

**H.R. 2100, H.R. 3425, H.R. 4438,  
H.R. 4491, AND H.R. 4524**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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LEGISLATIVE HEARING ON H.R. 2100, TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PUBLIC LAND IN MOHAVE VALLEY, MOHAVE COUNTY, ARIZONA, ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT TO THE ARIZONA GAME AND FISH DEPARTMENT, FOR USE AS A PUBLIC SHOOTING RANGE; H.R. 3425, TO AUTHORIZE THE FAIR HOUSING COMMEMORATIVE FOUNDATION TO ESTABLISH A COMMEMORATIVE WORK ON FEDERAL LAND IN THE DISTRICT OF COLUMBIA TO COMMEMORATE THE ENACTMENT OF THE FAIR HOUSING ACT IN 1968; H.R. 4438, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENTER INTO AN AGREEMENT TO LEASE SPACE FROM A NONPROFIT GROUP OR OTHER GOVERNMENT ENTITY FOR A PARK HEADQUARTERS AT SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK, TO EXPAND THE BOUNDARY OF THE PARK, TO CONDUCT A STUDY OF POTENTIAL LAND ACQUISITIONS, AND FOR OTHER PURPOSES. (SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK LEASING AND BOUNDARY EXPANSION ACT OF 2010); H.R. 4491, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY OF ALTERNATIVES FOR COMMEMORATING AND INTERPRETING THE ROLE OF THE BUFFALO SOLDIERS IN THE EARLY YEARS OF THE NATIONAL PARKS, AND FOR OTHER PURPOSES. (BUFFALO SOLDIERS IN THE NATIONAL PARKS STUDY ACT); AND H.R. 4524, TO AUTHORIZE FUNDING TO PROTECT AND CONSERVE LANDS CONTIGUOUS WITH THE BLUE RIDGE PARKWAY TO SERVE THE PUBLIC, AND FOR OTHER PURPOSES. (BLUE RIDGE PARKWAY PROTECTION ACT)

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**Thursday, February 25, 2010**  
**U.S. House of Representatives**  
**Subcommittee on National Parks, Forests and Public Lands**  
**Committee on Natural Resources**  
**Washington, D.C.**

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The Subcommittee met, pursuant to call, at 10:00 a.m. in Room 1334, Longworth House Office Building, Hon. Raúl M. Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Kildee, Inslee, Duncan, Brown, and Lummis.

**STATEMENT OF HON. RAÚL M. GRIJALVA, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. I am going to call the Subcommittee on National Parks, Forests, and Public Lands to order for this hearing, and thank you very much. Today, we are going to receive testimony on five pieces of legislation, and in the interests of time, I leave it to the sponsors and the witnesses to describe them in detail, and to provide the information necessary.

Our agenda includes a bill to expand the San Antonio Missions National Historical Park; to study the Buffalo Soldiers Trail for commemoration by the National Park System; as well as a bill to authorize funding to conserve lands adjacent to the Blue Ridge Parkway.

I am interested today in hearing from both the Hualapai and the Fort Mojave tribes regarding their concerns on H.R. 2100, the Mohave County shooting range bill, and I want to thank them for coming out here on such short notice to provide their opinion, and their voice, for their respective tribes on the protection of their traditional lands, and thank you very much for making that trip.

As always, we very much appreciate the time and efforts put forth by our witnesses. We thank them very much for joining us

today. Our good friend, the Ranking Member, Mr. Bishop, will not be with us today, and we will shortly be joined by Mr. Brown, and when he arrives, if he has any opening statements, we will certainly extend the privilege to him.

But let me begin now with our colleagues that are here with us today with their legislation. Thank you. Let me begin with Representative Eleanor Holmes Norton, with H.R. 3425. Welcome, and I look forward to your comments.

[The prepared statement of Mr. Grijalva follows:]

**Statement of The Honorable Raúl M. Grijalva, Chairman, Subcommittee on National Parks, Forests and Public Lands, on H.R. 2100, H.R. 3425, H.R. 4438, H.R. 4491, and H.R. 4524**

The Subcommittee will now come to order. Thank you.

Today we will receive testimony on five bills and, in the interest of time, I leave it to the sponsors and witnesses to describe most of them in detail. Our agenda includes bills to expand the San Antonio Missions National Historical Park, to study the Buffalo Soldiers Trail for commemoration by the National Park System, as well a bill to authorize funding to conserve lands adjacent to the Blue Ridge Parkway.

I am interested in hearing today from both the Hualapai and Fort Mojave tribes regarding their concerns on H.R. 2100, the Mohave County Shooting Range bill. And I want to thank them for coming out here on short notice to provide a voice for their respective tribes on the protection of their traditional lands.

As always, we very much appreciate the time and efforts put forth by our witnesses and thank them very much for joining us today. With that said, I'd now like to turn to Ranking Member Bishop for any opening statement he may have.

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**STATEMENT OF HON. ELEANOR HOLMES NORTON, A DELEGATE IN CONGRESS FROM THE DISTRICT OF COLUMBIA, ON H.R. 3425**

Ms. NORTON. Thank you very much, Mr. Chairman. It is always a pleasure to work with you, and I particularly commend your work on our national parks. This is a little different bill that you have before you. In fact, it is a very different bill.

I have named it the Fair Housing Commemorative Act, but Mr. Chairman, it was not proposed by me, even though I am a former Chair of the Equal Employment Opportunity Commission, and have worked for equal rights all of my life.

This bill is to commemorate the 1968 Fair Housing Act that was proposed by the National Association of Realtors, who are regulated, and whose practices are regulated by the Act. It may be the first time a sector that is regulated by the civil rights laws has proposed a commemorative work in honor of that law.

I have worked long and hard with the real estate sector in the District of Columbia, because they helped to revive the city when it had a serious financial crisis because the city carried State functions that no other city carried.

I got a \$5,000 home buyer credit through, which to this day has helped to restore home ownership in the District of Columbia and kept residents here. So I have both a relationship with this industry, but I can tell you for all the good that they have done in the District, I could not have anticipated that they would come forward with this proposal.

They built the first LEED-certified building in the District of Columbia. They took a piece of land that nobody thought anybody

would build on near the Capitol, and made it into something really quite extraordinary.

I appreciate this early hearing because it means that I believe this bill is just the kind of bill that can be passed this year. The Fair Housing Commemorative Foundation is already raising funds and working with the National Capital Memorial Advisory Committee to adhere to all of the requirements that you have to go through if you want to build in the District of Columbia.

Mr. Chairman, there are three great civil rights acts; the 1964 Civil Rights Act, and that is the one in which its enforcement that I was involved that created the Equal Employment Opportunity Commission; the 1965 Voting Rights Act, and the 1968 Fair Housing Act.

It is no accident that the last to be enacted was the Fair Housing Act. It was enacted only after the assassination of Martin Luther King, Junior. The country had gone through many, and indeed, centuries, of unequal opportunity in housing.

And even the Civil War amendments and the 1866 Fair Housing Act did not afford equal opportunity in housing to people of color. The fact is, Mr. Chairman, the Federal Government is strongly implicated in fair housing discrimination, and despite court suits that barred restricted conveyance, Federal agencies built in the requirements, frankly, of neighborhoods and of the real estate sector itself, that in effect made it difficult for people of color to own housing and to live where they could.

The great breakthrough, of course, was the Civil Rights Movement push to enact the 1968 Fair Housing Act. Today, the Department of Housing and Urban Development, which administers the equal opportunity arm of housing of the Federal Government, is retooling for more vigorous enforcement.

HUD has a job to do because the number of actions plummeted over the last several years. The real estate sector, through its foundation, in coming forward with this commemorative work proposal, is not declaring victory for fair housing in the United States.

On the contrary, we believe that the memorial on land to be chosen in concert with the National Capital Planning Commission, will be inspirational, inspiring the American people, the real estate sector, and yes, the U.S. Government, and state and local governments, to embrace the ideas and the values invited in the Fair Housing Act.

I am particularly proud of this bill, and particularly because it emanates not from the government, not from the people of color, and not even from me, Mr. Chairman, but from the real estate sector which itself is proposing a commemorative monument here in the Nation's Capital to recognize the importance of the 1968 Fair Housing Act.

And I ask that the Subcommittee quickly pass it on so that we can go to the Floor and enact this commemorative works bill on fair housing this very year. Thank you very much, Mr. Chairman.

[The prepared statement of Mrs. Holmes Norton follows:]

**Statement of The Honorable Eleanor Holmes Norton, a Delegate in  
Congress from the District of Columbia, on H.R. 3425**

I very much appreciate your granting this early hearing, allowing the possibility that my bill this year will authorize the Fair Housing Commemorative Foundation

to establish an unusual and non-controversial commemorative work honoring The Fair Housing Act of 1968 (FHA). The Fair Housing Commemorative Act would commemorate the FHA, the last of the three great civil rights laws of the 1960's, with an appropriate commemorative work in the nation's capital. The Fair Housing Commemorative Foundation is raising funds and is working with the National Capital Memorial Advisory Commission (NCMAC) to adhere to the requirements and process established by the Commemorative Works Act of 1986. Notably, this bill may mark the first time that a sector of our economy has decided to honor the statute that regulates some of its practices. This precedent, forged by the real estate sector, is especially commendable.

Housing availability and efforts for equal opportunity in the real estate markets are intertwined with our nation's history, particularly racial history. The federal government has both been a part of the problem and an integral part of the solution. Every branch of the federal government has played a key role in our national progress towards fair housing. It is particularly fitting that we commemorate the FHA with a monument in Washington, considering the history of discrimination that led to this landmark, civil rights speaks to the progress that has been made and the distance yet to go.

### **The Nation's Beginning: The Right to Private Property**

The Fifth Amendment to the U.S. Constitution establishes the right to own private property that the government cannot take without just compensation. Early immigrants sought a place where they could own and transfer real estate without arbitrary interference from the government. That right was not universal, however, because slavery denied basic rights to African Americans based on race, reduced them to the subhuman status of property, and denied them the right to own and use real property.

### **Post Civil War: Progress and Problems**

The Civil War amendments ending slavery were accompanied by laws that gave all citizens the same rights as white citizens to own and use real property. The Civil Rights Act of 1866 was our nation's first "fair housing" law. However, that statute was ignored and severely limited by court decisions, culminating with the philosophy of "separate but equal" in the Supreme Court's *Plessey v. Ferguson* decision. In addition, Congress and some states passed laws that restricted access to private property ownership and use by Latinos and Asian Americans.

In the early 20th century, social scientists and leaders within real estate established guides for neighborhood desirability based on racial composition. Homogeneous communities for white residents were seen as the best investment for homeowners and others. Some early zoning laws sought to limit, residents by race, as did some practices of the real estate sector. Although in 1917 the Supreme Court, in *Buchanan v. Warley*, struck down these racial restrictions, they were incorporated into Federal Housing Administration rules, deeply implicating the federal government, and formed the basis for many private agreements to segregate and form racially restrictive covenants.

### **Post World War II Challenges Unmet**

Following the Second World War, returning GIs, through the GI bill, were offered a path to homeownership. However, African Americans and other minority group Americans were excluded from these GI bill benefits in many communities. The great migration of the middle class to the suburbs was largely a white phenomenon, creating segregated white suburbs and large isolated urban minority communities. There was little response by the government or the courts, although the Supreme Court formally ended judicial enforcement of racially restrictive covenants in the 1948 case, *Shelley v. Kraemer*.

### **The Civil Rights Movement Breakthrough**

The civil rights movement, particularly Dr. Martin Luther King, Jr.'s campaign in Chicago, brought renewed attention to housing discrimination. The federal government, first through executive order and then through the Civil Rights Act of 1964, banned discrimination in federally funded housing. By 1961, seventeen states had passed fair housing or open housing laws. However, it was not until April 1968, inspired tragically by the assassination of Dr. Martin Luther King, that Congress passed the FHA.

Also in April 1968, the Supreme Court ruling in *Jones v. Mayer* held that the Civil Rights Act of 1866 prohibited discrimination in private real estate transactions. That law, however, lacked an effective government enforcement mechanism and covered only racial and religious discrimination. Gender discrimination in housing was prohibited in 1974. In 1988, in response to growing awareness of the hous-

ing issues faced by the disabled, the adoption of the FHA Amendments established more effective government enforcement and extended protections to the disabled.

**21st Century Aspirational Challenge**

Today, the federal government through its housing anti-discrimination enforcement agency, the U.S. Department of Housing and Urban Development (HUD), is retooling for more vigorous enforcement. In 2007 HUD issued discrimination charges in only 31 cases compared to 125 in 1995. Regrettably, the decline in charges does not mean that housing discrimination has been reduced. Since 1980 there have been only moderate declines in African American patterns of residential segregation, while Latino residential segregation has remained unchanged over that same period. Socio-economic status does not necessarily signal progress according to a 2008 study by the National Commission on Fair Housing and Equal Opportunity, which found that “disparities between neighborhoods for Blacks and Hispanics with incomes above \$60,000 are almost as large as the overall disparities, and they increased more substantially in the 1990s.”

In seeking to memorialize the FHA, the real estate sector is not declaring victory. Like many memorials in the Nation’s Capital, the Fair Housing Commemorative Foundation’s work will be aspirational, inspiring the American people, their government, and the real estate sector to embrace the values embodied by the FHA. The nation should be particularly proud that this work is not proposed by the public or by our government, but instead by the nation’s real estate sector whose practices are subject to oversight and enforcement.

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Mr. GRIJALVA. Thank you very much, and I think you outlined the significance for many reasons, but the fact that the industry itself sees the Fair Housing legislation of 1968 as a monumental movement in a lot of areas, equality being one of them and opportunity. So thank you for that.

Before I turn to my good friend, Mr. Rodriguez, if I could ask the Ranking Member, Mr. Brown, if he has any opening statements or any comments. Sir?

Mr. BROWN. Thank you, Mr. Chairman. I just want to welcome my colleagues here and appreciate you all showing up today, and appearing before this Committee, and look forward to hearing from you all. Thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you, sir. H.R. 4438, sponsored by Representative Ciro D. Rodriguez of Texas. Sir, thank you very much. It is an excellent piece of legislation, and it acknowledges a big part of the history of this Nation, and I look forward to your comments.

**STATEMENT OF HON. CIRO D. RODRIGUEZ, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. RODRIGUEZ. Chairman Grijalva, thank you very much, and Ranking Member Bishop, and Representative Brown, and members of the Subcommittee, thank you for allowing me to speak and testify this morning on H.R. 4438, the San Antonio Missions National Historical Park Leasing and Boundary Expansion Act of 2010.

I represent the Twenty-Third Congressional District of Texas, ranging from San Antonio and El Paso, which is about 650 miles, 800 miles to the border, one of the largest districts in the Nation.

I am also pleased to have seven of the thirteen National Parks in Texas. I probably have more national parks than any Member of Congress, including an urban park that is rich in culture, and historical significance in the heart of San Antonio, and the San Antonio Missions National Historical Park.

The San Antonio Missions form the largest concentration of Catholic missions in North America, and serves as some of the most well preserved representations of the Spanish colonial history influence in culture in the Southwest. It is on this foundation that the City of San Antonio was established, and today the Missions serve as an important reminder and connection to our city's rich past.

The Park includes four missions which were built on the San Antonio River in the 1700s. These were all social and cultural centers at the time, and of the present also, and were able to thrive despite facing threats from Native Americans and other forms of threats during the period.

As the need for the missions diminished, the missions were transferred to the secular clergy in the early 1800s, and they remain active parishes to this day. Although the park was officially created by the National Park Service in 1978, the community had long been working to preserve the mission buildings and surrounding area.

Work began in the 1930s to restore the missions and related structures and, because of this foresight, the Espada Aqueduct is the only functioning aqueduct from the Spanish colonial period in the United States. It is a beautiful aqueduct. Parts of it remain today, and it is designated as a National Hispanic Landmark in this country.

