and they will just let it expire, the monuments will go away. Congress, since 1964, since the Wilderness Act has been put into place, has been created more wilderness acres than the monuments since 1906. Congress has been responsive in this area of trying protect our public lands. We haven't just ignored them. And to subject that jeez, Congress just won't act I think is irresponsible. Go ahead.

Mr. ROOSEVELT. Perhaps reasonable people may disagree, but I refer, for example, Congressman Farr of California, when he wanted to get a designation off North Monterey for wilderness, he couldn't get it done. There may be a whole bunch of reasons why, but eventually Secretary Babbitt had that designated as a national monument. That is an example of where there seems to be some inertia. I think if you look back and see the success of these monuments, there are relatively few that people look back and say—in fact, none that I an think of—that say, gee, I wish we hadn't done that. And indeed there say mechanism that you can undo it if it is really that egregious.

In terms of the imminent threat, I think that is a good point. But I think that the chief executive has one piece of legislation which has been extraordinarily effective, and by and large, I think has been used very well. I think the comments that have been made about the lack of consultation from time to time, those are valid. But we shouldn't allow ourselves, with all due respect, to get un-

duly exercised about that, because I think that problem will be fixed. And indeed, there is some legislation which has been passed which makes that process, I think, a little bit better, maybe not good enough to your satisfaction, but we don't want to emasculate a piece of legislation which has been very, very good. That is my opinion.

Mr. SIMPSON. I appreciate your comments. I want you to know we are not trying to emasculate it. I am actually trying to make it work. I will tell you that in Idaho, when they did the 660,000 acres of the national monument, the expansion of the Craters of the Moon, people were upset. And then they came in later and wanted to do the Hunt Camp, which was the perfect use of the Antiquities Act, the perfect use of it. But the threat of saying oh, here's another national monument, the public reaction was boy, there they go again. And that is abuse of that Act, is what is going to destroy this Act.

And until you guys get your heads screwed on about what is going on out there with this national monument designation and the fact that even the President, even the President ought to follow the law. And when the law says it ought to be under some imminent threat, then it ought to be under some imminent threat. Not saying well, gee, some time in the future somebody might do something else. They had plenty of time to say let's run a bill through Congress to protect this unique area called the Great Rift. But no, they wanted to do that. They wanted to make a political statement out of it. It is not the anger in the west, it is the abuse by single individuals.

And I cannot believe that the environmental community supports putting so much power into one individual's hands and saying boy, you control everything. But it seems like whenever we want to get something out to local communities and have their involvement and their input in the decision-making, now that is taken to the Federal Government. Because we don't want to have to deal with all the local communities, and let's just take to the Federal Government and deal with Congress.

If you take it away from Congress and put it in the President's hand, then we only have to with have one guy. It is like we don't want the public involved in it. I don't think the environmental community actually trusts the public. I say that when we get on the side of the American people, then we will have some good environmental laws. I trust the American people. I trust them to have input and make decisions that are good. And no, not just local people, but people across the country. But I don't think your organizations actually trust the American people. That is what really bothers me about this. Reasonable people can disagree.

I look forward to working with you on this. Because I tell you what, it might surprise you, I don't disagree with a lot of the things that you do. I live in the west because I love it. And I wonder why I am here about 90 percent of the time.

Mr. ROOSEVELT. I share your views on that 100 percent. When I got that plane to come back to New York City, I wondered why in the devil I was doing that. I do think the organizations that I work with, whether it be the League of Conservation Voters, whether it be Wilderness, whether it be the Institute for the Envi-

ronmental and Natural Resources out in Wyoming, we do trust people. I believe the IENR has been particularly farsighted in recognizing the need to get greater collaboration. There has to be a sense of respect, and we to get the people in the west to feel their part of that process. I don't think the solution is to amend the Antiquities Act. I guess that is where you and I may differ.

Mr. HEFLEY. Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman. I appreciate the intensity of my colleague on this issue. I also very much appreciate your statements of concern, and I think you said we can be on the same side of issues. If the side that we are on is improving the land and maintaining some access so people can enjoy the beauty, and at the same time, protect the delicate areas, I think you will find we have a great deal of overlap. Are you familiar with the Deseret Ranch in Utah and their theory of wholistic resource management there.

Mr. ROOSEVELT. Not intimately, but I am aware of them.

Mr. CANNON. The theory is that if you graze intensively, the cattle break up the ground, they leave biotic material in their wake and having chewed the grass, it is more robust when it comes back. We have been talking with some groups about doing a similar experiment on the Grand Staircase-Escalante National Monument. Is that something your group would support or the groups that you are affiliated with would support?

Mr. ROOSEVELT. That is a very good question, and to be honest, I can't answer that question because I have never raised that question. I am familiar with that technique. The theory that frankly it was the buffalo or the bison that really did that first.

Mr. CANNON. We killed all the bison, now we have this ground blowing away.

Mr. ROOSEVELT. There are some questions that people have as the bison come in and they really chew up the ground and they go away and they historically wouldn't come back to that same place for a couple of years. And then they come back and chew it up, and hoof action, defecating, et cetera, was very good for the native grasses that were there. There are a lot of questions. I am probably too long-winded to your question. There are a lot of questions, will cattle do it in the same way? Do we know enough about how you move the cattle around? And do we have the right grasses in place because we have so many exotics and so many imported grasses, and will they respond in the same way?

Speaking for myself, because I don't want to put words in the mouth of my colleagues, that is the kind of experiment I think we should carry out and see if it works. Do it on a very small scale so we can see if it works or not.

Mr. CANNON. Speaking of scale I think we are looking at 100,000 acres, is that what you would call—.

Mr. ROOSEVELT. I personally would be comfortable with that. I would like to see if it works or not. We need to find better ways of restoring that range grass. When you talk to some of the people that know a lot about grass, there is an expert I consult a lot, a guy called Brian Sindular. He is helping in our ranch, bringing in new species and new grasses and how are we going to run the cattle on it. There is a lot that we don't know. If we start from the

position we don't know a lot, let's try and see what happens and be very careful and recognize we don't know.

Mr. CANNON. Thank you. I appreciate that approach. You have raised some of the serious questions that we have there. I would note that there are large areas, but the rainfall in the Deseret Ranch area, which is an incredibly lush productive ranch, one of the few ranches in the world that is actually making serious money on the cattle they raise there, the rainfall in that area is similar to the rainfall in much of the Grand Staircase Escalante National Monument. I hope we can work together on the future. I apologize. We got a little rushed by the Chairman.

I want to thank you, Ms. Cook, for coming and Mr. Noel, because we have had a great relationship in the past. I can't help asking Mr. Noel and Ms. Cook, you have 5,000 people, Mr. Noel, in Kane County. And when you sit here, you are speaking for 5,000 people. And Mr. Roosevelt is speaking for millions of people or a multiple of people from New York. Why should we give your views as much credence and weight as Mr. Roosevelt's?

Mr. NOEL. Well, as we look at the last election we can readily see that President Bush was very, very popular in rural America. He won the vote in about 2700 or 2800 counties. The urban areas of the country on the other hand voted for Mr. Gore. I believe that is because rural America was taken for granted. Even though the food and fiber of this country is produced in rural America in mainly those 2800 counties, the Clinton/Gore Administration didn't think they were very important.

