AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

THE IMPACT LAND ACQUISITION HAS ON THE NATIONAL PARK SERVICE MAINTENANCE BACKLOG, PARK SERVICE MANAGEMENT PRIORITIES, AND LOCAL COMMUNITIES

OVERSIGHT FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

Saturday, September 27, 2003, in Sherman Oaks, California

Serial No. 108-61

Printed for the use of the Committee on Resources

Available via the World Wide Web: http://www.access.gpo.gov/congress/house
or
Committee address: http://resourcescommittee.house.gov

U.S. GOVERNMENT PRINTING OFFICE

89-566 PS WASHINGTON : 2004

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON RESOURCES

RICHARD W. POMBO, California, *Chairman*
NICK J. RAHALL II, West Virginia, *Ranking Democrat Member*

Don Young, Alaska
W.J. "Billy" Tauzin, Louisiana
Jim Saxton, New Jersey
Elton Gallegly, California
John J. Duncan, Jr., Tennessee
Wayne T. Gilchrest, Maryland
Ken Calvert, California
Scott McInnis, Colorado
Barbara Cubin, Wyoming
George Radanovich, California
Walter B. Jones, Jr., North Carolina
Chris Cannon, Utah
John E. Peterson, Pennsylvania
Jim Gibbons, Nevada,
Vice Chairman
Mark E. Souder, Indiana
Greg Walden, Oregon
Thomas G. Tancredo, Colorado
J.D. Hayworth, Arizona
Tom Osborne, Nebraska
Jeff Flake, Arizona
Dennis R. Rehberg, Montana
Rick Renzi, Arizona
Tom Cole, Oklahoma
Stevan Pearce, New Mexico
Rob Bishop, Utah
Devin Nunes, California
Randy Neugebauer, Texas

Dale E. Kildee, Michigan
Eni F.H. Faleomavaega, American Samoa
Neil Abercrombie, Hawaii
Solomon P. Ortiz, Texas
Frank Pallone, Jr., New Jersey
Calvin M. Dooley, California
Donna M. Christensen, Virgin Islands
Ron Kind, Wisconsin
Jay Inslee, Washington
Grace F. Napolitano, California
Tom Udall, New Mexico
Mark Udall, Colorado
Aníbal Acevedo-Vilá, Puerto Rico
Brad Carson, Oklahoma
Raúl M. Grijalva, Arizona
Dennis A. Cardoza, California
Madeleine Z. Bordallo, Guam
George Miller, California
Edward J. Markey, Massachusetts
Rubén Hinojosa, Texas
Ciro D. Rodriguez, Texas
Joe Baca, California
Betty McCollum, Minnesota

Steven J. Ding, *Chief of Staff*
Lisa Pittman, *Chief Counsel*
James H. Zoia, *Democrat Staff Director*
Jeffrey P. Petrich, *Democrat Chief Counsel*

SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS

GEORGE P. RADANOVICH, California, *Chairman*
DONNA M. CHRISTENSEN, Virgin Islands, *Ranking Democrat Member*

Elton Gallegly, California
John J. Duncan, Jr., Tennessee
Wayne T. Gilchrest, Maryland
Barbara Cubin, Wyoming
Walter B. Jones, Jr., North Carolina
Chris Cannon, Utah
John E. Peterson, Pennsylvania
Jim Gibbons, Nevada
Mark E. Souder, Indiana
Rob Bishop, Utah
Richard W. Pombo, California, *ex officio*

Dale E. Kildee, Michigan
Ron Kind, Wisconsin
Tom Udall, New Mexico
Mark Udall, Colorado
Aníbal Acevedo-Vilá, Puerto Rico
Raúl M. Grijalva, Arizona
Dennis A. Cardoza, California
Madeleine Z. Bordallo, Guam
Nick J. Rahall II, West Virginia, *ex officio*

C O N T E N T S

	Page
Hearing held on Saturday, September 27, 2003	1
Statement of Members:	
Radanovich, Hon. George P., a Representative in Congress from the State of California	1
Prepared statement of	3
Statement of Witnesses:	
Bloom, Matt, Owner, Kennedy Meadows Resort and Pack Station, Sonora, California	44
Prepared statement of	46
Cuff, Courtney, Pacific Region Director, National Park Conservation Association	47
Prepared statement of	49
Cushman, Chuck, Executive Director, American Land Rights Association, Battle Ground, Washington	32
Prepared statement of	34
Hill, Barry T., Director, Natural Resources and Environment, U.S. General Accounting Office, Washington, DC	8
Prepared statement of	10
Hillier, Gerald, Executive Director, QuadState County Government Coalition, San Bernardino, California	19
Prepared statement of	22
Lewis, Michael W., Policy Director, Santa Monica Mountains Inholder Association, West Covina, California	27
Prepared statement of	29
Reynolds, J.T., Superintendent, Death Valley National Park, Death Valley, California	4
Prepared statement of	6

OVERSIGHT HEARING ON "THE IMPACT LAND ACQUISITION HAS ON THE NATIONAL PARK SERVICE MAINTENANCE BACKLOG, PARK SERVICE MANAGEMENT PRIORITIES, AND LOCAL COMMUNITIES"

Saturday, September 27, 2003
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Sherman Oaks, California

The Subcommittee met, pursuant to call, at 10:05 a.m., in the Sunkist Building, 14130 Riverside Drive, Sherman Oaks, California, Hon. George P. Radanovich [Chairman of the Subcommittee] presiding.

Members present: Representative Radanovich.

Staff present: Robert Howarth, Senior Legislative Staff.

Mr. RADANOVICH. The Subcommittee on National Parks, Recreation, and Public Lands will come to order, and I'm going to ask a question. Can people hear through this mike system at all? Is that better? I think that the mike system comes in, but it's kind of scratchy.

STATEMENT OF THE HON. GEORGE P. RADANOVICH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. RADANOVICH. OK, good morning. My name is George Radanovich, and I'm from Mariposa, California. I'm here as Chairman of the House Subcommittee on National Parks, Recreation and Public Land, and today the Subcommittee is conducting an oversight hearing to examine the impact that land acquisition has on the National Park Service maintenance backlog, the priorities of the Park Service and on local communities.

I'd like to remind everybody here today that this is not a town hall meeting, but rather a formal congressional hearing where issues are discussed and placed into the public record. Therefore, I would ask for everybody's cooperation in maintaining order in the room.

I would also like to remind anyone here today that they may submit a written statement for the record. If you'd like to do that you need a contact, I have Casey Hammond over here, Casey, raise

your hand high, high, higher. There you go. Casey is the guy to talk to if you want to get your statement into the public record. Thanks, Casey, and you can do that at the end of the hearing, and he'll make sure that your comments are placed into the record.

The hearing record also will remain open for 2 weeks, so you do have time to submit anything that you'd want to be into the record.

Today, we will hear from invited witnesses who represent county government, private land holders, and the recreation community, the conservation community, and the General Accounting Office and the National Park Service.

As many in the audience are aware, the maintenance backlog for the National Park Service was estimated to be $5 billion when President Bush took office in January of 2001. Today, according to the Department of the Interior, the amount is about half of that original figure.

Secretary of the Interior Gale Norton and National Park Service Director Fran Mainella have made eliminating the deferred maintenance backlog their number one priority for the park system.

According to the General Accounting Office, the 388 units of the park system include 18,000 permanent structures, 8,000 miles of road, 4,400 housing units, 700 water and wastewater treatment systems, and 200 solid waste operations. The Service has to manage this infrastructure throughout 84 million acres, which in 2002 experienced over 276 million visitors. In spite of this tremendous responsibility, there are many throughout the country who believe that the Service should continue to acquire more land, either by expanding existing units or by establishing new units, all of which have consequences, both locally and within the Service.

As Chairman of the House Subcommittee that has jurisdiction over all legislation to expand existing park units, establish new park units, or direct the Secretary to study the suitabilities of establishing a new park unit, I continue to face the increasingly difficult situation in Congress with many of my colleagues and the public who come before the Subcommittee favoring such legislation. Each time I have to conduct hearings on the bills to add land to the system or authorize a study to add land the Administration requests that I delay action until the backlog issue is addressed.

If I agree to move the legislation and it were to become law, it would undermine the efforts of the Park Service to eliminate the maintenance backlog and prevent the Service from managing the 388 units existing today in such a way as to meet the public's expectations.

For example in California, there is legislation before this Subcommittee to expand the Golden Gate National Recreation Area by 5,000 acres at a cost of $15 million. And locally, there is legislation to authorize the Park Service to study a 500,000 acre area known as the "Rim of the Valley," to determine its feasibility of being added to the Santa Monica Mountains National Recreation Area.

Much of the proposed expansion includes private property. Outside of California, there is legislation to expand the Cumberland Gap National Historic Area in Kentucky by 5,000 acres, the Petrified Forest National Park in Arizona, the Sleeping Bear Dunes National Lakeshore in Michigan, and the list goes on and on,

including adding land to the National Trail System and the Wild and Scenic River System.

While each acquisition may have merit, the fact is, taken altogether these acquisitions may, and do, have an effect on the Park Service and local community.

I appreciate the time the witnesses have made to come before this Subcommittee today, and I look forward to your testimony.

Finally, I would be remiss if I did not thank Mr. Mark Lewis, the Sunkist Building Service Manager, for his assistance and tremendous hospitality in hosting the Subcommittee here today. Thank you very much, Mark.

If you are not aware of how a public hearing works, we will have our guests address the Committee. We do it for about 5 minutes. We keep the timing lights on. They start out green which means go, it's like a traffic light, yellow means speed up, and red means stop. So, we'll give you 5 minutes, and I would ask, since this is a pretty comfortable setting, I would ask if you could keep within those 5 minutes. And, what we'll do is hear from each person before us, and then I'll be able to ask them questions. Since I'm the only one who made it for this hearing today, I'll be asking all the questions, so I'll make sure I get all the right ones asked so all the information is in the record.

And then, we'll go to our next panel, which is a five-member panel, and let everybody speak and then go to questions there, and that will wrap up the hearing itself.

[The prepared statement of Mr. Radanovich follows:]

Statement of The Honorable George Radanovich, Chairman, Subcommittee on National Parks, Recreation, and Public Lands

Good morning. The Subcommittee on National Parks, Recreation and Public lands will come to order.

My name is George Radanovich. I am from Mariposa, California, and Chairman of the House Subcommittee on National Parks, Recreation and Public Lands. Today, the Subcommittee is conducting an oversight hearing to examine the impact land acquisition has on the National Park Service maintenance backlog, the priorities of the National Park Service, and on local communities.

I would like to remind everyone here today that this is not a town hall meeting, but rather a formal congressional hearing where issues discussed are placed on the record. Therefore, I would ask for everyone's cooperation in maintaining order in the room. I would also remind everyone that this is indeed a public hearing and therefore anyone here today may submit a written statement for the record. Please see our clerk, Casey (Casey, please raise your hand.) at the end of the hearing and he will make sure your comments are placed in the record. The hearing record will remain open for two weeks.

Today, we will hear from invited witnesses who represent county government, private inholders, the recreation community, the conservation community, the General Accounting Office and the National Park Service.

As many in the audience are aware, the maintenance backlog for the National Park Service was estimated to be $5 billion when President Bush took office in January 2001. Today, according to the Department of the Interior, the amount is about half the original figure. Secretary of the Interior Gale Norton and National Park Service Director Fran Mainella have made eliminating the deferred maintenance backlog their number one priority for the Park System. According to the General Accounting Office, the 388 units of the Park System include 18,000 permanent structures, 8,000 miles of roads, 4,400 housing units, 700 water and wastewater systems, and 200 solid waste operations. The Service has to manage this infrastructure throughout 84 million acres, which in 2002 experienced over 276 million visitors. In spite of this tremendous responsibility, there are many throughout the country who believe the Service should continue to acquire more land, either by expanding existing units or by establishing new units—all of which have consequences both locally and within the Service.

As Chairman of the House Subcommittee that has jurisdiction over all legislation to expand existing Park Units, establish new Park Units, or direct the Secretary to study the suitability of establishing a new Park Unit, I continue to face the increasingly difficult situation in this Congress with many of my colleagues and the public who come before the Subcommittee favoring such legislation. Each time I have conducted a hearing on bills to add land to the system or authorize a study to add land, the Administration requests that I delay action until the backlog is addressed. If I agree to move their legislation and it were to become law, it could undermine the efforts of the Park Service to eliminate the maintenance backlog, and prevent the Service from managing the 388 existing units in such a way as to meet the public's expectation.

For example, in California, there is legislation before the Subcommittee to expand the Golden Gate National Recreation Area by 5,000 acres at a cost of $15 million, and locally there is legislation to authorize the Park Service to study a 500,000 acre area known as "Rim of the Valley" to determine its feasibility of being added to the Santa Monica Mountains National Recreation Area. Much of the proposed expansion includes private property. Outside of California, there is legislation to expand the Cumberland Gap National Historic Area in Kentucky by 5,000 acres, Petrified Forest National Park in Arizona, Sleeping Bear Dunes National Lakeshore in Michigan and the list goes on, including adding land to the National Trail System and the Wild and Scenic River System. While each acquisition may have merit, the fact is, taken together, these acquisitions may and do have an effect on the Service and local communities.

I appreciate the time the witnesses have made to come before the Subcommittee today, and I look forward to your testimony.

Finally, I would be remiss if I did not thank Mark Lewis, the Sunkist Building Service Manager, for his assistance and tremendous hospitality in hosting the Subcommittee today.

Mr. RADANOVICH. So, with that, I want to welcome Mr. J.T. Reynolds, who is the Superintendent of the Death Valley National Park, and also Mr. Barry Hill with the General Accounting Office, who is to speak on this issue.

Mr. Reynolds, I'd like you to begin, if you would, and again, welcome, and please begin.

STATEMENT OF J.T. REYNOLDS, SUPERINTENDENT, DEATH VALLEY NATIONAL PARK, DEATH VALLEY, CALIFORNIA

Mr. REYNOLDS. Mr. Chairman, thank you for the opportunity to appear before your Subcommittee on this issue of land acquisition on the National Park Service backlog maintenance.

President Bush has placed a high priority on reducing the deferred maintenance backlog of the National Park Service. This Administration is committed to taking better care on these areas. We also see that there is a balance between acquiring new lands and meeting our operational and maintenance needs.

The authorization of new park units and expanding existing ones not only can necessitate spending money on land acquisition, but it also requires us to devote more money to operation and maintenance of these parks, and can often require hiring additional staff. But, because of these budget constraints under which we are operating, every property that is added to the National Park Service can have negative impacts on our ability to address our deferred maintenance backlog.

As an indication of the cost that is entailed by expanding the National Park System, the operating budgets for the 34 units established during the last 12 years totaled about $25.6 million. Some of these units are not yet fully operational, so the costs of running these parks will likely grow. For these units, the National

Park Service has identified $30 million in recurring unfunded operational needs and $265 million in unfunded one-time projects. While all of these items will not likely be funded any time soon, they do represent demands on the National Park Service that were not there 12 years ago.

In addressing the deferred maintenance backlog, this is a key component of this Administration's National Parks Legacy Project. The project was initiated to ensure proper care of our National Park System and is designed to enhance ecosystems, improve outdoor opportunities, address infrastructure needs, and establish accountability through performance goals. Secretary Norton and Director Mainella have issued a report entitled, "National Park Service Partnering and Managing for Excellence," that highlights the progress toward fulfilling the goals of the Legacy Project.

President Bush has also made a commitment to provide at least $4.9 billion in funding over 5 years for NPS to address the deferred maintenance backlog. And, over a 5-year period, the President has proposed spending more than $760 million annually, to pay for non-road maintenance and construction, and nearly $1.26 billion during the same period for roads through the Federal Highway Administration.

Funds provided to date are achieving some tangible results, and the Service has begun to improve the condition of hundreds of park assets using the increased funding Congress and the President has appropriated.

In the past 2 years, we have tackled approximately 900 repair and rehab projects, and will tackle another 500 projects, and approximately 400 or more of those projects will continue in 2004.

Here in the Los Angeles area, the Santa Monica Mountains has been a beneficiary to this Administration's emphasis, and this funding was used to improve the condition of a number of assets to a safe and acceptable condition.

As part of the Legacy Project, park roads are being brought into good condition. Under the proposed highway transportation bill, which would provide $1.89 billion over 6 years for park roads, over 80 percent of the park roads would be brought into good or excellent condition.

An essential component of the Legacy Project is to prevent future backlogs, by bringing in state-of-the-art facility management practices to the parks through the Asset Management Program. As part of this program, the Park Service is conducting system-wide inventory and identifying deficiencies, estimating costs to repair, current replacement value, and also the Service is accelerating its effort to complete these condition assessments.

The Santa Monica Mountains Recreation Area, incidentally, sir, is one of the first units of the National Park System to complete a comprehensive inventory and condition assessment of all of its facilities.

The Asset Management Program includes the implementation of the Facility Management Software System, which is an off-the-shelf system to monitor and prioritize ongoing maintenance needs that will allow NPS to manage the backlog and prevent a recurrence of maintenance backlogs in the future. Most importantly, through the establishment of this program, the Service will be able

to measure performance in improving facility conditions through the Facility Condition Index.

Professional facility management also requires the Park Service regular maintenance to prevent facilities from gradually falling into disrepair. In Fiscal Year 04 and out years, the Park Service should be looking at reducing our maintenance backlog.

Another component of the President's Legacy Project and the Park Service's Accomplishments Report, the Services special connection to American people and its unique ability to engage the public, which establishes partnerships and promotes volunteerism. The NPS is serving as a catalyst. The President is also encouraging the American people to participate in the protection of natural and cultural resources through such programs, and our goal is to create a seamless national park network, historic places, and open spaces, and as part of the effort the Department will be sponsoring a major conference on partnerships here in Los Angeles in November, the second week of November to be exact.

The President's Legacy Project also seeks to improve visitor service and keep the parks safe. The September 11, 2001, terrorist attacks and world events require increased security for our national parks and monuments throughout the system. We have assigned nearly 200 additional protection rangers to meet this increased need. Secretary Norton has issued directives to improve the management of the law enforcement of law enforcement programs and the Service, across the Department of Interior, the NPS has also developed a comprehensive Emergency Preparedness and Response plan to protect public health in the unique settings of the national parks and is coordinating with other bureaus and agencies to ensure complete communications integration.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions that you may have, sir.

[The prepared statement of Mr. Reynolds follows:]

Statement of J. T. Reynolds, Superintendent, Death Valley National Park, National Park Service, U.S. Department of the Interior

Mr. Chairman, thank you for the opportunity to appear before your Subcommittee at this oversight field hearing to discuss the impact of land acquisitions on the National Park Service (NPS) maintenance backlog and other priorities.

President Bush has placed a high priority on reducing the deferred maintenance backlog in our national parks. The Administration is committed to taking better care of what we have, while ensuring that new acquisitions truly meet strategic needs of the NPS. There must be a balance between acquiring new lands and meeting the operational, maintenance, and restoration requirements for the resources already in public ownership. In keeping with this priority and other priorities such as improving security at our parks, we have often opposed, or asked for the deferral of action on, legislation introduced in Congress that would create new park units or expand existing parks.

Authorizing new national park units and expanding existing ones not only can necessitate spending money on land acquisition, it may also require us to devote more money to operation and maintenance of parks, and it can often require hiring additional staff. Some acquisitions, even if by donation, add to the deferred maintenance backlog if they contain assets that are not in good condition. Because of the overall budget constraints under which we are operating, every property that is added to the National Park System negatively impacts our ability to address the deferred maintenance backlog.

As an indication of the cost that is entailed by expanding the National Park System, the operating budgets for the 34 units established during the last 12 years (1991-2002) total $25.6 million during FY 03. Some of these units are not yet fully operational, so the costs of running these parks will likely grow. For these units,

NPS has identified $30 million in recurring unfunded operational needs and over $265 million in unfunded one-time projects. While all of these items will not likely be funded anytime soon, they represent new demands on the National Park System that were not there 12 years ago. About 30 percent of programmatic funding increases in recent years have resulted from the authorization of new units and boundary expansions.

Addressing the deferred maintenance backlog is the key component of President Bush's National Parks Legacy Project. The Legacy Project was initiated to ensure proper care of our National Park System and is designed to enhance ecosystems, improve outdoor opportunities, address infrastructure needs, and establish accountability through performance goals.

On July 2, 2003, Interior Secretary Gale Norton and NPS Director Fran Mainella issued a report entitled "National Park Service: Partnering and Managing for Excellence" (NPS Accomplishments Report) that highlights the progress toward fulfilling the goals of the Legacy Project. A major focus of the report is the progress NPS has made in addressing the deferred maintenance backlog.

President Bush has made a commitment to provide at least $4.9 billion in funding over five years for NPS to address the deferred maintenance backlog. This figure comes from a May 1998 General Accounting Office report to Congress. The Administration is on a path to meet that goal. To put the funding increases in perspective, the more than $1 billion requested for FY 04 is nearly 45 percent more than was provided in FY 00 and more than double what was provided in FY 97. Over a five-year period, the President has proposed spending more than $760 million annually, for a total of $3.81 billion, to pay for non-road maintenance and construction, and nearly $1.26 billion during the same period for roads through the Federal Highway Administration.

Funds provided to date are achieving tangible results, and the NPS has begun to improve the condition of hundreds of park assets using the increased funding Congress has appropriated at President Bush's request. For example:

- $16.5 million has gone to Federal Hall National Memorial to repair cracks in the building;
- $4.1 million is being used at Everglades National Park to repair a 135,000 gallon-per-day wastewater treatment system;
- $4.1 million has gone to Lava Beds National Monument to relocate the visitor center away from fragile underground resources; and
- $2.1 million is being used at Yellowstone National Park to replace a wastewater treatment plan and relocate the sewer line in the Old Faithful area.

In the past two years, NPS has tackled approximately 900 repair and rehabilitation projects. These projects, including 60 fire safety projects, have enhanced visitor and employee safety. They have improved health protection by upgrading and repairing 186 water, wastewater, and sewer facilities. They have made buildings better and safer for visitors through over 325 general building and safety rehabilitation projects. Another 500 projects are underway in 2003 and approximately 400 more are programmed for 2004.

Here in the Los Angeles metropolitan area, the Santa Monica Mountains National Recreation Area has been one of the beneficiaries of the Administration's emphasis on addressing the maintenance backlog. Between FY 01 and FY 03, the park received $2.4 million to repair facilities. This was about three times as much as the park had received during the three previous fiscal years. This funding was used to improve the condition of a number of assets to a safe and acceptable condition.

As part of the President's Legacy Project, park roads, too, are being brought into good condition. In 2001, just 35 percent of park roads were in good condition. Under the proposed highway transportation bill, which would provide $1.89 billion over six years for the Park Roads and Parkways Program, over 80 percent of paved park roads would be brought into good or excellent condition, and virtually no paved road would be in poor condition.

An essential component of the National Parks Legacy Project is to prevent future backlogs by bringing state-of-the-art facility management in as part of this program. NPS is conducting a system-widen inventory, identifying deficiencies, and estimating the cost of repair and current replacement value of park assets. NPS is accelerating its efforts to complete these facility condition assessments at all 388 park units and has completed the facility condition assessments on all but the nine most asset-intensive parks this fiscal year. NPS is accelerating its efforts to complete these facility condition assessments at all 388 park units and has completed the assessments on all but four of the largest this year, with the balance to be completed by the end of FY 04.

The Santa Monica Mountains National Recreation Area, incidentally, was one of the first units of the National Park System to complete a comprehensive inventory

and condition assessment of all of its facilities. That inventory includes 11 miles of paved and unpaved roads, 33 paved and unpaved public parking areas, 104 miles of recreation trails, 62 public buildings, 10 water systems, 8 wastewater systems, and other assets. The total replacement value of all facilities at the park is $26 million. This is the kind of information we will soon have for the entire National Park System.

The Asset Management Program includes the implementation of the Facility Management Software System (FMSS), an off-the-shelf system to monitor and prioritize ongoing maintenance needs that will allow NPS to manage the backlog and prevent a recurrence of maintenance backlogs in the future. Most importantly, through the establishment of this program, NPS will be able to measure performance in improving facility conditions through a Facility Condition Index (FCI). This will allow us to track progress in achieving results, rather than just counting dollars or projects.

Professional facility management also requires regular maintenance to prevent facilities from gradually falling into disrepair. In FY 03, funding for cyclic maintenance increased from $22 million to $42 million, and in FY 04 is slated to increase to $56 million under the President's budget. By ensuring cyclic and preventative maintenance at regular intervals, this investment will help prevent a maintenance backlog recurrence. While new park facility maintenance needs will continue to emerge, the combination of increased funding and management reforms instituted through the Asset Management Program will allow the NPS to find the point where sustainable funding levels will cover an asset's life cycle maintenance and capital replacement costs.

Another component of the President's Legacy Project and the NPS Accomplishments Report recognizes NPS' special connection to the American people and its unique ability to engage the public, establish partnerships and promote volunteerism. The NPS is serving as a catalyst and encouraging many individuals and organizations to leverage resources and information, overcome organizational and procedural barriers, and increase cooperation and consultation. The President is encouraging the American people to participate in the protection of natural and cultural resources through such programs as Land and Water Conservation Fund stateside grants, the Preserve America Initiative, Take Pride in America, and the creation of public and private partnerships. Through these programs, our goal is to create a seamless national network of parks, historic places, and open spaces. As part of that effort, the Department will be sponsoring a major conference on partnerships here in Los Angeles in November.

The President's Legacy Project also seeks to improve visitor service and keep the parks safe. The September 11, 2001, terrorist attacks on the United States and the resulting world events require increased security for our national parks and monuments throughout the National Park System. As the principal steward of our nation's most treasured cultural icons, the NPS has assigned nearly 200 additional protection rangers to meet increased security needs. Secretary Norton has issued directives to improve the management of the law enforcement program within the NPS and across the Department of the Interior. NPS also has developed a comprehensive Emergency Preparedness and Response plan to protect public health in the unique settings of the national parks and is coordinating with other bureaus and agencies to ensure complete communications integration. NPS will continue to strengthen security efforts through better training of personnel and improved equipment.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you may have.