In fact, the importance of the missions has been recognized, and it is on the United States' tentative list for future nomination to the World Heritage List. This legislation, which is co-sponsored by all three of my colleagues from San Antonio—Congressman Lamar Smith, Congressman Charlie Gonzales, and Congressman Henry Cuellar—and I will continue this deep tradition of preservation for the Park, while also ensuring its future growth.

The need to prepare for the growth is clear. Just last year, in 2009, the Park had a record-breaking year for visitation with over 1.7 million people visiting the Park.

H.R. 4438 would authorize a boundary study that would identify possible lands for inclusion in the Park within their counties, which are Bexar and Wilson Counties, and surrounding counties.

The bill would also authorize the purchase of previously identified lands. Last, the legislation would allow for the leasing of a new headquarters and research space from a non-profit or other governmental entity, creating the space for education and research of this region. It will be vital to carrying on the legacy of the Spanish missions.

However, it is not just the work of the National Park Service, and the active and invaluable friends or groups, but Los Compadres, a local not-for-profit group, that has made this goal of preservation and education possible.

The City of San Antonio and Bexar County have also been working diligently to restore the San Antonio River to its natural environment. This means that future generations will be able to walk along the river and see the city through the eyes of its past inhabitants as they look upon these historic structures and learn about the people that settled the region.

The San Antonio Missions National Historical Park is unique for so many reasons, but its location as an urban park and Its deep connections to the city are undoubtedly its greatest strengths.

And I would remind you that San Antonio is the seventh largest city in the Nation, and you see this beautiful park within it, and as you see here today, the support from the community—and I will ask them to stand up behind me if they can, please, everybody.

We have a good amount of support from all sectors of the community, and I want to thank them for being here today, and I know that they are willing to provide testimony.

And I want to thank you for allowing me this morning to be here before you, and just share one little thing. There are a multitude of things, but I want to also share with you that San Antonio is also the home of one of the unique dams, the oldest dam in North America, that still exists, and still operates, and has never broken.

And so with that, I have a little brochure of some of the missions that were built along the river. A lot of you are familiar with the Alamo downtown. These are very similar, but they are still parishes.

The Alamo was on the right side of the river. The Cathedral of San Antonio, one of the oldest cathedrals in the Americas, on this side of the river, and they took care of the people that went to church on either side.

And as you go down the river toward the east to the Gulf of Mexico, the missions, the first one that you run into is called Concepción on the right side, and then you run into San José that would take care of the people on this other side, and then you run into San Juan, and Espada.

Each one of those missions has a beautiful history. During the battle of the Alamo, there was battles that were fought also in Espada and some of the others where Bowie and others were successful.

So it is a beautiful history, and so thank you very much for allowing me this opportunity to testify, and if you have any comments or questions, I look forward to them.

[The prepared statement of Mr. Rodriguez follows:]

**Statement of The Honorable *Ciro D. Rodriguez*, a Representative in  
Congress from the State of Texas, on H.R. 4438**

Chairman Grijalva, Ranking Member Bishop and Members of the Subcommittee, thank you for inviting me here today to testify on behalf of H.R. 4438, the San Antonio Missions National Historical Park Leasing and Boundary Expansion Act of 2010. I represent the 23rd District of Texas which extends from San Antonio west to El Paso.

In my district I am very fortunate to have 7 of the 13 National Park units in Texas, including an urban park of rich cultural and historical significance in the heart of San Antonio, the San Antonio Missions National Historic Park.

The San Antonio Missions form the largest concentration of Catholic missions in North America and serve as some of the most well-preserved representations of Spanish Colony history, influence and culture in the Southwest. It is on this foundation that the City of San Antonio was established and today the Missions serve as important reminder and connection to our City's rich past.

The Park includes four missions which were built on the San Antonio River in the early 1700s. These were important social and cultural centers of the time and were able to thrive despite facing threats from local Indian tribes. As the need for the Missions diminished, the Missions were transferred to the secular clergy in the early 1800s and they remain active parishes even today.

Although the park was officially created by the National Park Service in 1978, the community had long been working to preserve the Mission buildings and surrounding area. Work began in the 1930s to restore the Missions and related structures. Because of this foresight, the Espada aqueduct, the only functioning aqueduct from the Spanish colonial period in the United States, remains today and is designated a National Historic Landmark. In fact, the importance of the Missions has been so recognized that it is on the United States' tentative list for future nomination to the World Heritage List.

This legislation, which is co-sponsored by all three of my colleagues from San Antonio—Congressmen Gonzalez, Cuellar and Smith—will continue this deep tradition of preservation for the park while also ensuring its future growth. The need to prepare for this growth is clear; just last year in 2009, the park had a record-breaking year for visitation with over 1.7 million people visiting the park, a 35% increase over 2008 levels.

H.R. 4438 would authorize a boundary study that would identify possible lands for inclusion in the park within Bexar and Wilson Counties. The bill would also authorize the purchase of previously-identified lands. Lastly, the legislation would allow for the leasing of a new headquarters and research space from a nonprofit or other government entity. Creating this space for education and research of this region will be vital to carrying on the legacy of the Spanish Missions.

However it is not just the work of the National Park Service and the active and invaluable Friends Group, Los Compadres, which has made this goal of preservation and education possible. The City of San Antonio and Bexar County have also been working diligently to restore the San Antonio River to its natural environment. This means that future generations will be able to walk along the river and see the city through the eyes of its past inhabitants as they look upon these historic structures and learn about the people that settled in the region.

The San Antonio Missions National Historic Park is unique for so many reasons, but its location as an urban park and its deep connection to the city are undoubtedly its greatest strengths. And as you will see here today, the support from the community for this park and this legislation is overwhelming.

Thank you again for inviting me here today to testify on the legislation for the San Antonio Missions National Historic Park. I am proud to be the sponsor of H.R. 4438 because I believe this legislation is vital to preserving the important history of San Antonio and creating a way for the future growth of the park. Thank you.

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Mr. GRIJALVA. Thank you very much. Let me now ask my friend from the great State of Arizona for his comments regarding H.R. 2100. Mr. Franks, the floor is yours.

**STATEMENT OF HON. TRENT FRANKS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA, ON H.R. 2100**

Mr. FRANKS. Chairman Grijalva, and Ranking Member Brown, I wanted to express gratitude for the opportunity to appear here before your Committee, and to support H.R. 2100.

I am especially grateful to be here in front of a fellow Arizonan and, Mr. Chairman, with your permission, at the culmination of my testimony here, I have a responsibility in another committee, and so I would ask to be excused after my testimony. No way, huh?

Mr. GRIJALVA. No, you have to stay here. If we do, then no.

[Laughter.]

Mr. FRANKS. Boy, I will tell you. I don't know about these Arizonans.

Mr. GRIJALVA. That would be your privilege, sir.

Mr. FRANKS. Mr. Chairman, I introduced this legislation on behalf of constituents in Mohave Valley, Arizona. The bill provides for the conveyance of 315 acres of land. It is public land to the Arizona Game and Fish Department for use as a public shooting range.

The Mohave County shooting range proposal has been under consideration and evaluation for more than a decade. Actually, for 11

years. Arizona's Mohave County has experienced rapid growth over the last few years, and the traditional locations for target shooting are now too close to populated areas for safety.

There is a need to designate a centralized multi-purpose public shooting location in Mohave County to promote safe hunting and shooting practices, and to provide the public with safe shooting areas, to support the hunter education program, and to encourage hunters to become more proficient with their equipment.

But, Mr. Chairman, there is also a major need for a central facility for training purposes in the use of firearms, such as local law enforcement and security personnel, to achieve and maintain firearms qualifications.

Now, some of these officers are even forced to travel long distances in order to practice and improve the marksmanship skills that are so central as a component of their job requirements.

The shooting range project would consist of seven different types of ranges, including a trap and skeet range, sports play range, police rifle range, and pistol maze and range, a public range, and an archery range.

And while, Mr. Chairman, I would defer to the Bureau of Land Management and the Arizona Game and Fish Department to address specific concerns raised by the Fort Mojave and Hualapai Native American Tribes, I will say that over the last 11 years of this process that I have diligently tried and continue to take the tribes' concerns very seriously.

The Mohave shooting range proposal contains a rigorous set of standards and criteria that would apply to any facility that could be built, and would address and significantly reduce the visual and sound issues raised by the tribes.

So, Mr. Chairman, thank you again for this opportunity to testify before you on this bill, H.R. 2100. I trust and hope that after hearing further testimony from the relevant parties regarding the 11-year-long negotiation process for this proposal that you will recognize and support the need for this range.

And I would greatly appreciate your support and the Committee's positive support for this much-needed and long-overdue legislation, and I thank you again for the opportunity to be here.

[The prepared statement of Trent Franks follows:]

**Statement of The Honorable Trent Franks, a Representative in Congress  
from the State of Arizona, on H.R. 2100**

Thank you, Mr. Chairman, for the opportunity to testify in support of my bill, H.R. 2100.

I introduced this legislation on behalf of constituents of Mohave Valley, Arizona. My bill provides for the conveyance of 315 acres of public land to the Arizona Game and Fish Department for use as a public shooting range. The Mohave County Shooting Range proposal has been under consideration and evaluation for more than a decade—11 years in fact.

Arizona's Mohave County has experienced rapid growth over the last few years and the traditional locations for target shooting are now too close to populated areas for safety. There is a need to designate a centralized multipurpose public shooting location in Mohave County to promote safe hunting and shooting practices, provide the public with safe shooting areas, support the Hunter Education Program and encourage hunters to become more proficient with their equipment.

There is also a major need for a central facility for persons training in the use of firearms such as local law enforcement and security personnel to achieve and maintain firearm qualifications. Some of these officers are even forced to travel long

distances in order to practice and improve the marksmanship skills that are a central component of their job requirements.

The shooting range project would consist of seven different types of ranges, including a trap and skeet range, sports clay range, a police rifle range, pistol bays and range, a public range, and an archery range.

While I will defer to the BLM and the Arizona Game and Fish Department in addressing specific concerns raised by the Fort Mohave and Hualapai Native American tribes, I will say that over the last 11 years of this process, I have taken the tribes' concerns very seriously. The Mohave Shooting range proposal contains a rigorous set of standards and criteria that would apply to any facility that would be built, and would address and significantly reduce the visual and sound issues raised by the Tribes.

Mr. Chairman, thank you again for this opportunity to testify before you on my bill, H.R. 2100. I trust that after hearing further testimony from the relevant parties regarding the 11 year long negotiation process for this proposal, you will recognize the need for this range. I would greatly appreciate the Committee's positive support for this much-needed and long overdue legislation.

Thank you.

Mr. GRIJALVA. Thank you, Mr. Franks, for your testimony, and I appreciate the time that you have taken, and I look forward to continued discussions on the item. Let me now ask Mr. Shuler on H.R. 4524, Congressman Shuler's legislation that he is sponsoring, and we look forward to your comments, sir.

**STATEMENT OF HON. HEATH SHULER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA, ON H.R. 4524**

Mr. SHULER. Thank you, Mr. Chairman. I first want to thank the Chairman and tell you how much I miss this Committee—having served on it for the 110th Congress—and to thank Ranking Member Bishop and Ranking Pro Temp Mr. Brown, from the great State of Georgia, and members of the Subcommittee for holding this hearing to discuss, among other issues, H.R. 4524, the Blue Ridge Parkway Protection Act.

As you all have tremendous experience in developing legislation pertaining to Federal lands, I am grateful for the opportunity to hear your feedback on this legislation, and hope that your suggestions can be incorporated into the bill at a later date.

The Blue Ridge Parkway spans the western portion of North Carolina and Virginia, running a total of 469 miles, through some of the most beautiful terrain in the southeastern United States.

As the most visited unit of the National Park Service, the Parkway provides recreational benefits for countless American families who enjoy the scenic drive, and the abundance of opportunities for outdoor activities along the way. The Parkway is also a valuable economic asset to the communities alongside it. The Parkway visitors inject roughly \$2.3 billion each year into dozens of cities and towns that rely on the thriving tourism economy.

In 2008, the National Park Service commissioned a detailed survey of Blue Ridge Parkway visitors to better understand what element of the Parkway are of the greatest importance to them. In that survey, 97 percent of all visitors said that the scenic view and the scenic drives were the most important attributes of the Parkway.

Clearly, natural beauty that can be attained from the roadside is what makes this the most popular unit of the entire Park Service. It is for that reason that my colleagues and I have introduced

H.R. 4524, a bill that will protect the most important lands alongside, and ensure that these scenic views are not interrupted by deforestation and development.

H.R. 4524 would authorize the Park Service to acquire and incorporate into the boundaries of the Blue Ridge Parkway up to 50 thousand acres that are contiguous to current Parkway property.

These properties must be identified by the superintendent of the Parkway as top priorities for viewshed protection, and may only be acquired from willing sellers. Eminent domain cannot be used to carry out any portion of this bill.

In working with the National Park Service during the drafting of this legislation, it is clear that there are concerns about specific portions of this bill, all of which we believe can be properly addressed with the help and the expertise of this Subcommittee.

I am grateful that the Park Service has shown such willingness to work with me and the other sponsors of this bill, Representatives David Price, Rick Boucher, and Tom Perriello, to enhance portions of this bill pertaining to the acquisition authority and how best to utilize the great resources and abilities of qualified land conservation groups.

It is an honor for me to represent this bill and have Reid Wilson, Executive Director of the Conservation Trust for North Carolina, testify on behalf of this legislation. I want to thank you again for your time and attention to the Blue Ridge Parkway Protection Act.

I look forward to hearing your suggestions on this bill, which will preserve the viewsheds of the country's most visited Park Service unit, and protect many local economies that depend upon it. I would also like to ask the Chairman for permission to be excused. Other duties do call, sir.

[The prepared statement of Mr. Shuler follows:]

**Statement of The Honorable Heath Shuler, a Representative in Congress  
from the State of North Carolina, on H.R. 4524**

I first want to thank Chairman Grijalva, Ranking Member Bishop, and members of the Subcommittee for convening this hearing to discuss, among other issues, H.R. 4524, The Blue Ridge Parkway Protection Act. As you all have tremendous experience in developing legislation pertaining to our federal lands, I am grateful for the opportunity to hear your feedback on this legislation and hope that your suggestions can be incorporated into this bill at a later date.

The Blue Ridge Parkway spans the western portions of North Carolina and Virginia, running a total of 469 miles through some of the most beautiful terrain in the southeastern United States. As the most visited unit of the National Park Service, the Parkway provides recreational benefits for countless American families who enjoy the scenic drive and the abundance of opportunities for outdoor activities along the way.

The Parkway is also a valuable economic asset to the communities alongside of it, with Parkway visitors injecting roughly \$2.3 billion each year into dozens of cities and towns that rely on a thriving tourism economy.

In 2008, the National Park Service commissioned a detailed survey of Blue Ridge Parkway visitors to better understand what elements of the Parkway are of the greatest importance to them. In that survey, 97% of all visitors said that the scenic views and scenic drive were the most important attributes of the Parkway. Clearly, the natural beauty that can be observed from the roadway is what makes this the most popular unit of the entire Park Service. It is for this very reason that my colleagues and I have introduced H.R. 4524, a bill that will protect the most important lands along the Parkway and ensure that these scenic views are not disrupted by deforestation and development.

H.R. 4524 would authorize the Park Service to acquire and incorporate into the boundary of the Blue Ridge Parkway up to 50,000 acres that are contiguous to current Parkway property. These properties must be identified by the Superintendent

of the Parkway as top priorities for viewshed protection, and may only be acquired from willing sellers—eminent domain cannot be used to carry out any portion of this bill.