I think we have some strategic minerals and strategic resources out there in rural America that we need to recognize. We have about 6000 people in Kane County. I trust the people of Kane County to protect not only the private lands but the public lands as well. That is why these lands are in such great condition that you can designate them as a National Monument, the locals have done a great job in using yet protecting these lands. Our philosophy in Kane County is use it up, wear it out, make it do or do without. We are not excessive in our needs and uses of the land. We want to make sure we take care of the land. We have done a good job of that. I think it is important that we take care of the land. Our water, our resources are all there, we depend on the public lands for our livelihood. I don't understand how people think the citizens of Kane County are trying to destroy the area such the Federal Government needs to step in and make massive withdrawals of land from multiple use for Antiquities that quite frankly just ain't there. The laws that were in place for the public lands in our county were such that the land could be used but not abused. The great myth that the environmental organizations feed to the American public is we are protecting and preserving these lands for your children. In reality they are closing access and the public's use of these lands for their own selfish interests. They shut out the public. They lock out the public from their lands.

Mr. CANNON. My time is about expired. Can I just add one thing, that is, the law protects 5,000 the way it protects 5 million. If you don't support the rule of law for 5,000, you won't support it for anyone. Thank you.

Ms. COOK. I just have something very, very quick. This has been characterized as east versus west. Well, there is a lot of access in the east that is threatened as well, beaches and woods and so on. And it is not so much east versus west as where you live and what happens in your own neighborhood and that goes for everywhere.

Mr. HEFLEY. I thank the panel. The next panel is composed of the Honorable Dee Hauber, Mayor, Town of Groton, Connecticut; Mr. James L. Streeter, Avery Point Lighthouse, Groton, Connecticut; Ms. Anne Olson, executive Director, Buffalo Bayou Partnership, Houston, Texas, and Mr. Stephen Fox, Architect, in Houston Texas.

Mr. HEFLEY. I will remind you to try and keep your testimony to 5 minutes. And we will start over here on the left with the Honorable Dee Hauber.

STATEMENT OF HON. DEE HAUBER, MAYOR, TOWN OF GROTON, CONNECTICUT

Ms. HAUBER. Thank you, Mr. Chairman and Subcommittee for hearing us today. Let me begin by taking just a few moments to describe Groton. Groton is a beautiful historic shoreline town situated between the Mystic River and Thames River on Long Island Sound in southeastern Connecticut. We have 40 miles of coast line and we are midway between New York and Boston. We are a major economic and employment center. Our growth reflects change in being the most defense dependent town in the country, to diversity. We are now in pharmaceuticals and tourism. We are home to Pfizer, Electric Boat and the Subase, which employs approximately 22,000 people. The Subase has been there since the 1890's and Electric Boat has been building submarines since the 1900's, early 1900's.

Our history is steeped in maritime tradition. Groton is the site of the only revolutionary war battle in Connecticut. Fort Griswold which was attacked by the British forces which were led by Benedict Arnold after they burned the city of New London. Groton is known as the submarine capital of the world. We are very proud of that. We are associated with the design and manufacturing of the modern submarine.

Groton, New London Subase is the home port of the fast attack submarine fleet in the Atlantic. We are also the location of the historic ship USS Nautilus, the first nuclear powered submarine. We are very proud of our history. Just south of the Subase and Electric Boat is the University of Connecticut at Avery Point where the lighthouse is located. The State of Connecticut, as part of the UCONN 2000 program, has pledged millions of dollars to make this campus a world class institution for marine sciences. A new marine science laboratory will open for students this fall.

Project Oceanology, a cooperative of several local districts, opened a new building this past spring. Sharing the UCONN campus are two United States Coast Guard commands, the Research and Development Center and the International Ice Patrol. The Coast Guard has been a tenant of the campus since World War II. It was during the war that the lighthouse was constructed. Mr. Streeter will speak of that.

The Avery Point Lighthouse is important to our maritime history, and is truly a significant symbol of our community. Restoration of the Lighthouse has been a major community effort. I am bringing you a copy of the petitions that are with approximately 10,000 signatures. There is no local opposition to this. We respectfully request your favorable consideration of this proposal to fund the restoration of the historic treasure. I tried to keep it short to conserve some time.

[The prepared statement of Ms. Hauber follows:]

Statement of Dolores E. Hauber, Mayor, Groton, Connecticut on H.R. 1518

Good morning.

Chairman Hefley and members of the subcommittee:

Thank you for this opportunity. My name is Dee Hauber and I currently serve as Mayor for the Town of Groton. I have served on the Town Council since 1989 and this is my third term as Mayor.

Let me begin by taking a few moments to describe my Town. Groton is a beautiful, historic shoreline town situated between the Mystic River and the Thames River on Long Island Sound in Southeastern Connecticut. This provides 40 miles of coastline for our 40,000 residents. We are midway between New York and Boston.

Groton is a major economic and employment center. Our economic growth reflects a change from being the most defense dependent Town in the entire country, to diversifying our local economy with growth in the tourism and pharmaceutical sectors. We are home to Pfizer, Electric Boat and the US Subase which combine to employ 22,000. The Subase has been here since the 1890's and Electric Boat has been building submarines since the early 1900's.

Our history is steeped in maritime tradition. Groton is the site of the only Revolutionary War battle site in Connecticut, Fort Griswold, which was attacked by British forces led by Benedict Arnold after they burned the City of New London.

Groton is known as the Submarine Capital of the World for its association with the design and manufacturing of modern submarines. The Groton/New London Subase is homeport to the fast attack submarine fleet in the Atlantic. We are also home to the historic ship, USS Nautilus, the first nuclear powered submarine, the Submarine Force Museum and Library that was recently expanded to include a major Cold War exhibit, and the Submarine Wall of Honor. As you can tell, we are most proud of our history.

Just south of the Subase and Electric Boat is the University of Connecticut Avery Point Campus at which this lighthouse is located. The State of Connecticut, as part of the UCONN 2000 program, has pledged millions of dollars to make this campus a world class institution for marine sciences. A new marine sciences laboratory will open for students this fall. Project Oceanology, a cooperative of several local school districts, opened its new building this past spring.

Sharing the UCONN Campus are two United States Coast Guard Commands: the Research and Development Center and the International Ice Patrol. The Coast Guard has been a tenant on the Campus since WWII. It was during the war that this lighthouse was constructed. Mr. Streeter will follow with more details on that history, so I will not at this time.

The Avery Point Lighthouse is important to our maritime history and is truly significant as a symbol of our community. Restoration of the lighthouse has been a major community effort. Here is a copy of approximately 10,000 signatures gathered in support of the lighthouse restoration. There is no local opposition to the project.

We respectfully request your favorable consideration of this proposal to fund the restoration of this historic treasure. Thank you.

Mr. HEFLEY. Thank you. I will point out that your remarks will be put in the record in their entirety.

Mr. HEFLEY. Mr. Streeter.

STATEMENT OF JAMES L. STREETER, AVERY POINT LIGHTHOUSE, GROTON, CONNECTICUT

Mr. STREETER. My name is James Streeter. I am the co-founder and co-Chairman of the Avery Point Lighthouse Society, known as

APLS, a group of local volunteer citizens who are dedicated to saving, restoring, and relighting Connecticut's Avery Point Lighthouse. You have all been provided a packet, giving a brief history. The Avery Point Lighthouse is located on the University of Connecticut's property in Groton, Connecticut. The State of Connecticut purchased that property in 1938. In 1942, the State of Connecticut quitclaim deeded the property to the United States Government. The site became the home of the United States Coast Guard Training Station from 1942 through 1967. The university now has reoccupied the facilities.