Mr. RADANOVICH. Thank you very much, sir.

Mr. Hill, welcome to the Subcommittee here representing GAO, and please begin your statement.

STATEMENT OF BARRY T. HILL, DIRECTOR, NATURAL RESOURCES AND ENVIRONMENT, GAO, WASHINGTON, D.C.

Mr. HILL. Thank you, Mr. Chairman, and I'm pleased to be here today to discuss the National Park Service's maintenance backlog. For decades, GAO, the Department of Interior and others have reported on the Agency's efforts to develop an effective maintenance management process that would enable the National Park Service to provide accurate and reliable estimates of the amount of

deferred maintenance on its assets. Over the years, the Agency's cost estimates of its deferred maintenance backlog have varied widely, sometimes by billions of dollars. The Agency acknowledges that it still does not have the data needed to properly manage the broad array of historic, cultural and natural assets places in its care. In 1998, the Park Service initiated the design of a new asset management process that is intended to provide the Agency with a better overall approach to managing its assets inventory.

My testimony today summarizes our prior work regarding the potential of the Park Service's new asset management process and provides an update on the progress that the Park Service is making and implementing. Let me start by briefly summarizing our prior work.

In April 2002, we reported the Park Service had made progress in developing a new asset management process that when fully and properly implemented should provide the Agency with more accurate and reliable estimates of the amount of deferred maintenance of its assets. As currently planned, the new process will, for the first time, enable the Agency to have a reliable inventory of its assets, a process for reporting on the condition of assets in its inventory, and a system-wide methodology for estimating deferred maintenance costs for assets.

Although the new process appears promising, we raised three concerns that, while not significant enough to undermine the overall merits of the process, we believe that addressing them would improve the effectiveness of the process. First, the success of the process cannot be determined until staff in each of the Park units are trained and the process is fully and properly implemented. Second, the Park Service has not yet estimated what the total implementation costs of the process would be, or developed a schedule for when full implementation would occur. Third, two different operating divisions within the Park Service, that being Concessions Management and Facilities Management, are developing separate processes for tracking and reporting deferred maintenance, and it's unclear whether their efforts were not duplicative. And finally, only about a third of the Park units ran complete annual condition assessments by the end of Fiscal Year 2002, and while this approach may have been appropriate for meeting programmatic and financing reporting needs in the short term, without comprehensive assessments more complex and costly problems might be overlooked in the long term.

Now, let me update the progress we are aware of in implementing the new process. Since our last report, I'm pleased to report that the Park Service has made implementation progress. The Park Service now reports it has completed its inventory of assets for all Park units, as well as the first round of staff training on the use of the computer software. The Agency has also developed cost and schedule estimates for implementing the process. According to the schedule, the process is to be fully implemented by the end of Fiscal Year 2006, at a cost of about $90 million, including the cost of performing condition assessments on Park assets. Thereafter, the annual cost of sustaining the process will be about $20 million.

Also, the Park Service has developed a plan of its implementation schedule to eliminate any duplication or inconsistencies between the Concessions and Facility Management organizations.

Furthermore, the Agency has completed annual condition assessments on all but nine of the larger parks in the system, and is currently performing a more detailed comprehensive condition assessment on these nine parks, as well as other park units.

Mr. Chairman, may I point out that we have not had the opportunity to verify the information provided to us on the status of the Park Service's implementation of its new assessment management process. However, we believe that if the new process is fully implemented as planned, the Park Service will be in a better position to determine the conditions of the assets in its portfolio and to develop accurate and more reliable estimates of its deferred maintenance needs.

This concludes my prepared statement. I'd be more than happy to answer any questions you may have.

[The prepared statement of Mr. Hill follows:]

Statement of Barry T. Hill, Director, Natural Resources and Environment, U.S. General Accounting Office

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the National Park Service's maintenance backlog. GAO, the Department of the Interior, and others have reported on the Park Service's efforts to develop an effective maintenance management process that would, among other things, enable the agency to provide accurate and reliable estimates of the amount of deferred maintenance on its assets. Over the years, the agency's estimates of the amount of its deferred maintenance backlog have varied widely—sometimes by billions of dollars. Currently, the agency estimates its deferred maintenance backlog at over $5 billion. Although the Park Service has spent almost two decades addressing its maintenance backlog, it acknowledges that it still does not have the data it needs to properly manage the broad array of historic, cultural, and natural assets placed in its care—including accurate and reliable data on its deferred maintenance needs.[1] In 1998, spurred by continuing congressional concerns and new Federal accounting standards,[2] the Park Service initiated the design of a new asset management process that is intended to provide the agency with a better overall approach to managing its asset inventory. A major goal of this new process is to provide the Park Service with a reliable and systematic method for estimating and documenting its deferred maintenance needs and tracking progress in reducing the amount of deferred maintenance.

My testimony today will (1) summarize our prior work regarding the potential of the Park Service's new asset management process to provide maintenance data that will permit agency managers and the Congress to monitor progress in reducing deferred maintenance and (2) update the progress the Park Service is making in implementing its new asset management process and realizing its potential for improved management.

For the most part, my testimony is based on a report we issued last year.[3] At that time, the design of the new process was complete but implementation was just beginning. In preparing for today's hearing, we obtained updated information from the Park Service. However, we did not have the opportunity to independently verify the information the Park Service provided. To do so would have required work at

[1] This maintenance includes resources and activities needed to maintain facilities and the infrastructure in the system, such as buildings, trails, botanical gardens, bridges, and other structures. It does not include maintenance or restoration of natural landscapes, such as removing non-native plant species from a meadow.

[2] The Statement of Federal Financial Accounting Standards No. 6, Accounting for Plant, Property, and Equipment, issued by the Federal Accounting Standards Advisory Board in 1996, requires that deferred maintenance be disclosed in Federal agencies' annual financial statements beginning in Fiscal Year 1998.

[3] U.S. General Accounting Office, National Park Service: Status of Efforts to Develop Better Deferred Maintenance Data, GAO-02-568R (Washington, D.C.: Apr. 12, 2002).

regional offices and parks. We conducted our work in accordance with generally accepted government auditing standards.

Results in Brief

As we previously reported, the Park Service's new asset management process is designed to address deferred maintenance, commonly referred to as the maintenance backlog, as part of a much broader approach to asset management. When fully and properly implemented, the new process is expected, for the first time, to enable the agency to have a (1) reliable inventory of its assets; (2) process for reporting on the condition of each asset in its inventory; and (3) consistent, systemwide methodology for estimating the deferred maintenance costs for each asset. As a result, agency managers and the Congress should receive much more accurate and reliable information on the extent of deferred maintenance needs throughout the national park system. Nonetheless, while the Park Service's current efforts are promising, we reported on a few areas that the agency needed to address to improve the performance of the process. These included the need to (1) develop costs and schedules for completing the implementation of the process so that the agency's performance could be monitored and assessed; (2) better coordinate the tracking of the process among Park Service headquarters units to avoid duplication of effort within the agency; and (3) better define its approach to assessing the condition of its assets, and determining how much the assessments will cost.

Since our report last year, I am pleased to say that the agency appears to have made progress. While complete implementation of the process will not occur until Fiscal Year 2006, the agency has completed, or nearly completed, several substantial and important steps. According to the Park Service, it has completed its asset inventory, trained staff on the use of the required computer software, and completed most of the on-site inspections necessary to determine the condition and maintenance needs of inventoried assets. In addition, the Park Service provided information indicating that it was addressing each of the concerns identified in our prior report.

Background

The national park system contains 388 park units. These park units have a diverse inventory of facilities and other assets, including over 18,000 permanent structures, 8,000 miles of roads, 1,800 bridges and tunnels, 4,400 housing units, about 700 water and wastewater systems, over 400 dams, and 200 solid waste operations. The Park Service values these assets at over $35 billion. Needless to say, the proper care and maintenance of the national parks and their supporting infrastructure is essential to the continued use and enjoyment of our national treasures by this and future generations. However, for years Park Service officials have highlighted the agency's inability to keep up with its maintenance needs. In this connection, Park Service officials and others have often cited a continuing buildup of unmet maintenance needs as evidence of deteriorating conditions throughout the national park system. The accumulation of these unmet needs is commonly referred to as its "maintenance backlog." Although the Park Service has spent almost two decades and about $11 million addressing this problem, it still does not have a reliable estimate of deferred maintenance needs for its facilities and other assets.

In the past several years, concerns about the cost of operating and maintaining Federal recreation sites within the National Park Service, as well as other Federal land management agencies, led the Congress to provide a significant new source of funds. This additional source of funding—the Recreational Fee Demonstration Program[4]—was, in part, aimed at helping the agencies address their backlogged repair and maintenance problems. This new funding source is in addition to annual appropriations the Park Service receives each year for maintenance activities.[5]

Despite the years of attention and funding and the well-intended efforts of the agency and the Congress to resolve the maintenance backlog dilemma, it has not gone away. While Congress continues to provide hundreds of millions of dollars annually to deal with the maintenance backlog at the national parks, the Park Service still has no reliable data on the size of the problem, raising questions about what has been accomplished with the provided funds.

---

[4] Since Fiscal Year 1996, the Park Service, as well as three other Federal land management agencies, have been authorized to have a fee demonstration program. Under this temporary program, the agencies are permitted to experiment with increased and/or new recreation fees. The revenue generated from this program remains available for agency use to address a variety of needs, including maintenance, without further appropriation.

[5] The House Committee on Appropriations has stressed that recreation fees should never be used to replace appropriated funds; the fees should be used for direct improvements on site that enhance the recreation experience. H.R. Rep. No. 106-646 (2000).

When Fully and Properly Implemented, The Park Service's New Asset Management Process Should Provide Accurate and Reliable Deferred Maintenance Data

As we reported in April 2002, the Park Service has made progress in developing a new asset management process that, when fully and properly implemented, should provide the agency with more accurate and reliable estimates of the amount of deferred maintenance of its assets. As currently planned, the new process will, for the first time, enable the agency to have a (1) reliable inventory of its assets; (2) process for reporting on the condition of assets in its inventory; and (3) systemwide methodology for estimating deferred maintenance costs for assets.

The new asset management process is composed of both systemwide, integrated software to track cost and maintenance data and regular condition assessments of Park Service assets. The cornerstone of the new asset management process is the Facility Management Software System. This cradle-to-grave asset and work management process will allow park, regional office, or Park Service headquarters managers to track when, what, and how much maintenance and related costs has been directed at each specific asset.

In addition to using the software system, the Park Service plans to assess the condition of its assets. These assessments will be inspections to document the condition of an asset as measured against applicable maintenance or condition standards. There are two types of condition assessments—annual and comprehensive. Annual assessments are essentially "eyeball inspections" of facilities to identify obvious and apparent deficiencies. Comprehensive assessments are more in-depth inspections to identify less obvious deficiencies, such as foundation or structural problems. While the eye-ball assessments are annual, the comprehensive assessments, which are much more expensive and time-consuming, occur in 5-year cycles. The Park Service is to use the information obtained from these condition assessments to establish the overall condition of a facility or asset, including the resources needed to address its deferred maintenance needs and future facility needs. The cost of identified deferred maintenance needs will be estimated using another computer software system that will provide a uniform method for estimating repair and maintenance costs for each asset in the inventory. Agency managers will use the condition assessment information in combination with an asset priority ranking system to set priorities for deferred maintenance projects.

While the design of the new process is complete, we reported in April 2002 that the Park Service had just begun implementing it. For example, at that time, the agency was still inventorying its assets and training staff on how to use the new process at about a third of the park units in the national park system. We reported that because managers at each park will be required to implement this new process using a uniform systemwide methodology, the resulting deferred maintenance estimates should permit agency managers, as well as the Congress, to monitor progress in reducing deferred maintenance both at the individual park and systemwide levels. However, we noted that while the new process is promising, its success cannot be determined until staff in each of the park units are trained and the new asset management process is fully and properly implemented.

In our last report, we also raised three concerns about the Park Service's implementation of the new asset management process. While these matters were not significant enough to undermine the overall merit of the new process, we believed that addressing them would improve the effectiveness of the process. First, even though the Park Service had been developing its new process for more than 3 years, it had not yet estimated its total implementation costs or developed a schedule for completing implementation. While the agency had made progress in developing schedules and costs for some components of the process, it had not yet estimated when it will complete all the required condition assessments or what they will cost. We noted that monitoring and assessing performance against budgets and time frames would be difficult without complete estimates and schedules that include all components of the process, including the completion of condition assessments.

Second, two different operating divisions within the Park Service "Concessions Management and Facilities Management" were developing separate processes for tracking and reporting deferred maintenance, even though both units are responsible for managing the condition of government-owned facilities. Because both of these units have similar responsibilities, it seemed reasonable that they would work together in a coordinated way to ensure that their efforts are not duplicative.

Finally, the Park Service reported that about one-third of the park units were to complete annual condition assessments by the end of Fiscal Year 2002. We noted that this approach may be appropriate for meeting programmatic and financial reporting needs in the short term; however, without comprehensive assessments, this approach might result in overlooking more complex and costly problems in the long term. As a result, this approach could understate the extent of the deferred

maintenance problem. Park Service officials told us that the agency eventually planned to conduct comprehensive assessments for all assets. However, at the time they had not developed a plan detailing where, when, and how the assessments will be done or what they will cost.

The Park Service Has Made Progress Implementing Its Asset Management Process Since Our Last Report

Although full implementation of the new asset management process is still years from completion, the Park Service appears to have made progress since our last report. Also, importantly, Park Service management has demonstrated its commitment to implementing this process by withholding some Fiscal Year 2003 funding from parks that are not complying with the agency's implementation goals.

The agency now reports that it has completed its inventory of assets for all park units as well as the first round of staff training on the use of the facilities management software. The agency also contracted with a consulting firm to evaluate its training and implementation efforts to help ensure that the training is effective and that the software system is being consistently applied throughout the park system. The Park Service has analyzed the firm's results and is now developing a training curriculum to address the firm's recommendations. The Park Service expects to begin implementing the training in January or February 2004.

The agency is also addressing each of the issues raised in our last report. Specifically, the Park Service has now developed cost and schedule estimates for the complete implementation of the process. According to the schedule, the process is to be fully implemented by the end of Fiscal Year 2006, when all the comprehensive condition assessments are complete for all park units and deferred maintenance and other needs can be estimated on a reliable and consistent basis for assets throughout the national park system. The Park Service estimates now that the cost of the complete rollout and implementation, including performing condition assessments, will be about $91 million from Fiscal Years 1999 through 2006. Thereafter, it estimates that the annual costs of sustaining the process once it is fully operational will be about $20 million.

In response to our concern that two different operating divisions within the agency "Concessions Management and Facilities Management" were developing separate processes for maintaining government-owned facilities, the Park Service told us that they agreed and are committed to implementing a single facilities management process. According to the agency, it has developed a plan with an implementation schedule to eliminate any duplication or inconsistencies between these two components of the organization.

The Park Service has also made progress in performing its servicewide facility condition assessments. According to the Park Service, it has completed annual condition assessments "visual inspections" on all but nine of the larger parks in the system.[6] In addition, the Park Service is concurrently performing the more detailed, comprehensive condition assessments on other park units. According to the Park Service, the work done so far are necessary steps and reflect some of the best practices of the private sector in developing and implementing an effective facility management process.

Conclusion

The Park Service has a solemn responsibility to take care of the nation's natural, cultural and historic treasures. While it has unfortunately taken decades to achieve the current level of focus on maintaining these treasures, the Park Service apparently now has made substantive progress in developing and implementing a system it can use to determine the conditions of the assets in its portfolio and develop accurate and reliable estimates of its deferred maintenance needs. However, the agency has not yet completed the task. Determining the assets' conditions and their maintenance costs will require years of sustained commitment by the agency and by the Congress to ensure that the full benefits of the agency's new facility management process are realized.

Mr. Chairman, this concludes my prepared statement. I would be happy to respond to any questions that you or Members of the Subcommittee may have.

---

[6] In order to expedite the condition assessments, the Park Service decided to only complete the more comprehensive condition assessments on the nine larger parks. These parks include Appalachian Trail, Delaware Water Gap, Gateway, Golden Gate, Grand Canyon, Great Smoky Mountains, Rocky Mountain, Yellowstone, and Yosemite. By the end of Fiscal Year 2003, the Park Service will have completed these assessments for five of the nine parks with the remaining four to be completed by the end of Fiscal Year 2004.

Mr. RADANOVICH. Thank you, Mr. Hill, appreciate your testimony.

I do have a number of questions that I'm going to go through with both our guests here today.

Starting with you, Mr. Reynolds, if you may, in your opinion what seems to be the largest hindrance to the Park Service eliminating the maintenance backlog?

Mr. REYNOLDS. I can speak to it from a local standpoint, sir, and this might even give you a sense of just how real it is. In some cases, with Death Valley National Park, we only have two people, and in many cases only one person, to get up to speed on the MAXIMO, which is the Federal Maintenance Software System, and so what we end up doing is taking an individual from a real small staff to implement this sort of condition assessment, which again takes away from preventive maintenance of existing structures. So, it's kind of a balance that we are going through right now.

However, we, at Death Valley National Park, did complete our condition assessments this year, and it does give us an opportunity to see, just really in true figures, what the costs are for those assets, and then how much money we'll need to improve them.

Mr. RADANOVICH. It sounds like then in your opinion that it's a condition of having enough time for employees to accomplish that and funding as well?

Mr. REYNOLDS. Absolutely.

Mr. RADANOVICH. Yes, a combination of the two.

Can you tell me, Mr. Reynolds, in your testimony you mentioned that, "The Administration is committed to taking better care of the existing units, while ensuring that the new acquisitions meet strategic needs of the National Park Service." What are those strategic needs, can you highlight those a little bit more?

Mr. REYNOLDS. I think those strategic needs are looking at the visitor service areas, looking at the areas where employees work, and also looking at those road conditions in parks. I mean, there are several areas where, you know, if we are going to protect resources and at the same time allow visitors to enjoy those areas, we kind of have to have a balance there as well. How do we take care of the resources and at the same time allow the public to use. So, those areas where the public go, which are deteriorated roads, which are parking areas, which are visitor centers, and we're trying to put some emphasis into those areas as well.

Mr. RADANOVICH. You had mentioned in your testimony, and discussed to an extent, the Secretary's report called, "The National Park Service Partnering and Managing for Excellence." Can you tell me how that study, the Legacy Project, relates to eliminating or greatly reducing deferred maintenance backlog?

Mr. REYNOLDS. Well, we have a fee demonstration program, which we use quite extensively in many parks that do collect fees.

Mr. RADANOVICH. Right.

Mr. REYNOLDS. As you well know, 80 percent of those stay in the park. And, we are putting most, if not all, of those funds in toward our deferred maintenance, along with line item construction that we have. We are just putting a lot of emphasis into the deferred maintenance. That means we are ignoring some other things, but we are putting it into the deferred maintenance program.

Mr. RADANOVICH. So, it's an additional funding source in many ways.

Mr. REYNOLDS. Yes.

Mr. RADANOVICH. Yes.

Can you tell me whether an increased appropriation is the answer to eliminating the deferred maintenance backlog, just by itself?

Mr. REYNOLDS. No, it isn't, and the reason why, I would say again from a local standpoint, is that funding that comes in that can assist us in improving deferred maintenance we still have additional things that occur with just preventive maintenance. We don't have the operational funds for our staff to do the preventive maintenance, structures, roads, continue to deteriorate.

Mr. RADANOVICH. Yes.

Mr. REYNOLDS. And, I mean, you know, people talk about the numbers changing, well they will change. If you don't take care of something over a period of time, it eventually will start deteriorating, and what might have cost, you know, today's amount of money, 5 years from now those costs are going to increase.

Mr. RADANOVICH. Yes.

Mr. REYNOLDS. So, it's really a moving target when you begin to look at the amount of money that's necessary for deferred maintenance, and at the same time taking care of those assets that you have as well.

Mr. RADANOVICH. Right.

Can you tell me, is preventative maintenance, is that the same as cyclical maintenance, or are they-

Mr. REYNOLDS. Yes.

Mr. RADANOVICH. OK, the same thing. OK.

If Congress were not to authorize any new units, Mr. Reynolds, say for 1 year, or authorize any expansions, do you think that this would help the Service address the maintenance backlog?

Mr. REYNOLDS. It would. I mean, from a personal standpoint, if you don't add anymore land and assets, if you don't add anymore land and assets which are going to require funds to take care of them, then those assets that we presently have we can put those funds into those assets. It's going to help us go a long way. It will take us less time to do that with the same amount of money if we continue to add assets.

Mr. RADANOVICH. Yes.

You mentioned the Asset Management Report, can you give me an idea of when that might be sent to us here at this Committee, when it might be ready?

Mr. REYNOLDS. I don't know, sir.

Mr. RADANOVICH. You are not sure?

Mr. REYNOLDS. I mean, I can get that for you, but I don't know, sir.

Mr. RADANOVICH. Could you do that, if you could make sure that you get that information to us, as to when it might show up on our doorstep.

Mr. Reynolds, one more question. Does the National Park Service consider the restoration of ground cover, plants, et cetera, on the same level of importance as repairing or replacing building and other structures used by park visitors?

Mr. REYNOLDS. Well, there you go.

There are certain members of our organization that would say yes, and then there are other members of the organization that would say, no, theirs might be more important. So again, if we are talking about landscape, if we are talking about restoring areas that have been designated, that's a tough one. I mean, there is a balance.

I would say if it's a cultural resource, if it's a cultural resource, one might put more emphasis on cultural resource. If it is not a cultural resource in terms of a structure, one might say, well, put it toward a cultural resource which would be the land, the plants, the landscape and that sort of thing.

Again, it's a kind of a balance, and it's not always the same from one park to the next.

Mr. RADANOVICH. Yes.

Can you tell me from your experience at Death Valley, is there pressure to expand the boundaries of the park or to do any land acquisitions or things that might-

Mr. REYNOLDS. Well, there is a couple of issues going on. One area south of Death Valley, between Fort Erwin and Death Valley Proper, a particular strip of land called "The Bowling Alley," but it's BLM land. And, there is some impetus to add that to Death Valley National Park.

Mr. RADANOVICH. Interesting, so you'll be addressing the very issue in your park as well.

Mr. REYNOLDS. Yes.

Mr. RADANOVICH. Yes.

Thank you, Mr. Reynolds, I appreciate that.

Mr. Hill, again, thank you for your testimony. Can you tell me, based on your analysis, in your report, what are the long-term effects of land acquisition on the Park Service, or the Park system, I should say?

Mr. HILL. Well, whenever you have land acquisition, obviously, you are adding new assets to the inventory, and that, as Mr. Reynolds pointed out, that's going to create a problem in terms of maintaining that land.

Mr. RADANOVICH. Do you think that there could be better coordination between the Park Service and the Congress when it comes to land acquisition, about prioritizing what should be brought in and what should not, and under particular circumstances?

Mr. HILL. Most definitely, I think not only with the Congress, but with the local public and the state as well. I think these things have to be thought through very carefully, and whenever Congress is going to authorize new land acquisition I think what you need to do is consider the operation and maintenance costs that are going to be incurred by acquiring that land, and I think there's a tradeoff there. You need to decide whether or not we can afford to acquire that land or not, because if you are going to acquire it you need to provide the funds that can properly operate it and maintain it.

Mr. RADANOVICH. Mr. Hill, in your opinion, knowing the current state of affairs in the Park system, can the Park Service sustain the level of expectation by the visitor while still acquiring more land, do you think?

Mr. HILL. Well, obviously, the deferred maintenance backlog, the way it is, the system is strained right now. I mean, the use that these facilities are getting, the visitation that it has, many of the facilities and the infrastructure on the parks are aging. The more use it has, the more maintenance you create, the more amount of money it's going to take to keep up the facilities and the infrastructure.

Mr. RADANOVICH. Can you tell me, at least give me your opinion, do you think the Congress ought to require that the National Park Service set aside specific maintenance funds for new land acquisitions prior to the time that this land is being brought in?

Mr. HILL. I definitely think that those costs need to be identified, here again, both the operating and the maintenance costs need to be line itemed and, basically, Congress needs to be aware of those costs.

Right now, the land is acquired and those costs are not really fully understood, and then the Park Service, basically, has to absorb those costs, and it really strains the entire system.

Mr. RADANOVICH. Yes.

You mentioned in your testimony, Mr. Hill, that the Assessment Management process that the National Park Service is going to right now probably won't be ready until some time in 2006. Would it be your recommendation not to bring anymore land into the system prior to the time that that—or until that report is finished?

Mr. HILL. That's a hard call for us to make. I think each acquisition has to be considered on a case-by-case basis. You've got to consider what the purpose would be of acquiring that land. It might be that it's a resource that needs to be protected immediately, and Congress has to make those decisions, in terms of whether they want to go ahead with that kind of thing or kind of hold off until the Park Service gets the system fully operational.

Mr. RADANOVICH. Mr. Reynolds, I'm wondering, and this question may not apply to Death Valley, but it could to the Park system in general, especially those parks that are on our Nation's borders with Canada and Mexico. Has the additional requirements for security brought on by homeland security, is that requirement met with additional Federal funds, or is that, again, something that threatens the ability to eliminate this burden in the budget?

Mr. REYNOLDS. At the present time, we are adding more law enforcement personnel, also at Death Valley we have something called "no net loss." And, our idea is to try to bring our numbers of law enforcement people back up to a better, shall I say, a more safe condition.

And, while we are doing that with the existing funds, we don't have additional funds to take care of those things that we're taking the money away from. So, there's no more money coming in, but I'm sure the Agency will come before Congress requesting additional funds for those law enforcement personnel.

Right now, we are absorbing those costs.

Mr. RADANOVICH. OK.

As you know, my expertise primarily is with Yosemite National Park because I was born and raised there, and I understand that you worked there for 5 years, but as a general question, a lot of people feel that the Park Service, in particular Park Rangers, it

would be nice of they spent most of their time doing interpretive work and doing more of that to the visitors and guests that are in the park. Do you feel that that interpretive service, or what was very typically known to be the Ranger who can explain what the park visitor is visiting when they are there, does that get left and pushed back on the back shelf for law enforcement demands and some of these other things that occur?