In working with the National Park Service during the drafting of this legislation, it is clear that there are concerns about specific portions of the bill, all of which we believe can be properly addressed with the help and expertise of this subcommittee. I am grateful that the Park Service has shown such willingness to work with me and the other sponsors of this bill—Representatives David Price, Rick Boucher, and Tom Perriello—to enhance portions of this bill pertaining to acquisition authority and how best to utilize the great resources and abilities of qualified land conservation groups. I am also grateful to have Reid Wilson, executive director of the Trust for North Carolina to testify on behalf of this legislation.

I thank you again for your time and attention to the Blue Ridge Parkway Protection Act. I look forward to hearing your suggestions on this bill, which will preserve the viewsheds of the Country's most visited Park Service unit and protect the many local economies that depend on it.

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Mr. GRIJALVA. Please, and thank you very much for your testimony. Let me now ask Congresswoman Speier for her comments regarding her legislation, H.R. 4491, and before I turn it over to her, my part of the world has historic linkage to the Buffalo Soldiers, Fort Huachuca, and other parts of Southern Arizona in the late 1800s.

And so I want to tell you how historically significant it is, but I think it is also an important acknowledgement of something important in our military history that has not been included or highlighted. So let me congratulate you on your legislation, and turn it over to you for your comments.

**STATEMENT OF HON. JACKIE SPEIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, ON H.R. 4491**

Ms. SPEIER. Well, thank you, Mr. Chairman. You have basically given my comments now. Mr. Chairman, and Representative Brown, and members of the Committee, I thank you for the opportunity to testify this morning on H.R. 4491, the Buffalo Soldiers in the National Park Study Act.

Specifically, this bill authorizes the Secretary of the Interior to study the role that Buffalo Soldiers played in the development of our national park system. Once the study is complete, I trust the Buffalo Soldiers Trail will warrant designation as a National Historic Trail.

I am glad that Mr. Stephen Whitesell, with the National Park Service, will be here today to testify and answer any questions. I also appreciate the Committee inviting Mrs. Geneva Brett to testify, who represents the Los Banos Buffalo Soldiers Ninth and Tenth Cavalry Association. Geneva and her colleagues have put remarkable efforts into this cause, and I commend them for their patriotic service.

As many of us learned in school, African-Americans could not enlist in the Army until after the Civil War. By 1869, Congress formed four all black regiments, the Ninth and Tenth Cavalry, and the Twenty-Fourth and Twenty-Fifth Infantry.

These soldiers came to be known as the Buffalo Soldiers. What many of us do not know is just how unique this story is to my home State of California. The Buffalo Soldiers were garrisoned at the Presidio in San Francisco in the early 1900s.

Many of them had fought in the Philippines and the Spanish-American War, where they gained legendary status as fearless fighters alongside Teddy Roosevelt's Rough Riders. However, they faced racism and discrimination as they performed their duties on the western frontier.

They patrolled Yosemite, Sequoia, and Kings Canyon Parks before the Park System was established. To get there, they left the Presidio and headed south along El Camino Real through San Mateo County in my district.

These soldiers were truly the first guardians of our national park system, blazing the trails, building the roads, and protecting the land for visitors. They helped make the vision for our National Park System a reality.

Native Americans nicknamed the troops Buffalo Soldiers after their dark skin and curly hair. Since the buffalo was revered among Native Americans for its brave fighting spirit, the troops accepted the title as a badge of honor.

And I have lived my entire life within walking distance of the Buffalo Soldiers Trail, and never knew this chapter in our history. Upon learning of the Buffalo Soldiers, the chance to recognize those who gave everything in the face of adversity was simply too important to pass up.

This bill is one of many steps toward the rightful recognition of these soldiers. At the same time, it will enhance our national parks. We should not lose sight of this story's relevance to our long and ongoing struggle with racism.

Some of you may have seen the recent documentary by Ken Burns, *The National Parks: America's Best Idea*. In this film, Mr. Burns highlights the work of a park ranger, Shelton Johnson, who is proudly sharing the Buffalo Soldiers' story with visitors at Yosemite today.

He describes the overt racism the Buffalo Soldiers fought to overcome as they did their jobs, and he also conveys the importance of their mission to protect our treasured wild places.

Quoting Mr. Johnson, he said: "It is a window into the ancient earth, the earth that once was, the earth that will always be. Park is not a strong enough term to describe what is beyond this gate."

I now know the Buffalo Soldiers must have felt the same, and if we commemorate their service, I know that many Americans' experience in our national parks will be better for it.

Therefore, as we approach the centennial of the National Park Service in 2016, I believe that it is fitting that we seek to raise awareness of the Buffalo Soldiers' great contributions to the United States.

I want to thank you, Mr. Chairman, for co-sponsoring this measure and for the 52 other Members of our House, and for allowing me to testify today.

[The prepared statement of Ms. Speier follows:]

**Statement of The Honorable Jackie Speier, a Representative in Congress  
from the State of California, on H.R. 4491**

Chairman Rahall, Ranking Member Hastings, Members of the Committee: thank you for inviting me to this hearing on H.R. 4491, the Buffalo Soldiers in the National Parks Study Act. It gives me great pleasure to testify here today about an

important bill for our National Parks that will also help bring an untold American story to light.

Specifically, my bill authorizes the Secretary of the Interior to study the role the Buffalo Soldiers played in the development of the National Park System.

My goal in seeking this study is to determine how we can make the Buffalo Soldiers Trail a National Historic Trail. I am glad Mr. Stephen Whitesell with the National Park Service will testify and take your questions in this area.

I am also grateful you have invited Ms. Geneva Brett here today, who represents the Los Banos Buffalo Soldiers 9th and 10th Cavalry Association. Geneva and her colleagues have put remarkable effort into this cause and I commend them for their patriotic service.

As many of us learned in school, African Americans could not enlist in the Army until after the Civil War. By 1869, Congress formed four all-black regiments: the 9th and 10th Cavalry and the 24th and 25th Infantry. These soldiers came to be known as the Buffalo Soldiers. What many of us do not know is just how unique this story is to my home state of California.

The Buffalo Soldiers were garrisoned at the Presidio in San Francisco in the early 1900s. Many of them fought in the Philippines and the Spanish American War, where they gained legendary status as fearless fighters alongside Theodore Roosevelt's Rough Riders.

However, they faced racism and discrimination as they performed their new duty on the Western frontier. They patrolled Yosemite, Sequoia and Kings Canyon parks before the Park System was established. To get there, they left the Presidio and headed south along El Camino Real through San Mateo County, in my district.

These soldiers were truly the first guardians of our National Parks, blazing the trails, building the roads and protecting the lands for visitors—they helped make the vision for our National Parks a reality.

Native Americans nicknamed the troops "Buffalo Soldiers" after their dark skin and curly hair. Since the buffalo was revered among Native Americans for its brave fighting spirit, the troops accepted the title as a badge of honor.

I have lived my entire life within walking distance of the Buffalo Soldiers Trail and never knew this chapter in our history. Upon learning of the Buffalo Soldiers, the chance to recognize those who gave everything in the face of adversity was simply too important to pass up.

The bill I have introduced is only one step toward the rightful recognition of these soldiers. At the same time it will enhance our National Parks, we should not lose sight of this story's relevance to our long and ongoing struggle with racism.

Some of you may have seen the recent documentary by Ken Burns, *The National Parks: America's Best Idea*. In his film, Mr. Burns highlights the work of Park Ranger Shelton Johnson, who is proudly sharing the Buffalo Soldiers' story with visitors to Yosemite today. He describes the overt racism the Buffalo Soldiers fought to overcome as they did their duty, and he also conveys the importance of their mission to protect our treasured wild places. Quotes Mr. Johnson of Yosemite:

It is a window into the ancient earth, the earth that once was, the earth that will always be. Park is not a strong enough term to describe what is beyond this gate.

I now know the Buffalo Soldiers must have felt the same, and if we commemorate their service, I know many Americans' experience in our National Parks will be better for it.

Therefore, as we approach the Centennial of the National Park Service in 2016, and during this Black History Month, it is fitting that we seek to raise awareness of the Buffalo Soldiers' great contribution to the United States of America.

Thank you for allowing me to testify today on my legislation. I hope the Committee will support H.R. 4491, and I look forward to your questions.

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Mr. GRIJALVA. Thank you very much. I don't have any questions for the witness. Let me now ask Ranking Member Brown and Congressman Duncan if they have any comments or questions. Sir.

Mr. BROWN. Thank you, Mr. Chairman. I have no questions for Ms. Speier, and just appreciate her being her. Thank you.

Mr. GRIJALVA. Thank you very much for appearing here today. Next we have Mr. Stephen Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service; and also on one of the pieces of legislation, and maybe more, and accompanied

by Ed Roberson, Assistant Director, Renewable Resources and Planning, Bureau of Land Management.

Mr. Whitesell, welcome, and I look forward to your comments regarding the bills that are before us today. Sir.

**STATEMENT OF STEPHEN P. WHITESELL, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE; U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY ED ROBERSON, ASSISTANT DIRECTOR, RENEWABLE RESOURCES AND PLANNING, BUREAU OF LAND MANAGEMENT**

Mr. WHITESELL. Mr. Chairman, thank you for the opportunity to appear before this Subcommittee to present the Department of the Interior's views on five of the bills on today's agenda; four related to the National Park Service, and one related to the Bureau of Land Management.

As you noted, I am joined today by Ed Roberson, who is the Assistant Director for Renewable Resources and Planning for the BLM. He is accompanying me and would be happy to answer any questions regarding H.R. 2100, which is the single BLM bill on today's agenda.

I would like to also submit our statements on each of these subjects for the record, and today I will summarize the Department's position on these bills. H.R. 2100 would provide for the conveyance at no cost of approximately 315 acres of BLM managed public lands in Mohave County, Arizona, to the Arizona Game and Fish Department, to be used as a public shooting range.

On February 10 of this year, the BLM approved the decision to authorize the disposal of the same BLM lands to the Arizona Game and Fish Department through the Recreation and Public Purposes Act.

The Department supports the goals of the legislation, but notes that the BLM is nearing completion of the administrative process to accomplish the transfer, which obviates the need for a legislative mandated transfer.

H.R. 3425 would authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act. The Department appreciates the importance of this Act, a landmark law in a continuum of notable strides to further the cause of civil rights for every American.

However, the Department believes that the establishment of a memorial by an Act of Congress through the Commemorative Works Act is not the most appropriate way to celebrate this important law. We believe that there are alternative means to acknowledge this achievement, and therefore, we do not support the bill.

H.R. 4438 would provide authority at the San Antonio Missions National Historical Park for three purposes. One, to conduct a study of lands in Bexar and Wilson Counties to identify lands that would be appropriate to include within the boundaries of the park.

Two, to enter into a lease with a non-profit organization or a governmental entity for office space outside the boundaries of the park for headquarters, operational support building, and a center for research and education.

And, three, for a boundary expansion of approximately 151 acres. The Department supports H.R. 4438 with amendments that would address some ambiguity in the bill's provisions on leasing authority.

H.R. 4491 would authorize a study of alternatives for commemorating and interpreting the role of Buffalo Soldiers in the early years of the national parks. The Department supports this legislation.

The study would determine the most effective way to increase understanding and public awareness of the very critical role that these African-American cavalymen played in protecting Sequoia and Yosemite National Parks from 1891 to 1914, and in laying the foundation for the National Park Service's stewardship practices throughout the national park system.

And, finally, H.R. 4524 would authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway. The Department appreciates the strong interest in protecting scenic vistas along the Blue Ridge Parkway and the desire to have an initiative for the Parkway's 75th anniversary that the introduction of H.R. 2524 demonstrates.

The magnificent views and recreational opportunities along the 469-mile parkway are the major reason why the Parkway has long been the National Park Service's most heavily visited unit.

However, the Department does not support the legislation in its current form. We would welcome the opportunity to work with the Committee and the bill's sponsor to develop a different approach toward promoting and incorporating the work of non-profit conservation organizations in the protection of the Parkway's scenic resources.

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

[The prepared statement of the U.S. Department of the Interior on H.R. 2100 follows:]

**Statement submitted for the record by the Bureau of Land Management,  
U.S. Department of the Interior, on H.R. 2100**

Thank you for the opportunity to testify on H.R. 2100, which proposes to transfer 315 acres of public lands managed by the Bureau of Land Management (BLM) to the Arizona Game and Fish Department (AGFD) for use as a public shooting range. The BLM supports the goals of the legislation, but we note that BLM is nearing completion of the administrative process to accomplish the transfer that the BLM has been following for the last ten years with the AGFD, the Fort Mojave Indian Tribe, the Hualapai Tribe, and the public to find appropriate lands for a public shooting range within the Mohave Valley in Arizona.

On February 10, 2010, the BLM approved the decision to authorize the disposal of BLM lands to the AGFD (through the Recreation and Public Purposes Act; R&PP) to be used as a public shooting range. The decision, which is consistent with the goals of H.R. 2100, provides a safe, designated shooting environment for the public and includes stipulations to respect the traditional beliefs of the Fort Mojave and Hualapai Tribes. The near conclusion of the administrative process obviates the need for a legislatively mandated transfer. Since a final decision has been made through the administrative process, the BLM will continue working with interested parties as we move forward with implementation of the shooting range.

**Background**

In 1999, the AGFD first submitted an application to the BLM for development of a public shooting range on BLM-managed lands in Mohave County, north of Bullhead City in northwestern Arizona. As a result, the BLM began working with AGFD

and other interested parties to assess appropriate lands to transfer to the AGFD for the purposes of a shooting range under the R&PP.

The BLM evaluated AGFD's application through an environmental assessment (EA) and considered numerous alternative locations throughout the Mohave Valley. The evaluation process was conducted with full public and tribal participation. There is an identified need for a designated public shooting range in this region because of the lack of a nearby facility, the amount of dispersed recreational shooting occurring on public and private lands raising public safety concerns, and the associated natural resource impacts from spent ammunition and associated waste.

In 2002, the BLM began consultations with the Fort Mojave Indian Tribe and the Hualapai Tribe. In 2003, the BLM began formal consultation with the Arizona State Historic Preservation Officer (SHPO); and in 2006, the BLM began formal Section 106 consultation with the Advisory Council on Historic Preservation (ACHP). These consultations, as required by Section 106 of the National Historic Preservation Act and other authorities, ensure Federal Agencies consider the effects of their actions on historic properties, and provide the ACHP and SHPO an opportunity to comment on Federal projects prior to implementation.

In addition to the consultation process, the BLM initiated a year-long Alternative Dispute Resolution (ADR) process in 2004 to help identify issues, stakeholder perspectives, and additional alternatives to meet the criteria for a safe and effective public shooting range in the Mohave Valley. However, the ADR process failed to reconcile the differences between the consulting parties regarding a proposed location.

In 2006, the BLM continued Section 106 consultation with the ACHP. This effort included site visits by the concerned parties and multiple efforts to determine possible mitigation and alternative sites. Regrettably, through all these efforts, the BLM was unable to reach an agreement with the tribes on any area within the Mohave Valley that they would find acceptable for a shooting range. The tribes maintained their position that there is no place suitable to them within the Mohave Valley, which encompasses approximately 140 square miles between Bullhead City, Arizona, and Needles, California.

Through the EA process, the BLM identified the Boundary Cone Road alternative to be the preferred location. Boundary Cone Butte, one of the highly visible mountains in the Mohave Valley, lies east of the Boundary Cone Road site, and is of cultural, religious, and traditional importance to the Fort Mojave Indian Tribe and the Hualapai Tribe. In an effort to address the primary concerns expressed by the tribes over visual and sound issues, the BLM and AGFD developed a set of mitigation measures. Again, there was a failure to agree between the consulting parties on possible mitigation. In the end, the BLM formally terminated the Section 106 process with the ACHP in September 2008. In November, 2008, ACHP provided their final comments in a letter from the Chairman to Secretary Kempthorne.