It is interesting to note that the deed transferring the property to the United States Government stipulated that the government would erect and maintain on or over the lands, buildings, lights or other apparatus to be used as aids to navigation.

In March 1943, the Coast Guard did finish construction of the Avery Point Lighthouse. Although it was considered ready for service at the time, World War II "hostilities concerns" were taking place which precluded it from being lit until May 1944. The light remained an aid to navigation until it was extinguished in September 1967 when the Coast Guard moved their facilities to New York.

The Avery Point Lighthouse is indeed the last lighthouse built in the State of Connecticut. And it is the only lighthouse in the Nation built as a memorial to honor the men and women who served as lighthouse keepers. Unfortunately, over the past 20 years, maintenance and upkeep of the facility has been sorely lacking and largely discontinued. The structure now has become seriously deteriorated.

In July of last year, our organization became actively involved in the effort to restore the lighthouse. We are working very closely with representatives of the University of Connecticut at Avery Point as well as staff members from the American Lighthouse Foundation of Wells, Maine, an internationally-recognized nonprofit organization dedicated to preserving lighthouse history and heritage.

Over the past year, our organization has accomplished many goals. We have obtained in excess of 9,000 signatures on petitions requesting State of Connecticut and Federal Government funding. We have received donations of $3,000 each from local governments, specifically the City of Groton and the Town of Groton. We have raised in excess of $35,000 through various fund-raising activities, membership drives and sales of lighthouse merchandise. Recently, we received a matching bond grant from the State of Connecticut for the amount of $150,000.

Costs for the stabilization, restoration and relighting of the structure are estimated to exceed $350,000. Our organization is committed to its goals, and we will continue fund-raising activities until the restoration project is complete and the lighthouse becomes part of the overall public access program to the historical and educational resources of Long Island Sound, which borders the States of Connecticut, New York and Rhode Island. We request your consideration and support of H.R. 1518.

Thank you for your attention and I stand ready to answer any questions.

Mr. HEFLEY. Thank you.

[The prepared statement of Mr. Streeter follows:]

Statement of James L. Streeter, Co–Chairman, Avery Point Lighthouse Society, Groton, Connecticut

Representative Hefley and distinguished members of the Committee.

My name is James L. Streeter and I am a co-founder and co-chairman of the Avery Point Lighthouse Society, known as APLS, a group of local volunteer citizens who are dedicated to saving, restoring and relighting Connecticut's Avery Point Lighthouse.

I would like to thank this Committee for providing the opportunity to publicly present some facts concerning this lighthouse. I would also like to thank Representative Rob Simmons for sponsoring this bill and for his continued support and commitment to this extremely important project.

You have each been provided with a packet giving a brief history of the lighthouse and outlining some of the efforts being made to restore this significantly historic and educational structure.

The Avery Point Lighthouse is located on the University of Connecticut's Avery Point campus in Groton, Connecticut. The 72-acre campus, once the estate of wealthy industrialist Morton B. Plant, was purchased by the State of Connecticut in 1938. The State of Connecticut Quit Claim deeded the property to the United States Government in 1942. The site became the home of the United States Coast Guard Training Station from 1942 through 1967. The University of Connecticut has occupied the site since 1967.

It is interesting to note, the deed for the transfer of the property to the United States Government, stipulated that the [government] "erect and maintain on or over the land—beacon lights or other buildings and apparatus to be used in aid of navigation".

Thus in March of 1943 the United States Coast Guard fulfilled the requirement of the Quit Claim Deed and construction of the Avery Point Lighthouse was completed. Although it was considered "ready for service" at that time, World War II "hostilities concerns" precluded the light from being lit until May of 1944. The light remained an aid to navigation until it was extinguished in September 1967, when the Coast Guard moved their training facilities to New York.

The Avery Point Lighthouse was the last lighthouse built in the State of Connecticut and [reportedly] is the only lighthouse in the nation built as a memorial to honor the men and women who served as lighthouse keepers.

Unfortunately over the past twenty years or so, maintenance and upkeep of the lighthouse has been sorely lacking and largely discontinued. The structure now has some serious deterioration problems.

In July of last year, APLS became actively involved in the effort to restore the lighthouse. The group is working closely with representatives of the University of Connecticut at Avery Point as well as staff members of the American Lighthouse Foundation of Wells, Maine, an internationally recognized non-profit organization dedicated to preserving lighthouse history and heritage.

Over the past year our organization has been successful in raising public awareness, support and monies for the restoration effort.

Some of the accomplishments by APLS, since last July include:

- Obtaining in excess of 9,000 signatures on petitions requesting State of Connecticut and Federal governmental funding for the restoration.
- Receiving donations of $3,000 each from the Governments of the Town and City of Groton.
- Raising in excess of $25,000 through various fundraising activities, membership drives and sales of lighthouse merchandise.
- Receiving a matching bond grant from the State of Connecticut for the amount of $150,000.
- Acquiring the (Pro Bono) services of a reputable engineering group to conduct a structural study of the lighthouse.

Costs for the stabilization, restoration and relighting of the structure is estimated to exceed $300,000. Our organization is committed to its goals and will continue its fundraising activities until the restoration project is complete and the lighthouse becomes part of the overall public access program to the historical and educational resources of Long Island Sound which boarders the States of Connecticut, New York and Rhode Island.

The Avery Point Lighthouse Society requests your consideration and support of H.R. 1518.

Thank you for your attention and I stand ready to answer any questions.

Mr. HEFLEY. Ms. Olson.

STATEMENT OF ANNE OLSON, EXECUTIVE DIRECTOR, BUFFALO BAYOU PARNERSHIP, HOUSTON, TEXAS

Mr. OLSON. Mr. Chairman, members of the Subcommittee, I thank you for the opportunity to be here today. And I would also like to thank Congressman Gene Green for introducing this legislation for his strong support of Buffalo Bayou redevelopment efforts. My testimony provides an overview of the proposed Buffalo Bayou National Heritage area and its national significance as a natural cultural recreational and a historic resource. I also plan to discuss the organizational structure of the Buffalo Bayou partnership, its funding sources partnerships and its capacity to administer the National Heritage Area.

Chances are when you think of Houston, you probably think of a modern downtown skyline, congested freeways and even a cowboy or two. But there really is another Houston, one with a remarkable history and a nationally significant history. Along Buffalo bayou are numerous historic sites, early ethnic neighborhoods, and some of the city's oldest parks. By creating the Buffalo Bayou National Heritage Area, these sites will be linked like a string of pearls.

In 1836, the Allen brothers founded Houston at the foot of Main Street along Buffalo Bayou. Allen's Landing, as it is known today, became Houston's first port. Nearby is the Main Street Market Square Historic District, a 48-block area with more than 50 structures on the National Register of Historic Places. These and other nearby National Register buildings and structures all tell the story of Houston's industrial past. While significant preservation has occurred, a national heritage area designation would strengthen local preservation efforts and allow us to place more than 100 additional structures and sites on the National Register. Funds also would be made available for the restoration of many structures into interpretative visitors centers. Buffalo Bayou was once called the highway of the Republic. The battle of San Jacinto fought along the banks of Buffalo Bayou gained Texas' independence from Mexico and allowed colonization of the entire State.