Mr. REYNOLDS. Yes, I did work at Yosemite, and I spent 23 years doing law enforcement with this organization. And, often times, the educational aspect of it does get lost. Sure, the Rangers who are performing law enforcement, when they do have the opportunity to educate the public about a myriad of things, they do that. But, if they are performing, let's say, strict law enforcement duties, they don't.

Now, the interpretive side of it, or our educational side of that, is also, I would say, being decreased, because again, we don't have operational funds for that part of our operation either. So, those numbers of our educational Rangers are also going down.

So, we have a lot of things that we are trying to do, but without additional funding we're having to absorb all of these things.

Right now, we are looking at the security of parks, so the law enforcement impetus is higher right now.

Mr. RADANOVICH. You may not be able to consider that education or interpretation as a maintenance backlog or a deferred maintenance, but truly it is something that would require more funding, or if there weren't issues like maintenance backlogs or deferred maintenance you might be able to expand the ability for the Park Service in education and interpretive areas, do you agree?

Mr. REYNOLDS. Those funds could go to bringing our programs up to where they should be.

Mr. RADANOVICH. Right.

Mr. Reynolds, thank you so much for being here today. I think I'm done with my questions, and for as well, Mr. Hill, thanks for coming to this hearing, and I appreciate it. You are more than welcome to hear the next panel as well.

Mr. RADANOVICH. With that I will call up the next panel. We have five people here today, starting with Mr. Gerald Hillier, who is the Executive Director of Quad States County Government Coalition, in San Bernardino, California. Also, Mr. Mike Lewis, who is a member of the Santa Monica Mountains Inholder Association, from West Covina, California. Mr Chuck Cushman, who is the Executive Director of the American Land Rights Association, from Battle Ground, Washington. Mr. Matt Bloom, who is a constituent of mine, who is the owner of Kennedy Meadows Resort and Pack Station, from Sonora, California, and Ms. Courtney Cuff, she's the Pacific Region Director of the National Park Conservation Association in Oakland, California.

Welcome, ladies and gentlemen, to the hearing, I'm glad you are here, and again, we'll use the traffic light system for the amount of time.

I would suggest, too, many people have brought written statements to be used, although your written form is going to be in the testimony anyway, if you want to take the time to just sum up or

highlight certain areas of your testimony, that generally can be, in some ways, more informative.

And again, we'll start with Mr. Hillier and work down the line, and then we'll open up the whole panel for my questions.

Again, welcome, Mr. Hillier, and, hopefully, the mike will work just fine. Give it a shot.

STATEMENT OF GERALD HILLIER, EXECUTIVE DIRECTOR, QUADSTATE COUNTY GOVERNMENT COALITION, SAN BERNARDINO, CALIFORNIA

Mr. HILLIER. OK, good morning, Mr. Chairman, and thank you for inviting us to participate in this hearing.

I'm Gerry Hillier, Executive Director of the QuadState County Government Coalition. QuadState is an interstate Joint Powers Authority, involving six counties in the four States that encompass the Mojave Desert. Among our member counties, there are six units in the National Park System.

There is not a simple answer to the question relating in-holding acquisition and maintenance backlog and expansion of park units. Federal acquisitions can be balanced or offset by the contributions that these units may make to local economies and tax revenues. Another aspect is personal, based on the contact and relationships that exist between the Service and local government officials. While government can never do everything it might like to do, communicating needs, establishing partnerships and working out priorities with local people are a key to understanding and accepting shortfalls, the problems come with what I call a double whammy, acquisitions reducing revenues to the local government, and undone maintenance reducing the quality of visitation.

As a result of this hearing and input, coupled with the input that you received from Supervisors Postmus and Dorame at th hearing in San Diego in August, we request that you:

Enact H.R. 380 to provide funding to counties, covering Federal land acquisitions and private land.

Require that the land management agencies discuss acquisitions with local officials prior to budgeting for such acquisitions and in advance of acquisition initiatives by NGO's on behalf of the agencies.

Nationally reduce acquisitions for all purposes until needed maintenance is undertaken and the backlog eliminated.

And finally, support the Department of the Interior on the implementation of the recordable disclaimer regulations so as to provide for clear local government ownership of access roads across Federal lands, particularly those within National Park Service units.

Also, we would suggest that you review some of the NPS units and boundaries that Congress has established in the past, and determine if sound public policy might dictate some alterations to them, so as to reduce or remove conflicts and costs.

First, I'd like to talk about PILT—Payment in Lieu of Taxes. My experience is that few government officials among any of the Federal land management agencies understand this program. There is a myth that when a Federal agency buys land the county will automatically benefit from the acquisition through increased PILT payments. For most counties this is simply not true.

First, PILT payments seldom equal taxes collected.

Second, if counties are capped by the operation of the formulas they get nothing. I have a Power Point presentation handout with me today that shows PILT calculations for the six counties making up QuadState, and I gave this map at the outset of the hearing. Three of our six counties are capped and the three that are not are close to the ceilings.

Federal managers overlook the loss the local tax base revenue stream, yet county service requirements often remain constant.

PILT formulas assess only population and Federal "entitlement" acreage and do not consider the assessed valuation associated with capital improvements on the property being acquired.

And, land acquisitions too often are characterized as positive in by advocates, but they also assure that the private lands will never contribute to county revenue and never contribute to regional economies. And often, they seldom even add to park visitation.

The specifics, my longer statement cite examples of San Bernardino and Inyo Counties in California. San Bernardino County has lost over 628,000 acres of private land to Federal acquisition in the past 4 years. Over the course of this action, in which the county has lost some $300,000 of annual revenue, not a single official of the Department of the Interior ever contacted county leadership, either the elected Supervisors or the office of the County Administrator to discuss the matter, its effect, or for input.

The Park Service regulates but does not maintain the county's 225 mile road system, mostly paved, within the Mojave Preserve. The county wishes to keep up the roads at no Federal cost as a service to its remaining taxpayers in the region.

A similar pattern is in Inyo County with the Saline Valley Road, which the county wishes to maintain, but NPS administers and controls because the boundary of Death Valley is 50 feet to the west of the road. The county recently received an authorization to maintain it, but in an area so small in the area that equipment cannot be turned. If the county sought maintenance, NPS has verbally has indicated it would close the access. This is wrong.

Mike Dorame, the Supervisor in Inyo County, reports that much of the communication between Inyo County and Death Valley is at a low level and verbal with NPS reluctant to put directions in writing.

Congress should be concerned about having added a huge area to a park, and then not providing funds or ability to maintain historic public access. The county is willing, with its limited funds, and not asking the Federal Government for financial help, just reasonable policy. We would suggest fix the policy or change the boundary.

NPS acquired the Rainbow Talc Mine, far from the actual Death Valley, containing high-valued talc. The mine was taken into the National Park boundary and wilderness area by action of the California Desert Protection Act. San Bernardino County engaged in correspondence, and even board resolutions, with the Park Service on behalf of the owners. The owners appeared at a House hearing in Washington, I think, in 1976. Over time, the owners were simply worn down and accepted their payment. But, the resources are now off limits to any economic use, and well out of sight with the closed

route over the Park Service, since they also rejected all attempts by the county to make an RS2477 assertion.

The Park Service secured funds from a contingency fund outside normal programming and budget processes and congressional oversight, despite ongoing correspondence with Death Valley Superintendent and resolutions by the board. Never one did the Park Service deem it necessary to meet face to face with any county official to discuss the issues, the impacts, and the seeming overwhelming need for NPS to Federalize the property.

NPS and local governments could work together in partnership, yet the NPS, in its interpretation of its mission, often creates an adversarial situation that should not exist between units of government.

I do have positive reports from Mojave County in Arizona and Washington County in Utah relative to Lake Mead National Rec Area and Zion National Park. The Superintendents there regularly attend Commission meetings and participate in an organization called SUPAC, which does provide communication. These are noteworthy. With proper sensitivity of NPS management leadership, many of the management issues associated with the parks can be overcome.

In preparing for this testimony, I also discussed issues with the Commissioner from White Pine County, Nevada, an area that includes Great Basin National Park. As with Mojave Preserve, there seems little contact between NPS and county officials. NPS has criticized local desires by raising a viewshed argument and wanting to extend their influence miles beyond the park boundaries. As the Commissioner told me, he said, "My God, it's a 13,000 foot peak, and how can you not affect their viewshed."

NPS also opposed a landing field near the park because of a variety of issues, including managing the soundscape. Despite assurances regarding visitation and growth when the park was established, Baker, the gateway community, has become a virtual ghost town.

Overall, with acquisitions, tax revenues have declined. White Pine County is limited on PILT payments by its population, so there are no offsets or credits for any losses engendered by the Federal Government.

Overall, I have found and seen NPS is doing maintenance in the region, fixing campgrounds in the Mojave Preserve and the Great Basin, doing road maintenance to-

I have no idea where the funding comes from, but they are getting it done. There seems to be a lot of money for eliminating uses on private land, even those authorized to continue in enabling legislation.

I add a final word. The Federal agencies personnel need to be selected and trained to be responsive to local governments. Superintendents may work with national directions, but the concepts of local application of the Secretary's 4 Cs policy must be inculcated in every Superintendent's vocabulary. That's the only way to do business. Local government must be viewed as a partner, not as invisible or an adversary.

Thank you.

[The prepared statement of Mr. Hillier follows:]

Statement of Gerald E. Hillier, Executive Director, QuadState County Government Coalition

I am Gerald Hillier. I serve as Executive Director of the QuadState County Government Coalition. QuadState is an interstate Joint Powers Authority, involving six counties in the four States that encompass the Mojave Desert. The counties in the region organized to foster better communication and advocacy about natural resources and public lands issues that face their region. I can assure you that issues do not stop at state lines particularly when agencies of the Federal Government are concerned. We found that by organizing we were better able to deal with and react to Federal issues than we could individually, and we could more easily and directly call attention to issues in the Mojave Desert region than is possible with our State organizations.

I have been asked to comment on National Parks in the region, their land acquisitions, and the maintenance backlog. In doing that, I will also touch upon some other issues related to National Park Service management within the region.

Among our member counties, there are six units of the National Park Service:

- San Bernardino County CA: Death Valley NP, Joshua Tree NP, Mojave National Preserve;
- Mohave County AZ: Lake Mead NRA, Grand Canyon NP; and
- Washington County AZ: Zion NP.

There is not a simple or consistent answer to the question of relating expansion and in-holding expansion to maintenance backlog. Part of the question relates to the degree that such Federal expenditure is balanced or offset by the contribution that these units make to the local economies. And part of that involves the role that lack of maintenance may play in discouraging use of National Park units, causing lowered contributions to local economies.

The question of relationships and effects of NPS actions may also hinge on the contact and relationships that exist between the Service and local government officials. Much that NPS does or does not do is driven by their annual budget. Local government knows and appreciates that there are many pressures on annual appropriations. Government and its agencies can never do everything it might like to do, or even that it sees necessary to do. Communicating needs, establishing partnerships and explaining and working out priorities with local people are a key to understanding and building support for shortfalls.

As a result of this hearing and input, and coupled with the input that you received from Supervisors Postmus and Dorame at the hearing in San Diego in August, we would like you to:

- Enact H.R. 380 that would at least provide funding to counties;
- Require that the land management agencies discuss land acquisitions with local government officials prior to budgeting for such acquisitions, and in advance of acquisition initiatives by NGOs on behalf of the agencies;
- Reduce acquisitions for all purposes until needed maintenance is undertaken;
- Support the Department of the Interior on the implementation of the recordable disclaimer regulations so as to provide for clear local government ownership of access roads across all Federal lands, particularly those within National Park Service units. This will assure true partnerships between local and Federal officials in resolving access issues as a minimum; and
- Take a look at least of some of the NPS units and boundaries that Congress has established and see if sound public policy might dictate some alternations to them so as to remove conflicts and help build partnerships. Local governments recognize the need to maintain public services to taxpayers and constituents and are not looking to adversely affect NPS units, but Congress and we need to bring sensible management to the table and not allow NPS to simply carry out its policies in a, "We have our mission," arrogance.

First, I would like to talk about PILT—Payment in Lieu of Taxes. Counties receive payments for Federal lands within their borders. This program has existed since 1976, and supports a wide array of county services, from law enforcement to emergency rescues to road maintenance throughout the West. My experience is that few government officials among any of the land management agencies understand this program, and fewer still know its intricacies. And since the Bureau of Land Management administers the program, few managers in the other agencies with contributing acreage are even sensitive to it.

There is, for example, a myth that if a Federal agency buys land the county will automatically benefit from the acquisition through increased PILT payments. For most counties that is simply not true.

- PILT is calculated first on the basis of people in the county, not Federal acreage.

- Payment for PILT cannot exceed, for FY 2003, $2.02 per entitlement acre, less other Federal payments, or $0.27/acre without adjustment. Either calculation is capped by the population ceiling. For FY 2003, this amounts to a gross payment, before adjustment for appropriation shortfall, of $2,701,000, or 1,337,129 acres. In other words, if a county already has 1,337,129 acres of Federal holdings among BLM, Forest Service, Park Service and Fish and Wildlife Service lands, it gets no additional PILT credit.

Within the QuadState member counties, three of six counties have acreage in excess of 1,337,129 acres. These are Mohave in Arizona, Lincoln in Nevada, and San Bernardino in California. Two of the three have extensive NPS units, and one, San Bernardino, has been subject to intense land acquisition during the past four years.

- What is forgotten regarding PILT is the loss to the tax base and local tax revenue streams. Further, often the land comes off the tax rolls long before the actual Federal acquisition because of the use by NPS officials of private foundation money to secure property in advance of Federal acquisition. Since the foundations or NGOs are tax-exempt the property becomes tax-exempt on sale to it.
- What is also forgotten regarding PILT is that its formula assesses only county population and Federal "entitlement" acreage and does not consider or factor in the assessed valuation associated with capital improvements on the property being acquired. Often when NPS acquires mines or ranches, regarded in their parlance as "inholdings" or "non-consistent" land uses, they acquire structures, improved pasture and houses, all of which have value above and beyond the raw land value.
- Also, land acquisitions, too often characterized as totally positive in resource conservation terms, assure that the liquidated Federalized private lands will never contribute to regional economies, provide employment, or in any other way contribute to society except to be "preserved." They will not even add to Park visitation, a factor often touted to promote NPS administration, a promise that is too often ethereal.

In approaching this presentation, I am going to bounce from experience with specific NPS units, and specific counties. Often cooperation and coordination are more the result of the individual management and outreach style of local leadership than it is responsive to specific directives coming from Regional or National Headquarters.

Let's look first at San Bernardino County. Over the past four years the County has lost 628,000 acres to Federal acquisition. Because its population exceeds 50,000 and it has more than 8,000,000 entitlement acres, it receives no additional PILT payment than it did in 2000 beyond what it received as a result of increased appropriations. These acquisitions included purchases in NPS as well as BLM areas, for wilderness, habitat for threatened species, mitigation, and liquidation of the ranching industry in the Mojave National Preserve.

Over the course of all this acquisition, in which the county lost some $300,000 of annual revenue, not a single official of the Department of the Interior ever contacted county leadership, either the elected Supervisors or the office of the County Administrator, to discuss the matter, its effect, or to gain input. The facilitating middleman, an NGO, Wildlands Conservancy, issued press releases about the wonders of desert preservation, and did invite some county officials to the celebration that welcomed the first sale to them by Catellus.

The same pattern has been followed in the liquidation of cattle ranches in the Mojave National Preserve. Again, National Park Service used an intermediary NGO to consummate most of the purchases. The county knew ranching was doomed from the time the Desert Protection Act passed in 1994; despite assurances the ranchers could stay. Almost immediately offers were floating and ultimately ranchers sold to the NGO, who eventually recouped their money from NPS appropriated funds. The loss in assessed value and tax revenue is accounted for in the above $300,000. But what else was lost was a human presence in the Mojave and non-government occupation of the lands. At times it seems the goal of the Department of the Interior is to depopulate the rural areas of the West.

Supervisor Postmus touched on these issues in his August 18, 2003, testimony to this Committee at its hearing in San Diego.

The loss of ranching has also resulted in the dismantling of much of the water systems that sustained both livestock and wildlife. NPS is allowing the rancher to salvage the facilities' wells, tanks, troughs, pipelines, etc. In return, NPS says they have no funds for maintenance or replacement. Thus our hunters, who thought they too were protected by language in the CDPA that supposedly protected hunting, are faced with a bleak future in which wildlife may well decrease under NPS administration because of lack of water. NPS in the GMP dialogue defended this action in

part based upon assuring naturalness. The Mojave Preserve has been occupied by settlement for the past 130 years, or more. Its face and heritage reflects this—historic mines and ranches, a transcontinental railroad, and the myriad of life support systems—utility rights-of-way—crossing the areas. How much better a policy and program that NPS implement a program based on interpreting this history and working with the landscape rather than attempting to obliterate the heritage.

One other issue related to NPS coming into the country: the road system, some 225 miles of it, mostly paved, has remained under County ownership, but not administration. One of the first actions taken by NPS was to post speed limits, lower, and no through commercial traffic signs at the Preserve entrances. This was done without any formal contact with the county at any level. Over nine years, there has been some discussion about an MOU with low-level staff but none has ever been consummated. NPS has objected to county use of materials sites within the Preserve and when maintenance is undertaken, materials must now come from outside the area. A few years ago there was an end of fiscal year contact about NPS undertaking maintenance on what appeared to be a one-time offer, but nothing came of it since the county was not assured that maintenance would continue in perpetuity and it would probably have meant the County would have had to relinquish R.S. 2477 rights-of-way under which the routes were constructed and maintained. Because of other access issues within the Preserve plus the presence of a few remaining residents and property owners who pay taxes, the County has felt it prudent to maintain a lifeline to these. The County's concern on a steady stream of funding is not without foundation: the Inyo County experience related below bears out the lack of on-going funding for maintenance in NPS units.

That said, how does this translate to maintenance? Actually NPS seems to be doing well in this area. I have no idea where the funding is coming from; perhaps other units. But they are redoing campgrounds and providing facilities maintenance. So in a limited sense, the maintenance job at least in the Mojave Preserve is getting done. Whether they can take on anything additional, such as water developments or roads is problematic. I do note that the NPS is maintaining the road into the Desert Studies Center at Zzyzx, an action required after flash floods this summer. The California State University System runs the Center, and its use of the site was insured under the CDPA. Access is only available by a road that is Federally owned. The action by NPS is happening in a timely manner.

Turning to an issue in Death Valley National Park, but still within San Bernardino County, is the story of the Rainbow Talc Mine. The government now owns this mine, containing high value talc and graced with a beautifully constructed head frame. The mine is located in the southeast corner of the Park, not within Death Valley, but in the Ibex Hills at the edge of a historic mining district. The mine was taken into the National Park boundary, and Wilderness Area, by action of the California Desert Protection Act in which Congress and its helpers drew the line and even eliminated the access road.

Discovered in the 1950s, the owners had secured a plan of operations for underground (tunnel) mining from BLM just as the CDPA was passed in 1994. Started over, and with a purchaser for the talc on line, they attempted to secure a plan of operation from NPS, but there was always one more problem. Tortoises. (There were none.) The cost of an Environmental Impact Statement. In the interim, NPS even wanted them to secure a permit and notify its office with times and names to even use the access.

San Bernardino County engaged in correspondence with the Park Service on behalf of the owners, since the matter had some economic and potential employment benefits. The owners also appeared at a House hearing in Washington, I believe in 1996, in response to an inquiry about Wilderness horror stories. Over time the owners were simply worn down, and accepted payment from the government. Yes, they did get their retirement nest egg. But no, the resources are now off limits to any economic use by the American people.

My point is that, in this case, NPS secured the funds to purchase the mine over a couple of fiscal years. Funds came from a contingency fund that are evidently available for emergency purchases that the agency can make outside the normal programming and budget process, including Congressional oversight. More critically for this testimony is the fact that, despite on-going correspondence and even resolutions by the Board of Supervisors with the Death Valley Superintendent, never once did the agency deem it necessary to meet with any county official. To the contrary, correspondence received the "we are working on it" and "we have our processes" variety.

During the entire process, never once was there an attempt by the Superintendent to directly contact any county official. We would have thought that at some point, after letters and resolutions, he would have at least picked up the

phone, if not come to San Bernardino to discuss the issues, the impacts and the seeming overwhelming need for NPS to Federalize this property. And when the sale was finally consummated, even then, NPS never let the County know.

Staying with Death Valley, but switching to Inyo County, there is an on-going and current issue regarding the Saline Valley Road. You heard of it in Supervisor Mike Dorame's testimony in San Diego. I reiterate it here because it bears directly on the issue of infrastructure maintenance.

When the California Desert Protection Act expanded Death Valley in 1994, Congress moved the boundary far west to absorb Saline Valley into NPS administration. The County and others objected during the CDPA battle, but to no avail. And as they say, "The Devil is in the details." Congress not only used the Saline Valley Road for the west boundary of the Park, they drew the boundary 50 feet west of the road so that the entire road was inside the Park. To this day we don't know why, but we have our suspicions about the motives of the citizen groups who guided and "helped" Congress draft the CDPA.

At any rate, Inyo County must now deal with maintaining a road within the NPS administrative boundary and with NPS processes and procedures. This includes not using historic borrow areas for maintenance material, since "mining" is inappropriate within Park units. Needless to say that County maintenance has declined in recent years as a direct result of higher costs.

Recent summer storms have eroded and made the road difficult to use as it enters from the north, and have made the south access impassible. We are talking about some 50 to 75 miles of main stem road here, and the only access to the Valley, an area embracing close to 1,000,000 acres.

After contacts, NPS did allow use of an old pit but within 25 feet of the centerline of the road. The restrictions are such that it will not accommodate even the turning radius of equipment.

Much of the communication with Death Valley is at low level and verbal, with NPS reluctant to put either direction or policy in writing. The Supervisor asked NPS what it would do if the County just walked away from the road. The Superintendent said it would probably be closed since NPS lacked maintenance funds to keep it open. Sadly, we don't have this in writing, but I have no reason to doubt the veracity. Congress should be concerned about having added a huge area to a park unit and then not providing funds to provide public access. This is not Alaska! Further, the area has had historic use for over 100 years based on continuous public access.

For its part, the County does wish to keep the road and public access. Here is an example where NPS and the local government could work together in partnership, yet the NPS and its interpretation of its mission create an adversarial situation that should not exist between units of government. Just because NPS has assumed a degree of sovereign isolation within its units it and its employees need to assure that local government is part of its client base.

Moving east, Lake Mead National Recreation Area lies within Mohave County, Arizona, as well as in Nevada. I cannot speak for issues that may be associated with Clark County, Nevada. Mohave County reports that they have little issue with Park Service administration. Over time NPS has attended County Commission meetings and the Commissioner told me that when he needs information the Superintendent is right on it, returning calls or even coming to Kingman from Boulder City. The County has had issues with BLM in the Strip to the north, but all seems to be well.

I think it well to take note of this—with the proper sensitivity of NPS management and leadership, many of the issues associated with the Parks can be overcome. In fact, even NPS shortfalls in budgets to perform maintenance activity can be understood and perhaps cooperatively solved with the right kind of communication and sensitivity.

Mohave County is one of those counties that has a huge Federal acreage within its border. It is capped by virtue of having more than 50,000 people and over 6,000,000 entitlement acres. They have experienced some land acquisition in recent years and can expect more in the future associated with activity by all agencies: BLM, NPS and FWS. Bureau of Reclamation is wrapping up work on a land use plan for the Lower Colorado River that will rely in part on land acquisition for mitigation. The Congress needs to proactively involve itself in all facets of the agency land acquisition program to assure that parcels acquired for any reason are really needed by the Federal administration and that purchase and removal from tax rolls is the appropriate means of securing them.

We have no issue with Grand Canyon NP. There is no contact as far as Mohave County is concerned because of its remoteness and lack of physical access.

Along the same lines, Washington County in Utah, another one of our member counties reports that they have little issue with Zion National Park within their

jurisdictional boundary. This is a Park unit of long standing, so many of the growing pains that may have occurred with establishment have been overcome with the passage of time and new generations of management and elected officials. There have been issues related to restrictions on group size, but at least NPS seems willing to meet with local officials and discuss the matters. There are regular meetings among a group called SUPAC in which NPS participates regularly and in a forum with County officials.

Perhaps that is part of the solution to these differences—provide regional forums to build relationships. In California, the Department of the Interior established something called the Desert Managers Group after passage of the CDPA. That has been largely an inside group since its inception, but its current Coordinator, headquartered in Barstow, is making an attempt to make the meetings more open, and announced. To date he has not met with local government leadership, to my knowledge, limiting contacts to the staff and consultant level, but there is hope and a structure there, but it must be nurtured and not simply be a forum for fellowship. And agencies cannot or should not use it and then retreat to their mission straightjacket. It should be a forum for bringing about change when needed and overcoming institutional barriers.

I touched on an area beyond QuadState's membership in noting issues in Inyo County, California. In preparing for this testimony I also discussed issues with a Commissioner from White Pine County, Nevada, and area that includes Great Basin National Park.

Here, like in the Mojave Preserve, there seems little contact between NPS and County officials. NPS has raised criticisms about local desires falling back on a viewshed argument and wanting to extend their influence for miles beyond the Park boundary. NPS opposed establishing a landing field near the Park because of a variety of issues including managing the soundscape. (This is an issue related to the Mojave Preserve as well as Las Vegas attempts to create a new airport near Jean.) Despite assurances regarding visitation and growth when the Park was established, Baker, the gateway community, has become a virtual ghost town.

As NPS has expanded its presence, ranching has all but disappeared under the limitations placed on it by Park Service regulation and closure of access. Recreation use has also diminished. While visitation is hiking related, diversity from hunting, fishing, rockhounding and other legal pursuits has been curtailed or disappeared. Overall, with acquisitions, tax revenues have declined. White Pine County is limited on PILT payments by its population, so there are no offsets or credits for any of the losses engendered by the Federal Government.