Although the Section 106 process has concluded, the BLM has continued ongoing government-to-government consultations with the tribes. In May of 2009, the BLM met with the Chairman of the Fort Mojave Indian Tribe, the AGFD, and the Tri-State Shooting Club in a renewed effort to find a resolution. On February 3, 2010, after continued efforts to reach a mutually agreeable solution, the BLM presented the decision to approve the shooting range to the Fort Mojave Indian Tribe and the AGFD. The final decision includes mitigation measures to address the concerns of the tribes such as reducing the amount of actual ground disturbance; reducing noise levels with berm construction; monitoring noise levels and reporting annually; and fencing to avoid culturally sensitive areas. The Secretary has the authority to invalidate the patent if the AGFD fails to comply with mitigation measures. The final decision to amend the Kingman Resource Management Plan and dispose of the lands through the R&PP was signed on February 10, 2010. The 30-day appeal period expires at the end of March 2010, after which BLM will work to resolve any appeals. Barring any outstanding issues the BLM then plans to issue the patent to transfer the public land after pre-construction requirements described in the final decision are completed.

#### **H.R. 2100**

H.R. 2100 provides for the conveyance at no cost of approximately 315 acres of BLM-managed public lands in Mohave County to the AGFD to be used as a public shooting range. These are generally the same lands that were approved for a public shooting range through the R&PP process as discussed above. The conveyance would be subject to valid existing rights and is intended to provide a suitable location for the establishment of a centralized public shooting facility in the Mohave Valley and the Tri-State Area (Arizona, Nevada, and California).

As a matter of policy, the BLM supports working with local governments and tribes to resolve land tenure issues that advance worthwhile public policy objectives.

BLM acknowledges the lands are of cultural, religious and traditional significance to the tribes which is why we support mitigation measures as part of H.R. 2100. In general, the BLM supports the goals of the proposed conveyance, as it is similar to the transfer BLM has been addressing through its administrative process for the last ten years. However, since a final decision has been made through the administrative process, the BLM will continue working with the interested parties, including tribes, during implementation of the shooting range to address their concerns. The BLM strongly believes that open communication between the BLM and tribes is essential in maintaining effective government-to-government relationships.

If the Congress chooses to legislate this conveyance, the BLM would recommend some technical improvements to the bill, including the incorporation of mitigation measures to address tribal and other concerns, as well as a clause to allow the lands to revert back to BLM at the discretion of the Secretary if the lands are not being used consistent with the purposes allowed in the R&PP act.

### **Conclusion**

Thank you for the opportunity to testify. Resolution of this conveyance in a manner that is acceptable to all parties has been an important goal of the BLM as evidenced by more than 10 years of negotiations and review. The BLM is confident the recently approved decision adequately addresses the concerns of the interested parties, while providing critical recreational opportunities and benefits to the public.

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[The prepared statements of Mr. Whitesell on H.R. 3425, H.R. 4438, H.R. 4491, and H.R. 4524 follow:]

### **Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 3425**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 3425, a bill to authorize the Fair Housing Commemorative Foundation to establish a commemorative work on Federal land in the District of Columbia to commemorate the enactment of the Fair Housing Act.

The Department appreciates the importance of the Fair Housing Act, a landmark law in a continuum of notable strides legislators and we as a Nation have undertaken to further the cause of civil rights for every American. However, the Department believes that the establishment of a memorial by an Act of Congress through the Commemorative Works Act (CWA) is not the most appropriate way to celebrate this important law. There are alternative means to acknowledge this achievement; therefore, we do not support this bill.

The Commemorative Works Act has facilitated the establishment of memorials to prominent figures in our Nation's history, such as Dr. Martin Luther King, to events, such as the Korean War Veterans Memorial, and to concepts, such as Japanese-American Patriotism in World War II. H.R. 3425 would be the first proposal to establish a memorial to a law.

There has certainly been landmark legislation which, like the Fair Housing Act, has improved the quality of life and opportunities for Americans in all walks of life such as the Civil Rights Act, the National Environmental Policy Act, and the National Aeronautics and Space Act. The list is honorable and long, but it is our opinion that the CWA was not intended to provide for the establishment of a national memorial to each law that could be nominated from this remarkable and growing list.

The National Capital Memorial Advisory Commission (Commission) met on December 4, 2009, to consider this legislation and evaluate its conformance to the provisions of the CWA. As you are aware, the Commission was established by the CWA to provide advice to the Secretary of the Interior and to report to committees of Congress on proposals to establish commemorative works in the District of Columbia and its environs. The Commission found that establishing a memorial to individual laws is without precedent and that the establishment of a memorial to the passage of the Fair Housing Act would raise concerns about both the setting of such a precedent and the relative importance of this particular Act of Congress. For these reasons, the Commission voted unanimously to oppose this proposal and recommended that further counsel be sought from organizations with particular expertise on this subject matter (i.e., Department of Housing & Urban Development) regarding methods of commemorating this important law.

While not part of the Commission's motion, the members voiced support for a commemoration of this law within the Capitol Visitor Center or at a housing development identified as a hallmark of the success of the Fair Housing Act.

The Department concurs with the findings of the Commission. We would be pleased to offer whatever assistance we can provide to the Committee or the sponsor in developing any of the Commission's suggestions to more fully explain the important role the Fair Housing Act has played in the history of our Nation.

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

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**Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 4438**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 4438, a bill to authorize the Secretary of the Interior to enter into an agreement to lease space from a nonprofit group or other government entity for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes.

The Department supports H.R. 4438 with the amendments discussed in this testimony.

This bill would amend Section 201 of Public Law 95-629 to direct the Secretary of the Interior (Secretary) to conduct a study of lands in Bexar and Wilson Counties to identify lands that would be appropriate to include within the boundaries of San Antonio Missions National Historical Park (Park). The Secretary is directed to report on the findings of the study three years after funds are made available. The Secretary would also be authorized to enter into a lease agreement with a non-profit organization, or State or local governmental agency, for office space outside the boundary of the park for a headquarters and operational support building and construction, management, or both, of a center for research and education. Finally, the boundary of the park would be expanded by approximately 151 acres.

San Antonio Missions National Historical Park preserves a significant link to Mexico and Spain that has influenced the culture and history of the United States since before its inception. San Antonio is now the seventh largest and third fastest growing city in the United States. The city grew 68 percent between 1980 and 2007 and now almost entirely surrounds the Park with urban development, threatening areas that contain significant Spanish colonial resources historically associated with the Park.

Park headquarters for San Antonio Missions are currently inadequate; do not meet fire, safety or security standards; and exist in an expired lease space not adjacent to the Park. The Park's maintenance operations are dispersed in three separate locations. The Park's curatorial collection, which contains almost one million Spanish Colonial period objects, is stored in four different locations, including two locations that do not meet National Park Service (NPS) Curatorial Storage Standards.

The City of San Antonio, Texas, has acquired lands adjacent to Mission San José and has proposed a partnership with the Park and one of its partners for the construction of a new public library and park headquarters. A leasing arrangement such as the one described in H.R. 4438 would provide the NPS with the option to enter into a lease agreement with an entity, such as Los Compadres de San Antonio Missions National Historical Park (Los Compadres), or a State or local government agency. As a part of the lease agreement, assistance with construction or management of a center for research and education might be possible. However, since there is ambiguity in this leasing language amending subsection (d) of P.L. 95-629, we would like to work with the committee on revising this subsection.

H.R. 4438 would also expand the boundary of San Antonio Missions National Historical Park by approximately 151 acres, of which 118 acres are either currently owned by the NPS, are being donated, or are being transferred through a land exchange to the Park. All costs associated with the land exchange will be paid for by the San Antonio River Authority with the NPS only paying for minimal transaction costs. Thirty-three acres would either be purchased by the NPS from willing sellers or donated to the Park. It is estimated that the acquisition of these 33 acres could cost as much as \$3,587,110 and operational costs associated with adding the 151 acres of land are not expected to exceed \$100,000 per year. Associated land acquisition funding requests would be subject to the Administration's prioritization process

that uses consistent and merit-based criteria to select projects and the availability of appropriations.

The Park's General Management Plan and Land Protection Plan acknowledge that the current boundary is insufficient to fully achieve the Park's purpose. The Park's most recent feasibility study recommended a much larger area to best protect the cultural resources associated with the Park. Numerous areas that contain significant Spanish colonial resources historically associated with the Park, still remain outside the boundary. In addition, the Park has acquired lands that are outside the current boundary and is in the process of accepting additional lands that will be included within the boundary as a part of a land exchange with the San Antonio River Authority and U.S. Army Corps of Engineers to facilitate restoration of the San Antonio River.

H.R. 4438 would also authorize the Secretary to conduct a study of lands within Bexar and Wilson counties, in the State of Texas, to identify lands that would be suitable for inclusion within the boundaries of the Park. The study should also explore management alternatives that would best ensure public access, preservation, protection, and interpretation of the Missions. We estimate that this study will cost approximately \$350,000.

H.R. 4438 enjoys the strong support of officials from Bexar County, Wilson County, the City of San Antonio, the City of Floresville, the San Antonio River Authority, the San Antonio Conservation Society, Los Compadres, and others. This bill would help guarantee the preservation, protection, restoration, and interpretation of the missions for current and future generations.

Mr. Chairman, that concludes my prepared remarks. I would be happy to answer any questions you or any other members of the Subcommittee may have.

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**Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 4491**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on H.R. 4491, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes.

The Department supports H.R. 4491. However, we feel that priority should be given to the 48 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic River System have not yet been transmitted to Congress.

H.R. 4491 would authorize a study to determine the most effective ways to increase understanding and public awareness of the critical role that the Buffalo Soldiers, segregated units composed of African-American cavalymen, played in the early years of the National Parks. It would evaluate the suitability and feasibility of a National Historic Trail along the routes between their post at the Presidio of San Francisco and the parks they protected, notably Yosemite and Sequoia. The study would also identify properties that could meet the criteria for listing in the National Register of Historic Places or designation as National Historic Landmarks. We estimate that this study will cost approximately \$400,000.

African-American 19th and 20th century Buffalo Soldiers were an important, yet little known, part of the history of some of our first National Parks. These cavalry troops rode more than 320 miles from their post at the Presidio to Sequoia and Yosemite National Parks in order to patrol and protect them. The journey across the state took sixteen days of serious horseback riding averaging over twenty miles a day. Once in the parks, they were assigned to patrol the backcountry, build roads and trails, put a halt to poaching, suppress fires, halt trespass grazing by large herds of unregulated cattle and sheep, and otherwise establish roles later assumed by National Park rangers.

The U.S. Army administered Sequoia and Yosemite National Parks from 1891 to 1914, when it was replaced by civilian management. The National Park Service was not created until 1916, 25 years after these parks were established. Commanding officers became acting military superintendents for these national parks with two troops of approximately 60 cavalry men assigned to each. The troops essentially comprised a roving economy—infusing money into parks and local businesses—and thus their presence was generally welcomed. The presence of these soldiers as official stewards of park lands prior to the National Park Service establishment brought a sense of law and order to the mountain wilderness.

There is, however, a little known chapter within the story of the U.S. Army in the parks. It revolves around the participation of African-American troops of the 24th Infantry and 9th Cavalry, the Buffalo Soldiers, who protected both Sequoia and Yosemite National Parks in 1899, 1903, and 1904. These troops and their contributions should be recognized and honored, and this bill does just that.

When the new military superintendent for the summer of 1903 arrived in Sequoia National Park he had already faced many challenges. Born in Kentucky during the Civil War, Charles Young had already set himself a course that took him to places where a black man was not often welcome. He was the first black to graduate from the white high school in Ripley, Ohio, and through competitive examination he won an appointment to the U.S. Military Academy at West Point in 1884. He went on to graduate with his commission, only the third black man to do so.

In 1903, Young was serving as a captain in the cavalry commanding a segregated black company at the Presidio of San Francisco when he received orders to take his troops to Sequoia National Park for the summer. Young and his troopers arrived in Sequoia after a 16-day ride to find that one of their major assignments would be the extension of the wagon road. Hoping to break the sluggish pattern of previous military administrations, Young poured his considerable energies into the project. During the summer of 1903, Young and his troops built as much road as the combined results of the three previous summers, as well as building a trail to the top of Mt. Whitney- the highest point in the contiguous United States.

The soldiers also protected the giant Sequoias from illegal logging, wildlife from poaching, and the watershed and wilderness from unauthorized grazing by livestock. A difficult task under any circumstances, the intensity was undoubtedly compounded by societal prejudice common at the turn of the century.

Although Colonel Charles Young only served one season as Acting Superintendent of a National Park, he and his men have not been forgotten. The energy and dignity they brought to this national park assignment left a strong imprint. The roads they built are still in use today, having served millions of park visitors for more than eighty years. The legacy they left extends far beyond Sequoia National Park, as they helped lay the foundation for the National Park System, which continues to inspire and connect people of all backgrounds to public lands and natural treasures to this day.

In recent years the National Park Service has made an effort to chronicle the achievements of these men in San Francisco, Sequoia and Yosemite National Parks. In the Presidio of San Francisco, Golden Gate National Recreation Area and the Presidio Trust have developed an education program using the historic stables that the Buffalo Soldiers actually used to house their horses. In Yosemite National Park, Ranger Shelton Johnson portrays one of the U.S. Army's Buffalo Soldiers as part of his interpretation of Yosemite's history. Sequoia National Park has a giant Sequoia named for Colonel Young in honor of his lasting legacy in that park. These isolated, but important efforts to educate the public on the important role of the Buffalo Soldiers could be heightened by this consolidated study.

There is a growing concern that youth are becoming increasingly disconnected with wild places and our national heritage. Additionally, many people of color are not necessarily aware of national parks and the role their ancestors may have played in shaping the national park system. NPS can help foster a stronger sense of awareness and knowledge about the natural and cultural history preserved in our natural parks by connecting people, especially these audiences, to the critical roles of African-American Buffalo Soldiers in the protection and development of natural treasures like Sequoia and Yosemite National Parks. By amplifying the story of the Buffalo Soldiers, this bill could help bridge cultural divides and expand opportunities to appeal to an all-inclusive audience. As the 2016 centennial of the National Park Service approaches, it is an especially appropriate time to conduct research and increase public awareness of the stewardship role the Buffalo Soldiers played in the early years of the National Parks.

Mr. Chairman, this concludes my testimony. I would be glad to answer any questions that you or other members if the subcommittee may have.

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**Statement of Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, U.S. Department of the Interior, on H.R. 4524**

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on H.R. 4524, a bill to authorize funding to protect and conserve lands contiguous with the Blue Ridge Parkway to serve the public, and for other purposes.

The Department appreciates the strong interest in protecting scenic vistas along the Blue Ridge Parkway and the desire to have a major initiative for the parkway's 75th anniversary that the introduction of H.R. 4524 demonstrates. The magnificent views and recreational opportunities along the 469-mile parkway are the major reason why the parkway has long been the National Park Service's most heavily visited unit. However, the Department does not support this legislation in its current form. We would welcome the opportunity to work with the committee and the bill's sponsors to develop a different approach toward promoting and incorporating the work of nonprofit conservation organizations in the protection of the parkway's scenic resources.

We are sympathetic to the desire of supporters of the Blue Ridge Parkway to find a mechanism to quickly channel land acquisition funds to protect the stunning views and the recreational opportunities that are so highly valued by visitors to the parkway. The parkway has identified a number of land acquisition goals in its Land Protection Plan that, along with the lands adjacent to the parkway threatened by encroaching development, could easily add up to the 50,000 acres envisioned to be protected under H.R. 4524.

Other units of the National Park System have also identified opportunities for land acquisition to protect resources from encroaching development. The Administration proposes to begin addressing these needs with a request in the FY 2011 budget of \$106 million for National Park Service land acquisition—a significantly larger amount than has been requested or appropriated for many years. The FY 2011 request is the first step toward the Administration's goal of providing a total of \$900 million a year—full funding—for federal land acquisition and other programs funded through the Land and Water Conservation Fund, and it holds the hope that within a few years we will be able to better address the needs at many more of our units, including the Blue Ridge Parkway.