Moreover, it accelerated expansion of the western United States. Today the San Jacinto State Historical Park and National Historic Landmark has more visitors than any other historical park in Texas. Perhaps nothing illustrates Houston's entrepreneurial spirit more than its ship channel, a man-made waterway that connects Houston's port to the Gulf of Mexico 50 miles away. The port is located 6 miles east of downtown on Buffalo Bayou. It is number one in the U.S. in foreign shipping and number 2 in tonnage. It is surrounded by the largest concentration of oil refining and petrochemical plants in the Nation. The National Heritage Area also will celebrate Houston's diversity. Historic Mexican and Afro American neighborhoods still can be found today along Buffalo Bayou. For a multi-cultural city whose ethnic population now exceeds its Anglo population highlighting the lives of these early ethnic groups will be an important and vital role of the proposed National Heritage Area. Buffalo Bayou, first and foremost, is Houston's greatest natural resource. Several bayou segments have been designated part of the world famous Great Coastal Texas Birding Trail. More

than 15 miles of hike and bike trails line Buffalo Bayou's banks, and more than 20 additional miles are funded and planned. The waterway is home to 10 city and county parks. A National Heritage Area designation also builds on the progress that our organization and others have already made. Our organization was created in 1986 by the mayor of Houston and Harris County judge to act as a overseer authority over Buffalo Bayou. We are a coalition of civic, environmental, governmental and business representatives.

Over the past 6 years alone we have raised more than $25 million in private and public funds for Buffalo Bayou's redevelopment. And specific accomplishments are listed in my written testimony. We know that partnerships are the key to the success of the national heritage area program. We have the experience and the capacity to work cooperatively with a broad range of stakeholders along the Buffalo Bayou corridor. We have already partnered with the National Park Service. We worked with the National Park Service's River Trails and Conservation Assistance Program for more than 3 years to develop Houston's first hike and bike rail to trail hike and bike—rail to trail, it is a hike and bike trail that was converted from abandoned railroad.

Ms. OLSON. We also developed the Buffalo Bayou interpretive master plan. We know firsthand the value of the technical assistance provided by this Federal agency and know how to utilize its resources for the utmost effectiveness.

We are partnering currently with the National Fish and Wildlife Foundation and Texas General Land Office on land acquisition along Buffalo Bayou. We are working with the Texas Department of Transportation on hike and bike trails funded with over $10 million in Federal transportation funds. We also have recently initiated a $1 million master plan study that is being coordinated by an internationally recognized team of consultants.

The Buffalo Bayou National Heritage Area also can provide enhanced green space as Houston rebuilds after the devastation of recent Tropical Storm Allison. This storm caused more than $5 billion worth of damage to our city. Federal funds can help us restore parkland and develop a green infrastructure that will allow for flooding while providing open space and recreational opportunities.

Funding is desperately needed to remedy the significant erosion that has taken place among Buffalo Bayou's banks.

Mr. HEFLEY. I am sorry, I am going to have to cut you off. I hate to stop your testimony, very good testimony, but in order to get through it, I would be a lot more sympathetic with your project if you hadn't let the San Jacinto Inn close, if you are familiar with that. Best place I ever ate. Did they tear that building down?

Mr. FOX. I am afraid so.

Mr. HEFLEY. They did? Well, there goes your project.

[The prepared statement of Ms. Olson follows:]

Statement of Anne Olson, President, Buffalo Bayou Partnership, Houston, Texas on H.R. 1776

Mr. Chairman and members of the subcommittee, I sincerely thank you for this opportunity to appear before the Subcommittee on National Parks, Recreation and Public Lands in support of House Bill 1776 to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in Houston, Texas.

My name is Anne Olson and I am President of the Buffalo Bayou Partnership. The group oversees beautification and redevelopment efforts along Buffalo Bayou, Houston's historic waterway. I have been president of this non-profit organization for the past six years.

My testimony will provide you with an overview of the proposed Buffalo Bayou National Heritage Area and its national significance as a natural, cultural, recreational and historic resource. A statement of historical significance will be provided by Mr. Steven Fox, lecturer in the history of architecture at Rice University and the University of Houston, who joins me here today.

My testimony includes information about the organizational structure of the Buffalo Bayou Partnership, its funding sources, it numerous partnerships, and its capacity to administer the proposed National Heritage Area.

As you know, partnerships are key to the success of the National Heritage Area Program. I am here to tell you about the significant public-private efforts that are the foundation of our Buffalo Bayou redevelopment program. These partnerships will be strong support for the Buffalo Bayou National Heritage Area. New partnerships will be formed, as well.

Chances are when you think of Houston, America's fourth largest city, you think of a modern downtown skyline, congested freeways and a cowboy or two. But there is another Houston—one with a remarkable and nationally significant history. From prairie to port to modern urban center, Buffalo Bayou links Houston's past and its present. It connects our city's diverse population to its heritage. The events that have played out along its banks from prehistoric times to today represent a legacy that begs to be told.

Along the banks of Buffalo Bayou there are a multitude of historic sites, early ethic neighborhoods, and some of the city's oldest parks. By creating the Buffalo Bayou National Heritage Area, sites of historic, cultural, recreational and archaeological interest will be linked like a string of pearls. Moreover the Buffalo Bayou National Heritage Area will create an amenity that is vital to our city's "new economy," one that places a strong emphasis on natural, recreational and lifestyle opportunities.

Let me take you on a tour of Buffalo Bayou. It runs through the heart of downtown Houston. Here, we find Allen's Landing at the foot of Main Street. It was here in 1836 that Houston's founders, the Allen brothers stepped ashore and founded Houston. Allen's Landing became Houston's first port and a thriving commercial hub. Nearby, is Main Street/Market Square Historic District, a 48-block area with more than 50 structures on the National Register of Historic Places. Other nearby buildings and structures on the National Register—Willow Street Pump Station, Waterworks Plant and Main Street Viaduct—all tell a story of Houston's industrial past. While significant preservation has occurred along Buffalo Bayou, a National Heritage Area designation would strengthen local historic preservation efforts to recommend more structures to the National Register. According to the Greater Houston Preservation Alliance, more than 100 additional structures and sites would be eligible for listing on the Register. Through the National Heritage Area program, funds also would be available for the restoration and adaptive reuse of many structures into interpretive and visitor centers. These facilities will educate Houstonians and visitors about the city's industrial past.

Buffalo Bayou was called the "Highway of the Republic" during Texas' struggle for independence. The Battle of San Jacinto, fought at the confluence of Buffalo Bayou and the San Jacinto River, gained Texas' independence from Mexico and allowed colonization of the entire state. Moreover, it accelerated expansion of the western United States. Today, the San Jacinto State Historical Park, a National Historic Landmark, has more visitors than any other historical park in Texas.

Perhaps nothing shows Houston's entrepreneurial spirit and sheer bravado more than the man-made Houston Ship Channel, 50 miles inland from Galveston Bay. As humorist Will Rogers said in 1930, "Houston dared to dig a ditch and bring the world to its door." Located six miles east of downtown Houston on Buffalo Bayou, this port—today the nation's 1 port in foreign shipping and 2 in tonnage—is home to the country's largest concentration of oil refining and petrochemical production. In addition to shaping Houston's economy and securing the city's stature as one of the world's foremost international trading and energy centers, the Port opened up the state of Texas and much of the Gulf Coast to the world.