NPS is completing a new visitor center, and has done an adequate job of maintaining the two campgrounds in the area. We cannot say where the funds came from.

To summarize:

- Enact H.R. 380 that would at least provide funding to counties;
- Require that the land management agencies discuss land acquisitions with local government officials prior to budgeting for such acquisitions, and in advance of acquisition initiatives by NGOs on behalf of the agencies;
- Reduce acquisitions for all purposes until needed maintenance is undertaken;
- Support the Department of the Interior on the implementation of the recordable disclaimer regulations so as to provide for clear local government ownership of access roads across all Federal lands, particularly those within National Park Service units. This will assure true partnerships between local and Federal officials; and
- Take a look at least at some of the NPS units and boundaries that Congress has established and see if sound public policy might dictate some alternations to them so as to remove conflicts and help build partnerships. Local governments recognize the need to maintain public services to taxpayers and constituents and are not looking to adversely affect NPS units, but Congress and we need to bring sensible management to the table and not allow NPS to simply carry out its policies in a, "We have our mission," arrogance.

And I would add a final word—Federal agency personnel need to be selected and trained to be responsive to local governments and local citizens and constituents. They may work with National direction, but if Secretary of the Interior Norton's 4 Cs policy is going to work, it has to become inculcated in every Superintendent's vocabulary and way of doing business. Local government should not be viewed as an adversary, rather as a partner. But this includes full understanding on the part of Federal management of the limitations to PILT, the fact that local governments have budgets and priorities as well, and that problems can be solved together. There are models for success. Let's use them and expand them.

Mr. RADANOVICH. Thank you, Mr. Hillier. I appreciate your testimony.

Next is Mr. Mike Lewis, who is a member of the Santa Monica Mountains Inholders Association, from West Covina.

Mike, welcome to the Subcommittee and have at it.

STATEMENT OF MIKE LEWIS, MEMBER, SANTA MONICA MOUNTAINS INHOLDER ASSOCIATION, WEST COVINA, CALIFORNIA

Mr. LEWIS. Thank you. I did submit some prepared remarks, and I'll just go ahead and summarize those.

The Inholders Association is a group of landowners in the Santa Monica Mountains who, in some cases, own a few hundred acres—in some cases, several thousand acres. It also includes recreation enthusiasts, some equestrian organizations, and some other outdoor advocates.

Let me quickly describe this National Recreation Area for you. It's a 150,000 acre designated land mass, 54 percent of which is privately owned. The other 46 percent, which is owned by a public agency, includes lands owned by the county, the state, some city lands, only 11 percent of the real estate is actually owned and controlled by the National Park Service.

The National Recreation Area, I want to remind everybody, is not a park, it's a recreation area, and virtually all of the visitors serving recreation activities other than trails, and a few parking lots for access are on private property.

We have a maintenance problem, as do just about all of your other park units, but I think in part it's not because we are not pursuing this maintenance or we don't have enough money, it's because we've changed the definition of maintenance. What you and I think of as maintenance, fixing parking lots, repairing the plumbing, repairing the roof, maintaining trails or clearing trails, I think has been succeeded by a new definition, a much broader definition, that includes fixing habitat, removing non-native plants, encouraging overgrowth, planned obsolescence in fact, and some intentional deterioration of infrastructure in order to restore a natural condition. And, I think this change in emphasis has sort of evolved as part of the culture of the Park Service over the last decade, in that they've moved from an emphasis on visitor serving priorities to visitor discouraging, if you will, by not maintaining facilities in order to pursue a more conservation-related agenda.

The name of the game, obviously, in this arena is to get money for parks, and to get as much as you can, and to get it any way that you can. The way to do that, frankly, is you need an ongoing maintenance backlog to keep the pressure on. You need a list of urgent acquisitions, especially hardship acquisitions, even small business or small property owners who have no other option but to sell to the Park Service, because they become nice poster children for capital investment funds. You also need a constituency who is pushing for more facilities, trails, campgrounds, and things of that sort.

In the Santa Monica Mountains we have all of those, but we have an NPS mission that I think conflicts with that which was

designated by Congress and that which is clearly the public priority in southern California.

While Congress proposed recreation, biking, equestrian trails, and the development of ranches, the homesteads, and the movie sets in the National Recreation Area, we have a 2003 Annual Plan that says the Santa Monica Mountains exist to conserve an ecosystem.

Let me illustrate for you how that translates in our region. According to this 2003 plan, 12 of the 27 historic structures in the Recreation Area are rated in fair to poor condition. They only plan to restore one of them. Well, 14 staff members are maintenance workers, 18 are full-time conservation biologists and ecologists. Of the 22 goals stated in the Annual Plan, only two relate to visitor services and 20 are goals to "restore targeted lands disturbed by prior physical development or agricultural use." Among the specific activities on which these appropriations are spent are the removal of an avocado orchard in Yuma Canyon and the replanting of a coastal sage scrub, containing disturbances on 29,000 acres of endemic vegetation on non-parkland, monitoring development hearing notices for and testifying and submitting written comments on targeted private developments, removing exotic vegetation on 80 acres of grassland, and inventorying, measuring, photographing, and monitoring all threatened and endangered species. All of that takes money.

The plan goes on to dictate that "facilities must be maintained in a relatively primitive manner to preserve the visitor experience."

What would we recommend to resolve some of these issues? First, we think the Recreation Area should be operated for visitors, not managed like museums. Clear distinctions need to be made between the definition and the purposes of National Parks, National Recreation Areas, National Monuments, Wilderness and other Federally designated lands.

Second, there are dozens of landlocked and hardship parcels that should be acquired from their many willing sellers. Some funds need to be made available for this purpose. If Congress is reluctant to specify the exact parcels to be acquired, then funds should be directed to those areas where public agencies already own large percentages of acreage, and they should not be allowed to spend the dollars acquiring land in new areas.

And, I brought with me a map just to illustrate for you some of the holdings in the Santa Monica Mountains that are surrounded, where private small landowners have been surrounded and have been for years unable to get the Park Service to proceed to acquire the land.

Third, I think that the Committee should look very carefully at the Agency maintenance budget and understand the maintenance definitions used by the Park Service. There is a mind set in the Park Service that conservation is also maintenance, and I think there's competition for those funds and they are being drained away from facility maintenance in order to pursue other restoration and rewilding activities.

Fourth, I think we need to go slow on any NRA expansion plans, given the difficulty in managing what we already have. It serves no public use in the urban area to draw more boundaries around

land for which there is no acquisition, development or maintenance dollars. I think we need to resolve the current land acquisition issues first.

And finally, I think Congress should consider the adoption of a recreation access bill of rights, to assure the taxpayers that they will be able to access and enjoy the lands set aside with their tax dollars. One component of this bill of rights should be the mandatory development of a publicly reviewed visitor use and access plan before each major land acquisition. We believe that the use of public funds for purchase of private lands demands some level of public access and use, and we believe the public is entitled to know what that is going to be before the funds are expended.

Thank you, Mr. Chairman, for your time and your interest.

[The prepared statement of Mr. Lewis follows:]

Statement of Michael W. Lewis, Policy Director, Santa Monica Mountains Inholders Association

Good morning Mr. Chairman, my name is Mike Lewis and I'm here representing the Santa Monica Mountains Inholders Association, a group comprised not only of landowners with property within the 150,000 acre National Recreation Area, but also of recreation enthusiasts, equestrians, and the businesses who provide services for these park visitors.

My goal here today is to explain why we have a growing maintenance backlog in the Santa Monica Mountains National Recreation Area and perhaps illustrate by example why we are facing a crises in facilities maintenance at so many National Parks across the nation.

I also want to offer my thoughts on specific issues and policies relating to land acquisition practices and the lack of a long-term maintenance and acquisition plan, which in turn impacts property owners in the Santa Monica Mountains National Recreation Area.

The members of our organization are very concerned that the National Recreation Area is not doing what it was originally intended to do. The managers of this 150,000-acre swath of real estate have strayed in several ways from the original intent and promise to create the world's finest urban recreation area.

First, small property owners are suffering hardship due to NPS land acquisition practices. Within the parcels owned by the NPS are many small privately owned parcels for which the NPS can be the only buyer. These willing sellers are often told many things about the "pending" acquisition of their land. Most often, land owners are shown a land acquisition budget and assured that funds for their transaction are included in that pot.

Unfortunately, all landowners are shown the same pot and given the same assurance. This shell game with the money is repeated annually. The next trick is to send landowners to other local agencies claiming that they have been selected to acquire their particular parcel. This ping-ponging between agencies can delay a less sophisticated property owner for several years in the process. A third technique is to make an offer with no money to really back it up. Then cancel the deal at the last minute because the money has been spent somewhere else. This cycle can drag on for years.

Second, there is not much to maintain in the National Recreation Area since there is little in the way of NPS facilities for public use other than a few trails and a few buildings. Any shortage of maintenance dollars can probably be attributed to the practice of funds being applied to activities that you and I don't usually think of as maintenance in the traditional sense of the word. I will elaborate on that later in my comments.

Third, visitor numbers, and thus the justification for more dollars, for the SMMNRA are misleading due largely to the Malibu beaches. We are told that there is an annual increase of 12% in the 33 million visitors to the NRA. As a practical matter 32 million of those visitors are barefoot. They are going to the beach. The NPS provides no services and owns no land on the beach. Fewer than 1 million visitors actually set foot in the inland portion of the park boundaries.

Fourth, the newly adopted General Management Plan envisions "limited use" and reductions in visitor use and intensity, not an expansion of services and facilities. This strategy is also being implemented through the deferred maintenance and planned obsolescence strategies being employed by the Park Service here and elsewhere in the system.

Fifth, the NPS staff is very aggressive in opposing private property owner's use of their land. They frequently appear at planning commission hearings, in uniform, to oppose projects merely on the basis that they are inside the boundaries of the NRA. Given past practice, no private property owner should be advocating an expansion of the boundaries that would include his or her property.

It's important to understand the history of the National Recreation Area and how it came about in Southern California,

The Recreation Area was created 25 years ago. It was hailed at the time as the largest natural recreation area in any U.S. urban region. It has sometimes been referred to as the "lungs" of Southern California due to its vast open space on a map of the Los Angeles region.

Over $200 million in local, state and Federal taxpayer dollars has been spent on land acquisition. Add another $150 million for Ahmanson Ranch acquisition which was announced just a few days ago.

Notwithstanding that investment, only 46% of the land inside the boundaries is owned by public agencies. Over 54% is privately owned and always will be. Further, the NPS only controls about 11% of the total acreage. Inside the boundaries, are subdivisions, universities, filming locations with sets, vineyards, cattle ranches, numerous cross-mountain highways and portions of three or four cities.

All the visitor serving recreation facilities are provided by private operators on private property. It is primarily trails that are on public land. Our own survey of private facilities indicates that twice as many people use the private facilities as use the few public trails. Private facilities include camping, restaurants, horse stables, fishing lakes, corporate picnic grounds, conference centers, day camps and summer camps, religious retreats, wineries, sports camps and training facilities, thoroughbred breeding facilities, corporate training facilities, hotels, extensive movie filming locations and more. Most all of these facilities predate the NRA and the NPS. This is not a pristine open space. It is a vibrant, active, working recreation area with considerable unrealized potential.

A recent visitor study by the NPS determined that the typical park visitor is white, middle-aged, averaging 41 years old, college educated and lives in the immediate area. That is hardly the profile of the typical Los Angeles resident. It would cause one to think that we may have spent a lot of money buying a great big back yard for a few well-to-do local residents.

Ironically, one in seventeen Americans lives within a 1-hour drive of this NRA. It should be a welcoming place for those millions of Americans. Apparently it is not. We need to shift the focus from expanding the boundaries, to making something out of what we already have in NRA. There is no need to acquire more. Especially if it is only going to be withheld from public use.

There is a culture in the Park Service that treats all Federally designated lands as museum-quality properties that should be preserved in a fashion that only allows visitors to view them from afar. There is also a parallel effort to isolate these lands and remove them from human contact.

The management staff of the National Park Service has apparently rejected the mission of the Recreation Area, which was described eloquently in the visionary 1978 Act that created the Recreation Area. It states the goal of Congress as "to develop recreational facilities including picnic areas, hiking, biking and equestrian trails for public enjoyment and to develop historic sites within the Park that represent California's cultural vernacular including the various ranches, old homesteads, movie sets, etc."

If you read the mission statement for the Recreation Area taken from the 2003 Annual Plan, it does not even include the word "recreation". Instead it claims "The SMMNRA exists to conserve an ecosystem." They have in effect repealed the designation approved by Congress.

If you want to understand why we have a facilities maintenance crises, you need to understand the role that conservation biology plays in the Park Service. Conservation biology is a sub-discipline of biology that focuses exclusive on preserving natural habitats and returning them to pre-Columbian conditions. The primary goal of conservation biologists is to remove all evidence of "human disturbance".

The public policy effect of this is that any recreation facility located in what is considered a "sensitive area" will not be maintained and is intentionally scheduled for deterioration and eventual removal.

As an illustration of this, according to the SMMNRA's 2003 Plan, twelve of the 27 "historic structures" are rated in FAIR to POOR condition. They only plan to restore one of them.

The fact that these facilities are being managed out of existence is evidenced by the staffing and resource allocations of the same 2003 plan.

While 14 staff members are maintenance workers, 18 are full time conservation biologists and ecologists engaged in devising ways to remove visitors from the recreation area.

Of the 22 goals stated in the Annual Plan, only two relate to visitor services and 20 are goals designed to "restore targeted lands disturbed by prior physical development or agricultural use".

Among the specific activities on which appropriations are spent are:

- The removal of an avocado orchard in Zuma Canyon and restoration of a coastal sage scrub plant community in its place;
- Containing disturbances to 29,000 acres of endemic vegetation on non-parkland;
- Monitoring development hearing notices for and testifying and submitting written comments on targeted private developments;
- Removing "exotic" vegetation on 80 acres of grassland; and
- Inventorying, measuring, photographing, and monitoring all threatened and endangered species.

The plan goes on to dictate that "facilities must be maintained in a relatively primitive manner to preserve the visitor experience. The only modifications to this environment would be for the purposes of protecting the resources from the impacts of use..." It also says, "trails and recreation would be relocated away from sensitive areas."

If Congress expects to see improvements in facilities maintenance, they are probably going to have to amend the General Management Plans of every Park Service operating unit in the nation. Undoubtedly, they have language similar to that contained in our local plan. The SMMNRA plan explicitly prohibits facilities maintenance in 80% of the area, by classifying it as "low intensity" in which all evidence of human disturbance is to be removed.

Today, we have a National Recreation Area that has physically surrounded small private property owners to lock them out of their land. The Park Service will not follow through on efforts to acquire the properties and they oppose the landowner's efforts to seek approvals to develop their lands.

They have also chosen to ignore the mandate of Congress, and the voters, who provided the land acquisition funds in the first place, to order to withdraw those lands from public use.

For all other property owners, they are pursing a "death-by-regulation" strategy to diminish the value and usefulness of their land. They have limited the landowner's ability to clear brush for fire purposes, imposed Environmentally Sensitive Habitat and Significant Ecological Area designations to limit improvements, adopted view-shed and watershed protection policies and a host of other constraints to further limit land improvements.

The NPS also conspires with other local agencies such as State Parks, Los Angeles County, the California Coastal Commission and the Regional Water Quality Control Board to frustrate the efforts to private landowners to use their land.

What would we recommend to resolve some of these issues?

First, recreation areas should be operated for visitors, not managed like National Parks. Clear distinctions need to be made between the definition and purposes of National Parks, National Recreation Areas, National Monuments, Wilderness and other Federally designated lands. We have been very disappointed in the cookie cutter approach to our new General Management plan. NPS took the attitude that what's needed for this park, is what they have always done elsewhere. No need to look further. The Plan does not reflect local priorities. It didn't mention all the private recreation facilities and never discussed partnerships to expand those services and facilities. Many of us have discussed the idea of transferring the NRA responsibility to another agency that would be more comfortable with the needs of an urban recreation area.

Second, there are dozens of landlocked and hardship parcels that should be acquired from their many willing sellers. Some funds need to be made available for this purpose. If Congress is reluctant to specify the exact parcels to be acquired, then funds should be directed to those areas where public agencies already own large percentages of the acreage, and they should not be allowed to spend the dollars acquiring land in new areas.

Third, this Committee should look carefully at the agency maintenance budget and understand the "maintenance" definitions used by the NPS. There is a mindset in the Service that conservation is also maintenance. There is also an effort by some to systematically remove existing improvements in order to "restore" or "rewild" many of these areas. In some cases, not spending dollars on plumbing, fixing the roof, repaving the parking lot is an intentional decision designed to produce or hasten deterioration and planned obsolescence of existing facilities. We don't believe that this management approach is appropriate for an urban recreation area.

Fourth, we need to go slow on any NRA expansion plans given the difficulty in managing that which we already have. It serves no public use in the urban area to draw more boundaries around land for which there are no acquisition, development or maintenance dollars. We need to resolve the land acquisition issues first.

Finally, Congress should consider the adoption of a RECREATION ACCESS BILL OF RIGHTS to assure the taxpayers that they will be able to access and enjoy the lands set aside with their tax dollars. One component of this Bill of Rights should be the mandatory development of a publicly reviewed visitor use and access plan before each major land acquisition. We believe that the use of public funds for purchase of private lands demands some level of public access and use. And we believe the public is entitled to know what that is going to be before the funds are expended.

Thank you for your time Mr., Chairman. I'll be happy to answer any questions.

Mr. RADANOVICH. Thank you, Mr. Lewis. I appreciate that testimony. Thank you very much.

Next is Mr. Chuck Cushman, who is the Executive Director of the American Land Rights Association, from Battle Ground, Washington. Mr. Cushman, welcome to the Subcommittee, and please begin your testimony.

STATEMENT OF CHUCK CUSHMAN, EXECUTIVE DIRECTOR, AMERICAN LAND RIGHTS ASSOCIATION, BATTLE GROUND, WASHINGTON

Mr. CUSHMAN. Thank you very much, Mr. Chairman, for the opportunity to testify today.

Just by way of background, my father was a Ranger in Yosemite National Park, and I grew up there and have been associated for over 50 years. I'm also an in-holder there. I was a volunteer as a kid in what is now Channel Islands National Park, and also in Olympic National Park, and in Yosemite. I was also in the first Student Conservation Corps in 1959 and a member of the Park Service Advisory Board from 1981 to 1984. I visited most parks where land acquisition takes place.

There are lots of good people that work for the Park Service and a lot of people striving to do good work, but I guess I would start my testimony and say that the Park Service thinks it is a great agency because it manages great places. But, the record, I suspect, tells a different story.

First on maintenance. The testimony I just heard was tremendous, and earlier from the GAO, I mean there's a stack of GAO reports going back to 1981 documenting maintenance shortfall and the inability of the Agency to focus enough resources in that direction, instead of prioritizing resources toward land acquisition or toward other things. We commend the Administration for their trying to change the emphasis, use some LWCF funds and other funds to try to mitigate the backlog and work toward improving visitor services and maintaining the wonderful crown jewels in the rest of the parks that we have now.

And, there is a big distinction. He talked about National Recreation Area versus National Park. If you sent a letter to every Superintendent in the country asking if they had a copy of the legislative history of their parks, chances are they don't have it in the park and have never read it. So, they manage them all the same. A guy gets transferred from Yosemite to a National Recreation

Area, he manages it just like he did the other place, no different. So, somehow we've got to tighten that up.

The maintenance process in this country, I've heard various estimates from $2 billion, $5 billion, and even as high as $10 billion from the former Chairman of the House Appropriations Subcommittee. The water, sewer, employee housing, roads, trails, visitor service areas, there's a whole string of GAO reports documenting this, but I think our previous testimony has eloquently stated the shift away from visitor services and a deliberate decline in an effort to put the money—I mean, they do like building things, so if they can have fancy buildings that's good, but they are not so energetic about taking care of stuff they've already got. It's a huge problem.

And land acquisition just adds to it, and there's a tremendous amount of money wasted in the land acquisition process. I wish there was an audit of each park about the appropriateness of these expenditures, because if you went and look at the millions that are being wasted across Service wide, and I'll give you a couple of examples in a minute, but every time the Park Service buys an acre of ground it means additional maintenance costs, every home, ranch, farm, added to every new National Park or Recreation Area adds more cost. And then they build in costs to the acquisition process in Point Reyes National Seashore, for example, where the idea was to maintain the pastoral ranching kind of atmosphere in Point Reyes, yet they strangled, and they had a whole bunch of these working ranches and dairy farms, but the Agency over the last 25 years has strangled these entitles, forced them ultimately out of business in many cases, so that I think only one or two operations continue out of that, and the rest of them are rentals, if they are in shape to be rented. These people have no incentive to invest, so in order to maintain what Congress intended you folks have to—we have to pony up the money to maintain these, whereas, if the original farmer was there and he was encouraged, then he would invest and he would take care of it as people who take care of the land do.

I'm going to-another bizarre example of this kind of wastage, the obsessions with the Park Service to acquire land, and they buy out the original owners, and in process destroy the original culture. And then, somebody at the local level figures out that they need to, in order to do what Congress intended, or to present a good view to the public, the houses need to be painted, the fields need to stay mowed and planted, so they bring in renters to rent these farms. And, of course, again they don't have the interest in investing and they don't put the investment. So again, the cost falls back on the taxpayer. If they let the original people in there, with alternative agreements, easements, all kinds of things, they would have been far better off.

In some cases, it's so bizarre, in some cases the Agency brings back people so they can make it look what it was like when the people used to live there. Very strange.

I'm going to give you three examples of land acquisition abuses. Saddleback Ski Area in Maine. Here was a wonderful facility. It was the largest employer of the local community originally in Maine, and the Park Service spent 20 years harassing the

landowner, preventing him from upgrading his ski area, putting improvements in, it was only through our intervention and the intervention of both parties Senators and Congressmen in Maine, that ultimately got it resolved. But, for 20 years, and they largely destroyed the ability of that ski area to do what it could have been, and thus, tremendously impacted the local economy, all over a 4-foot wide trail and willingness to designate where that was and get off the landowner's back.

A second example is the Pilgrim family going on in Alaska right now. This starts out with a land acquisition case, in which the Park Service wanted to buy the land, lost out, and so the Park Service has since blocked them from access to their property, and it's developing into a huge controversy. The back of your testimony I showed you a picture of the swat teams the Park Service has brought in, but relating to today's testimony, the Park Service spent nearly $500,000 in the last few months sending swat teams and special investigators up there, and they cut a cut line through virgin country two miles long and 12 feet wide, far exceeding any damage the Pilgrims may have done on a road that's considered RS2477 by the State of Alaska.

A final example, Donald Scott, right here in Santa Monica Mountains. The Park Service wanted his land. He didn't want to sell it. The Superintendent was real enthusiastic. Finally, he claimed there were drugs on the property, got the local police officials and the Park Service went out there with guns. Mr. Scott was woken up in the middle of the night, he had a gun in his hand. Apparently, they didn't identify themselves well, he never pointed it at them, it didn't matter, they killed him in front of his wife, and they still didn't get the property. They had hoped to get it through asset forfeiture.

Well, that's a quick summary. I'll be glad to take any questions.

[The prepared statement of Mr. Cushman follows:]

Statement of Charles (Chuck) Cushman, Executive Director, American Land Rights Association

Thank you, Mr. Chairman, for the opportunity to testify today. I am Chuck Cushman, Executive Director of the American Land Rights Association (ALRA) since 1978. My father was a ranger for the National Park Service and I served the Park Service in the second Student Conservation Corps in Olympic National Park in 1959. I also served as a volunteer with the Audubon Society at what is now known as Channel Islands National Park. My son worked for the Park Service in the living history center in Wawona, Yosemite National Park.

I was appointed by President Ronald Reagan to the National Park System Advisory Board from 1981 to 1984. I have personally visited most Park Service areas where land acquisition has taken place. The ALRA Website www.landrights.org contains a wealth of information, documentation and examples of abuses by the Park Service in their continuing land acquisition process.

The American Land Rights Association, formerly the National Inholders Association, represents private landowners throughout the United States. Of special interest are those people owning private land or other interests within Federal boundaries or who are affected by Federal statute, such as the Endangered Species Act and various Wetlands regulations. ALRA has over 22,000 members in 50 states. There are an estimated 1.2 million inholders nationwide.

Inholders are landowners in National Parks, refuges, forests and other Federal areas, recreation residence cabin owners and other special use permittees in National Forests, ranchers in areas managed by the Bureau of Land Management and Forest Service, small miners on Federal lands, inholders in and adjacent to FWS Wildlife Refuges and many other types of rights holders. They are also people who are impacted by the management, regulation of, and access to Federal areas.

The Park Service thinks it is a great agency . . . because it manages great places. However, the record shows something else.

Our Parks and the Park Service Are Being Damaged

The Park Service rarely undergoes real oversight into their on-the-ground land acquisition and management activities. The loss is to the Park Service. Because they receive little oversight, the Park Service feels it is immune from criticism. It can get away with anything. People who don't have to compete generally fail to be the best they can be. Congress, the Administration and yes, even the environmental groups, are cheating themselves and the American public out of a better Park Service.