As desirable as it would be to acquire more land at the Blue Ridge Parkway, we find the approach taken by H.R. 4524 problematic, as it would duplicate existing law in some instances and establish new law that would not be appropriate in others. It would also conflict with the Administration's specific land acquisition priorities for FY 2011.

Section 4 of H.R. 4524 would authorize the Secretary of the Interior to acquire up to 50,000 acres of adjacent land that is identified in the parkway's Land Protection Plan or that meets the plan's amendment criteria. However, the authority to acquire lands contiguous to the parkway already exists; therefore this language is unnecessary.

Section 5(a) would authorize appropriations of \$15 million for each of Fiscal Years 2011 through 2015 for the land acquisition authorized by this bill. As with section 4, this subsection is unnecessary because unlimited authority for appropriations for land acquisition at the parkway already exists.

Although subsection 5(a) may be viewed as sending a message that Congress desires that \$15 million a year for five years be appropriated for the parkway, we note that such funding is not included in the Administration's FY 2011 budget request. Although we cannot predict what the Administration might request for specific land acquisition projects for the next four years, it would be unusual, even with higher overall levels of land acquisition funding, to request this much for one park. Any request for this park would be subject to the Administration's prioritization process that uses consistent and merit-based criteria to select projects.

Section 5(b) would authorize the Secretary to use funds appropriated for land acquisition at the Blue Ridge Parkway to award grants for certain purposes. This grant authority would be unprecedented. One purpose of the grants would be to acquire land and interests in land, although the bill does not specify what guarantee the taxpayer would receive that the lands would be permanently protected. We would like to consider how such authority might be used to supplement, yet not duplicate, the National Park Service's own land acquisition capability, which is funded directly by Congress. We are fortunate to have an office that handles land acquisition for the Blue Ridge Parkway—the National Park Service's National Trails Office in Martinsburg, West Virginia—that is so well regarded for its expertise in acquisition at linear units that other federal agencies have used its services for that purpose. We are also fortunate to have the expertise and leveraging capability of several nonprofit land conservation organizations in protecting lands that are critical to the integrity of the Blue Ridge Parkway. We need to employ both capabilities in this cause.

Subsection 5(b) as introduced lacks provisions regarding intended recipients and requirements for disposition of the land acquired through grants, so we are unclear about exactly what is intended. However, this proposed authority may be the seed of an idea for better utilizing the capabilities of nonprofit land conservation organi-

zations in the protection of the Blue Ridge Parkway. The organizations have at their disposal certain resources and tools that federal land acquisition officials lack. We would like to work with the committee and the bill's sponsors to explore ways to enhance the use of the organizations' capabilities in the cause of protecting the parkway.

The second purpose of the grants would be to enter into cooperative agreements with nonprofit conservation organizations for technical expense assistance, such as appraisals and hazardous material surveys, for lands the organizations acquire for conveyance to the parkway. It is a common practice for conservation organizations to acquire land for potential addition to National Park Service units with the intent of holding the properties until the National Park Service is able to acquire them. However, in these cases, the expenses associated with acquiring these lands are borne by the organizations; they are not paid by the National Park Service unless arrangements are made in advance to coordinate the ordering of these services to avoid duplication of the expenses. We are concerned that paying for expenses associated with acquisition in advance of a conveyance would raise expectations about acquiring property that might not be met. In addition, setting this precedent for federal funding of non-federal administrative costs would treat land acquisition at the Blue Ridge Parkway differently than acquisition at every other unit of the National Park System, which would not be fair or appropriate.

Finally, Section 5(d) makes clear that the cooperative agreement arrangements with nonprofit organizations that are contemplated in this legislation could entail annual payments of as much as \$250,000 a year to defray the organizations' "administrative expenses," which would not necessarily be limited to costs associated directly with land acquisition. This could open the door to the reimbursement of costs that are unrelated to the purposes of the Land and Water Conservation Act. Since the act prohibits federal employees from being paid for any expenses not related to federal land acquisition from funds appropriated for land acquisition, it would run counter to the spirit of the act to allow non-federal employees to be paid for expenses not related to federal land acquisition.

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

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Mr. GRIJALVA. Thank you, sir. Let me skip out of order. Mr. Brown has a pending meeting shortly, and I would extend to him the opportunity to ask his questions so he can attend that meeting. Sir.

Mr. BROWN. Thank you, Mr. Chairman. Thank you for appearing here today. This Committee is very well aware that the National Park Service has a backlog of management and it has problems in maintaining the Park Service properties that it currently owns.

Would adding more park land for these four Park Service bills, would that actually add more burden on the finances that you currently have?

Mr. WHITESELL. Well, certainly it would add additional resources to our responsibilities, and thus would add, I suspect, if in fact all four bills were to be included, a limited amount of additional costs. I think that is relatively small in proportion to the total operation costs of the Park Service.

Mr. BROWN. But you already have difficulty maintaining what you have today; is that right?

Mr. WHITESELL. Certainly we can point out, yes, there are shortfalls in certain areas.

Mr. BROWN. OK. So the point being that adding more park land is going to add more burden upon the Park Service. It is already overburdened to try to maintain the lands that it currently owns.

H.R. 4838 would expand the boundary of the San Antonio Missions Historical Park to include lands that are not owned by the Park Service currently today as you already testified. Who owns the lands that are not owned by the United States Park Service?

Mr. WHITESELL. OK. San Antonio already has a very complex ownership pattern, in terms of the Park resources that are protected today. They include ownership by the Archdiocese of San Antonio, the National Park Service. Bexar County owns property. The property is of the City of San Antonio, and the San Antonio River Authority, and other entities.

So it is already a very complex mixture of lands. The proposed study would, of course, look to other resources that are not currently within those authorized boundaries. There are some areas, I think, that are already known that potentially should be looked at.

There are other areas of resources that we just don't know and, in fact, that is the purpose of this study—to go forward and identify lands that might be appropriate for addition to the park.

Mr. BROWN. Are the lands proposed to be added to the park, are they already being kept for their historical significance if we would not pass this bill?

Mr. WHITESELL. There are some that are, yes. There are probably some lands that are in city ownership, potentially some lands that are in the ownership of other entities. As well, there may be lands for which there is inadequate protection right now, but again that is presupposing what would be part of the study.

Mr. BROWN. Do you have permission of the landowners that are not in the park for it to be included in the park?

Mr. WHITESELL. Certainly we would work with those landowners and discuss what is being looked at, and to solicit their opinions about whether addition of their lands, private lands in that case, would be appropriate.

Mr. BROWN. So the answer is no?

Mr. WHITESELL. Well, the answer is that right now, no, because I am not sure that we know exactly which lands those might be.

Mr. BROWN. All right, sir, the answer is no. Was any of the land to be added to the park obtained by governmental authorities by use eminent domain authority?

Mr. WHITESELL. Of the lands today?

Mr. BROWN. Yes, sir.

Mr. WHITESELL. That are currently in the boundaries?

Mr. BROWN. Yes, sir.

Mr. WHITESELL. I don't know whether eminent domain or connotation authority was used. I am sorry. I do know. There was at least one case of connotation authority being used in the past.

Mr. BROWN. Is there anything incorporated in this proposed study of San Antonio that would consider the effect on private lands adjacent to these lands that are proposed to be added to the park? In other words, what the effect on those adjacent lands may be.

Mr. WHITESELL. I mean, I think that would be part of the study. Certainly a series of public meetings, an opportunity for the public to comment and to have a dialogue with those doing the study to discuss those very issues.

Mr. BROWN. OK. Thank you very much. Mr. Chairman, I have no further questions.

Mr. GRIJALVA. Thank you, sir. Mr. Whitesell, as the former superintendent of the San Antonio Missions, could you describe as

best you can specifically the resources in this that still need protection, and that are in the vicinity of the park that would be part of the consideration of the study?

Mr. WHITESELL. For which we might take a look. There are lands that include some of the headwaters potentially of the San Antonio River, the very birthplace of the city. I mean, the very reason for creating the missions in San Antonio was the availability of a water supply.

There are some questions about whether that land needs to be protected or not. San Pedro Park in the downtown section of San Antonio, the City of San Antonio owns that, and has an interest potentially in that being considered, as well as lands immediately adjacent to the current park boundaries and south of the park for which today there may not be complete protection.

Those include lands that are the ends of the Acequia system, which was the historic irrigation system serving the park lands.

Mr. GRIJALVA. And under the Buffalo Soldiers, H.R. 4491, in this study do you see it providing any unique challenges to the National Park Service, and if there are some challenges, how do you see addressing those?

Mr. WHITESELL. I think that each time that we do a study of a potential trail system, it presents an interesting challenge for us in identifying what are the appropriate resources that might make up a trail if that designation were to be made.

And, of course, as you look at the alignment that potentially this trail might follow, it goes through some fairly heavily urbanized areas in San Francisco as you head south on the peninsula, and before you move inland toward Sequoia and Kings Canyon.

So the identifying of appropriate historic resources that might be protected, an identification of an alignment, always creates a challenge in that sort of environment, but it is certainly not the first time, nor do I expect the last time, that we will look at those kinds of activities.

Mr. GRIJALVA. Thank you, sir. Let me turn to, I guess, H.R. 2100, and Mr. Roberson, I guess, those questions are appropriate for you. On the 10th of February, BLM announced a decision to convey 315 acres to the Arizona Game and Fish Department, to use 20 acres to construct and operate a shooting range.

If the Arizona Game and Fish Department can use only 20 acres, why the conveyance of 315 acres, the proposed conveyance?

Mr. ROBERSON. Thank you, Mr. Chairman. The original proposal came to us as 315 acres, and we evaluated that entire site, and the decision actually makes a plan amendment for that entire site.

The decision that we rendered on the 10th for 20 acres to be actively used for the shooting range itself was a part of a mitigation to tailor the needs for a shooting range at that size, and to build in some mitigation for sound and noise. So we—

Mr. GRIJALVA. In that process though, isn't that process of the conveyance, the proposed conveyance, any thought to the effects of the removal of these 315 acres from coverage of such laws as Native Americans Graves and Protection Recreation Act, and the Archeological Resources Protection Act? Because once conveyed, those protections disappear?

Mr. ROBERSON. Well, we do. There are some areas, tracts of land that are conveyed under the Recreation and Public Purpose Act have reservations, and can be returned to public domain if they are not used according to the management plan.

There is an area, a circular area, that has been identified in the decision that has importance to the native people there, and it would be flagged during any development and fenced to preserve and to protect it from any encroachment upon it.

Mr. GRIJALVA. Well, I think the fundamental question would be, given the controversy surrounding the potential conveyance, why are we proceeding with the transfer? And, are you required by law to transfer land to any entity that requests it?

Mr. ROBERSON. Number one, as a multi-use agency, Mr. Chairman, we are obliged to entertain applications, and ensure that they are consistent with our land use plans. If they are not, we can still evaluate them to determine if they are an appropriate use, and to tailor the mitigation to make sure that use does not affect other resources, such as tribal or cultural affiliations or properties.

And this decision to make this transfer was part of an 11 year process. We actually received the application in 1999. We started working on the project in 2002 in earnest, and began consultation with the tribes, and actually started having public meetings.

Throughout that meeting process, there was a need identified in the Mohave Basin area for a shooting range, something within 20 miles or 30 minutes of Bullhead City, and so we did feel that was an appropriate use that was being requested of us, and we gave full participation to a process.

Mr. GRIJALVA. Yes, and the consultation process under Section 110 of the National Historic Preservation Act, the chair of that advisory committee on historic preservation formally commented that BLM should not go forward with the proposed shooting range.

And on the last day of the previous Administration's working day, the order was signed to move forward with the conveyance despite the consultation comments from Section 110, which begs the point that at what point was the decision made that a shooting range held priority over the delicacy of sacred lands on this issue. That disturbs me.

And what also disturbs me is when we say we are going to go through a full NICA process, but what good would that process be once a decision has already been made to convey? How would we mitigate after that, and was that the only site looked at?

I understand the need, and I appreciate the safe area away from populations for the shooting range activities, but I am not convinced that this is the only site available for this activity. I make that as a comment, sir, and not as a question, unless you agree with me.

Having said that, let me now turn to Mr. Duncan, who was here earlier, for any questions that he might have.

Mr. DUNCAN. Well, thank you, Mr. Chairman. I don't have any questions, but I will make a few comments. Number one, I do support Mr. Franks' bill to create a shooting range. I think we need to teach more young people in this country to properly use firearms, and to encourage hunting.

There is a real deer problem all over the country, and so certainly I think to have a nice shooting range to help encourage those types of things is a good thing. These bills today involve just a very small amount of land, but some of us on this side have problems, because already about 30 percent of the land is owned by the Federal Government, and another almost 20 percent is owned by state and local governments, or quasi-governmental units.

So you have about half the land in some type of public ownership. Then I read a couple of years ago in USA Today that they had a front page story, which said that we have over fourteen hundred conservancies or land trusts now that are taking over land equal to half the size of the State of New Jersey each year. That was the example given in USA Today.

And we keep taking several million acres of land every year off the tax rolls, and we are doing that at the same time that the schools and the law enforcement agencies, and all these other government entities are coming to us and telling us that they need more money.

And it is getting to the point where we are not going to be able to support the schools and the law enforcement agencies, and fix the roads, and so forth, if we keep taking more and more land off the tax rolls.

Then, in addition, you are going to drive up the taxes on the remaining land, and it is leaving less land for good development. So it is making it harder for young people to be able to buy homes because we are making the property so expensive, and so it is creating a lot of unintended problems.

And I know that it sounds great for all politicians to create parks, but we have created so many parks that we can't take care of all of them that we have, and in addition to that, unless we find some way for our people to go on permanent vacations, we can't really use them to any real extent most of them.

So we do have this concern on this side that we are slowly destroying private property in this country, and we need to wake up about this and tell our people that private property has been a very important part of our prosperity and our freedom in this country, and we are getting to a very dangerous point in my opinion.

That is the concern we have, because almost every other week or every month in this Committee we have people coming to us wanting us to take more property over by the government. So with those concerns, I will yield back.

Mr. GRIJALVA. Thank you, sir. Congresswoman Lummis, any comments or questions?

Ms. LUMMIS. Yes, Mr. Chairman. I would request that a letter, dated February 24th, 2010, from the NRA and addressed to The Honorable Trent Franks, be included in the record, please.

Mr. GRIJALVA. Without objection.

[The letter from the National Rifle Association submitted for the record follows:]

NATIONAL RIFLE ASSOCIATION OF AMERICA  
 INSTITUTE FOR LEGISLATIVE ACTION  
 410 FIRST STREET, S.E., SECOND FLOOR  
 WASHINGTON, DC 20003-1867

February 24, 2010

The Honorable Trent Franks  
 1237 Longworth House Office Building  
 Washington, D.C. 205150302

Dear Congressman Franks:

I write to express the National Rifle Association's support of H.R. 2100, your legislation intended to facilitate the development of a shooting complex in Mohave County. The proposed land transfer from the Bureau of Land Management (BLM) to the Arizona Game and Fish Department is an essential first step toward making the complex a reality.

As you know well, Arizona's population has experienced exponential growth for years. This has resulted in the development of areas in Mohave County where families have traditionally been able to shoot recreationally in an informal setting. In addition to development closing once available land to shooting, federal land management agencies have closed tens of thousands of acres of land to shooting in Arizona. Demand for shooting locations has grown while the number of places to shoot has decreased. Your H.R. 2100 takes a significant step toward remedying this demand and supply imbalance in Mohave County.