Although the Buffalo Bayou National Heritage Area would highlight important military leaders, oil wildcatters, and industrial titans, it would also provide the city with an invaluable opportunity to highlight the lives of early Mexican Americans and Afro–Americans who lived along the bayou, and worked in the early rail yards and at the Port of Houston. Historic ethnic neighborhoods can still be found today along Buffalo Bayou—the Fourth and Sixth Wards, two National Register districts

with strong collections of 19th century shotgun houses and Victorian cottages, for example. For a multi-cultural city whose ethnic population now exceeds its Anglo population, highlighting the lives of these ethnic groups will be an important and vital role of the proposed National Heritage Area.

While the historic and cultural resources of Buffalo Bayou are significant, Buffalo Bayou is first and foremost Houston's greatest natural resource. It is a mainstay of our region's little known ecological abundance. Eight distinct ecological zones surround the Houston area. Several segments of Buffalo Bayou have been designated part of the world-famous Great Coastal Texas Birding Trail. The waterway is home to the Katy Prairie, one of the region's most significant habitats for migratory waterfowl, shore birds, songbirds and hawks. More than 15 miles of hike and bike trails line Buffalo Bayou's banks and more than 20 additional miles are funded and planned. Houston's first public parks sprouted up along the banks of Buffalo Bayou in the late 19th century and today, the waterway is home to 10 City and County parks including Allen's Landing, Houston's birthplace and Sam Houston Park, the city's first public park that opened in 1899. Today, a 19th century collection of early Houston homes is displayed in this 20-acre downtown park.

The same resourcefulness and entrepreneurial spirit that created the Houston Ship Channel are alive along Buffalo Bayou's banks today. A National Heritage Area designation will strengthen and build upon the progress that already is underway, progress the Buffalo Bayou Partnership fosters and supports in tandem with other Houston groups dedicated to preserving this waterway.

The Buffalo Bayou Partnership was created in 1986 by the Mayor of Houston and Harris County Judge to act as an overseer authority for development along Buffalo Bayou. The 501 (c) (3) non-profit organization is a coalition of civic, environmental, governmental and business representatives. Our directors, who range from corporate and foundation heads to neighborhood residents, are approved by the Mayor and County Judge. We also have a strong ex-officio board, comprised of representatives from all levels of City and County government. Over the past five years, more than $25 million in private and public funds have been raised or leveraged for Buffalo Bayou's redevelopment.

Specific accomplishments include:

- Opening of a 10-acre $22 million waterfront park in the heart of downtown.
- Development of a master plan to unify more than $25 million of existing and funded redevelopment projects at Allen's Landing Park, Houston's birthplace along Buffalo Bayou.
- Awarding of approximately $10 million in federal Intermodal Transportation Efficiency Act (ISTEA), and Transportation Enhancement funding for hike and bike trail development.
- Construction of Houston's first rail-to-trail project—a $1.6 million effort, funded through the ISTEA program.
- Coordination of a $1 million master plan that is being led by an internationally recognized team of consultants. This planning study, which is now underway, has been funded jointly by the City of Houston, Harris County Flood Control District and Buffalo Bayou Partnership.
- Raising nearly $4 million for land acquisition along Buffalo Bayou. Currently, 18 acres of property have been purchased or are under contract.
- Developing a $100,000 interpretive master plan that calls for signage to be placed at more than 30 destinations along the Buffalo Bayou waterway. The Buffalo Bayou National Heritage Area would greatly assist us in implementing and promoting the interpretive system.

This progress has been achieved through a range of public-private initiatives and joint projects with a variety of non-profit and philanthropic institutions. Unlike many National Heritage Areas that create new management entities once designation is granted, we have an existing organization with a solid track record of achievement already in place.

Partnerships are key to the success of National Heritage Areas. We have the experience and the capacity to work cooperatively with a broad range of constituencies and stakeholders along the Buffalo Bayou corridor.

- We have partnered with the National Park Service's Rivers, Trails and Conservation Assistance Program for more than three years. Development of Houston's first rail-to-trail and creation of the Buffalo Bayou interpretive master plan are two projects that resulted from this partnership with the National Park Service. We know first hand the value of the technical assistance provided by this federal agency and know how to utilize its resources for the utmost effectiveness.

- We are partnering with the National Fish and Wildlife Foundation on land acquisition along Buffalo Bayou. Another public land acquisition partner is the The Texas General Land Office.
- A partnership with the Texas Parks & Wildlife Department has provided the City of Houston and Buffalo Bayou Partnership with a $500,000 grant for the redevelopment of Allen's Landing. These funds were leveraged with City of Houston and Harris County Flood Control District funds.
- The Texas Department of Transportation has been a valuable partner in our efforts to landscape freeway areas surrounding Buffalo Bayou.
- Highlighting the bayou's historic resources has been accomplished through a partnership with the Greater Houston Preservation Alliance. Together, the two organizations have sponsored an annual tour of historic bayou industrial buildings.
- In recent months, we have joined forces with 40 other civic groups and the Greater Houston Partnership, Houston's major business advocacy organization, to "change the face of Houston." This major quality of life initiative is focused on the enhancement of the city's parks and bayous, and removal of visual blight. This unique coalition of business and environmental groups has come together because all entities realize that quality of life is key to the economic health of the Houston region. Never before, has the business community of Houston been so involved in quality of life issues. A Buffalo Bayou National Heritage Area would play a significant role in The Quality of Life Coalition's agenda and would profit from the leadership and backing of Houston's strong business community

Many of our partners have provided letters in support of this testimony.

Another important opportunity that presents itself at this particular moment in time is the ability of the Buffalo Bayou National Heritage Area to provide enhanced green space as the City rebuilds after the devastation of recent Tropical Storm Allison. It caused more than $5 billion in damage. to our city. We realize that federal funds cannot be used for land acquisition, but they can help us restore park land and develop a green infrastructure that will allow for flooding while providing open space and recreational opportunities. Funding is desperately needed to remedy the significant erosion that has taken place along Buffalo Bayou's banks as a result of the Allison Storm.

We urge you to support House Bill 1776 to allow the National Park Service to study the feasibility and suitability of the Buffalo Bayou National Heritage Area. This prestigious designation would provide us with the mechanism to preserve a nationally significant landscape, to create a new economic development and tourism tool for our city, to develop new partnerships, and to restore Buffalo Bayou to its rightful place in the hearts and minds of Houstonians, Texans, and all Americans.

Thank you Mr. Chairman and members of the subcommittee for allowing me to come before you today in support of the Buffalo Bayou National Heritage Area. I would be pleased to answer any questions that you and your colleagues may have.

[Letters attached to Ms. Olson's statement follow:]

TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

July 10, 2001

The Honorable Gene Green
U. S. House of Representatives
2335 Rayburn HOB
Washington DC 20515

Dear Congressman Green:

Please accept this letter in support of the Buffalo Bayou Partnership's application for a National Park Service study to determine the feasibility of establishing a National Heritage Area along Buffalo Bayou in Houston, Harris County, Texas.

The possibility for meaningful and positive interpretation and preservation of sites and structures along this historic waterway would be of great benefit to the city of Houston and the state of Texas. The history along the bayou is vast, ranging from prehistoric and historic archeological sites, to sites associated with the Texas Revolution (including the Battle of San Jacinto), to the earliest settlement of Houston, to some of the area's oldest parks, to numerous ethnic neighborhoods, to 20th and 21st century industrial and petrochemical history.

As you know, the Texas Historical Commission, as the State Historic Preservation Office, is the state-level partner of the National Park Service, cooperating in the administration of such programs as National Heritage Areas and the National Register of Historic Places. We look forward to playing a role as one of the many partners in the proposed Buffalo Bayou project, and stand ready to offer the services of our professional staff to consult with the Buffalo Bayou Partnership in the development, preservation and interpretation of this highly significant heritage area.