SUMMARY

- Maintenance is a critical shortfall in managing our National Parks and other Park Service areas. The country only has so much in financial resources. The NPS cannot take care of what it manages now. Land acquisition only makes the problem worse.
- Reports over the past twenty years by the General Accounting Office document an ever increasing trend of poorly maintained National Parks. From an estimate of $2 billion in maintenance backlog in 1981, the estimate by some seems to indicate that the backlog may approach $10 billion or more. It does not make sense for this country to buy more land when it cannot take care of what it already owns.
- Land acquisition has always been used as a weapon to intimidate, regulate and control private landowners.
- Land acquisition destroys the culture and history of the U.S., often driving out old families. The Park Service is essentially the curator of our nation's history and culture. Yet, Park Service practice in the past has been to buy out and destroy much of our cultural heritage. Sometimes the NPS discovers this problem at a local level and attempts to bring renters in to make it look like it did when the people used to live there (Cuyahoga and others). But the NPS, as a whole, continues down the same path.
- Why are inholder families targeted for acquisition and removal? Senator Orrin Hatch once referred to this process as "cultural genocide." Why cannot Federal areas be managed with families and communities still there? Why this hysterical rush to wipe out this cultural resource? Hundreds of small rural communities in existing Federal areas have been damaged and some have been wiped off the map.
- Special Interest Groups seek to designate hundreds of areas of private land as new government reservations. It will never stop. Just look at their current attempt to convert the 26 million-acre Northern Forests of Maine, New Hampshire, Vermont and New York into new Federal parks, refuges and other reservations of various kinds. This means hundreds of millions of additional dollars for land acquisition and a larger maintenance backlog.
- Hundreds of millions of dollars of private land is taken off the tax rolls, forcing local taxes up. The taxes for those people who are not acquired will go up forcing some to sell, others not to invest and generally place a negative push against community development.
- The basic tax base of many jurisdictions is often damaged or destroyed by Federal land acquisition. Imagine the surprise in Maine for county commissioners—when they went to bed they had a tax base. They woke up the next morning to find that the Nature Conservancy had purchased a huge easement covering most of the county from a forestry company and the county no longer had a future. A scene repeated several times in Maine in recent years. The goal of TNC is to ultimately buy the land and rights from the forestry company and then sell the entire project to the Park Service or some other agency.
- The Payments-In-Lieu-of-Tax Program, PILT, has never been fully funded by Congress. Local communities don't get near enough money to replace the tax revenue they lost to Federal land acquisition. What is worse, PILT is essentially a "snapshot" concept where future payments are based on the value of land as of the date of acquisition. A county that must meet the needs of 1999 gets payments based on 1976 values for example.
- Federal land acquisition will help buy out new mining ventures, a vast array of the timber supply and ranching operations all over America. Thousands of jobs will be lost and with them a tremendous loss in economic opportunity and vitality. Rural communities don't take much economic upheaval to permanently damage the economic ecosystem.

Maintenance and the Parks

The American Land Rights Association supports the Bush Administration's policy to not buy land they cannot take care of. They should not use funds that would expand their maintenance obligations through land acquisition. Instead, they should seek to reduce the massive maintenance backlog that has been suggested by GAO and others to be anywhere from 5 to 10 billion dollars.

Land Acquisition undermines and destroys communities. It often takes away the future. It destroys the tax base. Gradually, it can, and often does, tear apart otherwise vibrant communities. It cuts off access to other lands.

There has been a string of reports by the General Accounting Office over the past twenty-plus years suggesting an ever-rising maintenance backlog in our nation's parks. Beginning in 1981 the GAO urged that more funds be diverted to bring current many years of differed maintenance. Everything from water systems, sewage systems, roads, large and small safety concerns and many others go unfixed. Housing for park personnel in some parks is well below common standards.

The GAO criticized the NPS for having pit toilets in certain areas in Yosemite. In one example that we are familiar with, the pit toilets at Bridal Veil Fall in Yosemite Valley were a constant source of smells and filth at the place where most visitors come for their first stop as they enter Yosemite.

After many years of complaints, the agency finally replaced these pit toilets with better facilities, at least on the outside. But there has often been little effort to maintain these facilities. As a result, the smell is very often overpowering. The agency is always happy to get money to buy things but not nearly as eager to keep them up.

This is true in land acquisition as well. Houses are purchased from landowners being pressured to sell in a hurry by the Park Service and then left standing as inducements to the drug culture and vandalism, jeopardizing neighborhoods and creating health hazards. This situation goes on for years. For example, now, as we speak, houses that were purchased under threat of condemnation five years ago are being removed in Indiana Dunes National Lakeshore. Even when the houses are razed, the foundations may sit for many more years, supposedly because of the lack of money. It appears the maintenance is not a priority to the Park Service.

Land and Water Conservation Fund—No Money For Maintenance

The General Accounting Office, the "non-partisan" investigative arm of Congress, has released several reports over the past 20 years that say Park Service superintendents believe there is a shortfall in maintenance funding ranging in the billions of dollars. Most of the money for Federal agencies from the Land and Water Conservation Fund can only go for buying land. We should be able to take care of what we already own. Congress should amend the LWCF to encourage maintenance-related projects.

"Those That Fail to Remember History Are Bound To Repeat It"

To date, little has been done by the Federal agencies to respond to the following reports by the General Accounting Office critical of land acquisition policies and practices carried out by those agencies. In large measure, the response by Congress has been to give the Park Service, Forest Service, Fish and Wildlife Service and Bureau of Land Management less money to buy land. That greatly reduces the problem. More money will start the problems all over again.

We're reminded of the Clinton campaign motto in 1992, "It's the Economy Stupid." In the case of land acquisition, "It's the Money Stupid." The scope and harm caused by land acquisition is simply a function of how much money the Federal agencies get and the type of oversight they receive.

Today there is largely a new generation of Members of Congress and staff who do not remember the horror stories of the 60's, 70's and 80's, and even the 90's. Most Members of Congress don't remember the days when many Members of Congress had to become a management consultant to the Park Service because the agency was unable to solve its conflicts. Unfortunately, some Members of Congress still must function in a management capacity.

Two recent examples include Saddleback Mountain Ski Area in Maine and the Pilgrim Family in Alaska. At Saddleback, for over twenty years the landowner was unable to get the Park Service to resolve the route of the Appalachian Trail. Without Congressional intervention, there was no hope. The owner of the ski area was prevented from upgrading and expanding his potentially world class facility thereby strangling a local community because the Park Service continually refused to settle on a trail route. The Senators from the state finally intervened and forced a solution on the NPS.

The Pilgrim Family in the Wrangell St Elias National Park and Preserve in Alaska is being starved out by the Park Service as we sit here today in a controversy that started with a failed land acquisition attempt by the Park Service the use of an RS 2477 Right-Of-Way by the family to bring in supplies. The agency seems completely unable to be good neighbors. They appear to want to starve the Pilgrim Family out in order to acquire their land.

These reports are the most current reports on a problem that was greatly reduced with the reduction in funding. Since Congress has appeared more supportive of additional funding in recent years, these reports must be examined carefully to try to make sure any potential policy changes and legislation does not cause a repeat of the same mistakes.

General Accounting Office (GAO) Reports About Land Acquisition and Maintenance

1) "The Federal Drive To Acquire Private Lands Should Be Reassessed" (CED-80-14) (December 14, 1979).
2) "Federal Land Acquisition and Management Practice" (CED-81-135) (Sep. 11, 1981).
3) "Lands In The Lake Chelan National Recreation Area Should Be Returned To Private Ownership" (CED-81-10) (Jan. 22, 1981).
4) "The National Park Service Should Improve Its Land Acquisition and Management At Fire Island" (CED-81-78) (May 8, 1981).
5) "Federal Protection of Wild and Scenic Rivers Has Been Slow and Costly" (CED-78-96) (May 22, 1978).
6) "Federal Land Acquisitions By Condemnation—Opportunities To Reduce Delays and Costs" (CED-80-54) (May 14, 1980).
7) "Limited Progress Made In Documenting and Mitigating Threats To Parks" (RCED-87-36) (February 1987).
8) "New Rules for Protecting Land In The National Park System—Consistent Compliance Needed" (RCED-86-16) (October 16, 1985).
9) "National Park Service: Condition of and Need for Employee Housing" (RCED-93-192) September 30, 1993.
10) "National Park Service: Land Acquisitions Involving Nonprofit Conservation Organizations"—(RCED-94-149) June 15, 1994.
11) "Difficult Choices Need to be Made About the Future of the Parks" (RCED-95-238) 8/30/95
12) "National Park Service: Efforts to Identify and Manage the Maintenance Backlog" (RCED-98-143) May 14, 1998.
13) "South Florida Ecosystem Restoration: A Land Acquisition Plan Would Help Identify Lands That Need To Be Acquired" (RCED-00-84) April 5, 2000.

PBS Frontline Documentary, "For The Good Of All"

The Committee should watch the hour-long documentary, Public Television's "Frontline" about the Cuyahoga Valley NRA in Ohio which aired on June 6, 1983. The film could have been made about many other parks. It could be made today in the Wrangell St. Elias in Alaska.

This tragic film documents the broken promises by the Congress and the Park Service in the Cuyahoga Valley National Recreation Area between Akron and Cleveland, Ohio. Only 29 homes were to be taken for the park. The law even promised the use of easements. Yet the number of homes purchased was well over 300, the small community was destroyed, churches and schools closed, their tax base eroded by unnecessary land acquisition. Cuyahoga Valley could have been a success without much land acquisition.

The "willing buyer, willing seller procedure of acquiring land touted by park officials is 'meaningless' and a more proactive method is generally used," said William Kriz, chief of Land Acquisition in an article in the Concord Journal in 1988.

SOME SPECIFIC CASE STUDIES FROM THE 70'S.

Lake Chelan National Recreation Area in Washington State—It was created at the same time as the North Cascades National Park. Lake Chelan was made an NRA so that the small community of Stehekin could continue its pioneering subsistence way of life. It was necessary for the community to have access to wood, water and power to continue.

Lake Chelan offered a unique opportunity to provide the handicapped, elderly and children a truly wild experience at the end of a 40-mile boat ride, the only regular method to get into Stehekin. There were only 1,600 acres of private land. According to the GAO, the Park Service purchased most of these, cutting off the ability of the community to provide for many visitors.

In fact, it has been said that by 1980 there were half as many beds available to disadvantaged recreationists as there had been in 1968 when the area was made a National Recreation Area. The Park Service had purchased some of the facilities and closed them down.

Lake Crescent in Olympic National Park——There had been more than fifteen recreation resorts and destinations at Lake Crescent before the Park Service went on its land acquisition rampage. Now there are only two. How many handicapped, elderly and children will not get that fine experience they would have had with those facilities still operating?

The Buffalo National River in Arkansas—While preparing for a debate on the "Today" show on NBC in 1988 between myself and Denis Galvin of the Park Service, the NBC staffers found that the Park Service had started out with 1,103 landowners. The law clearly encouraged easements and did not intend to destroy the special cultural communities along the river. The culture was so unique it was featured in National Geographic. However, NBC said there were only eight landowners left in 1988, the 20th anniversary.

I served with former Parks Committee Chairman Roy Taylor on the National Park System Advisory Board and Council in 1982. He told me personally that Congress never intended for the people of the Buffalo to be destroyed.

St. Croix River in Minnesota—According to a 1978 report on rivers by GAO, they found the Park Service had acquired 21,000 acres when they were only supposed to acquire 1,000 acres of access sites according to the legislative intent.

St. Croix River—Another GAO report issued in 1979 found the Park Service had 2,100 acres under condemnation, which was 900 acres over the legal limit. The Park Service agreed but said that when they concluded the condemnation trials on people enough to reach the limit, the rest would receive scenic easements.

St. Croix River—Park Service was found guilty by the Justice Department of using project influence to pay landowners less than fair market value. Justice planned to make the agency go back and reappraise the land and pay for what it had taken illegally. American Land Rights had to pressure the Justice Department to follow through.

St. Croix River—Park Service is now over its legal limit for using condemnation to buy fee title. They are now threatening landowners with excessively restrictive public access easements that only leave the landowner with the right to pay taxes and liability for personal injury.

St. Croix River—Ironically, one of the best examples of the use of easements was not by the Park Service. The Kettle River is a tributary under the responsibility of the State of Minnesota. The state purchased land protection in the form of easements for a fraction of the average cost paid by the Park Service in adjacent areas.

Boundary Waters Canoe Area, Minnesota—The Forest Service used LWCF funds to buy up and remove many resorts throughout the whole region of Minnesota. The result was not more recreation but recreation transferred to the young and healthy at the expense of the elderly, handicapped and children. There was a massive loss of access to traditional hunting and fishing areas further reducing broad-based family recreation.

Voyageurs National Park, Minnesota—The Park Service admitted in a 1979 GAO report that they had acquired enough land for the park from the timber companies and did not need to acquire all the private landholdings that dotted this sparsely populated area. The agency went on to acquire the inholders.

Fire Island National Seashore in New York—The Park Service was found guilty by the GAO in a 1981 report of acquiring an expensive home completely surrounded by other homes and not available for any form of public recreation. The Park Service justified its condemnation simply because the landowner had built his deck a little too large and had received a zoning variance from the local town. The cost to the taxpayer was $100,000 for nothing.

C & O Canal in Maryland—The Park Service threatened all landowners with condemnation in the years around 1974. Even though they were required to offer landowners a life tenancy under the 1969 Uniform Relocation Act, the agency failed to provide each landowner notice of his rights because park officials wanted to limit any use and occupancy reservations to 25 years. The result is that now the landowners are fighting to get what was fairly theirs. Their Congressman, Roscoe Bartlett, has worked tirelessly to try to save the former landowners from Park Service eviction.

Mt. Rogers National Recreation Area in Southwest Virginia—A Forest Service area created in 1966. Congress had specified that the agency should acquire 39,500 acres, 40% of them in fee title that would have allowed the communities to stay. When questioned by congressional investigators and the author in 1979 about how many acres they had purchased in fee and how many easements, they responded

that they had purchased over 26,000 acres in fee and no easements. The agency thought Congress didn't really mean what they said in the law. They viewed it as just a suggestion. It took a surprising amount of hard work by former Congressman Bill Wampler of Virginia to stop a massive new round of condemnation actions planned by the Forest Service.

Yosemite National Park in California—76 year old James Downey, a survivor of the 1906 San Francisco Earthquake, was threatened with condemnation in 1971 because he wanted to add a bathroom. He had no tub and had a double-size septic tank and there was a covered breezeway under which the bathroom was to be built. There would be no new land coverage. The Park Service said what he was doing was an incompatible act and he would be condemned. They came back to him two weeks later after realizing their political insensitivity and said that if he would sell them his home, they would lease it back to him and then it would be OK to build his bathroom. Was the goal to stop the bathroom or buy the house?

Yosemite National Park—Harold Tischmacher's home burned down in December 1977. When he tried to rebuild it on the same foundation, the Park Service started condemnation proceedings because they said it was an incompatible act. He was saved by congressional intervention by Congressman Bernie Sisk (D-CA).

Unfortunately these cases are just the tip of the iceberg. Hundreds and perhaps thousands more have not been recorded. Investigators can find these kinds of stories at nearly every park or other special designation Federal area.

NO LAW TO PREVENT THESE ABUSES HAS BEEN PASSED.

In the 1980's condemnations went down because the Reagan Administration opposed the use of this tool wherever possible. Offshore oil and gas money was reassigned to other social priorities by sending it directly to the treasury.

THERE WERE ABUSES IN THE 80'S

Foresta Fire, Yosemite National Park—In the late 80's a fire got out of control in Yosemite National Park, roared up a canyon and wiped out the entire village of Foresta, about 80 homes. Park Service Superintendent Michael Findley had turned down help from the Forest Service and the state forestry service. After the fire, Findley requested that Congress give him immediate permission to condemn all the home sites because he could buy them cheaply since fire insurance would pay for the lost houses. When he was denied, he then set up as many roadblocks as possible to prevent the landowners from rebuilding, thereby forcing some to sell.

Grand Teton National Park in Wyoming—In an important national case a landowner had been trying to sell his 160 acres to the Park Service for 10 years. They've had the money. The problem was the bad faith negotiations extending all the way up the highest levels of Park Service management. The landowner finally had to threaten to subdivide his land in order to get them to make the purchase. The landowner did not want to subdivide and had been a good steward. The agency condemned him. During the next five years this case took, the landowner offered to settle with the Park Service and it was agreed to right up to the Directors level. William Mott overturned the agreement for $1.8 million. The case then went to trial and ultimately cost the government over $3.2 million, far more than the agreed upon settlement. The judge was not complimentary to the bad faith negotiating by the Park Service. To make the case more bizarre, this piece of land was the highest priority acquisition for the Park Service in the country and they still could not manage to negotiate in good faith.

Santa Monica Mountains NRA in California—In the Murphy Duane case the landowner spent years going through all the vast permitting process and Coastal Commission approval to get to the point were he could build his dream home. The Park Service strategy was to let him go. Only when he had spent thousands of dollars and man-hours to get local approval, did they say they were going to condemn his land. Intervention by Members of Congress stopped this abusive example.

Chesboro Canyon, Santa Monica Mountains NRA in California——-The Park Service had enough money to purchase this Trust For Public Land Property for $8 million leaving hundreds of small landowners in another area of the NRA laying helpless and strangling. This is the exact kind of case that gives the impression that lots of landowners want to sell and that there is the need for more land acquisition money.

The plain fact is that if the Park Service had used its money wisely to buy hardships and willing sellers they knew existed, there would be no cry for more money. It was lobbying by the Trust For Public Land that allowed the $8 million to go for property the Park Service did not need to purchase thereby preventing the truly needy landowners from being paid.

Golden Gate National Recreation Area, Sweeney Ridge in California—The Trust For Public Land acquired an option on this property for $8.5 million. They then negotiated a sale to the Park Service for $9.6 million. The Park Service really did not want to buy the property at all. Both the Carter and Reagan Administrations agreed that the land was not of park quality and should not be purchased.

However, as is often the case with large land trusts, TPL orchestrated a political campaign and forced a political confrontation. They obtained appraisals to show that the land was valued at anywhere from $21 million to $24 million. The landowner, part of a large oil company, hoped to obtain a large tax deduction. Our investigation showed the land worth from $7 to $10 million. Interior Secretary Bill Clark ultimately negotiated a sale near the $8.5 figure, due in part to our campaign against this unfortunate use of land acquisition funds. The figure was 8% of the entire land acquisition budget for the Park Service. Many other deserving landowners were left out because of this misuse of money. The problem is not that there wasn't enough money, but that the money was spent unwisely.

Appalachian Trail, Hanover, New Hampshire—The Park Service, working closely with the Dartmouth Outing Club, attempted to use LWCF funds to buy a greenway around Dartmouth College. They did this by moving the Appalachian Trail over to make it go through the middle of farmlands rather than along the fence lines as they were supposed to do and using a 1,000 foot corridor to build their impact. They were found to be lying to Washington officials about their activities when called in to explain and ultimately had to move the trail back to the fence line and share the impact among adjacent owners. They were forced to use easements even though they tried to avoid using them. Only American Land Rights intervention saved their lands.

Appalachian Trail, Sheffield, Massachusetts—Park Service ignored the Land Protection Planning Process and ran the trail through town without consulting local officials, holding hearings or meetings or producing a land protection plan for the area that had been shown to either local landowners or officials. In fact, the Park Service had deliberately rerouted the trail at the request of the green groups to run it through the land that was planned to be used for a high tech, low impact recycling plant the greens wanted to stop. The Appalachian Trail has often been used as a weapon. Park Service officials repeated this kind of abuse over and over along the Appalachian Trail.

As in the earlier examples, this is the tip of the iceberg. When there is little oversight there is no reason for the agency to even attempt to obey the law. And they end up spending billions of dollars that do not have to be spent.

HOW ABOUT THE 90'S? THE ABUSES CONTINUED.

Sleeping Bear Dunes National Lake Shore in Michigan—Riverside Canoes owned by Kathy and Tom Stocklen has been serving the public well for many years. Even the Park Service admitted they ran a good clean recreation business. But they would not sign over an easement type contract to the Park Service without compensation. The Park Service had already purchased two other canoe liveries and a campground either in condemnation or under threat of condemnation.

Finally, in 1990, the Park Service condemned the Stocklens. After several meetings with Park Service officials in Washington, no one at the agency could justify the condemnation, yet it went forward none the less. Finally, in 1992 just before the election, American Land Rights planned a huge demonstration in front of the Interior Building in Washington, D;C. The Interior Department forced a settlement that gave the Stocklens back their land and compensated them for their attorney's fees prior to the demonstration.

Sleeping Bear was originally set up as a National Recreation Area. That is what a National Lakeshore is. It is tough to have full access to recreation when the managing agency buys out all the services providing certain types of recreation.

Moosehorn Wildlife Refuge in Maine—The FWS wanted to expand the refuge. They promised the local people they would only buy from willing sellers. The others relaxed. After the willing sellers had been purchased, the agency came back, denied they had ever said they would only buy from willing sellers, and began threatening condemnation. This is a pattern that repeats itself over and over again.

Little River Canyon National Preserve in Alabama—Here is an example of pure politics at work. The former Congressman from the area essentially told the Park Service to find him a park in his district. He apparently needed another monument. Fortunately, the agency found the Little River Canyon, which we consider of national significance. The State of Alabama and the Alabama Power Company owned it. As usual, the Park Service wanted much more. They tried to include the homes and farms of over 500 nearby landowners. American Land Rights helped fight the proposal, which ultimately was settled by Congress using just the state

and power company land. The cost to the Park Service was minimal. It was totally unnecessary to include the 500 landowners. This kind of expansionist process that is imbedded in the Park Service culture raises the cost of parks and hurts the taxpayer.

Santa Monica Mountains National Recreation Area—Donald Scott killed. The Park Service had been after Scott's property for years. The Superintendent knew he was an alcoholic and used to come visit him with a six-pack of beer. The Park Service claimed he was growing marijuana on his property and brought in a swat team made up of Park Service, Ventura County Sheriff and other authorities. Whether it is true or not, it the common belief in Southern California that the Park Service hoped to claim Scott's property under the forfeiture laws in place at that time. Unfortunately, the Park Service and other agencies broke down the door, scared Scott who grabbed a gun and was holding it over his head when he was gunned down. The Park Service eventually paid a wrongful death payment as part of a multi-agency settlement. The property was sold to a private party.

2000 AND BEYOND. WHEN WILL THE ABUSES END?

Appalachian Trail—Saddleback Mountain Ski Area in Maine—Time after time, for over 20 years, the family that owns Saddleback has tried to work out a settlement of the route for the Appalachian Trail so that they could modernize and complete their ski area. Bad faith followed by bad faith by the Park Service in negotiations continues to this day. In fact, Saddleback recently offered the Park Service twice the land they could condemn under law just to settle the matter. Yet Saddleback sits twisting in the wind. The losers are the family, the community that loses jobs and $40 million of much- needed economic activity per year for the region. The recreation ski community loses access to what would become one of the finest ski areas in America. The greens want new National Parks in Maine. It is hard to imagine why Maine or Congress would allow the Park Service to take over 5 to 10 million more acres in Maine when they cannot seem to solve problems and get along on a simple trail.

Wrangell St. Elias National Park and Preserve in Alaska—The Pilgrim Family of a mother, father and 15 kids are living a subsistence lifestyle in Alaska. The Park Service failed to offer enough money and the Pilgrims were able to buy 400 acres in the Wrangells. Since failing to buy the property, the Park Service has waged a culture war on this family that defies description. They have cut off their access, accused them falsely of many things, and spent more than the property cost to survey it and investigate the Pilgrim Family. While accusing the Pilgrims of damage while driving a bulldozer into town on a 13 mile dirt road for supplies (a common occurrence in Alaska), the NPS required a BLM Survey crew to destroy all vegetation within a twelve foot wide brush line around the Pilgrim property, a scar on the pristine landscape of Alaska two miles long.

With winter coming, the Park Service has repeatedly refused an emergency permit to allow the Pilgrims to bring in supplies before the road becomes impassable during the winter. Please go to www.landrights.org for a complete review of the Pilgrim Family crisis.

Socio-Cultural Assessments—Histories

In the early 80's a series of Socio-Cultural assessments were completed about a number of Federal land acquisition areas. These short histories were completed by Professor Kent Anderson and funded by several non-profit foundations. Those assessments which are really short histories focusing on land acquisition cover the Buffalo River in Arkansas, the Blue Ridge Parkway, Olympic National Park, Mt. Rogers National Recreation Area (Forest Service) and the Appalachian Trail (NPS). All of these can be viewed full text at www.landrights.org.

Trails Will Become the New Battlegrounds

Congress is creating a number of new trails across the nation. It is trying to make sure there won't be massive land acquisition. Like night follows day, the Appalachian Trail will be the model.

At first, each new trail is a model of cooperation with landowners. There are no threats. Deals are struck to run the trail across the land of willing participants. Eventually this arrangement gets too cumbersome so the trail society (like the Appalachian Trail Conference and all its local groups) lobby Congress to add land acquisition. Gradually, the power of the managing agency is ratcheted up as the lobbying intensifies. Because a trail is a long string of land, the trail clubs have the power of many Congressional delegations supporting them while the poor landowner only has one Congressman and two Senators and virtually no chance to fight back. The result is generations of anger and frustration as landowner after landowner loses his land. Examples along the Appalachian Trail are numerous.

Another problem with trail management is that the support groups or clubs like the Appalachian Trail Conference largely run the agency in charge of the trail. Most park superintendents are routinely rotated from park to park. But in a few cases they develop fiefdoms and spend most of their careers in one place. The current management of the Appalachian Trail is one example. The current project manager has been at that one location for over 20 years. The Appalachian Trail Conference wants consistent power. They constantly lobby to keep "their" person in charge. The result is bad management and political nest building that damages the Park Service and strains relations with local governments, landowners and others who must deal with trail management.

Park Service Has Taken the Land of Over 125,000 Landowners

Approximately 125,000 landowners have already lost their land to the Park Service alone since 1966 because of the Land and Water Conservation Fund.

Land Protection Planning Process

For a while, this was a trend for the better. Mostly related to funding. One of the true success stories of the Reagan Administration was the Land Protection Planning Process. The fact that the planning process is largely still in place testifies to the common sense nature of the policy. Unfortunately, the Park Service largely ignores the process, fails to keep up Land Protection Plans or submit them for public comment. The South Florida case is a current example.

Responding to the severe criticism by the General Accounting Office in previous years, the Interior Department published the Land Protection Regulations in 1982. And many in the Park Service and Fish and Wildlife Service have made an effort to make them work.

Land Protection Plans were supposed to help the Park Service and other Federal agencies obtain protection for more land at less cost. They were supposed to encourage the use of cost effective easements and other alternatives to fee acquisition. They were supposed to buy the least amount of an interest necessary to meet congressional objectives. They were supposed to prioritize their acquisitions so that the most critical were acquired first.