In light of the fact that the federal government has closed enormous tracts of land to recreational shooting in Arizona, the land transfer to the state for a formal shooting facility should not be considered too much to ask. The Arizona Game and Fish Department has an outstanding track record with regard to operating world-class shooting ranges. One needs to look no further than Ben Avery Shooting Facility just north of Phoenix to know this.

Gun owners throughout Arizona appreciate your efforts to secure a safe and effective place to pursue firearms training.

Sincerely,

Charles H. Cunningham  
 Director of Federal Affairs  
[www.nraila.org](http://www.nraila.org)

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Ms. LUMMIS. Thank you, and just a couple of comments as well. With regard to the Buffalo Soldiers bill, Buffalo Soldiers were very significant in the history of my State, and played a role at Fort D.A. Russell, which is now F.E. Warren Air Force Base in Cheyenne, Wyoming.

And I am so pleased to see efforts to further recognize the role the Buffalo Soldiers. It is another important part of Americana that very few people know about, and also with regard to the Rodriguez bill regarding the San Antonio Missions, I come from a long line of interesting and bizarre characters.

And among them a gentleman named Charles F. Lummis, who was instrumental in founding the historical preservation efforts in California, which was centered at that time around the missions, to the extent that his work preserving San Juan Capistrano, and other of the southern missions in California, allowed him to be knighted by the King of Spain for his efforts.

He also chronicled the capture of Geronimo as the official journalist on that expedition, and played other roles in the significant history of the Southwest. So I am so pleased to see the missions of the Southwest continue to have prominence in our discussions. Thank you, Mr. Chairman, for the opportunity to comment and I yield back.

Mr. GRIJALVA. Thank you very much. Let me thank the panelists, and I agree with Mr. Duncan that there has to be facilities

available for the proper education of gun safety and its use. Maybe we disagree on the site, but certainly not in the intent.

Particularly, we began on February 22 the will of Congress and the effect of law. The law is that guns are going to be carried on our public parks, and if that is going to be the situation, I sure would like those carriers to know what they are doing. With that, thank you so much. Let me invite panel three.

[Pause.]

Mr. GRIJALVA. Thank you very much for being here, and let me welcome the panelists. H.R. 2100, all three panelists will be commenting on that piece of legislation. Let me begin with Loretta Jackson-Kelly, Director of the Department of Cultural Resources, Tribal Preservation Officer, Hualapai Tribe, Peach Springs, Arizona. Welcome, and I look forward to your comments.

**STATEMENT OF LORETTA JACKSON-KELLY, DIRECTOR OF DEPARTMENT OF CULTURAL RESOURCES, TRIBAL PRESERVATION OFFICER, HUALAPAI TRIBE, PEACH SPRINGS, ARIZONA**

Ms. JACKSON-KELLY. Mr. Chairman, and members of the Committee, I am a Hualapai Tribal Member of the Hualapai Tribe, and good morning to you all, and thank you for the opportunity so that I can present testimony about the concerns of the Hualapai Tribe with respect to Wi'vis'—Kwi—va, known in English as Boundary Cone Butte, which is located on land currently under the Bureau of Land Management in Mohave County, Arizona.

Boundary Cone Butte holds religious and cultural importance for the Hualapai Tribe, as well as for the Fort Mojave Tribe, and because of its importance for both tribes, Boundary Cone has been determined to be eligible for the National Register as a traditional cultural property, ATCP.

The sanctity of Boundary Cone is crucial to the ability of tribal religious practitioners to carry on traditional practices and to pass these traditions along to younger generations.

The two tribes are closely related to each other culturally and Boundary Cone is located in an area that each tribe regards as being within its aboriginal lands. For many years the sanctity of Boundary Cone has been threatened by a proposal to construct and operate a shooting range on nearby Federal landscape.

This Committee has jurisdiction over a bill that has been introduced in this Congress, H.R. 2100, which would direct the Secretary of the Interior to convey land in Mohave County to the Arizona Game and Fish Department for a shooting range.

The Hualapai Tribe is opposed to H.R. 2100. This bill should be stopped. The tribe recognizes however that to protect Boundary Cone that it is not enough to prevent the enactment of H.R. 2100, because on February 10, 2010, the BLM decided to approve the conveyance of the land that would make the shooting range a reality.

H.R. 2100 would be irrelevant because the conveyance of land will already have taken place without a specific mandate from Congress. BLM decided to convey 350 acres of Federal land to the Arizona Game and Fish Department for the State for use as a shooting range.

The proposed site for the shooting range is about two miles from Boundary Cone. On that same date, the BLM also issued a finding of no significant impact, a fallacy, based on an Environmental Assessment for the proposed action.

The EA determined that the operation of a shooting range so close to Boundary Cone will cause adverse effects on Boundary Cone, especially from the noise from the shooting range, which will interfere with traditional religious and cultural practices by members of both tribes.

The Advisory Council of Historic Preservation recognized that the noise caused by the shooting range would severely disrupt the sanctity of Boundary Cone. In a formal letter to Secretary of the Interior Dirk Kempthorne, dated November 3, 2008, John Nau, III, Chairman of the Advisory Council, said, in part, there is a basic incompatibility between the land uses of a shooting range in an area where traditional cultural use would be disrupted by the audible intrusions of repeated gunfire.

He called it a basic incompatibility. In addition to the adverse effects on the integrity of Boundary Cone, and the characteristics that give the place historic significance, the audible intrusions of repeated gunfire will impose a burden on the exercise of religious practices by traditional tribal members.

This proposed shooting range has been sought for more than decade by the Tri-State Shooting Recreation Center, Incorporated, which has been pushing the BLM to approve this project.

The Hualapai Tribe has voiced its opposition since the spring of 2004. The failure of BLM to engage in consultation with the tribes early in the planning process resulted in an alternative dispute resolution, an 80 hour process conveyed by the United States Institute of Environmental Conflict Resolution.

The Hualapai believes the failure of implementing solutions offered through the ADR process prevented the BLM to make a decision to prepare an Environmental Impact Statement, with a genuine search for alternative locations.

In addition, the BLM announced that it was terminating the National Historic Preservation Act, Section 106, process. The decision record for the EA states that the BLM has completed the Section 106 process.

In fact, the Section 106 process did not lead to the result that the BLM wanted. So, the BLM simply stopped trying to consult. When a Federal Agency terminates consultation, the head of the agency must formally request the advisory council to file comments on the proposed undertaking.

If the Federal agency has not entered into an agreement pursuant to the advisory council regulations, then any decision to proceed with the undertaking, despite the failure to resolve adverse effects, must be made by the head of the agency.

The statute says the head of the agency may not delegate his or her responsibilities pursuant to such section. In the case of the proposed shooting range near Boundary Cone, the documentation from the head of the National BLM was signed on January 16, 2009, by the person who was the acting director of BLM.

Regardless of whether that action complies with the letter of the law, it subverted the spirit of the law. The rationale for elevating

this decision to the head of the national agency is to provide some degree of accountability. There is no accountability when an administration makes such a decision on its last working day in office.

The fact that this proposal has even been given serious consideration by BLM and project component conveys the message that they do not understand the importance of the Mohave Valley landscape for the cultural identity for each of the tribes involved.

The tribes continue to believe that an acceptable alternative location could be found if the proponents of the project really wanted to. In any case, the tribes do not believe that their freedom of religions and cultural identities should be sacrificed to make way for this project. Thank you, Mr. Chairman.

[The prepared statement of Ms. Jackson-Kelly follows:]

**Statement of Loretta Jackson-Kelly, Tribal Historic Preservation Officer, Director, Department of Cultural Resources, Hualapai Tribe of Arizona, on H.R. 2100**

Thank you for the opportunity to present testimony about the concerns of the Hualapai Indian Tribe with respect to Wi 'vis'—Kwi—va, known in English as Boundary Cone Butte, which is located on land currently under the jurisdiction of the Bureau of Land Management in Mohave County, Arizona. Boundary Cone Butte holds religious and cultural importance for the Hualapai Tribe as well as for the Fort Mojave Indian Tribe. Because of its importance for both Tribes, Boundary Cone Butte has been determined to be eligible for the National Register as a traditional cultural property.

The sanctity of Boundary Cone Butte is crucial to the ability of tribal religious practitioners to carry on traditional practices and to pass these traditions along to younger generations. The two Tribes are closely related to each other culturally, and Boundary Cone Butte is located in an area that each Tribe regards as being within its aboriginal homeland.

For many years, the sanctity of Boundary Cone Butte has been threatened by a proposal to construct and operate a shooting range on nearby federal land. This Committee has jurisdiction over a bill that has been introduced in this Congress, H.R. 2100, which would direct the Secretary of the Interior to convey land in Mohave County to the Arizona Game and Fish Department for a shooting range. The Hualapai Tribe is opposed to H.R. 2100. This bill should be stopped. The Tribe recognizes, however, that, to protect Boundary Cone Butte, it is not enough to prevent the enactment of H.R. 2100, because on February 10, 2010, the BLM decided to approve the conveyance of land that would make the shooting range a reality. H.R. 2100 would be irrelevant because the conveyance of land will already have taken place without a specific mandate from Congress.

On February 10, 2010, the BLM decided to convey 315 acres of federal land to the Arizona Game and Fish Department (AGFD) for the State for use as a shooting range. The proposed site for the shooting range is about two miles from Boundary Cone Butte. On the same date that the BLM decision was announced, BLM also issued a finding of no significant impact (FONSI) based on an environmental assessment (EA) for the proposed action. As documented in the EA, the operation of a shooting range so close to Boundary Cone Butte will cause adverse effects on Boundary Cone Butte, especially the noise from the shooting range, which will interfere with traditional religious and cultural practices by members of the two Tribes.

BLM made this decision despite a formal letter from the Advisory Council on Historic Preservation recommending that BLM not approve the Boundary Cone location. The Advisory Council recognized that the noise caused by a shooting range would severely disrupt the sanctity of Boundary Cone. In a letter to Secretary of the Interior Dirk Kempthorne, dated November 3, 2008, John Nau, III, Chairman of the Advisory Council, said, in part, "There is a basic incompatibility between the land uses of a shooting range and an area where traditional cultural use would be disrupted by the audible intrusions of repeated gunfire." He called it "a basic incompatibility." In addition to the adverse effect on the integrity of Boundary Cone Butte and the characteristics that give this place historic significance, the audible intrusions of repeated gunfire will impose a burden on the exercise of religious practices by traditional tribal members.

This proposed shooting range has been sought for more than a decade by Tri-State Shooting Recreation Center, Inc., which has been pushing BLM to approve this

project. The Hualapai Tribe found out about this project after the first EA and FONSI were released in December 2003, and the Tribe has voiced its opposition since the Spring of 2004. The Fort Mojave Tribe had become engaged in the environmental review process in the fall of 2003. After the failure of BLM to engage in consultation with the Tribes early in the planning process, an alternative dispute resolution process was convened by the U.S. Institute on Environmental Conflict Resolution. The Tribes believed that process would yield a genuine, if belated, effort to consider alternative locations. Unfortunately, those efforts collapsed. The Hualapai Tribe believes that the failure of the alternative dispute resolution should have led BLM to a decision to prepare an environmental impact statement with a genuine search for alternative locations.

We note that the EA and FONSI for this project were prepared for compliance with the National Environmental Policy Act (NEPA). Of course, this proposed BLM decision is also subject to compliance with other federal environmental laws, including but not limited to the consultation process under section 106 of the National Historic Preservation Act (NHPA), as implemented through the regulations of the Advisory Council on Historic Preservation, 36 C.F.R. part 800. The EA attempts to convey the idea that BLM has made a genuine effort to fulfill its responsibilities under NHPA section 106. In describing mitigation measures, the EA says that BLM is requiring mitigation “in recognition of the [Fort Mojave Indian Tribe] continued use of Boundary Cone Butte and the surrounding area in traditional cultural practices.” EA at page 20. Similarly, the Decision Record states that BLM has completed the Section 106 process.” Decision Record at page 9. In fact, when the Section process did not lead to the result that BLM wanted, BLM simply stopped trying to consult.

After the failure of the alternative dispute resolution, BLM announced that it was “terminating” the NHPA Section 106 process. Under the Advisory Council’s regulations, the federal agency can “terminate” the consultation process upon determining that “further consultation will not be productive.” 36 C.F.R. § 800.7(a). When the federal agency terminates consultation, the head of the agency must formally request the Advisory Council to file comments on the proposed undertaking. As set out in the regulations, after the Advisory Council comments, the head of the agency must “take into account the Council’s comments in reaching a final decision on the undertaking.” § 800.7(c)(4). The requirements set out in this section of the regulations are based on section 110(l) of the statute, 16 U.S.C. § 470h-2(l), which provides that, for any proposed federal undertaking that adversely affects any property on or eligible for the National Register of Historic Places, if the federal agency has not entered into an agreement pursuant to the Advisory Council’s regulations, then any decision to proceed with the undertaking despite the failure to resolve adverse effects must be made by the heads of the agency. The statute says, “The head of the agency may not delegate his or her responsibilities pursuant to such section.”

In the case of the proposed shooting range near Boundary Cone Butte, the documentation that the head of BLM actually considered the Advisory Council’s comments, was signed on January 16, 2009, by the person who was the acting Director of BLM. Regardless of whether that action complies with the letter of the law, it subverted the spirit of the law. The rationale for elevating this decision to the head of the agency is to provide some degree of accountability—there is no accountability when an administration makes such a decision on its last working day in office.

The fact that this proposal has even been given serious consideration by BLM and project proponents conveys the message to us, that they do not understand the importance of the Mojave Valley landscape for the cultural identity of each of the Tribes. The Tribes continue to believe that an acceptable alternative location could be found, if the proponents of the project really wanted to. In the first place, we believe that the footprint of the proposed shooting range could be reduced substantially.

In any case, the Tribes do not believe that their freedom of religion and cultural identity should be sacrificed to make way for this project.

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Mr. GRIJALVA. Thank you very much. Let me now ask Linda Otero, the Director of the Tribal Council, Fort Mojave Tribe. Thank you for being here, and I look forward to your testimony.

**STATEMENT OF LINDA OTERO, DIRECTOR OF AHA MAKAV  
CULTURAL SOCIETY, TRIBAL COUNCIL MEMBER, NEEDLES,  
CALIFORNIA**

Ms. OTERO. Good morning, Mr. Chairman, and Members of the Subcommittee. For the record, my name is Linda Otero, and I am a Fort Mojave Tribal Council Member. I also serve as the Director of the Aha Makav Cultural Society.

It is both an honor and a privilege to come before this Subcommittee to offer testimony on behalf of the Fort Mojave Indian Tribe.

Since time immemorial, we, the Mojave people, have inhabited the area along the Colorado River on lands that are now within the States of Arizona, California, and Nevada.

The Mojaves farmed in the receding annual floods, and hunted, fished, and gathered at all times of the year. We are the Aha Makav, the people of the river. The rocky peak that towers over the shooting range this bill would make possible is known to Euro-Americans as Boundary Cone Butte, but in our language, it is Avi Vasqui, meaning The Sharp Mountain.

Much of our spiritual esoteric knowledge about Avi Vasqui is held in high esteem by our elders; to make it public would at best dilute its power, and at worst be dangerous both for the elders and for those receiving the information.

We can say, however, that Avi Vasqui is our time piece, measuring the span of our Tribe's life; when Avi Vasqui is gone, the Mojave people will be gone as well. It plays many vital roles in our cultural lives, notably in our spiritual stories and song cycles.

For instance, Avi Vasqui is an important landmark in the songs known as aquak, deer songs, tracing the path of the deer from the western to the eastern parts of our ancient homeland.

Avi Vasqui was also the traditional home of one of our ancient chiefs, and our ancestors left signs of their ritual use of the area in the form of rock art and ceremonial circles. Ceremonial circles were and are regarded by our people as points of entry into other dimensions of reality.

Construction and operation of a shooting range will have a variety of direct and indirect visual and auditory effects on our spiritual relationships with Avi Vasqui, and with the overall practice of our traditional religions.