Thank you for your support of historic preservation in Texas.

Sincerely,

F. Lawerence Oaks
Executive Director

/cb
7/10/2001 4:40 PM
J:\Larry Oaks\External Miscellaneous Correspondence\congressman gene green-buffalo bayou.doc

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CITY OF HOUSTON
Parks and Recreation
Department

Lee P. Brown
Mayor

Oliver B. Spellman Jr.
Director
Parks and Recreation
Department
2999 South Wayside Dr.,
Houston, Texas 77023

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May 15, 2001

Congressman Gene Green
U. S. House of Representatives, 29th District
256 N. Sam Houston Parkway East, Suite 29
Houston, Texas 77060

Dear Congressman Green,

I am very pleased to learn that you are moving ahead with a bill to establish the Buffalo Bayou National Heritage Area.

The proposed National Heritage Area designation complements the master plans developed by the Houston Parks and Recreation Department and the Buffalo Bayou Partnership. The Parks Department and the Partnership have a history of cooperation. Therefore, I respectfully request that the Buffalo Bayou National Heritage Area bill include language involving the Houston Parks and Recreation Department in development of the management plan. I believe that such language will ensure that Buffalo Bayou improvements generated by the management plan complement present and future Parks Department development.

As a long-time supporter of Buffalo Bayou, I know you understand the legacy and importance of this landmark waterway. I look forward to the successful passage of the Buffalo Bayou National Heritage Area.

Sincerely,

Oliver B. Spellman, Jr.
Oliver B. Spellman, Jr., Director
Houston Parks and Recreation Department

OBS:bkh

Cc: Mayor Lee P. Brown, Anne Olson, C. M. Garver, Beto Bautista, Gerard J. Tollett

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HOUSTON ENDOWMENT INC.
A PHILANTHROPY ENDOWED BY MR. AND MRS. JESSE H. JONES

Ann T. Hamilton
Grant Officer

July 7, 2001

Anne Olson, President
Buffalo Bayou Partnership
1111 Bagby Street, Lobby
Houston, Texas 77002-2546

Dear Ms. Olson:

The possibility of having Houston's Buffalo Bayou designated as a National Heritage Area under the National Park Service both excites and inspires me. Indeed, this waterway is steeped in the history and culture of the entire Gulf Coast region. Without it Houston simply would not be the commercially successful city that it is today. More than any other natural resource, Buffalo Bayou has shaped the past and continues to play a major role in defining Houston's economic and cultural future.

As a grant officer for many of the community enhancement projects at Houston Endowment Inc., I have researched and reviewed all of the requests from the Buffalo Bayou Partnership seeking private funding for projects along the bayou. As a result this foundation has provided both monetary and advisory support toward the revitalization of this important natural resource. Since 1995 Houston Endowment has made grants totaling $1,100,000 to the Buffalo Bayou Partnership. An additional request for $500,000 will be given serious consideration by the Board of Directors on July 17, 2001.

The efforts of the Buffalo Bayou Partnership have indeed been of tremendous value to the City of Houston and the dedicated groups and individuals who have long worked to revitalize and restore Houston's main artery, Buffalo Bayou—a natural resource that not only defines our history, our diversity and our spirit, but also links us to one another.

Sincerely yours,

Ann T. Hamilton

Ann T. Hamilton

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EAST END

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Mary Margaret Hansen
Executive Director

July 9, 2001

Ms. Anne Olson
President
Buffalo Bayou Partnership
1111 Bagby Street
Houston, TX 77002-2546

Dear Ms. Olson:

The Greater East End Management District whole-heartedly supports the establishment of the Buffalo Bayou National Heritage Area in Houston, Texas. As an entity that works daily to improve the economic welfare and quality of life for the East End of Houston, the District recognizes that a designated national heritage area will greatly enhance the East End of Houston.

Culturally and economically diverse, the East End is home to almost 100,000 people and over 2400 businesses that include industry giants and small neighborhood enterprises. Bounded by Downtown Houston and the Port of Houston, the East End is the oldest area of the city. Buffalo Bayou runs along our northern boundary and passes the site of Old Harrisburg, an early Texas trading post and seat of government for the Republic of Texas in 1836.

Today, the East End is experiencing an economic renaissance. The work of the Buffalo Bayou Partnership to develop and beautify Buffalo Bayou provides major assistance to our own efforts. We support them and the establishment of a Buffalo Bayou National Heritage Area. We thank you for your consideration of this designation.

Sincerely,

Mary Margaret Hansen
President

GREATER
HOUSTON
PRESERVATION
ALLIANCE

July 10, 2001

The Honorable Gene Green
29th Congressional District
2335 Rayburn Building
Washington, D. C. 205515

Dear Congressman Green:

Greater Houston Preservation Alliance is very pleased that you have recently filed federal legislation for the study of a National Heritage Area along Buffalo Bayou in Houston. Our mission for almost 25 years has been to promote the preservation of Houston's architectural and cultural historic resources through advocacy, education, and committed action, thereby creating economic value and a stronger sense of community.

Buffalo Bayou is one of Houston's most important cultural historic resources. However, it has been neglected and ignored for far too long. There are well over 100 historic structures, sites, and districts along the Buffalo Bayou corridor that represent the social, political, and commercial history of Houston. The bayou literally links the various periods of Houston's history. We are; therefore, encouraged that Buffalo Bayou Partnership is endeavoring to develop the bayou as an amenity for the citizens of Houston. For several years we have partnered with BBP in tours of historic buildings along the bayou. Because of the great public interest in the bayou and its history, the tours always sell out in advance. We even added an extra tour last year to accommodate the number of requests for reservations.

Sensitive development of the bayou will, without doubt, help attract heritage tourism to Houston which will help preserve important historical resources on and near the bayou. Heritage tourism is the fastest growing branch of tourism. Heritage tourists are better educated; stay, on average, one day longer that other tourists; and spend more money. It is very important, then, to attract this traveler to Houston. A beautifully developed bayou is a wonderful way to showcase our city, not only as an attraction for visitors, but for its own citizens as well.

We applaud you and the committee for your foresight and for your efforts to create this National Heritage Area for Houston.

Sincerely,

Ramona Davis

Ramona Davis
Executive Director

712 Main Street, Suite 110
Houston, Texas 77002-3207
Phone: 713/216-5000
Fax: 713/216-2143
E-mail: alliancoinfo@ghpa.org
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TEXAS INDEPENDENCE TRAIL

TEXAS HISTORICAL COMMISSION
TEXAS TRAVEL TRAILS REGIONAL PROGRAM

July 9. 2001

Anne Olson, President
Buffalo Bayou Partnership
1111 Bagby, Ste. 2600
Houston, Texas 77002

Dear Anne:

It is with great pride that I write on behalf of the Texas Independence Trail Region to voice the enthusiastic support of our organization for bill H. R. 1776 and the work to establish the Buffalo Bayou National Heritage Area. The TITR is a 28 county partnership representing the most exciting era in Texas history the struggle for Texas' independence from Mexico. It goes without saying that Buffalo Bayou is a pivotal part in the legacy of Texas independence. As Sam Houston and his army fought the final battle on her banks, little did they realize that one day a great city would develop as a world class center of commerce, shipping, and tourism.