Congress Sometimes Requires A Willing Seller—A Good Idea

The numerous General Accounting Office reports listed above have criticized the Park Service in particular for buying more land than they are supposed to; creating projects with huge cost overruns; not prioritizing their land acquisition so that they buy land they don't need instead or lands intended by Congress; failure to use easements and other cost effective protection alternatives; and failure to pay attention to the needs of local communities, landowners, and local government.

Use of eminent domain or condemnation must be severely restrained. On the St. Croix River the Park Service exceeded its condemnation limit. It continued to threaten to condemn overly severe easements that include public access over a person's entire property instead of just river access as the law intended. Otherwise unwilling sellers have gladly sold rather than have nearly all the value of their land taken leaving them with little resale value but the right to pay taxes and have liability.

Land acquisition money is used as a giant regulatory umbrella. The Niobrara River Wild and Scenic River had a provision that limited condemnation to 5% of the land. When asked by the author how they would use this limited condemnation power, the Park Service said they would hold back condemnation and threaten everyone with it to keep them from making unwanted developments to their property.

The agency pays little or no attention to the legislative history of areas managed by them. Often these histories are not even in the park. They have never been read. The NPS manages a National Recreation Area and a National Park exactly the same. According to GAO, they are just as apt to buy land they don't need as land that is critical. They assume they will buy it all anyway so why plan. Therefore, many condemnations take place that wouldn't have if more appropriate easements and other alternatives were used.

A court will not examine the taking—it is assumed that if it is for a "public purpose" then it is OK. The power comes with the power to govern. Courts only ask two questions. Does the agency have the money and the authority to spend it? They never ask if they have the authority to spend it on that land or at that project.

Therefore, the landowners cannot contest the taking. The Park Service uses condemnation as an abusive tool to intimidate. They know that the only thing that can stop them is congressional oversight and they have little to fear from that. Many landowners are squashed like bugs without a chance to fight back. Yes, they get paid. And sometimes they even get enough to replace what they had. But what is the price of land you don't want to sell?

The Reagan and Bush Administrations held down condemnations and funding for mass condemnation, but even their Justice Department would not review the thousands of condemnations in process when they came into office. According to a report to Senator Ted Stevens by the Justice Department released in 1979, of 21,000 condemnations in process nationwide by all Federal agencies that year, the Park Service had over 10,000 of them. That number is skewed somewhat by the Big Cypress Florida condemnations.

Declarations of Taking, DT's, as they are called, are used by the Park Service as an abusive tool to intimidate and depress opposition to local land acquisition projects. They give the government immediate title to the property and can be used to force the landowner off the land in 90 days even if he has no other place to go. Small businesses and farmers have been especially hard hit by the use of this tool. The Park Service abuses of the Declaration of Taking process was so bad years ago that the Congressional Committees have required the NPS to gain approval from both authorizing committees and both appropriations committees before going ahead with a DT.

In the past, the congressional committees have often approved a DT without ever taking the care to ask local elected officials or landowners whether a DT is appropriate. Some are, but most are not. The Resources Committee years ago was often counted on by the Park Service as an automatic sign-off to get a DT approved. It failed to investigate the facts. As a result the Park Service often gave Congress information that was not accurate. The Park Service did not have to tell the truth because it knew the Committee was not likely to check.

Little motivation on the part of the Federal agencies and particularly the Park Service to use alternatives and easements to protect land. The GAO says that the Park Service objections to easements are more perceived than real. For example, on the St. Croix, (Kettle River Section) the State of Minnesota purchased hundreds of easements at a cost of 30% or less of fee title. On the St. Croix just a few miles away, the Park Service was condemning fee title costing far more money for the same kind of land. The difference in management is money. If they have enough money they don't have to negotiate. They take the easy way out. They don't have to be a good neighbor. They always threaten condemnation. They use condemnation. The use of a high percentage of appropriate easements would cut land acquisition costs by a minimum of 40% while saving valuable cultural communities. More land could be protected at less cost if Congress enforced the use of easements where they were appropriate.

Public Law 91-646, the Uniform Relocation Act is supposed to protect landowners from overly aggressive bureaucracy. IT DOES NOT WORK. Funding for more land acquisition will turn loose powerful bureaucracies to prey on their own people. Money is the key. If the land acquisition agencies do not have quite enough money to do their job in the old way, they become creative and fiscally responsible. To some extent this has happened in recent years. Without very tight controls over land acquisition and the condemnation process, private land in rural America will face a grave threat at the hands of its government.

Thank you again for this opportunity to address the Committee. I'll be glad to answer any questions.

[An attachment to Mr. Cushman's statement follows:]

Willing Seller – A Myth

"John Jones is a willing seller. He didn't want to sell and held out as long as he could. First the Park Service came in and purchased the homes, farms and timberlands of his neighbors who did want to sell. There will always be some. Then the agency began to search out those families who were in some kind of financial distress such as from a death, divorce, loss of job and other reason.

"Jones watched as his community was checker boarded by the Park Service. He remembered being told when the park was created that he would not be forced out. But now the agency was targeting local businesses and the county itself. Many small businesses were purchased and put out of business. The Park Service purchased the holdings of several large timberland companies. Smaller timber owners began to sell as they saw that the logging infrastructure might eventually not be there. The mill eventually had to close because it could not get enough wood. Like nature, economic ecosystem of a community is very fragile.

"As more timberland was purchased, more homes and farms began to disappear. Many residents wanted to hold out but with fewer jobs in the county, the value of their homes and property began to go down. As the Park Service purchased them, they lay empty for months or even years because the agency said they did not have the funds to clear them out. They became havens for vandals and drug houses.

"The Nature Conservancy and other land trusts began to circle like buzzards. They would buy from financially distressed landowners, then turn the land over to the Federal government. Time after time this happened, quietly, secretly and silently they helped undercut the community.

"As properties were taken off the tax rolls, the schools and county services began to suffer. Several closed making longer trips to school necessary for families. The school district didn't have the money for the necessary busses. Roads began to close. As the Park Service purchased large areas, the agency put up chains across the roads. Some of these roads had been used for years by neighbors as access points to the river or to go camping, woodcutting or berry picking. Usually we knew another way but over time, all the access was closed off.

"Churches, clubs and other community services began to close. The library was in trouble. The hours were cut for it and other county services. There had been several markets in town and three gas stations. There is only one of each now and it looks like the store will close. That means a 80 mile drive to Millersville for groceries. Over time, other essential services and stores began to disappear.

"When the park was created they promised tourism. I don't know where it is. We gave up a lot of good jobs for this park and the tourists don't come. Several motels and restaurants were built in anticipation of the visitors. All but one restaurant is closed, and it cut its hours back. We have two motels still open but they are struggling.

We have a very nice ski area but a Park Service trail runs through it. The agency has harassed the owners so often that they're close to giving up. They can't get any kind of commitment from the Park Service as to a final trail location so they can't invest in modernizing and expanding the ski area. There sure are a lot of people in town who would benefit if the ski area was allowed to meet its potential. We thought the Park Service supported recreation. Now it seems the opposite is true. We heard from people out West that the Park Service and the environmental groups were becoming anti-recreation. It couldn't be true we said. It looks like we were wrong. They seem to be against skiing and snowmobiles. It doesn't make sense.

"The county had no choice but to raise our taxes. The tax base for the county was shrinking almost daily. We had one local bank and several bank branches. Now there is only one branch open as part of the market, but it may go away too. The banks have not made loans in our town for several years now because the future is unstable. They won't make loans to loggers, equipment suppliers, or small businessmen because of threat from the Feds. No new houses have been built in some time. The theater closed and the cable television company is considering shutting down. It feels like a ghost town.

"Some of my neighbors are determined to stay and suffer the consequences and severe hardships of living within a now nearly all Federal enclave. I love my town. I was born and raised here, went away to college and came back. It looks like that even though I stood up to those Federal land acquisition agents, there will soon be nothing left to stand up for. I never thought I'd be a willing seller. But I am now."

Mr. RADANOVICH. Thanks, Mr. Cushman. There will be plenty of questions, too, after we are done with everybody's testimony.

Mr. Matt Bloom, welcome to the Subcommittee. Matt is the owner of Kennedy Meadows Resort and Pack Station in Sonora, California. Again, Matt, welcome, and please begin your testimony.

STATEMENT OF MATT BLOOM, OWNER, KENNEDY MEADOWS RESORT AND PACK STATION, SONORA, CALIFORNIA

Mr. BLOOM. Thank you.

Mr. Chairman, my name is Matt Bloom, and I've been guiding pack trips into Yosemite National Park for 19 years. I have owned

Kennedy Meadows Pack Station for 6 years, and I've had an incidental business permit to guide pack trips into Yosemite National Park.

Throughout the years, I've seen a shift in priorities in the Park Service. Originally, the Park Service used general fund money to protect the resources of the park and to provide a safe, quality recreational experience to the visitors. Recently, user fees for everything possible have been levied on visitors. The resulting problem is that more and more money is being spent on bureaucracy and expansion, versus on ground maintenance and improvements that benefit the payer of the fees and the taxes. I do not think that this is what the founders of the National Park System had in mind.

Some specific issues that concern myself, my customers, and other visitors to the wilderness are: deferred maintenance on the trail system, closure of historic trails, safety, and the Park Service not doing the proper paperwork to issue the incidental business permits, putting outfitters in jeopardy of being sued by anti-horse groups and possibly being closed down.

Traditionally, the park has had a very good train maintenance program, and they still do. However, the trail maintenance takes money and there seems to be less of it dedicated to maintenance each year. The lack of maintenance on trails causes safety concerns, resource damage, and unnecessary closure of historic trails. Many people can only visit these areas with the aid of horses and guides. A safe trail system is vital to the outfitter and guide operations. Recently, the Park Service chose to eliminate many historic trails from their map. After eliminating these, they made a rule that cross-country travel is illegal for horses, but not for hikers. This closed many areas to horseback visitors, and the justification used by the park was lack of funds for maintenance. I feel this is more of a preference on where to spend their money and not a lack of money to spend.

All users, regardless of their method of travel, should be able to visit their national park that they paid for. I suggest that the Department of the Interior and the National Park Service concentrate on maintaining traditional uses and not expansion and new uses.

In the spring of 2003, I was informed by the Park Service that my pack station would be strictly limited as to the number of people I could take into the park. The justification given was that the Park Service had not filled out the proper NEPA requirements for issuing incidental business permits. They told me that they were worried that environmental groups would sue because they hadn't done their work, so they limited our use in order to pacify them for the time being. This has a direct economic effect on my business as well as limiting the number of customers that I can take into the park. My customers are the public also, and they pay fees and should be entitled to visit their park.

In closing, I'd like to say that there are many good people working for the Park Service and many doing the best they can. However, the people who support the parks want them taken care of and maintained and not closed off. Many people I know would support user fees if they knew that their money would go to on-the-ground maintenance and improvements, and not expansion and bureaucracy.

Thank you for hearing my testimony and allowing me to do my part in protecting the national parks.

[The prepared statement of Mr. Bloom follows:]

Statement of Matt Bloom, Owner and Operator, Kennedy Meadows Pack Station and Resort

Mr. Chairman: My name is Matt Bloom and I have been guiding pack trips into Yosemite National Park for nineteen years. I have owned Kennedy Meadows Pack Station for six years and we have an incidental business permit to guide pack trips into Yosemite National Park. Throughout the years, I have seen a shift in priorities in the park service. Originally, the park service used general park service money only to protect the resources of the park and to provide safe, quality recreational experiences to visitors.

Recently, user fees for everything possible have been levied on visitors. The resulting problem is that more and more money is being spent on bureaucracy and expansion, versus on ground maintenance and improvements that benefit the payer of the fees and taxes. I do not think this is what the founders of the national park system had in mind.

Some specific issues that concern myself, my customers, and other visitors to the wilderness are: deferred maintenance on the trail system, closure of historic trails, safety, and the park service not doing the proper paperwork to issue incidental business permits, putting outfitters in jeopardy of being sued by anti-horse groups and possibly being closed down.

Traditionally, the park has had a very good trail maintenance program and they still do, however, trail maintenance takes money and there seems to be less of it dedicated to maintenance each year. Lack of maintenance on trails causes safety concerns, resource damage, and unnecessary closure of historic trails. Many people can only visit wilderness areas with the aid of horses and guides. A safe trail system is vital to the outfitter and guide operations. Recently, the park service chose to eliminate many historic trails from their map. Then they made a rule that cross-country travel is illegal for horses, but not for hikers. This closed many areas to horseback visitors, and the justification used by the park was lack of funds for maintenance. I feel this is more of a preference on where to spend money and not a lack of money to spend.

All users, regardless of method of travel, should be able to visit their national park that they pay for. I suggest that the Department of the Interior and the National Park Service concentrate on maintaining traditional uses and not on expansion and new uses.

In the spring of 2003, I was informed by the park service that my pack station would be strictly limited as to the number of people I could take into the park. The justification given was that the park service had not filled out the proper N.E.P.A. requirements for issuing incidental business permits. They told me that they were worried that environmental groups would sue, so they limited our use in order to pacify them for the time being. This has a direct economic effect on my business as well as limiting the number of customers I can take into the park. My customers are the public. They pay the fees and should be entitled to visit their park.

In closing, I would like to say that there are many good people working for the park service and many doing the best they can. However, the people who support the parks want them taken care of and maintained, not closed off. Many people I know would support user fees if they knew that their money would go to on the ground maintenance and improvements, not expansion and bureaucracy. Thank you for hearing my testimony and allowing me to do my part in protecting the national parks for generations to come.

Mr. RADANOVICH. Thanks, Matt, for your testimony. I appreciate you being here today.

Next we have Ms. Courtney Cuff, who is the Pacific Regional Director of the National Parks Conservation Association. Courtney, welcome to the Subcommittee, and please begin your testimony.

STATEMENT OF COURTNEY CUFF, PACIFIC REGION DIRECTOR, NATIONAL PARK CONSERVATION ASSOCIATION

Ms. CUFF. Thank you. Thank you very much for the invitation to be here, although I have to admit that on a beautiful Saturday like this I wish we all could be out hiking in Yosemite.

Mr. RADANOVICH. There you go, I'm there.

Ms. CUFF. The National Parks Conservation Association is the largest non-profit advocacy and watchdog organization overseeing the National Park Service and its system. We have more than 300,000 members nationwide, approximately, 50,000 here in the State of California.

I want to, basically, touch on three areas today, and also say that it's nice to realize that we have some areas of agreement here, although certainly we have some disagreements as well, just to make it interesting.

On the maintenance backlog, absolutely we've got one, I think we all agree on that. I'm happy to see the Administration, the Bush Administration, identifying this is a problem and working toward resolving it. As well, I talked to Congressman Pombo last month about it, he's concerned, glad to see our concern as well.

The second issue, we all agree on that one, the operational accounts are exacerbating this maintenance backlog. J.T. Reynolds mentioned this, a couple other folks mentioned this also. I'd like to talk a little bit about the operational backlog.

Several years ago, the National Parks Conservation Association and the National Park Service entered into a partnership to create business plans. This Business Plan Initiative Program was endorsed by Price Waterhouse Cooper and we've done about 50 of these business plans, which involve having business students come from the top universities across the country, going in to the Park Service, taking a look at the books, seeing where the dollars are going and where they are not going. As a result of these 50 plus business plans that we actually completed with the Park Service we see a shortfall in those operational dollars of about 32 percent. When we look at that, what kind of dollars we are going to need to address that shortfall adequately, it would be an increase of $600 million over the next 5 years to this operational account.

The good news about that is that we have a bipartisan coalition of folks in the House and in the Senate, more than 100 members of Congress led by folks like your colleagues, Mark Souder on the Committee and Doctor Simpson, and your counterpart in the Senate, Chairman Thomas, who are really pushing to encourage the appropriators to address this operational need, since it not only exacerbates the maintenance problem because we don't have the opportunity to really look at and have eyes and ear staff who can, in fact, get at the problem before it becomes too big, before the price tag becomes too large, and again, concerning the maintenance backlog.

A few examples of this, Santa Monica Mountains National Recreation Area, we did a business plan, came up with a number of $6.1 million shortfall for operational accounts. What does that mean? It means that there is a 2-year waiting list for educational programs that want to come in and take advantage of the interpretation that the park there provides. It also means that there is a backlog,

about 200 miles of trails that aren't being safely maintained if we don't have the dollars to maintain it.

Joshua Tree National Park, we are looking at a $2.6 million operational shortfall. Again, it was a business plan initiative that showed us those numbers, and we see the result of that an inability for the park to adequately inventory, let alone interpret, some of the archaeological and cultural sites there. Again, another problem.

In Yosemite, a park again that is near and dear to both of our hearts, we see a problem there as well. The park has not received an operational increase since 2000. What does that mean? It means that we have the lowest number of interpretive rangers in Yosemite National Park that we have had for 13 years, a big problem obviously.

It also means that we've had to at Yosemite cut back on the number of trail maintenance employees there this year. It means that the campfire talks by rangers are a thing of the past, not the way that I think we want to see our National Parks overseen and our visitors hearing.

In addition to the bipartisan coalition in the House and the Senate, we have several hundreds of organizations, including the Girl Scouts of America, the International Mountain Biking Association, several businesses, several cities, several Chambers of Commerce, supporting this initiative. It's called, "The Americans for National Parks Initiative."

On top of this already existing backlog we have on the operational side, we do see things like homeland security, important needs we need to address. The Director has suggested that the cost to parks would be $63,000 a day every time the security level is raised to Code Orange, exacerbating an already pretty clear backlog in terms of operational needs.

So, finally, the land acquisition point of the hearing. This is where we might have a little bit of a difference with folks, although we do actually have similarities. When we look at the opportunities we have as a Nation to preserve some of the most amazing cultural and historic sites, some of the most amazing natural beauty, I think that we all can agree that many Americans, in fact, the majority of Americans, support our National Park System and would like to see the National Park System and the National Park Service stay relevant to the growing population in this country. What do I mean by that? I mean that when we have opportunities like the Ronald Reagan Boyhood Home we shouldn't overlook that opportunity. We shouldn't overlook another opportunity here, Cesar Chavez, there's a bill to study a new park unit that would be dedicated to his life's work, and, in fact, this Administration supports that study. They also support the study to expand Santa Monica Mountains National Recreation Area, which, again, legislation was introduced by folks like David Dreier, Buck McKeown, as well as Hilda Solis and Adam Schiff, to expand that area is supported by many local cities. You look at the 200 businesses that claim their livelihood is directly related to the Santa Monica Mountains National Recreation Area, there are economic values to making sure we have a healthy and relevant National Park System, and we don't turn our back on opportunities that are once in a lifetime

opportunities, but we do, in fact, look at these in-holders who are willing sellers and you meet their needs.

The CARA legislation that I'm sure you are familiar with, that occurred a couple of years ago, more than 300 members of the U.S. House voted to support it, this legislation looked at the problem of the Land and Water Conservation Fund not being fully appropriated, despite the fact that it's been authorized and pushed to, in fact, encourage Congress to allocate more of these dollars to acquire some of these once-in-a-lifetime opportunities, to help out some of these in-holders, to make sure we don't turn a blind eye again on contributing to the greatness that is our National Park System.

PILT, I think that's an excellent idea. In fact, I've worked in the past on legislation, on amendments, run by your peers, like Scott McInnis, to increase that allocation. I think it's a problem, I think we absolutely should make sure that these counties get what they need if we are taking land and putting it on the Federal books.

Let's not forget, however, what Gerry said, the economic engines that these places provide, when we look visitation levels in 2001, the University of Michigan, actually Michigan State University, came out with the realization that these parks contributed almost $11 billion annually to the national economy, to state economies, to the local economies. This is a big plus, and we should make sure these places are taken care of, so that the money can come in from tourism and we can ensure that the visitors have a good experience and that these places are well maintained. Thank you.

[The prepared statement of Ms. Cuff follows:]

Statement of Courtney Cuff, Pacific Regional Director, National Parks Conservation Association

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify before you today. I am Courtney Cuff, Pacific Regional Director of the National Parks Conservation Association. NPCA is America's only national private, nonprofit advocacy organization dedicated solely to protecting, preserving and enhancing the National Park System. NPCA was founded in 1919 and today has approximately 300,000 members across the country that care deeply about the well-being of our national parks.

We appreciate you soliciting our input on the backlog of unmet needs throughout our National Park System. Our testimony focuses on the maintenance backlog and the need to fund annual operations of the National Park System, as well as the role that land acquisition plays in the long-term evolution of our national parks. As you know, the national parks also suffer from deficit in needed personnel, a subject on which we also focus in our testimony.

Maintenance Backlog

Managing the National Park Service is an enormous undertaking. The 388 units that comprise the national park system include more than 30,000 structures and 80 million artifacts. The Park Service's portfolio includes 8,000 miles of roads, 1,500 bridges, 5,385 housing units, 1,500 water and wastewater systems, 200 radio systems, 400 dams and more than 200 solid waste operations. These items are all integrated into one of the most awe-inspiring repositories of our collective American heritage that exists.

There is no question that the maintenance backlog in our national parks is a problem. According to the National Park Service's recent report, Partnering & Managing for Excellence: "This backlog has had a profound effect on the visitor experience and the public's ability to appreciate and enjoy our national parks' natural, historic, and cultural wonders."

To better understand the backlog, one must understand its root cause lack of sufficient funding for park operations and maintenance. That fact led more than 100 of your colleagues this year to join a bipartisan effort led in the House by Representatives Souder (R-IN) and Christensen (D-VI), and in the Senate by Senators Thomas

(R-WY) and Graham (D-FL), to urge congressional appropriators to significantly increase the operating budget for the national parks. With annual operations for the parks underfunded by 32 percent, Congress must address annual funding needs head-on before the backlog can ever be eliminated.

It is important to note that "backlog" is not a static term, but rather the backlog ledger is constantly changing as some maintenance needs are met and others arise. Additionally, effectively addressing the backlog requires an understanding about the condition of our parks. Historically, the Park Service and the rest of us have been ill-equipped to know the extent of the maintenance needs in parks. According to the January 2003 GAO report Major Management Challenges and Program Risks: Department of the Interior: "Despite the importance of its maintenance program, the Park Service has yet to accurately assess or define the scope of its maintenance needs ... the agency does not have an accurate inventory of the assets that need to be maintained, nor accurate data on the condition of these assets."

Since GAO issued its report, the Park Service has been engaged in a multiyear effort to develop an accurate baseline of backlog needs. They appear to be making progress with this important first step, and we are encouraged by reports of their new state-of-art system to inventory, monitor and prioritize backlog maintenance. This will be enormously helpful to the parks, Congress, and the public in better understanding and addressing the maintenance backlog in the parks. We also understand that the Park Service has launched an aggressive training and implementation plan to inventory and assess the condition of park facilities. The Park Service's recently released document entitled Partnering and Managing for Excellence, though it paints an overly rosy picture of the state of our national parks, reports that assessments at 125 parks were completed by December of 2002, and that by the end of FY 2003 assessments will be completed at all but four of the largest parks. We encourage the Park Service to share each assessment as it is completed.

The park maintenance backlog knows no party line. It has accumulated through Democratic and Republican administrations and congresses. We have been encouraged by the bipartisan support for addressing the operational funding shortfall for the parks, the root cause of the backlog. We also believe it to be critically important to have a highly transparent process for identifying the current unfunded backlog and how its dollar value compares with prior estimates, so we can collectively determine how to address the problem once and for all.

As you know, in 1998 the General Accounting Office estimated the maintenance backlog to be approximately $6.1 billion based on Park Service data from 1993. However, $1.2 billion of this estimate was for the construction of new facilities, leaving approximately $4.9 billion for existing facility maintenance and construction. GAO indicated in January of this year that the Department of Interior estimated the backlog to be between $4.1 and $6.8 billion.

Clearly, addressing the backlog will require a significant increase in the rate of investment for the programs that comprise it—facility maintenance and construction—as well as more realistic annual operational funding for the Park Service to prevent additional backlog from accumulating. We had high hopes at the beginning of this Administration, but have been disappointed by the Administration's failure to come close to increasing the rate of investment to the extent necessary to significantly reduce and ultimately eliminate the backlog. In fact, despite the President's pledge to eliminate the multibillion dollar backlog, the Park Service's deputy director, Don Murphy, made it clear in testimony before the Senate this summer that the Administration has done little to increase the rate of investment in our national parks, stating they have provided roughly $300 million in new money.

Nonetheless, we gave the Administration credit for a number of its funding-related initiatives in our recent evaluation of their efforts. One area where the Administration deserves praise is for its proposed increase for the park roads and parkways program. The Administration's proposed transportation reauthorization bill would increase funding for park roads from $165 million to $300 million in Fiscal Year 2004, $310 million in 2005 and $320 million annually thereafter. The proposal would also dedicate $30 million for alternative transportation, but makes several agencies eligible for the funds, leaving alternative transportation funds substantially short of the $1.6 billion the Department of Transportation has conservatively estimated will be needed over the next 20 years—an issue we encourage the Subcommittee to examine. Clearly, however, given the competing demands for funds within the transportation reauthorization bill it will be extremely difficult to achieve the overall funding level the Administration has proposed, and we hope they will make this a litmus test issue as part of the reauthorization effort.

Fee Demonstration Program

The Park Service's Recreational Fee Demonstration Program has made important contributions to addressing a number of maintenance backlog needs in the parks. Although NPCA has taken no position on whether to expand that program to other agencies, we support efforts to make the program permanent for the National Park Service. As you know, it is enormously important that the Park Service's fees be closely monitored and that the program supplement, not supplant Federal dollars. Since it began in Fiscal Year 1997 the program has already provided $584 million to the Park Service, with another estimated $250 million in FY 2003 and 2004. Public surveys have shown strong, but not unlimited, support for entrance and use fees. The fee program is not the solution to the backlog, but it is part of the solution.

Operational Funding

The failure of the Park Service's annual operations budget to adequately meet the needs in the parks contributes to the backlog. While Congress has placed a great deal of focus and attention to the maintenance backlog, we must be equally, if not more, diligent in our efforts to address the operational shortfall in our parks. Shortfalls in annual operations funding create new backlog. In addition, discussions of the backlog frequently gravitate toward bricks-and-mortar, but as the Subcommittee knows, there is a critical backlog of unmet resource protection needs throughout the park system. In fact, the Park Service's business plans consistently show the most significant funding shortfalls to be in resource protection and interpretation.