For this reason, we have participated in a lengthy program of consultation with the Bureau of Land Management and others seeking alternative locations for the desired facility. We believe that a number of such locations exists, and that the bars that the BLM perceives to using them are spurious.

In the course of our consultation under Section 106 of the National Historic Preservation Act, BLM has acknowledged the cultural significance of Avi Vasqui, finding it to be eligible for the National Register of Historic Places as a traditional cultural property.

BLM has acknowledged that construction and operation of the shooting range will adversely affect our cultural uses of Avi Vasqui. The Secretary of the Interior has received comments from the Advisory Council strongly recommending that BLM explore alternatives on the project as designed because of the project's impact on Avi Vasqui and our cultural values.

Despite all this, BLM has astoundingly determined under the National Environment Policy Act that the project will have no significant impact on the quality of the human environment. On the strength of this unsupportable conclusion, BLM has sought Congress' blessing for the land transfer that is the subject of H.R. 2100.

The Fort Mojave Indian Tribe is a Federally recognized tribe, with which the U.S. Government has a well-established trust relationship. This relationship requires the U.S. Government to do what it can to protect the Tribe's interests.

Appropriate respect for our spiritual beliefs and practices is also mandated by the American Indian Religious Freedom Act, and the Religious Freedom Restoration Act. Yet, the BLM proposes that constructing a shooting range at the foot of Avi Vasqui, and thus interfering with the exercise of our traditional religion, does not significantly impact the quality of the human environment. We find this deeply insulting.

And what keeps the BLM from exploring alternative sites for the shooting range? The primary impediment to considering alternatives is the insistence by the proponent, the Arizona Fish and Game Department, that this facility be within 15 miles and a 10 minute drive from Bullhead City.

We respectfully suggest that Congress should not allow BLM to substantially burden the religious practices of a Federally recognized Indian tribe for the convenience of shooters in the vicinity of Bullhead City.

The Mojave people have a right to practice the religion of our ancestors. We ask that Congress not take it away. In the past, the U.S. Government tried to make our grandparents give up their religion.

Today, we are holding on, but we continue to have to fight to protect our sacred space. No one would approve continuous gunfire around a church. How can the U.S. Government approve of it in our sacred space?

Our feelings of reverence at Avi Vasqui are precious and connect us to the higher power. Others would not like it if we tribal folks started shooting off our guns around a church during the singing of hymns. That is sacrilegious. The same goes for others directing such acts toward us. Please do not allow the BLM to commit such sacrilege. Please do not approve H.R. 2100.

I thank the Subcommittee for allowing the Fort Mojave Tribe to provide their voice in this matter of great significance and importance to a people whose way of life and beliefs should remain undisturbed and whole, with the utmost integrity and respect for the land whose ancestor's remains marks the grounds of the Mohave Valley, our aboriginal holy lands.

[The prepared statement of Ms. Otero follows:]

**Statement of Linda Otero, Tribal Council Member, Director, Aha Makav Cultural Society, Fort Mojave Indian Tribe, California, Arizona and Nevada, on H.R. 2100**

My name is Linda Otero and I am a Fort Mojave Tribal Council Member. I am also the Director of the Aha Makav Cultural Society. Since time immemorial we, the Mojave People, have inhabited the area along the Colorado River on lands that are now within the States of Arizona, California and Nevada. The Mojaves farmed

in the receding annual floods and hunted, fished and gathered at other times of the year. We are the Aha Makav, the people of the river.

The rocky peak that towers over the shooting range this bill would make possible is known to Euroamericans as Boundary Cone Butte, but in our language it is Avi Vasqui, meaning "The Sharp Mountain." Much of our spiritual esoteric knowledge about Avi Vasqui is held in high esteem by our elders; to make it public would at best dilute its power, and at worst be dangerous both for the elders and for those receiving the information. We can say, however, that Avi Vasqui is our time piece, measuring the span of our Tribe's life; when Avi Vasqui is gone, the Mojave people will be gone as well. It plays many vital roles in our cultural lives, notably in our spiritual stories and song cycles. For instance, Avi Vasqui is an important landmark in the songs known as aquak, deer songs, tracing the path of the deer from the western to the eastern parts of our ancient homeland. Avi Vasqui was also the traditional home of one of our ancient chiefs, and our ancestors left signs of their ritual use of the area in the form of rock art and ceremonial circles. Ceremonial circles were and are regarded by our people as points of entry into other dimensions of reality.

Construction and operation of a shooting range will have a variety of direct and indirect visual and auditory effects on our spiritual relationships with Avi Vasqui, and with the overall practice of our traditional religions. For this reason, we have participated in a lengthy program of consultation with the Bureau of Land Management (BLM) and others seeking alternative locations for the desired facility. We believe that a number of such locations exist, and that the bars BLM perceives to using them are spurious.

In the course of our consultation under Section 106 of the National Historic Preservation Act, BLM has acknowledged the cultural significance of Avi Vasqui, finding it to be eligible for the National Register of Historic Places as a traditional cultural property. BLM has acknowledged that construction and operation of the shooting range will adversely affect our cultural uses of Avi Vasqui. The Secretary of the Interior has received comments from the Advisory Council on Historic Preservation (attached) strongly recommending that BLM explore alternatives to the project as designed, because of the project's impacts on Avi Vasqui and our cultural values. Despite all this, BLM has astoundingly "determined" under the National Environmental Policy Act that the project will have no significant impact on the quality of the human environment. On the strength of this unsupportable conclusion, BLM has sought Congress' blessing for the land transfer that is the subject of H.R. 2100.

The Fort Mojave Indian Tribe is a federally recognized tribe, with which the United States government has a well-established trust relationship. This relationship requires the United States government to do what it can to protect the Tribe's interests. Appropriate respect for our spiritual beliefs practices is also mandated by the American Indian Religious Freedom Act and the Religious Freedom Restoration Act. Yet BLM proposes that constructing a shooting range at the foot of Avi Vasqui, and thus interfering with the exercise of our traditional religion, does not significantly impact the quality of the human environment. We find this deeply insulting.

And what keeps BLM from exploring alternative sites for the shooting range? The primary impediment to considering alternatives is the insistence by the proponent, the Arizona Fish and Game Department, that its facility be within fifteen miles and a ten minute drive from Bullhead City.

We respectfully suggest that Congress should not allow BLM to substantially burden the religious practices of a federally recognized Indian tribe for the convenience of shooters in the vicinity of Bullhead City. The Mojave people have a right to practice the religion of our ancestors; we ask that Congress not take it away. In the past, the U.S. government tried to make our grandparents give up their religion. Today we are holding on, but we continue to have to fight to protect our sacred space. No one would approve continuous gunfire around a church; how can the U.S. Government approve of it in our sacred space? Our feelings of reverence at Avi Vasqui are precious and connect us to the higher power. Others would not like it if we tribal folks started shooting off our guns around a church during the singing of hymns. That's sacrilegious. The same goes for others directing such acts toward us.

Please do not allow BLM to commit such sacrilege; please do not approve H.R. 2100.

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Mr. GRIJALVA. Thank you. Let me now ask Mr. Robert Woodhouse, Vice-Chairman of the Arizona Game and Fish Commission, for his comments, and welcome, sir.

**STATEMENT OF ROBERT WOODHOUSE, VICE-CHAIRMAN,  
ARIZONA GAME AND FISH COMMISSION, PHOENIX, ARIZONA**

Mr. WOODHOUSE. Thank you, Chairman Grijalva. Mr. Chairman, and Members of the Subcommittee, I am Robert Woodhouse, Vice Chairman of the Arizona Game and Fish Commission. Thank you for the opportunity to testify before you today regarding Congressman Trent Franks' H.R. 2100, which would provide the much needed land for the establishment of a public shooting facility in Mohave County, Arizona.

The Arizona Game and Fish Commission supports H.R. 2100 in its committed goal of safe recreational shooting in Arizona. Recreational shooting and sport hunting have always been a family oriented activity in Arizona.

As the population of the State continues to grow the number of citizens engaging in recreational shooting at formal and informal shooting ranges, or dispersed shooting areas, has increased significantly.

The population of Arizona has more than doubled, from two-and-a-half million in 1997, to over six million today. Studies show that 20 percent of Arizona residents participate in recreational shooting activities. Outdoor recreation, as with multiple interests, are competing to use public lands adjacent to large metropolitan areas, as well as expanding rural communities.

As a result of this increased use, unresolved conflicts have arisen between public agencies, landowners, recreational shooters, and other recreationists. There are population centers in Arizona that currently do not have reasonable access to a public shooting range.

As a result the impact of dispersed shooting and associated issues such as littering, shared use of increasingly scarce public lands, and resource damage continue to represent challenges.

The Arizona Game and Fish Commission promotes and supports the development of safe accessible targets sportshooting facilities by taking a leadership role in partnering with ranges, industry, and communities.

Additionally, the Commission provides statewide range development assistance through a variety of technical, educational, and financial resources consistent with its goal to preserve shooting opportunities for present and future generations.

The Commission currently owns and operates five shooting ranges in Arizona, and has supported countless others through the development grants and technical and engineering support.

The Commission is committed to continued support for shooting range development in Arizona. With a major population increase in the tri-state area, members of the sports shooting community have expressed a strong interest in developing a new multi-purpose shooting facility to replace the one that was closed in 1998, in large part due to encroachment.

At present, due to the lack of a formal shooting facility, shooters have been forced to utilize makeshift shooting locations, which has become a significant source of concern for public and private landowners, as well as other outdoor recreationalists. H.R. 2100 would help to mitigate these issues.

To accommodate the needs of the shooting community, various shooting disciplines, hunter education, and law enforcement train-

ing needs, the Commission proposed the development of a formal shooting complex in the tri-state area.

The complex would include various rifle, pistol, and shotgun ranges, a hunter education range, and law enforcement training area. Since the closure of the only public shooting range in the area, the Commission has worked with the Bureau of Land Management and the local shooting community for the past 12 years to identify a site for a new range.

The Commission is encouraged by the BLM's recently issued record of decision authorizing the range. However, questions do remain regarding some of the stipulations included. The main questions are the range footprint, noise monitoring, and range expansion.

The Commission looks forward to working with the BLM to address these concerns. H.R. 2100 would address these issues and expedite the development process. If this legislation is passed the Commission has the financial resources available to begin range development immediately.

The Commission supports the proposed legislation by Congressman Franks regarding the conveyance of identified BLM lands to the Commission for the development of the tri-state shooting range.

If the proposed legislation is passed the Commission would continue to work with all interested parties to develop the range in the most professional manner possible, incorporating environmental management, noise abatement, and cultural considerations.

Again, on behalf of the Arizona Game and Fish Commission, I would like to thank you for the opportunity to address your Committee in support of Congressman Franks' H.R. 2100. I am happy to respond to any questions that you might have.

[The prepared statement of Mr. Woodhouse follows:]

**Statement of Robert R. Woodhouse, Vice-Chairman,  
Arizona Game and Fish Commission, on H.R. 2100**

Mr. Chairman and members of the subcommittee, I am Robbie Woodhouse, Vice-Chairman of the Arizona Game and Fish Commission. Thank you for the opportunity to testify before you today regarding Congressman Trent Frank's H.R. 2100 which would provide the much needed land for the establishment of a public shooting facility in Mohave County, Arizona. The Arizona Game and Fish Commission supports H.R. 2100 and its committed goal of safe recreational shooting in Arizona.

Recreational shooting and sport hunting have always been a family-oriented outdoor activity in Arizona. As the population of the state continues to grow, the number of citizens engaging in recreational shooting at formal and informal shooting ranges or dispersed shooting areas has increased significantly. The population of Arizona has more than doubled from 2.5 million in 1997 to over six million today. Studies show that 20% of Arizona residents participate in recreational shooting activities. Outdoor recreationists with multiple interests are competing to use public lands adjacent to large metropolitan areas, as well as expanding rural communities. As a result of this increased use, unresolved conflicts have arisen between public agencies, landowners, recreational shooters and other recreationists. There are population centers in Arizona that currently do not have reasonable access to a public shooting range. As a result, the impact of dispersed shooting and associated issues such as littering, shared use of increasingly scarce public lands and resource damage continue to represent challenges.

The Arizona Game and Fish Commission (Commission) promotes and supports the development of safe, accessible target and sport-shooting facilities by taking a leadership role in partnering with ranges, industry, and communities. Additionally, the Commission provides statewide range development assistance through a variety of technical, educational and financial resources consistent with its goal to preserve shooting opportunities for present and future generations.

The Commission currently owns and operates five shooting ranges in Arizona and has supported countless others through development grants, and technical and engineering support. The Commission is committed to its continued support for shooting range development in Arizona.

With the major population increase in the tri-state (Arizona, Nevada and California) area, members of the sport shooting community have expressed a strong interest in developing a new multi-purpose shooting facility to replace the one that was closed in 1998 due in large part to encroachment. At present, due to the lack of a formal shooting facility, shooters have been forced to utilize makeshift shooting locations which, has become a significant source of concern for public and private landowners, as well as, other outdoor recreationists. H.R. 2100 would help mitigate these issues.

To accommodate the needs of the shooting community including various shooting disciplines, hunter education and law enforcement training needs, the Commission proposed the development of a formal shooting complex in the Tri-State area. The complex would include various rifle, pistol and shotgun ranges, a hunter education range and a law enforcement training area.

Since the closure of the only public shooting range in the area, the Commission has worked with the Bureau of Land Management (BLM) and the local shooting community for the past 12 years to identify a new site for a range. The Commission is encouraged by the BLM's recently issued Record of Decision (ROD) authorizing the range, however; questions remain regarding some of the stipulations included. The main questions are the range foot print, noise monitoring and future range expansion. The Commission looks forward to working with the BLM to address these concerns. H.R. 2100 would address these issues and expedite the development process. If this legislation is passed, the Commission has the financial resources available to begin range development immediately.

The Commission supports the proposed legislation by Congressmen Franks, regarding the conveyance of the identified BLM lands to the Commission for the development of the Tri-State Shooting range. If the proposed legislation is passed the Commission would continue to work with all interested parties to develop the range in the most professional manner possible incorporating environmental management, noise abatement and cultural considerations.

Again, on behalf of the Arizona Game and Fish Commission I would like to thank you for the opportunity to address your committee in support of Congressman Franks' H.R. 2100. I am happy to respond to any questions you may have.

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Mr. GRIJALVA. Thank you very much, sir. Let me begin if I may, Mr. Vice Chairman, with a couple of questions. In your testimony if I am not mistaken, and if I am, please correct me, your testimony does not mention the concerns of the tribes that we heard today.

Can you tell me what position the agency that you represent has with regards to the concerns raised by the Fort Mojave Tribe and the Hualapai?

Mr. WOODHOUSE. Mr. Chairman, yes, I would like to respond to that. I did briefly at the end of my testimony there talk about that we are conscious and do intend to work professionally with all parties, including cultural issues, which obviously are the issues that the tribal members bring forth this morning.

And I can submit to you also, Mr. Chairman, and Members of the Committee, our Commission and the Arizona Game and Fish Department, do work with lots of tribal entities in the State of Arizona, and we look forward to being a good neighbor and cooperate with the tribe.

Mr. GRIJALVA. A follow-up to something else that you mentioned in your testimony that indicates an objection on the part of your agency to some of the requirements and stipulations that were included in the BLM record of decision to mitigate some of the impacts on native land.

Can you explain to the Committee what mitigation requirements the agency feels are not necessary or unwarranted?

Mr. WOODHOUSE. Mr. Chairman, yes, sir, I can respond to that, and Members of the Committee. We did have some issues as I had outlined about the footprint, noise monitoring, and future range expansion. There have been letters back and forth between our Deputy Director, Gary Hovatter, and the Bureau of Land Management, and we are working on those issues.