The Buffalo Bayou National Heritage Area will enhance the visibility of many very small rural communities in 28 counties whose only means of economic development has been their Independence heritage. Through San Jacinto and its significant roll in the saga known around the world as Texas Independence, the Buffalo Bayou Partnership will be an enabler to their efforts.

Buffalo Bayou Partnership provides leadership for much needed and vital redevelopment, heritage tourism and interpretive efforts that will enrich not just the city of Houston, but Texas and the nation.

In the opinion of the Texas Independence Trail Region Board of Directors, there could be very few applications that reflect the level of partnership, heritage value and opportunity that Buffalo Bayou National Heritage Area would offer.

Yours in support of Texas heritage,

Peggy Spradley

Peggy Spradley, President
Texas Independence Trail Region
Board of Directors

TEXAS INDEPENDENCE TRAIL REGION
P. O. Box 2028 Victoria, TX 77902 • 568 Big Bend Drive Victoria, TX 77904

TERESE T. HERSHEY
Mrs. J. W. Hershey
One Longbow Lane
Houston, Texas 77024

July 10, 2001
Anne Olson
Buffalo Bayou Partnership
1111 Bagby, Suite 2600
Houston, Texas 77002

Dear Anne,

The prospect of having Buffalo Bayou a part of the National Heritage Area Program of the National Park Service fills me with delight and anticipation.

The long struggle to preserve this one historic bayou from the straightening and concreting fate that has overtaken so many of our Houston watercourses needs documentation and the reason for the effort.

Buffalo Bayou is historic; on its banks the Allen Brothers originated the development now known as Houston, Texas. Upper Buffalo Bayou meanders through a residential district, creating with its treelined, native plant baffled banks, both economic prosperity and climate and water quality control. Alas, we have lost these attributes when we lost the watershed ecosystem of our other bayous. Buffalo Bayou is what is left to demonstrate the values of the physics and harmony of a watercourse.

We offer thanks to who I call "the two Georges"-then Congressman George Bush and then president of the fledging Bayou Preservation Association, George Mitchell for spearheading the effort to forestall the concreting of this watershed. Congressman Bush asked the subcommittees on appropriations to request a restudy by the CORPS-which eventually resulted in the CORPS abandoning of the project; The CORPS now recognizes non structural and habitat preservation of equal potential at riverine protection and stormwater management.

This National Heritage Program presents a way to not only document what happened back in the mid 60's and until the present time to preserve this bit of our history and indirectly to pay tribute to the young Congressman when asked by the subcommittee head "Congressman, do we understand you are asking us NOT to spend money in your district?" had the courage and foresight to say "YES SIR, concreting rivers is a terrible thing to do to waterways."

I hope this program is accepted.
Sincerely, Terry Hershey, long an advocate of BB project

Central Houston

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July 11, 2001

The Honorable Joel Hefley, Chairman
Subcommittee on National Parks, Recreation and Public Lands
Committee on Resources
U.S. House of Representatives
Washington, DC 20515

Re: Buffalo Bayou National Heritage Area

Dear Representative Hefley:

We strongly support the designation of Buffalo Bayou in Houston, Texas as a National Heritage Area. Central Houston, a member association dedicated to civic betterment, assisted in the creation of the Buffalo Bayou Partnership, Inc. in 1986 with the vision of recapturing the multi-functional benefits of the Bayou as an urban waterway amenity. The Bayou has a marvelous heritage dating back to the 1836 founding of the city. Redevelopment to date has been responsive to recapturing and interpreting this heritage, and much more can be done.

The Partnership has served as a management entity as described by the National park Service for a National Heritage Area for the past 15 years. The designation by Congress of the Buffalo Bayou National Heritage Area will bring a federal partnership to on-going local efforts, and this will hasten the achievement of the vision for the urban water resource.

Sincerely,

Robert M. Eury
President

D·H·D

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Where Houston's History Happens!

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July 9, 2001

Ms. Anne Olson, President
Buffalo Bayou Partnership, Inc.
1111 Bagby, Suite 2600
Houston, TX 77002-2456

Dear Anne:

It is with great enthusiasm that the Downtown Historic District, Inc. of Houston, Texas (DHD) sends our letter of support of bill H.R. 1776 and the work to establish the Buffalo Bayou National Heritage Area. Buffalo Bayou itself has been a tremendous catalyst in the development of the city, region, state and nation. The DHD is the advocate for the northern end of Downtown Houston, an area that comprises most of the original town plat of Houston including the original port of Houston, Allen's Landing, on the banks of the bayou.

The town of Harrisburg was the first to use the bayou as a tool of trade and commerce. The port of Harrisburg was a vital link for the colonies of Texas in connecting with Mexico during times of Mexican rule. Eventually, the port became so important, that during the days of the Texas Revolution Harrisburg was named the Capital of the Republic. The Battle of San Jacinto was also fought along the banks of Buffalo Bayou and as most know, this was the battle where Texas gained its independence from Mexico. Within a year of the Battle of San Jacinto, the City of Houston was founded further inland along the banks of Buffalo Bayou. A sleepy little frontier outpost originally, the founders of Houston from day one always believed that the natural resource of Buffalo Bayou would one day make Houston "...the great interior commercial emporium of Texas." Eventually, the inland port city of Houston would not only become the commercial emporium of Texas, but also of the Nation, all thanks to Buffalo Bayou.

In short, Buffalo Bayou has played an important role in the development of a city, state and nation. Unfortunately, this important natural resource over the decades has fallen to neglect. Designation of Buffalo Bayou as a National Heritage Area would allow the Buffalo Bayou Partnership to continue its efforts to implement an interpretive system for the bayou, redevelop historic industrial buildings and promote heritage tourism along Buffalo Bayou. Development in this manner would allow Buffalo Bayou to again play a large role in the continued development of the city of Houston, state of Texas, and the United States.

Sincerely yours,

Jim Maxwell

James L. Maxwell
President & CEO

1991 10 YEAR ANNIVERSARY 2001

820 Franklin Houston, Texas 77002
713.222.6138 tel 713.222.6130 fax
downtownhistoricdistrict.org

bpa bayou preservation association

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Executive Director
Mary Ellen Whitworth

P.O. Box 131563
Houston, TX 77219-1563
Phone: (713)529-6443
Fax: (713)529-6481
email: bpa@bpa.net

July 5, 2001

Anne Olson
Buffalo Bayou Partnership

Re: National Heritage Area along Buffalo Bayou

Dear Anne:

The Bayou Preservation Association (BPA) strongly urges Congress to appropriate funds for the National Park Service to determine the feasibility and suitability of creating Buffalo Bayou National Heritage Area. Buffalo Bayou is one of the most important waterways in the Houston area. Designation as a National Heritage area would allow redevelopment of historic industrial buildings and promote heritage tourism along the bayou.

The BPA works closely with the Buffalo Bayou Partnership on issues that affect Buffalo Bayou. We fully support this initiative and encourage Congress to fund the project.

If you have any questions, I can be reached at 713-529-6443.

Sincerely,

Mary Ellen Whitworth

Mary Ellen Whitworth
Executive Director

Mr. HEFLEY. Stephen Fox.

STATEMENT OF STEPHEN FOX, ARCHITECT, HOUSTON, TEXAS

Mr. FOX. Mr. Chairman, members of the Subcommittee, thank you for inviting me to testify. I am Stephen Fox, architectural historian.

Buffalo Bayou merits study to determine the suitability of designating it a National Heritage Area. Buffalo Bayou derives national historical significance from its role as a transportation artery. In the 1820's, when U.S. immigration to Texas began, it was recognized as providing the most reliable route for navigation into what was considered the interior of Texas.