NPCA estimates, based on the Park Service's business plans from more than 50 parks, that national parks suffer from an annual shortfall in operational funding of roughly 32 percent. Although Congress, with the help and involvement of this Subcommittee, has moderately increased the operating budget for the Park Service, this funding has not kept pace with the needs of the parks. Furthermore, NPCA shares the concern recently raised by the House Interior Appropriations Committee in its report on the Fiscal Year 2004 Interior bill—the erosion of base program budgets. According to the House appropriators, the capacity of the Park Service to serve the American people is eroding because recent budgets have only partially funded costs of pay increases proposed by the Administration and approved by Congress, and have not provided sufficient inflationary adjustments. The resulting necessity for the National Park Service operating account to absorb fixed costs during the last two years has been equivalent to a three percent reduction from 2001 program levels. The end result is an erosion, not an increase, in the operational resources available to the Park Service—a critical issue when attempting to reduce the backlog over the long term.

The National Park Service has a tremendous responsibility as the caretaker for these national treasures, yet it does not have the tools it needs to do so fully. Homeland security demands have added a new dimension to the problem. Many parks throughout the system have shipped critical personnel elsewhere to augment homeland security demands at other sites, further straining resources that are already stretched to the limit. In addition, it is estimated to cost the National Park Service $63,000 per day every time the Department of Homeland Security issues an orange alert. Each park has to bear the impact of these costs, making an austere budget climate even more grim. Across the system, the impact of these costs quickly adds up. Unfortunately, while the Park Service has faced increased costs due to homeland security needs, its budget has not increased correspondingly, nor is the Park Service eligible for funding under the Department of Homeland Security.

While it is important to address the current facility maintenance and resource protection backlog needs in the parks, if we continue to provide insufficient operating funding for the parks, we will only be replacing existing backlogs with new ones.

Personnel Deficit

The 2001 National Park System Advisory Board report, Rethinking the National Parks for the 21st Century, focused important attention on the institutional capacity of the Park Service to accomplish its evolving mission. According to the report, "The Park Service must have the expertise to administer parks as educational resources, protect park resources in landscapes that are increasingly altered by human activity, and fashion broad collaborative relationships with academia, the private sector, state, local, and other Federal agencies. It must continue to provide high-quality visitor experiences, and present America's unfolding story in a manner that connects with the nation's increasingly diverse population."

The employees of the National Park Service, from rangers to maintenance workers, do a remarkable job with the resources available to them. They are committed individuals for whom the Park Service and public service are a way of life. Unfortu-

nately, there aren't enough of them to meet the significant, evolving challenges that our national parks face.

Many of us remember how many campground programs, ranger walks, and other casual encounters we used to have with park rangers, interpreters, and other Park Service personnel when we were young. Unfortunately, our children have fewer opportunities, both because there are so many more visitors to the national parks today than there were 20 or 30 years ago, and because Park Service staffing has not kept pace with the need.

At Death Valley National Park, for example, public education activities were cut by more than one-third in Fiscal Year 2002. The park can no longer afford a staff member dedicated to public education and outreach, including environmental education programs for school and community groups. Today there are 1837 full time equivalent (FTE) interpreters in the national parks and 765 FTE among the part time ranks. That means the Park Service has roughly 1 interpreter per 100,000 park visitors. Although this is an admittedly crude measure of capacity, it illustrates the enormous challenge the Park Service faces in providing a quality experience to park visitors.

The Park Service also faces other staffing challenges. Several regional directors will retire in the very near future. Many parks have shortages in critical positions. For example, the number of commissioned law enforcement rangers has actually decreased since 1980. According to the Federal Law Enforcement Training Center, there were 1,841 commissioned permanent rangers and 616 seasonal rangers in 1980. But by 2001 the number of permanent commissioned rangers had dropped 16.4 percent, to 1,539, and the number of seasonals had dropped 23.9 percent, to 469. During the same time, visitation to the parks has increased by nearly 60 million people and the number of units has increased by 59.

The national parks provide incredible opportunities to connect all Americans, but especially youth, with our collective history and to train the next generation of scientists. As the Advisory Board report points out, education that links classroom learning with field experiences produces better results. When students, or adults, for that matter, visit a Gettysburg, the battle and its historical importance comes to life. When they visit the Adams Historic Site, figures from their past become more tangible than when read about in textbooks. When students participate in a paleontological dig at Petrified Forest or hear a wolf howl at Yellowstone, these remarkable places and their value and meaning come to life.

Unfortunately, many parks must turn away requests from schools for on-site education programs. At Gettysburg, the Park Service must hold a lottery for its on-site education programs, denying one out of four schools. Petrified Forest is unable to accommodate many requests from local schools. At Yellowstone, lack of staff requires the park to turn away nearly 60 percent of all school groups wishing to participate in a week-long, hands-on educational program. Joshua Tree had to turn down approximately 75 requests for school programs in FY 2001. And these parks are not alone.

The business plans the Park Service has been producing at many national park units provide important information about how well existing resources enable park managers and staff to accomplish their mission. The Park Service deserves credit for continuing to use and improve the business planning process. The Business Plan Initiative helps strengthen financial management capabilities at parks and facilitate meaningful dialogue about park needs. Every year the Park Service's business plans get stronger, and the evolution of the program promises to continue delivering important benefits in the coming years.

The plans examine funding and staffing trends, describe the history and growth of the parks, provide functional analyses and identify strategic priorities and ways to more efficiently use scarce financial resources for the benefit of park resources and visitors. They typically examine five program areas: (1) resource management; (2) visitor experience and enjoyment; (3) facility operations; (4) maintenance; and (5) management and administration.

Two of the most important functional areas throughout the national parks are resource protection and visitor experience and enjoyment, both of which are generally also the most underfunded. Resource protection programs generally include collections, historic structures, and natural resources. Visitor experience programs generally include interpretation, education and visitor safety.

The Fiscal Year 2001 business plan for Gettysburg National Military Park and Eisenhower National Historic Site shows a resource protection deficit of $907,000 and 10.73 FTE on a total resource protection budget of $2.48 million and 42.5 FTE (full time equivalent positions). The shortfall is particularly acute in the cultural resource management program, therefore impacting the preservation and protection of historic structures, collections, and landscapes. Visitor experience and enjoyment

programs at the two units are $1.3 million and 13.3 FTE short of the need, compared with total available funding of $1.5 million and 32.4 FTE. According to the plan, underfunding in this area means the parks have too few interpretive rangers to meet the demand of visitors and schools. Underfunding also means too few staff to orient visitors at the visitor center and insufficient operating funds to properly maintain, monitor and inspect the structural fire suppression system.

According to its business plan, Bandalier National Monument in 2000 had a shortfall of $954,504 and 20 FTE for resource management compared to available funding of $1.48 million and 22.1 FTE. The visitor experience budget was short $461,650 and 9 FTE compared with available funding of $646,066 and 12.8 FTE. Consequently, the park's primary challenge in this area is insufficient staffing for interpretation. In the case of Bandalier, the challenges the park faces in these two areas is joined by a management and administration funding shortfall of $632,403 and 7.7 FTE compared to a management budget of $487,270 and 7.9 FTE.

The chart below shows the business plan findings for a reasonably illustrative group of parks, to provide the Subcommittee with an idea for how funding and personnel shortfalls are typically distributed within the parks. In highlighting these parks, we in no way wish to signal that they require more or less attention than others. Rather, they all produced quality business plans that can help the Committee understand the resource and staffing challenges that face virtually all units of the national park system.

Funding and Staffing Needs—Select Park Units

Park & Program	Total Available $*	Total Required $	Unfunded Need	Park FTE	FTE Deficit
Gettysburg (FY 2002)					
–Resource Protection	$2,479,466	$3,386,465	($907,000)	42.46	(10.73)
–Visitor Experience	$1,515,120	$2,813,654	($1,298,534)	32.42	(13.28)
–Facility Operations	$946,644	$1,494,375	($547,731)	18.07	(4.93)
–Maintenance	$230,575	$422,860	($192,485)	3.46	(4.30)
–Management & admin	$1,383,092	$1,997,816	($614,724)	20.11	(4.09)
Bandalier (FY 2000)					
–Resource Protection	$1,484,621	$2,439,129	($954,504)	42.11	(20.07)
–Visitor Experience	$646,044	$1,107,717	($461,650)	21.83	(8.99)
–Facility Operations	$469,597	$837,720	($368,123)	13.11	(6.27)
–Maintenance	$1,067,201	$1,408,324	($349,083)	8.60	(1.88)
–Management & admin	$487,270	$1,119,672	($632,403)	15.57	(7.66)
Acadia (FY 2000)					
–Resource Protection	$931,581	$2,610,995	($1,678,414)	42.2	(29.7)
–Visitor Experience	$1,038,765	$2,052,904	($1,262,154)	65.9	(24.6)
–Facility Operations	$1,769,289	$2,829,309	($1,064,048)	49.8	(18.0)
–Maintenance	$1,195,498	$3,254,350	($2,058,852)	16.7	(28.2)
–Management & admin	$996,374	$2,775,184	($1,778,810)	45.9	(29.9)
Joshua Tree (FY 2001)					
–Resource Protection	$1,202,993	$2,012,095	($709,102)	20.3	(13.7)
–Visitor Experience	$1,409,907	$2,280,085	($783,175)	33.81	(12.7)
–Facility Operations	$1,148,756	$1,594,449	($453,693)	15.58	(4.6)
–Maintenance	$1,116,051	$1,310,051	($194,000)	10.60	(4.6)
–Management & admin	$990,167	$1,436,010	($445,843)	15.1	(4.2)
Fort Stanwix (FY 2001)**					
–Resource Protection	$72,091	$337,500	($264,409)**	0.7	(5.3)**
–Visitor Experience	$213,992	$387,406	($173,414)**	3.16	(5.0)**
–Facility Operations	$185,780	$294,803	($109,013)**	3.29	(1.5)**
–Maintenance	$56,141	$56,345	($174)**	0.25	(0.0)**
–Management & admin	$271,272	$472,926	($195,654)**	3.1	(1.7)**

* includes appropriated and non-appropriated funds

** Fort Stanwix received a $370,000 appropriated base budget increase in FY 2002, nearly eliminating the entire 47 percent shortfall. The Fort is nearly fully funded

Importantly, business plans are a tool that parks put to use. For each of the parks described above, the plans identified needs that park managers are working to address. Their challenge, of course, is implementing creative programs to maximize available resources and finding the additional funds to truly meet the needs of their parks. They have challenging jobs, which they and their staff do very well.

When evaluating these shortfalls in personnel and resources, a question arises regarding whether they tend to be concentrated in certain regions, among different types of park unit, or tend to be specific to parks. The short answer is that we cannot yet be certain. However, our preliminary analysis suggests that most of the primary problems—particularly in interpretation (visitor experience) and resource preservation—are evenly distributed. Nor does there appear to be a significant difference between the national parks, historic parks, national monuments or other units. In general, the business plans developed with the Park Service have shown an overall shortfall ranging between 20 and 40 percent, with a small number of parks like Fort Stanwix National Monument, which received sufficient funds in FY 2002 to eliminate virtually its entire shortfall and is instituting strategies identified in the business plan to address the remainder. An analysis of the business plans developed by the Park Service thus far indicates that funding and staffing challenges are relatively similar across the system. The budget functions that tend to

have the most significant need generally include resource protection and visitor experience. Overall, the ubiquitous nature of these shortfalls illustrates the enormous challenge that continues to face the Park Service, and calls into serious question the Administration's aggressive effort to out source Park Service positions.

Despite these challenges, modern technology presents incredible opportunities to bring the national parks closer to people who may be hundreds or even thousands of miles away—opportunities the Park Service works to provide through its Parks as Classrooms program. Volunteers provide enormous assistance to the parks through their dedication and devotion. In Fiscal Year 2002, 125,000 volunteers donated 4.5 million hours (equivalent to 2,156 FTE) to the national parks. Since 1990, the number of volunteers in the national parks has increased by roughly 5 percent per year. But even though volunteers and technology provide invaluable tools to help protect the parks and even educate park visitors, they are not the entire solution.

Efforts to significantly increase volunteerism in the parks will require that sufficient staff be made available to supervise them. Volunteers must be trained and guided, and park staff need to determine how to put them to use.

Land Acquisition

Since Congress created it in 1964, the Land and Water Conservation Fund (LWCF) has been the principal Federal source of funding to acquire new park and recreation lands. Similar to the Highway Trust Fund, the LWCF account was envisioned as the primary dedicated funding source for land conservation. Revenues generated principally from drilling on the outer continental shelf are supposed to be allocated to land management agencies for land acquisition and recreation. However, as the Subcommittee is aware, Congress has not fully funded the LWCF to its authorized $900 million annually, despite trust fund revenues that far exceed expenditures. Through Fiscal Year 2001, the total amount that could have been appropriated over the years was $24.5 billion, but only $11.4 billion had been appropriated—less than half the authorized amount.

To address this situation, in Fiscal Year 2001 Congress reached an historic agreement to significantly increase funding for the LWCF through a new Conservation Trust Fund. This groundbreaking bipartisan accomplishment was intended to protect America's conservation, recreation, wildlife, and historic resources. As members of the Subcommittee are aware, this funding mechanism was created as a compromise during the debate surrounding the passage of the Conservation and Reinvestment Act (CARA). The Conservation Trust Fund was intended to provide a dedicated level of annual funding for LWCF and other conservation programs for Fiscal Years 2001-2006, for a total $12 billion during this period. Unfortunately, the Conservation Trust Fund was dramatically underfunded in Fiscal Year 2003, and appears to face similar shortfalls in the upcoming fiscal year.

Expansions of and additions to the national park system are necessary. Clearly, expansions of the system have had an impact on the fiscal and personnel needs of the Park Service, but the extent to which they have diminished the resources available for other Park Service needs is unknowable. It is far from clear that the Park Service would have the same financial resources or support it has today if these expansions had not occurred.

Until the rate of investment for the Park Service has increased to the point that is necessary to fulfill the Park Service's mission and purpose, the Park Service will have to struggle between competing priorities. NPCA strongly believes the operations budget should be a significant priority, but that we cannot turn a blind eye to once-in-a-lifetime opportunities or newly emerging threats to the very places we're trying to preserve for future generations. If a park is endangered and the acquisition of an inholding or adjacent land will help protect it, that acquisition should become a priority.

Importantly, inholdings frequently create management burdens for national park personnel. In some cases the acquisition of an inholding or adjacent land may actually reduce those burdens and enable personnel to focus on other needs. As the members of the Subcommittee know, owners of ecologically, culturally or historically sensitive land within and adjacent to parks periodically decide to sell or develop those lands. At times, such situations pose direct threats to the enjoyment of park visitors and the well-being of the parks, themselves. The Park Service must have the ability to acquire these lands when necessary to protect the integrity of a given park.

For example, Petrified Forest National Park is known worldwide as the premier window into Triassic era paleontology, but only 6 miles of the 22-mile-long famous, fossil-rich Chinle escarpment are within the park. This is a priceless, rare resource that should be protected as part of the park, particularly with the primary

landowners anxious to sell their land and with strong support from the local communities. The park holds a time capsule of untapped scientific knowledge that can help us unravel some of the thorniest environmental questions of our time.

Among the select few land acquisition needs for which the Administration requested funds in its Fiscal Year 2004 budget request are sensitive lands in Big Thicket National Preserve and at Valley Forge National Historical Park. Land acquisition at Big Thicket is essential to prevent timbering on non-Federal lands at the preserve that would endanger the fragile ecosystem of the Big Thicket area. Timber companies are divesting themselves of 1.5 million acres in the surrounding area. Proposed development at Valley Forge National Historical Park threatens an area that once was occupied by the Continental Army during its encampment at Valley Forge in 1777-1778.

In addition, at congressional initiative, the National Park Service recently acquired 1,406 acres of state lands and mineral interests within the boundary of Grand Teton National Park. In holdings like those in Grand Teton exist throughout the National Park System, and their acquisition by the parks when owners wish to sell them is generally in the strong interest of long-term park preservation.

Los Angeles is home to the largest urban unit of the National Park System, the Santa Monica Mountains National Recreation Area, comprising more than 150,000 acres and providing critically needed open space and recreational opportunities to the residents of the Los Angeles area and to approximately 530,000 visitors annually. During the 25 years since Congress authorized the national recreation area, this unit has become a model of collaboration of many local, state, and Federal public land managers, as well as many private property owners.

There are hundreds of acres of land in the Los Angeles basin, known as the "Rim of the Valley Corridor," which many in Congress and the surrounding communities believe should be protected and added to the recreation area. To this end, bipartisan legislation has been introduced in the House by Representatives Schiff, Dreier, Berman and McKeon, among others, and by Senator Feinstein in the Senate, to study the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area. Protection of the Rim of the Valley represents a partnership that includes the State of California, surrounding communities and the Santa Monica Mountain Conservancy. As our populations grow, along with the need for open space, we must seize opportunities like the one presented by the Rim of the Valley proposal to protect them for access and enjoyment by the public.

Serving the New Face of America

History is not static, but is made every day. The national park system must evolve to remain the "best idea America ever had" and to serve the rapidly changing population of our nation. Unfortunately, America's "ethnic minorities" still remain largely absent from our parks as visitors, employees, contractors, subjects of interpretation and political champions. In 2003, the year that confirmed Hispanics as the largest-growing minority in the country, not one of the 388 units that currently make up the national park system honors the legacy of an individual contemporary Latino. The same can be said for Asian-Americans and American Indians. For its failure to embrace diversity, this great American idea is at risk of becoming largely irrelevant to half the population at a time when our national parks need the broadest possible constituency to ensure their preservation unimpaired for future generations.

This worst-case scenario, however, need not come to pass. Surveys demonstrate that Asian, Latino, African-American and American Indian people have a great regard for the natural wonders celebrated and preserved in large national parks such as Yosemite and Yellowstone. The Park Service, for its part, is one of the largest curators of Asian, Latino, Indian and African-American history and culture. These existing links need to be reinforced and better publicized in order that these natural allies fully support and appreciate one another.

Thoughtful and judicious expansion of the park system to include new units commemorating our diverse history and culture would provide an even greater opportunity to overcome the relevancy gap that exists between the Park Service and many people of color. The addition of sites commemorating the groundbreaking work of Africa-American scholar Carter G. Woodson and labor rights activist Cesar E. Chavez would be an excellent first step toward better engaging people of color as national park advocates. It's also the right thing to do if we are truly interested in having a national park system that accurately and adequately reflects the many faces of America.

Some argue that no new national parks should be added until the backlog maintenance concerns currently plaguing the system have been addressed. Furthermore,

some have stated the cost of these outstanding concerns is so great that resolving them will prevent us from funding any new units for the national system. The truth is that, over time, adequate funding would enable the Park Service to handle its backlog maintenance and operational needs, serve park visitors, and make prudent additions to the system that celebrate the cultural diversity and honor our common heritage as Americans. In a time where everyone, from NASCAR to Major League Baseball to the Elk's Club, is embracing diversity as a way to remain socially relevant, political effective, and economically viable, we cannot afford to tell 47 percent of the population there's no more room in the national park system for your heroes and leaders. Diversity is the strength of our nation and should also be a strength of our national park system.

Conclusion

Thank you for focusing attention on this important issue today. When national parks are created, most Americans would like to assume they are protected. As you know, the park system faces constant pressure and a significant struggle for resources. NPCA is pleased to be of assistance to the Subcommittee as you examine how best to address these challenges and protect our beloved national parks for future generations.

Mr. RADANOVICH. Thank you very much, Ms. Cuff.

Since I'm the only one up here today and there are a lot of questions to ask, please forgive me, but, you know, I want to make sure that we get everything in the record here, and I'll just be firing out questions to you guys until I get through them all. It seems to be a little more flowing when you have more members up here, but it's my job to make sure that all these questions get answered and into the record.

So, Mr. Hillier, I'm going to start with you, and I appreciate your discussion on PILT and the effects of the lack of full funding for PILT and how it affects local communities when land is taken out and brought into the Federal system. It has been a constant battle in Congress because it's appropriated every year to try to get the funding level, PILT funding level, up to where it should be.

Well, we appreciate your efforts with 380 there, which is a parallel effort, and really not comparative with the full funding there, but would get into the issue of how particularly the rural counties are adversely affected by these acquisitions, since they are capped with population, and so they don't get anymore PILT even though they lose the private land.

Mr. RADANOVICH. Exactly.

One other thing, too, that I want to make you aware of is that we are trying to push a bill through called the Gateway Communities Act, which requires the Park Service and other Federal land managers to elevate communities to cooperative agency status for Federal land managers when they go in. The idea is to use the satellite communities, or communities that are near Federal lands, in ways that will help establish the goals of that particular management plan for that piece of Federal land.

But, let me have you answer this question. Is it your opinion that before Congress authorizes the Service to acquire land for any park unit that the county be guaranteed its PILT payment in advance?

Mr. HILLIER. That would be our-either a PILT payment or as your bill H.R. 380 would propose, is that the Federal Government simply put enough money in the bank so the interest would pay the equivalent of the property taxes.

One way or another, see, what we found out in looking at the PILT formula and balancing that against the acquisitions, is that

PILT as it is currently structured and authorized is a zero-sum gain. And so, if you tinker with the formula to provide more payment to counties that suffer from acquisitions, then you take away from other counties that may not be suffering, but you may make them hurt then because they are having to forego their money to offset acquisitions in another county.

That's why we came up with the approach in H.R. 380 which would simply provide for the payment as part of the acquisition funding and not as part of the PILT authorization. That's why I say they are parallel, on parallel tracks, and not competing proposals.

But, in some way, the Federal Government needs to look at that, and as I put in my testimony, one of the things that's really important is that the Park Service, and the same applies for the BLM and the Fish and Wildlife Service, that those people come in and actually talk to the county officials.

San Bernardino County, I can tell you nationally, has lost more acreage in the last 4 years, 628,000 acres, I mean that's bigger than a lot of counties, and never once has any official ever sat down with the Board of Supervisors and said, this is, you know, the public interest. This is why it's in your interest. And, frankly, because of Prop 13 savings and assessment the county has only lost 300,000, it was on full/fair market value, it would have been a whole lot more than that.

Mr. RADANOVICH. Right.

Mr. HILLIER. So, this can be, these acquisitions can be a major hit, and, you know, while my colleague at the other end of the table talks about, you know, the economic growth and the economic engine that some of these units add to local economies, in many instances this doesn't happen, this doesn't materialize, and in many of the units the visitation probably isn't going to greatly increase from what it was when it was under Forest Service or BLM Administration before it changed to the Park Service. And so, the economic engine does have to be looked at and whether, in fact, it's even real.

Mr. RADANOVICH. Thank you, Mr. Hillier.

Mr. Bloom, I want to ask a couple questions of you. After reading your testimony, I get the impression that you believe that the Park Service is taking steps to reduce your access, rather than repair and maintain the trails. Is that a correct statement, in your view?

Mr. BLOOM. Yes. What they did was, they went through, took the map, erased sections of trail on the map that they didn't feel that they wanted to maintain anymore, so they took like little sections of trails to different lakes and stuff like that, took them off the map, and then they said, anything that isn't on our map is considered cross country, even though there are still trails on the ground that you can see, you are not allowed to ride there. You can walk there, but you can't ride there.

Mr. RADANOVICH. If the excuse is the inability to repair and maintain trails is given, do you believe that there's other motives or other things going on, or are they deliberately limiting access?

Mr. BLOOM. Yes, I think there's some definite personal opinions in the Park Service that wouldn't mind eliminating horses from a lot of areas.

Mr. RADANOVICH. Right, even though it's multiple use considered.

Mr. BLOOM. And historic use, and by doing this they've eliminated a lot of access for us in certain areas, like Merry Lake and Tilden Lake, stuff like that.

Mr. RADANOVICH. Matt, when would you say that the condition of the trails began to deteriorate, and has the deterioration of the trails affected your business?

Mr. BLOOM. I think just the last few years it seems like they haven't done as much work as previously. And, the trails in some areas are fine, in some areas they haven't had attention in 20 years. You know, it kind of depends on which area you are in. Of course, the areas closer to Gleno and High Sierra Camps, stuff like that, are pretty well maintained. When you get toward the northern end of the park things kind of fall off, I guess because there's not as many people that go there, which makes sense in one way.

Mr. RADANOVICH. I guess it was in spring of, what was it, 1993, that the Park Service began to limit the number of people that you could take into the park, you know, the trail head number. Has this affected your business?

Mr. BLOOM. Well, we weren't subject, on our trail head, to the trail head quota numbers. This thing I was talking about just recently happened, and, apparently, the High Sierra Hikers Association, and I think there's some other groups involved, kind of told the Park Service in Yosemite that you haven't been doing the proper NEPA work on issuing these outfitter guide permits, and talking about suing them, which they've been successful, as you know.

So, what they did was, they called and just told us that we're going to impose these limits on visitor days and overnight use. They didn't give us any chance to appeal this, nothing, it was just—and then what they did was, they said we're going to base this on your historic numbers.

Well, in the past they never kept numbers on incidental business permits. It wasn't very important, because it was a flat fee. We pay a flat fee no matter how much use we have. They didn't do a very good job of keeping numbers.

So, they had like one or 2 years worth of numbers that they just kind of came up with, and they used those numbers for the limit. And, the problem with a business like mine is, some years we do a lot more business than other years in the park, depending on the amount of snowfall for that year, all kinds of limiting factors, you know, maybe just-it's now to the point like if you had a big Sierra Club trip that wanted their stuff packed and it was a 14-day trip, it would use a lot of my user days.

Mr. RADANOVICH. Mr. Cushman, hang on here, I've got a slew of questions for you, too, assuming that the Subcommittee approves an acquisition for an existing—oh, I do want to mention something, too, this Subcommittee is the busiest subcommittee in the entire Congress. More legislation comes through this Subcommittee than in any subcommittee in the Congress. And, I thought of that when you had mentioned that the Park Service, when it comes to the acquisition of land, or the desire to do that, it goes far beyond the Park Service. A lot of my colleagues in Congress have constantly come up and have some idea that they've got for their area, or

want a piece of the National Park System or Federal Land System in their area.

So, I just wanted you to know that that's really where it comes.

Mr. CUSHMAN. You may remember the story about former Congressman Phil Burton who used marks as a tool for park expansion, and it was a saying about Congressman Burton that the only tool he had was a hammer, everything he saw began to look like a nail.

Mr. RADANOVICH. Exactly, I mean, that's truly the way it is.

Tell me, though, assuming that the Subcommittee approves an acquisition for an existing park unit, what assurance do you believe would be necessary to make it work for the community and for the Park Service?

Mr. CUSHMAN. Well, frankly, I mean, the Park Service doesn't work with the local community. I mean, as you know, I work with a number of communities around Yosemite, but I've had experience with communities all over the country, so they don't talk to them.

And, as a result, if you go to the local community and say-you can pretty much take a poster on the wall of all the National Parks, throw a dart at it, and go to the communities around it and ask if they feel the Park Service is a good neighbor. Most of them will tell you no.

Now, the answer, in terms of land acquisition and existing parcels, one of the problems that they have is, back in the Reagan Administration they established a policy called the Land Protection Planning Policy, and that policy required—and it's actually a partial solution for some of the money problems we have in other areas, because what they were trying to get the Park Service to do, and other agencies, was to prioritize their acquisitions, look at which were the most needed acquisitions, and then examine what interest would be necessary to acquiring that parcel that would meet the needs of Congress.

So, the goal was, of course, to get the Agency to, in a programmatic way, to examine whether they wanted fee acquisition, which in some cases is appropriate, whether they wanted to use certain kinds of easements, whether they wanted to use alternatives or cooperative agreements. Well, the Agency has pretty much let the Land Protection Planning process go. They don't work with the local communities, they were supposed to update this plan every couple of years, they were supposed to involve the local communities in that process, they are supposed to hold public hearings, virtually none of them do it.

If they did do it, then they'd get the response from the community in an automatic way on how they feel about that acquisition or how they feel generally, but the Agency has stayed away from that kind of public contact with the local community.

So, I would say, you know, reinstituting the Land Protection Planning process policy, which to my knowledge, by the way, is still in place, they are just ignoring it.

Mr. RADANOVICH. That was my second question: Do you have any specific cases where the Park Service is not using the Land Protection Planning Process?

Mr. CUSHMAN. Well, I could go through and look at my records, but——

Mr. RADANOVICH. Do me a favor, if you would, give us some examples at a later date.

Mr. CUSHMAN. Oh, yes, but I commend GAO, who just did a GAO report on South Florida, looking at the acquisition process involving a multitude of agencies, but in the Park Service element there's no Land Protection Planning Process there. There's no Land Protection Planning Process for the Big Cypress or the Everglades, which are part of the restoration process there.

Frankly, I mean, I think it's a case of most parks do not have a Land Acquisition Plan. Somebody once said, if you don't know where you are going, you are probably going to get there. And, if they had a Land Acquisition Plan, and they prioritized the use, and Congress kind of enforced this and put pressure on them to do it, you'd free up a huge amount of money to be able to help toward maintenance and other things.

Mr. RADANOVICH. Right.

Chuck, do you think that the National Park Service, if they were to acquire land for a park unit, that it would be prohibited from acquiring any land with an inholding?

Mr. CUSHMAN. Well, you know, that's hard to say. I mean, Mike talked about hardship cases, there certainly are hardship cases. Ms. Cuff referred to willing sellers, well, any image that most people are willing sellers they are not willing sellers.

I lost my train of thought in terms of your question. Would you repeat it again?

Mr. RADANOVICH. It's if the Park Service acquires land, should you require that there not be any inholding in that purchase?

Mr. CUSHMAN. Well, you know, that would be the simplest way to solve the problem, and, in fact, it would be unwritten policy with respect to the parks created prior to 1960. In general, Congress should try to draw lines around these areas, even if the Park Service doesn't have land acquisition authority, they use all kinds of other methods to try to control that area.

I guess I'd have to say it would have to be case by case.

Mr. RADANOVICH. Right.

Mr. CUSHMAN. But, in general, try to exclude the inholdings, or make it very clear to the Agency—I mean, Staheken is an example and Lake Shalan, where the intent of Congress is clearly to preserve a community, clearly to resume the homestead rural culture there, and the Park Service has systematically dismembered that community, stopped any building on any developed lots, and strangled the community, cut off all kinds of kind of unique—they don't have electricity there, they don't have telephones there, the only access is by boat or by float plane. So, a very important culture was preserved, until the Park Service got it, and they destroyed it over time, because of this unrestrained need to buy land.

Mr. RADANOVICH. Tell me, in addition to the willing seller standard, which sounds like it would be something that you would automatically approve of, you know, for any type of NPS land acquisition, what other requirements might you recommend to the land acquisition itself? I mean, getting a willing seller is a big step.

Mr. CUSHMAN. Well, if you required willing sellers that's good. I'm trying to think off the top of my head, that's the most important thing, but clearly writing in the language of the bill instruc-

tions on what is to be—going back to Lake Shalan, it was amazing that when North Cascades complex was made a part of the National Park System it was divided up into three sections, because there were three predominant uses. There was the North Cascades National Park, then there was the Lake Ross National Recreation Area, which encumbered the power light system for the City of Seattle, and then you had the Lake Shalan National Recreation Area—no place is there a more dramatic difference in one complex between the upper end, real strict management of the Park Service—National Parks—and the lower management, more people-friendly National Recreation Areas, and yet the Agency just ignored that.

So, somehow, we have to be stronger in instructing them and hold them accountable and willing to put their, you know, step on their foot a little bit if they are not willing to cooperate.

Mr. RADANOVICH. Right. Thank you.

Mr. Lewis, Mike, thanks for being here, was it today's L.A. Times that showed hikers in San Francisco that were using the Pacific Coast Trail and, if that's the case, does part of that go through the Santa Monica National Recreation Area, do you know?

Mr. LEWIS. There are a number of trails that traverse the Recreation Area. The most, I think, significant of which is, they refer to it as the Backbone Trail, because it runs along the ridge from end to end. And, that has been the subject of a number of land acquisition efforts. And, it's also one of the reasons why we have a problem with hardship cases, because they've acquired parcels, there are segments of trails, there were segments that couldn't be built because they didn't have the real estate. And then, there's numerous trails that go north/south, I guess.

Mr. RADANOVICH. None of that particular trail goes through any private property?

Mr. LEWIS. There are trail easements on a lot of private parcels. In fact, it's almost a condition nowadays in the Santa Monica Mountains, and a lot of southern California communities, if you have acreage that you plan to develop you've got to dedicate some to open space and, in many cases, you have to construct trails across it. We actually have a state law in California that relieves property owners of liability if they have a trail on their property.

Mr. RADANOVICH. What would be some specific points that would be included within the Recreation Act Bill of Rights, can you give me an idea of some things you'd like to have in that?

Mr. LEWIS. Well, I think one of the problems that we have is that, when the parcel is identified for acquisition, and I'll give you an example, the Omison Ranch, which had entitlements approved for development, they were going to dedicate thousands of acres of the ranch for open space. They were going to provide for endowment to maintain the red-legged frog, they were going to restore the spine flower habitat, as a part of the development project.

The more strident advocates wanted all of the land. Omison finally gave up the effort and agreed to sell the land in the last few days, and now the folks involved in the acquisition are saying, well, you know, the state doesn't have any money to maintain this frog, and we don't know how we are going to maintain the spine flower,

and we just may have to prohibit anybody from being able to access this property in order to preserve it.

And, I think there's $150 million worth of public funds going into this acquisition, and it's money that's being taken from acquisitions throughout the southern California community, and now not only do these communities not have a park in their own neighborhood, the one big park that their funds were used to acquire they may well be denied access to as a consequence.

So, part of, I think, what we are advocating is, we want to know up front what we are really going to be allowed to do, because a lot of things get dangled in front of us, and then once the land is acquired there's all kinds of reasons why the public isn't allowed to access, or trails can't be constructed, or, you know, parking facilities aren't going to be provided.

And that, I think, everybody should know up front, including the people who live adjacent to these land acquisitions who may have their own reasons as to why they don't want to have people tromping on the property next door.

Mr. RADANOVICH. Right.

Mr. Lewis, based on your knowledge and involvement with the Santa Monica Mountains NRA, is there truly a need for the Park Service to acquire more land for that unit, do you think?

Mr. LEWIS. I guess the question would be for what purpose. The Santa Monica Mountains National Recreation Area is, indeed, unique. I mean, it has campgrounds, fishing facilities, equestrian stables, movie filming facilities. There are day camps, summer camps, conference facilities. We have the 27 miles of the Malibu coastline. We have hotels, restaurants, just about every form of recreation activity you can imagine. All of it is privately owned, and all of it predates the NRA. So, the bulk of the purchases that the Park Service has pursued, and given that they only own 11 percent of the area within the 150,000 acres, has been for preservation, conservation, and in order to get to be able to link trail access.

I think what we'd like to see the bigger partnership between the Park Service and these private providers, and that they would support the expansion of recreation activities on the private land, because they've not done that if a private developer tries to, or a private landowner wants to develop a recreation facility he's likely to encounter his first line of resistance is going to be the Park Service not wanting his property to be developed, and they'll have a whole host of reasons that could be viewshed, watershed, you know, or some other sort of conservation issue as to why that shouldn't happen.

Mr. RADANOVICH. Now, what would be your solution to the inholder situation in the Santa Mountains NRA?

Mr. LEWIS. Well, I think in terms of the small hardship cases, I think a special effort should be made to clean those up. There are cases where large tracks of land have either been acquired or donated as part of development projects, and within those are small parcels that might be five, ten, 20 or 40 acres. Those folks really have no alternative, because—and I'll give you an example, one of the gentleman here today has some parcels inside the Yuma Canyon area, he's completely surrounded by Park Service ownership. At one time, while that was all privately owned, all the private

owners agreed that they would maintain the road so they would all have access. As the Park Service bought up those lands, they stopped maintaining the roads, so he could maintain the road himself if the Park Service would let him, which they won't. If he tries to drive down the road to get to his property he usually encounters a Ranger asking him what he's doing there, because they just presume it's all theirs.

And, he has spent years trying to get them to acquire it. They've agreed on a price, but every time the Park Service gets some money there's always some new area that is a little more attractive to them than trying to take care of his problem. He's trapped. No one is going to buy his land, they know that it's scheduled for acquisition.

Mr. RADANOVICH. Doomed.

Mr. LEWIS. He's doomed. He can't develop it. You know, he's stuck, because if he tries to pursue a development, you know, assuming he's got all the utilities and other things that he needs, or he can get them, the Park Service is not going to let that happen. So, he's in limbo and really no where to go.

And, there's a lot of those in the Santa Monica Mountains. Over the years, we've been able to bring enough pressure to bear to get those cleaned up, but I think, as I said, I think if they are not going to present a specific list of parcels to be acquired and the amounts of money that are needed to do that, then Congress should at least direct them to focus the monies on the parcels that are inside their existing holdings and not let them go and start acquiring in a new area and make strategic acquisitions that are going to just exacerbate the problem in another park that they haven't been acquiring land for previously.

Mr. RADANOVICH. You had mentioned in your statements and your testimony too that there's a lot of private recreation in the private property that's inholders around the National Recreation Area, being that's the case is it hard for the Park Service, if they have or would be making the case for additional recreational use, kind of makes it a moot point because that recreation availability is there?

Mr. LEWIS. I don't think they know it exists. We have a new general management plan that, until we brought the issue to them, never even mentioned the private recreation facilities in the Santa Monica Mountains.

And, when we pushed them on the fact that all these facilities exist and they should at least acknowledge them, they finally said to us, well, can you give us some information about them?

So, we went out and did our own survey. We put together a list of 130 that we were able to pull from camp directories and things of that sort. We sent them a questionnaire, and from the response that we got we did some extrapolation and we believe that those private facilities service twice as many people as the Park Service facilities do. They generate millions of dollars in revenue on those facilities, and I think, in fact, most of the people-obviously, most of the people coming to the area are going to the private facilities and not using the Park Service facilities.

Mr. RADANOVICH. Thanks, Mr. Lewis.

Ms. Cuff, you are next.

Ms. CUFF. All right.

Mr. RADANOVICH. Can you tell me which might be—if you were to give a priority one over the other that MPCA believes in, would it be making an end to backlog and deferred maintenance, or acquiring more land in the system?

Ms. CUFF. Well, we believe in all of the above.

Mr. RADANOVICH. Thanks for that great response.

Ms. CUFF. It depends, there is an important case to be made for this, and I appreciate the representation of my colleagues here, but there are millions of Americans who use our National Park System, and those numbers have grown over the past 20 years to almost double. We need to account for that kind of notation. We need to recognize that we have opportunities to continue to make the system relevant to the diverse population, the increasingly diverse and growing population, that wants to use these lands.

So, I feel especially because when you look at the revenue source that can acquire inholding and additional park units, coming from a land of water conservation, the fact that that has not been fully funded with the exception of two times in its history since 1964, we've got the money there to acquire this land, and considering the great demands the American people have for the National Park System I think it would be a disservice if we did not meet those requests.

Do we need to go out and wholesale buy all this land? No, let's be reasonable. Let's look at some priorities, and let's try to acquire where it makes sense to acquire.

Mr. RADANOVICH. Tell me, though, this seems to be, if I went to the, and this is the oldest story in the world, but it seems like I've said it so many times, I've gone to, there was a guy from New York that was proposing to add some land into the Park System for some lands in the West, and I pointed out to him that, you know, the country's, I think the largest park is the Adirondack State Park, a land area, almost a land area, but at any rate New York has this great State Park System that they have developed. And, I said, well, you know, why don't you let this place in the West, whether it be California or Colorado, wherever it was, you know—no, I guess my question to him was, "Well, why don't we put this Adirondack State National Park into the Federal Park System."

And, he says, "Well, we like to think that we can manage things better at the state level, our land, at least in our state."

Why isn't it the case for some of these large requests? I mean, you've only got so many Yosemites out there; there's got to be some end to your justification, or Yellowstone for that matter, national treasures. Don't you think there's a limit to what you can bring in, based on what a national park is?

Ms. CUFF. There are criteria that we need to meet, in terms of priorities of land acquisition. We shouldn't just buy up any land, if it doesn't meet those criteria set by the U.S. Congress. In fact, something that's very heartening to me is the shared responsibility we are seeing taking place in places like Redwood National Park, between the state agencies and the Federal Agency working together. The same is true in the Santa Monica Mountains. I think that there are more of those partnerships taking place, and we can continue to work toward that end.

Mr. LEWIS. Can I elaborate on that a little bit?

Mr. RADANOVICH. Yes.

Mr. LEWIS. I think, I mean one thought that you might want to consider is, why do you have to keep the land? Why don't you turn it back to some other local public agency?

In the case of the Santa Monica Mountains, we have the State, we have the County, we have the City and we have the Conservancy, all of whom own land here. All you are adding is one more agency that everybody has to deal with.

You know, if you were a private property owner in the mountains, and you have a development proposal, you are going to build a house on your property, and you've got a planning commission hearing coming up, in all likelihood you are going to have, you know, the State Park Director, or somebody from State Parks, somebody from the Conservancy, and somebody from the National Park System show up, and they are going to be in their uniforms, and they are going to have the Smoky The Bear hats on, and we've affectionately referred to them as the three bears when you see them show up.

And, given the circumstances here, there's no reason, most of the land that the Federal Government owns here, they didn't buy, it was bought by one of the other agencies and resold to them, because your, frankly, land purchasing procedures are just too cumbersome, you can't move well enough for the Southern California real estate market. So, the Park Service says to the Conservancy, we want that. Here's the money for it. The Conservancy buys it, sells it to them, and as part of the deal the money that the Conservancy got for the land is to be held for the next Federal priority acquisition.

And then they'll say, OK, now take that money and buy that. So, they buy that, then they resell it to them and they take that money. So, the money loses a little of the Federal patina when it trades hands, so that the Conservancy has much more latitude in terms of how they use it or how they shuffle it around, as the case may be.

But, in our case, I don't know, necessarily, what is added by having the National Park Service here, just to take land that someone else has bought for them, when we already have plenty of public land ownership.

Mr. RADANOVICH. We had one member of Congress come up to me and wanted to put, it was a study that actually got passed, to study the San Gabriel Watershed here in the valley, and part of it included the Los Angeles River, a study bringing it into the National Park System. This is the cemented part of the Los Angeles River. I mean, how far do we have to go to say no, that this is, you know, something that might not be good for the Park System?

Mr. LEWIS. They are also trying to get—

Mr. RADANOVICH. I mean, this is the stuff we get a lot.

Mr. LEWIS. —they also want to restore the salmon to that river.

Mr. RADANOVICH. Yes.

Mr. CUSHMAN. One place you are wasting, you may be wasting money is on these planning for new parks, because, you know, you ask the Park Service to see if it qualifies as a park, and, boy, I

wonder how many fingers it would take to count on the time the Park Service comes back and says this wouldn't qualify. I mean, all they want is more land, more power, more money, and, you know, it just builds the bureaucracy.

Now, there are periods where they've backed away from that, but, in general, you know, if it adds more it's great, if there's more acquisition it's great, and that, of course, adds to the maintenance backlog.

Mr. RADANOVICH. Right.

Ms. CUFF. Mr. Chairman, I'm sorry, I just wanted to add a little comment.

Mr. RADANOVICH. Go ahead then, do your comments, and then I've got more questions for you.

Ms. CUFF. OK, great.

I think that studies are not about saying when we are talking about trying to involve more people and make sure that we hear the concerns from as many people as we can, because that's an important thing that we all agree upon, I do feel that the Park Service is working toward that end. They are not perfect, trust me, sometimes I have to slap them around too, but I do think that we are overlooking some pieces that actually Mr. Hillier after mentioned, where the Park Service is doing right by their neighbors. In fact, I have a letter here from a number of different people around Joshua Tree, the President of the 29th Holmes Chamber of Commerce, the City Manager of 29th Holmes, real estate agents, so that, you know, represent Copper Mountain College, the Joshua Tree Chamber of Commerce, a number of people, Lake-Fish and Game Club, who are saying, we are appreciating this park, there are good things happening. We want to make sure it's taken well care of.

And, just to another point that was raised and my name invoked, I just want to say that I don't think we can throw much doubt on the economic additions these parks give to the local communities. In Yosemite you are looking at about $320 million that come in because of Yosemite National Park. I was even looking in my hotel room today, Best Western directory lists Yosemite and Sequoia Kings in a hotel that's as far as 90 miles away from those places.

So, these parks are not only part of our history as a Nation, our natural and cultural history, but they do provide economic engines for local communities.

Just a couple quick things and then I'll be quiet. Gerry mentioned the PILT not wanting to meet, you know, people from the Park Service haven't gone to meet with local Board of Supervisor folks. We actually have folks on the ground in the desert working to do just that, to build relationships with the Board of Supervisors, to look at and hopefully address things like this PILT problem. And, I would love to take you up on the offer to meet with some of the Board of Supervisor members to try to figure this problem out. I think it's a real one, and I'd like for us to be able to work together to figure these kinds of problems out.

Mr. RADANOVICH. Ms. Cuff, you mentioned in your testimony that the NPCA believes that the root cause of the current state of affairs of the Park System is a lack of sufficient funding for operations and maintenance. Knowing how much of a priority this Ad-

ministration has placed on eliminating the backlog, and how much money it has asked Congress for, does the NPCA believe that the Park Service is now on the right path?

Ms. CUFF. I believe that the operational backlog is one of the root causes of the maintenance backlog. I do think that it's an exciting time with the President of the United States talking about the maintenance backlog needs, with chairmen like yourself looking at, and with folks coming to the table and saying, wait, we need to figure this problem out.

We haven't figured it out yet, and I think, frankly, with the GAO looking as recently as earlier this spring at a backlog number and to maintenance of close to $7 billion, it's not going to be easy to eliminate that ever, frankly. We need to work toward that end, but that's a big problem, especially when you've got the operational problems that are exacerbating the maintenance backlog.

Mr. RADANOVICH. It's no secret that the National Parks Conservation Association or NPCA believes that the current Administration is not doing enough for the Park System, and you can correct me if that's wrong, but do you believe the recent report issued by the Secretary this July is bold and unprecedented in terms of eliminating maintenance backlog?

Ms. CUFF. Again, I feel that-you are asking two questions there, so let me address the first one.

Mr. RADANOVICH. Go right ahead.

Ms. CUFF. President Bush and First Lady Bush visit the National Parks, I think they care about these places, and as I mentioned, frankly, one of the reasons that I came to work for National Parks Conservation Association is because I was excited about the President when he was a candidate and then when he became President talking about these problems, because it gave me hope that we can work together in a bipartisan way to solve them.

I wish that the President's current administration was doing more and doing a few things differently, but they are moving in the right direction in some areas, and that can't go unnoticed. In other areas, I feel they are overturning important laws and passing certain regulations that will harm some of our Nation's greatest treasures.

Your second question was? I want to make sure I answered it all, the report that came out, I believe, whether or not I think that's the panacea.

Mr. RADANOVICH. Yes.

Ms. CUFF. Again, it's important to get a handle on where these maintenance backlog problems are, but the rubber meets the road when we realize that the appropriators are going to be able to work with the rest of Congress to meet those maintenance backlog needs, and if the National Park Service is going to be prudent in its expenditure of those funds, and if people like myself and my organization are going to try to work against waste, fraud and abuse, so I think that that's an important document, but it's again not the only answer to the question.

Mr. RADANOVICH. In your testimony, you mentioned the impact of land acquisitions into the Park Service is unknown. Would you not agree that if the Service has to use millions of dollars in a specific year to acquire land that the funding for the maintenance

backlog would take a hit and that the system as a whole would suffer? Would you agree with that statement?

Ms. CUFF. Well, what I said just in terms of clarifying my remarks, the Land and Water Conservation Fund, as you know, is the vehicle that helps us acquire land as a Nation. In addition, we've seen a lot of public/private partnerships happening, where millions of dollars have been raised from private monies to help acquire some of these lands.

I do feel that it would be ignorant of me to say, oh, well, if we acquire the lands we are not going to have new costs associated with that. However, I think that, I know that, when I look at a Worthman's poll that we did a year ago, two-thirds of the American public are saying, we need to invest in these lands, we need to invest in once-in-a-lifetime opportunities. Again, not looking at wholesale buying up of land, not an imminent domain situation, willing sellers and opportunities that really can't be missed if we are going to preserve the fabric of this Nation.

Mr. RADANOVICH. I've enjoyed your comment about working with local communities when there's issues like this coming up. I think it's also important that the Federal Government work with local communities as well, and that's why I drew up this Gateways Community Act, which would require the Federal Land Managers to work with local communities before any action is taken. And, the NPCA has so far not agreed to get on this legislation, and I think, after hearing the testimony of these people today and some of their concerns I think it would be wise, you'd develop better plans, I think that you'd end up reducing, in an indirect way, backlog maintenance and other things if the expertise and ability of nearby communities were used to develop these plans.

I think for that reason NPCA want to think about getting on that bill.

Ms. CUFF. Thank you, Chairman, I will advise my counterparts in Washington, D.C. I know that there are aspects of the bill that my Government Affairs Department in D.C. actually likes, and that they have, in fact, endorsed Congressman Christensen's counterpart legislation. And, I know that there is an interest in trying to bridge those gaps.

So, thank you for the invitation and I will certainly pass it on.

Mr. RADANOVICH. You are welcome.

Anybody want to make a closing statement or something, and we have to be brief because we are winding this thing down, but, Mr. Hillier, Mr. Lewis, Mr. Cushman?

Mr. CUSHMAN. Just one comment on the visitor issue, that so often it is touted as an economic boom in these areas.

Mr. RADANOVICH. No, it's not, in Yosemite it is, but——

Mr. CUSHMAN. Yes, but Voyagers National Park, they promised $1.4 million visitor use, they got something like $250,000. In Redwood, it was $2 million, and it was $256,000 in the first few years. And, Canyon Land, they promised a million and they got $100,000. All of that meant that the local community gave up economic enterprises, grazing, other things, and they didn't get back the economic stimulus that they were hoping for.

Mr. RADANOVICH. You are exactly right. I mean, the idea that you can acquire Federal lands and take away the multiple use and

the income that's generated off the multiple use of that asset and replace it by tourism is just not true.

It is for the Crown Jewels, but not for National Recreation Areas, especially when the desire is to not have any multiple use on those lands once they become public anyway.

Mr. CUSHMAN. And, just adding to Gerry's comments on PILT, PILT is a freeze in place law, so even if you get to the area where what the property taxes at the acquisition 20 years later those aren't even remotely coming close to what would have been generated from that property as it grew naturally in the economic ecosystem. Thus, the expenses all around have escalated, but the money to take care of it.

So, PILT is even farther behind than we see on paper.

Mr. RADANOVICH. Yes.

Well, ladies and gentlemen, thank you so much for being here today. I appreciate your testimony. It's of value.

Does anybody else have any closing statement or anything? Are you all OK now?

Mr. LEWIS. May I make one comment?

Mr. RADANOVICH. Yes.

Mr. LEWIS. I would suggest that maybe as one way to free up some dollars for other areas would be to consider an exit strategy in Santa Monica Mountains. After all, we do have a number of land management agencies, public agencies that control land and, frankly, you know, we've got a lot of recreation that developed just fine before the National Park Service arrived, and we'll be doing just fine long after they are gone, if that's the case.

Mr. RADANOVICH. So, get rid of Santa Monica Recreation Area and meet all the needs for backlog maintenance.

Mr. LEWIS. No, it's a wonderful city park.

Mr. RADANOVICH. All right, ladies and gentlemen, thank you again for being here. This is very valuable testimony you've given us today, and with that the hearing is adjourned.

[Whereupon, at 11:58 a.m., the Subcommittee was adjourned.]

○