Buffalo Bayou is nationally significant in the area of maritime history for the transformation of its lower 16 miles between 1902 and 1914 into the Houston Ship Channel, which permits ocean-going ships to travel 50 miles inland from the Gulf of Mexico. The Houston Ship Channel is nationally significant in the area of industry, as the site of the largest concentration of petroleum refining and petro-chemical production facilities in the United States. The ship channel portion of Buffalo Bayou is nationally significant in the area of invention as the place where artificial rubber was first produced from butadiene during World War II.

Buffalo Bayou is nationally significant in the area of military history because it is where the battle of San Jacinto was fought on April 21st, 1836. The battle of San Jacinto in which the Army of the Anglo-Texan General, Sam Houston, surprised and defeated the superior force of General Antonio Lopez de Santa Ana resulted in the independence of Texas from Mexico. Independence precipitated a sequence of historical events leading to the annexation of Texas by the United States in 1845, the U.S.-Mexican War and the expansion of the United States into the northern half of Mexico in 1848.

Buffalo Bayou is nationally significant in the area of exploration-settlement because its importance as an artery of transportation and commerce led to the founding of the town of Houston in 1836, 4 months after the battle of San Jacinto.

Buffalo Bayou is nationally significant in the area of community planning and development because it is what led the brothers A.C. and J.K. Allen to found the city of Houston at what they declared to be the head of navigation on the bayou.

The bayou is significant for the cultural landscapes it traverses between South Shepherd Drive and the Turning Basin of the Ship Channel. These include the neighborhood of River Oaks, a nationally significant example of the early 20th century planned garden suburb, and Buffalo Bayou Park, a linear park and parkway planned in the 1920's to connect River Oaks to the Civic Center in downtown Houston.

Buffalo Bayou Park is bordered by landscapes and working class neighborhoods that preserve older settings: Glenwood Cemetery of 1871, the oldest professionally-designed landscape in Houston; the Sixth Ward Historic District, Houston's oldest intact neighborhood; the San Felipe Courts Historic District, a New Deal-era planned public housing community; and the Freedmen's Town Historic Dis-

trict in Fourth Ward, Houston's oldest African American neighborhood.

In downtown Houston, Buffalo Bayou traverses the Main Street-Market Square Historic District, encompassing much of the original town site, and warehouse districts that contain some of the oldest railroad alignments in Texas. Downstream from downtown Houston, Buffalo Bayou flows between the Second and Fifth Wards, which preserve sites relating to the cotton trade, wholesale trade and oil tool manufacturing. Second Ward and Magnolia Park, just upstream from the Turning Basin, were neighborhoods in which Mexican immigrants first settled in Houston in the 1910's.

Buffalo Bayou demonstrates its historic centrality to the independence of Texas, the founding and development of Houston and its port, and Houston's commercial, industrial and demographic evolution. I commend Buffalo Bayou to you as worthy of study for designation as a National Heritage Area. Thank you.

[The prepared statement of Mr. Fox follows:]

Statement of Stephen Fox, Lecturer, Rice University, Houston, Texas on H.R. 1776

Mr. Chairman, members of the Committee: thank you for inviting me to testify. I am Stephen Fox, an architectural historian, and a lecturer at the University of Houston and Rice University.

Buffalo Bayou merits study to determine the suitability of designating it a National Heritage Area.

Buffalo Bayou derives national historical significance from its role as a transportation artery. In the 1820s, when U.S. immigration to Texas began, it was recognized as providing the most reliable route for navigation into what was considered the "interior" of Texas. Buffalo Bayou is nationally significant in the area of Maritime History for the transformation of its lower sixteen miles between 1902 and 1914 into the Houston Ship Channel, which permits ocean-going ships to travel fifty miles inland from the Gulf of Mexico. The Houston Ship Channel is nationally significant in the area of Industry as the site of the largest concentration of petroleum refining and petrochemical production facilities in the United States. The Ship Channel portion of Buffalo Bayou is nationally significant in the area of Invention as the place where artificial rubber was first produced from butadiene during World War II.

Buffalo Bayou is nationally significant in the area of Military History because it is where the Battle of San Jacinto was fought on April 21, 1836. The Battle of San Jacinto, in which the army of the Anglo–Texan general Sam Houston, surprised and defeated the superior force of General Antonio Lθpez de Santa Ana, resulted in the independence of Texas from Mexico. Independence precipitated a sequence of historical events leading to the annexation of Texas by the United States in 1845, the U.S.–Mexican War, and the expansion of the United States into the northern half of Mexico in 1848.

Buffalo Bayou is nationally significant in the area of Exploration/Settlement because its importance as an artery of transportation and commerce led to the founding of the town of Houston in 1836, four months after the Battle of San Jacinto. It is significant in the area of Politics/Government because the Texas Legislature designated Houston provisional capital of the Republic in 1836.

Buffalo Bayou is nationally significant in the area of Community Planning and Development because it is what led the brothers A. C. and J. K. Allen to found the city of Houston at what they declared to be the head of navigation on the bayou. The bayou is significant for the cultural landscapes it traverses between South Shepherd Drive and the Turning Basin of the Ship Channel. These include the neighborhood of River Oaks, a nationally significant example of the early twentieth-century planned garden suburb; and Buffalo Bayou Park, a linear park and parkway planned in the 1920s to connect River Oaks to the Civic Center in downtown Houston. Buffalo Bayou Park is bordered by landscapes and working class neighborhoods that preserve older settings: Glenwood Cemetery of 1871, the oldest professionally-designed landscape in Houston; the Sixth Ward Historic District, Houston's oldest intact neighborhood; the San Felipe Courts Historic District, a New Deal-era

planned public housing community; and the Freedmen's Town Historic District in Fourth Ward, Houston's oldest African–American neighborhood.

In downtown Houston, Buffalo Bayou traverses the Main Street–Market Square Historic District, encompassing much of the original townsite; and warehouse districts that contain some of the oldest railroad alignments in Texas. Downstream from downtown Houston, Buffalo Bayou flows between the Second and Fifth Wards, which preserve sites relating to the cotton trade, wholesale trade, and oil tool manufacturing. Second Ward and Magnolia Park, just upstream from the Turning Basin, were neighborhoods in which Mexican immigrants first settled in Houston in the 1910s and 1920s.

Buffalo Bayou demonstrates its historic centrality to the independence of Texas, the founding and development of Houston and its port, and Houston's commercial, industrial, and demographic evolution. I commend Buffalo Bayou to you as worthy of study for designation as a National Heritage Area.

Mr. HEFLEY. Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman. I don't have any questions. I look forward to working with the mayor and the community groups and my colleague on finding a way to address the issue with the lighthouse in Groton, because I do believe that it has significance and should be a national historic site.

Sorry I didn't get to Houston with my colleagues a few weeks ago, or I might have had some prior information about the bayou, but I appreciate the testimony and I look forward to working with you on this piece of legislation and seeing the outcome of this study.

Mr. HEFLEY. I want to thank the Committee and apologize that we have to rush. Those beepers that you hear going off, we respond like Pavlov's dog, we start salivating and have to go vote somewhere, and rather than keep you, we probably will adjourn the Committee meeting, but we do appreciate the good testimony and we are happy to work with you and see what can be worked out on this. So thank you very much, and the Committee stands adjourned.

[Whereupon, at 12:07 p.m., the Subcommittee was adjourned.]

○