We are satisfied at this time that we are in good shape on that, and have a working relationship with BLM that also addresses the sensitiveness of the cultural issues that are brought up.

It talks about coordinating with the tribes on times that they would have religious activities there, ceremonies, and whatever their cultural needs would be. It has been thoroughly addressed, Mr. Chairman.

Mr. GRIJALVA. I think these questions are both for Ms. Jackson-Kelly and Ms. Otero. The BLM states that both of your tribes have maintained the position that there is no place within the 140 miles of the Mohave Valley that could be suitable for a shooting range. First of all, if that is true, could you explain to the Committee why?

Ms. OTERO. Mr. Chairman, 140 miles? I am not aware of that being stated. My guess is that is an interpretation of how we express the landscape and the greater vastness of the cultural area, in terms of the religion and the relationship that we have with the Avi Vasqui and other points in the valley.

And so in identifying that, we expressed the best that we can in sharing with them our cultural significance of these places. So it goes beyond the landscape of the valley. It goes beyond the mountain ranges.

So if that is an interpretation of how the mileage is placed as a marker, then I am not familiar with that. I know that within the 140 miles that exists that there are two shooting ranges, one just over the Black Mountain Range, which is the seven mile range.

And we brought that out as a possible alternative for which that range could be expanded, but we also learned that it was also located near a Hualapai grave site as well. So when we first identified the possibility of expanding that range because the route of S.R. 93 was upgraded and expanded that gave citizens the opportunity to perhaps travel that route.

But yet 140 acres? I am not aware of that number of miles being placed. So I think that is an interpretation of how we describe our land base and the greatest significance of the area.

Mr. GRIJALVA. Thank you. We have been talking about the record of decision, the BLM. Have they made stipulations on how to mitigate damage done to the area, to sacred lands? In your opinion, do the stipulations in this proposal—and this is to the both of you—do these stipulations address the tribes' concerns with the shooting range? Why or why not?

Ms. OTERO. Mr. Chairman, I will answer that as well. No, they don't. They don't address it to the extent that we feel that we are comfortable with that at all. How do you mitigate spiritual and religious values? That has been our point from the beginning. How do you do that?

Fencing is not appropriate. You look at it only as a physical structure there, a physical essence of that. We don't see it just of that nature. It is beyond that. It is the values and at the heart of which we relate to in our way of life, in our religion, and so mitigating that was not appropriate in what was outlined.

Besides that the tribe did not have full input. We expressed our concerns about the area, but I think it was taken that we were in agreement, but that was not the case with these mitigation measures that were proposed. They were more or less just placed upon us that we should accept it, but we have not. These go against what we have been saying.

Mr. GRIJALVA. You were advised of the stipulations, but there was no consultation?

Ms. OTERO. Not to the full extent that we could negotiate, right. And as it is, negotiation is not applicable to these spiritual values.

Ms. JACKSON-KELLY. I would also like to add for the Hualapai Tribe that we were not consulted about these mitigation measures.

Mr. GRIJALVA. Thank you to all three of you. I appreciate it, and let me now turn to Ranking Member Brown for any questions or comments that he may have.

Mr. BROWN. Thank you, Mr. Chairman. I would like to ask you all, the three of you, just basically a yes or no answer, and if you would, all three answer. Isn't this bill pretty much a moot point, that this shooting range—that the decision has already been made, and that it is going to be located in this area? Ms. Jackson-Kelly.

Ms. JACKSON-KELLY. If I could speak. I see this bill as authorizing the Secretary of the Interior to convey the 350 acres from BLM to the Arizona State Game and Fish Department, and that would be the final portion of steps to be taken for Arizona Game and Fish to build the facilities.

Mr. BROWN. But hasn't that decision already been made?

Ms. JACKSON-KELLY. There has been a record of decision in an EA that does say that. If the power is within the State Director of the BLM in the State of Arizona, then that is where it is.

Mr. BROWN. OK. By the way, I want to congratulate. I am a big game hunter, and I want to congratulate the Hualapai for the wild game management that you guys do there on your tribal properties, and I have long time longed and hoped for many years that I would have enough money to come shoot and go hunting for wild sheep. Primarily wild sheep, but also elk in your area.

So I congratulate you for your wonderful wildlife management there.

Ms. JACKSON-KELLY. Thank you.

Mr. BROWN. Let me go to the Fort Mojave Tribe representative. In your opinion is this a moot point?

Ms. OTERO. I express the same sentiment as the Hualapai have as well. How it is outlaid, it is giving Congress that authority as well to have the transfer or the input to have the transfer.

Mr. GRIJALVA. But the decision has already been made; is that correct?

Ms. OTERO. Yes.

Mr. BROWN. That is what I got from the National Park Service testimony that came prior to you all. And from the Arizona Game and Fish Commission?

Mr. WOODHOUSE. Mr. Chairman and Congressman Brown, I do not believe that H.R. 2100 is a moot point. H.R. 2100 is what brings the three of us here obviously with differing viewpoints on this proposed transfer of this property for this site, sir.

So I do believe that it does allow involvement for these two ladies from Northwestern Arizona, and for myself to be here from the Arizona Game and Fish Commission, to express our desires to this Committee about this proposed bill.

Mr. BROWN. Well, I appreciate you all coming, and I appreciate you all spending your resources and your valuable time coming. What is the distance from the bluff or the mountain to the range, or the Butte? Any one of the three of you. How far is it?

Ms. OTERO. Within two miles.

Mr. BROWN. How far?

Ms. OTERO. Within two miles.

Mr. BROWN. Two?

Ms. OTERO. Yes.

Mr. BROWN. I am sorry. I am a hunter and I can't hear very well.

Ms. OTERO. I am sorry. Yes, within two miles.

Mr. BROWN. OK. Would the tribes accept the shooting range with proper sound buffers and other things? So just the fact that there is a range there? It does not matter what they would do, what the Arizona Game and Fish would do, period. You just don't want the range there, no matter what they do; is that correct? That is what I am getting from you guys.

Ms. OTERO. That is correct. We stated that for alternatives for looking for a shooting range that the potential is there, but for the location near Avi Vasqui, it is not.

Mr. BROWN. OK.

Mr. WOODHOUSE. Mr. Chairman, may I respond to that?

Mr. BROWN. Yes, I was just fixing to ask you. Yes.

Mr. WOODHOUSE. Mr. Chairman and Congressman Brown, Congressman Brown, the sound studies that were done—and I would concur with the lady that it is approximately two miles, plus or minus, from the proposed site to Boundary Cone Butte.

The sound studies that have been done through the EA process and through the record of decision, and all the studies that have gone on for many, many years, over a decade now, have been exhaustive to get us back to this site.

But those sound studies showed—and I do not have the decibel levels with me currently, but were minimal at Boundary Cone. Were they audible? Yes, but minimally. And I would like to submit to the Committee, Congressman Brown, that those sound studies that were done are out there obviously in the desert, with no kinds of berms in place, no sound defusing types of things such as berms or backstops.

And I would like to submit to you that if this project goes forward, all the ranges that the Commission participates in Arizona are done in conjunction and in guidelines with the National Rifle Association guidelines on how to build safety berms, and also those are not just safety berms.

I believe as you know as a hunter and an outdoorsman obviously, those are safety berms also to defuse and try to trap up as much

of that sound within the shooting range area as is possible, and they are quite effective.

Mr. BROWN. Well, I understand that, and I appreciate your testimony regarding that. I have been very much involved in these kinds of issues, and I know that at a two mile distance the sound impact, and any other factors, the viewscape, et cetera, can be essentially mitigated totally, and I appreciate that.

And I want to congratulate the Arizona Game and Fish. I just sent in my permit applications and I hope that one of these days I will draw a permit to come. I can't afford to go to the Hualapai Indian Reservation to pay for a sheep hunt there. But, anyway, my time is up and I thank you all for coming, and I appreciate this.

And I understand both tribal concerns, and I understand your resistance to having this range put there. I really do. And I understand that it just being there is the thing that you are mostly against from your own testimony, and I just want to thank you all for coming, and Mr. Chairman, I yield back. Thank you.

Mr. GRIJALVA. Mr. Kildee, any comments?

Mr. KILDEE. I just want to thank you for having this hearing. I think it is very important, and I appreciate the testimony of the witnesses, and again, thank you, Mr. Chairman.

Mr. GRIJALVA. Thank you, sir, and let me just thank the panel. I appreciate it. And the issue of a moot point is a valid question, but this was a request presented to our staff on something that needed to be heard, and now that it is heard, I hope that we have all learned a lot.

And part of it has been the process. I have grave concerns about the process, and grave concerns about the consultation process that is required with native peoples, and their representatives.

And I think something was said earlier. Today, we have some wonderful pieces of legislation, the missions, and to protect that legacy in the west, and that includes in my part of the world, San Javier, Keno, all those, and the mission preservation is important, and they are still vibrant parishes that continue to hold services.

And we are talking about the Buffalo Soldiers and revitalizing, and renewing, and understanding of what that part of our Nation's history is, and should be respected and acknowledged.

And today we are talking about in this a shooting range, and while that is not a contradiction, it is important that the two witnesses that came from the tribes got heard, because they talked about something equally as important, and that is an understanding of respect for the sacredness of land and for traditions.

And so for that I thank you, and it certainly has been something that I have learned a great deal about, and I appreciate it a lot. With that, let me ask the next panel up.

[Pause.]

Mr. GRIJALVA. Thank you. Let me welcome the panelists, and I appreciate your patience, and let me begin with Ms. Brenda Small, H.R. 3425, Prudential Carruthers Realtors, Washington, D.C. Welcome, and we look forward to your comments on Ms. Norton's legislation. Thank you.

**STATEMENT OF BRENDA SMALL, PRUDENTIAL CARRUTHERS  
REALTORS, WASHINGTON, D.C.**

Ms. SMALL. Good morning, and thank you. I am Brenda Small, President of the Washington, D.C. Association of Realtors. I am speaking today on behalf of the National Association of Realtors, NAR, which represents 1.2 million Realtors across the country.

Engaged in all aspects of the real estate industry, NAR's members strongly support H.R. 3425, which would authorize the Fair Housing Commemorative Foundation to establish a commemorative work celebrating the Fair Housing Act of 1968.

Realtors realize that Washington, D.C., has so much to offer historically and culturally, and our members are proud that our Washington, D.C., headquarters is right here in close proximity to many of these monuments to our Nation's history and ideals.

You know, I could not testify here today without honestly acknowledging that like many Americans, many of our Realtor associations in the past have not always accepted or reflected the mosaic blend of America's diversity.

So I am especially proud to be here today to testify on the importance of diversity in home ownership in America, and equal access to rental housing, as well as to celebrate the great progress that this nation and the real estate industry has made in the years since the passage of the Fair Housing Act.

NAR and its affiliated State and local associations today also reflect and represent a tapestry of different faces, different places, ideas, intellects, talents, and passions.

And today I can proudly say that the neighborhoods where we live and work, and the consumers that we serve, are just as diverse. So to that end, we support the creation of a memorable piece of art, a monument, to the Fair Housing Act, which has benefitted all Americans.

We believe that art is inspirational, and art is culturally rich and culturally enriches. Art is multilingual, yet speaks with one voice to touch many. Art represents the passions and emotions embodied in the subject which it celebrates.

It blends and flows. It respects and appreciates, and it understands and cooperates. A Fair Housing monument in this city would represent just that. The Fair Housing Act ensures that regardless of race or color, national origin, religion, gender, familial status, or disability, we all have equal access to housing, and the right to pursue the American dream.

Realtors help put new faces in homes throughout this nation, faces that do represent the mosaic of America, and what we do for a living is create opportunities for home ownership, and equity building for millions of Americans.

The Fair Housing Act is a solid foundation that helps us protect private property rights, provides equal access to rental housing, and home ownership opportunities, and sure compliance with the law in both real estate and mortgage activities.

And furthers our goals for increased, affordable, and sustainable home ownership within the reach of all Americans. This foundation of protection and opportunity has also served to create more vibrant communities, where homeowners are more civilly involved.

Children excel in the classroom, and our American culture is enhanced by diversified neighborhoods, and while we have accomplished much in building these foundations, we still have work to do, and we still have education to do.

I have experienced race discrimination firsthand during my time in the real estate profession. Sometimes direct, and often times subtle, and all the times disturbing. It comes in the form of a rejection of my services as a real estate professional, and even on occasions where contract offers were rejected based on the assumption of race of the client being represented.

The Fair Housing Act protects my right to practice my profession in three significant ways. First, it prohibits my exclusion on the basis of race, color, national origin, religion, sex, familial status, or disability, in organizations of real estate professionals.

The National Association of Realtors affirmatively protects my right to be a Realtor, and prohibits actions that might exclude me on the basis of these characteristics.

Second, the Fair Housing Act protects me from retaliation should I exercise my rights or help anyone else exercise their rights under the Fair Housing Act; and even today, there are incidents of bigoted neighbors and minority buyers who try to buy property.

Third, every time a buyer or seller I am working with is a victim of housing discrimination, everyone loses a bit of dignity and respect, and it continues to reinforce the need for the focus on and enforcement of fair housing.

Thus, what better message to send to all Americans than to establish a permanent monument dedicated to fair housing right here in the Nation's capital. A fixed reminder, both now and in the future, that the American dream of home ownership is and should be available to all Americans.

And while we have made great strides and accomplished much to promote and foster fair housing, there is more to do to inspire us and future generations to be vigilant in protecting one of our most basic rights, the rights to property and housing.

We want to see the hard run struggles to make fair housing a reality, and a positive influence that fair housing has had on our society commemorated by the establishment of a fair housing monument in this city, and urge you to support H.R. 3425. Thank you for the opportunity to testify in support of this worthy endeavor.

[The prepared statement of Ms. Small follows:]

**Statement of Brenda Small, President, Washington, DC Association of REALTORS®**, ON BEHALF OF THE NATIONAL ASSOCIATION OF REALTORS®, ON H.R. 3425

Good Morning, I am Brenda Small, President of the Washington, DC Association of REALTORS®. I am speaking today on behalf of the National Association of REALTORS® (NAR), which represents 1.2 million REALTORS® across the country. Engaged in all aspects of the real estate industry, NAR's members strongly support H.R. 3425, which would authorize the Fair Housing Commemorative Foundation to establish a commemorative work celebrating the Fair Housing Act of 1968.

Washington, DC has so much to offer, historically and culturally. Our members are proud that our Washington, DC, headquarters, is right here in close proximity to many of these monuments to our nation's history and ideals.

I could not testify here today without honestly acknowledging that like many Americans, many of our REALTOR® associations in the past have not always accepted or reflected the mosaic blend of America's diversity.

So I am especially proud to be here today to testify on the importance of diversity in homeownership in America, and equal access to rental housing, as well as to celebrate the great progress that this nation and the real estate industry has made in the years since the passage of the Fair Housing Act.

NAR and its affiliated state and local associations today also reflect and represent a tapestry of different faces, different places, ideas, talents, intellects, interests and passions. Today, I can proudly say that the neighborhoods where we live and work and the consumers we serve are just as diverse.

To that end, we support the creation of a memorable piece of art, a Monument to the Fair Housing Act, which has benefited all Americans.

The Fair Housing Act ensures that regardless of race or color, national origin, religion, gender, familial status, or disability, we all have equal access to housing and the right to pursue the American Dream.

REALTORS® help put new faces in homes throughout this nation, faces that represent the mosaic of America. What we do for a living is create opportunities for homeownership and equity building for millions of Americans.

The Fair Housing Act is the solid foundation that helps us protect private property rights, provide equal access to rental housing and homeownership opportunities, ensure compliance with the law in real estate and mortgage activities, and further our goals for increased, affordable, and sustainable homeownership within the reach of all Americans.

This foundation of protection and opportunity has also served to create more vibrant communities where homeowners are more civically involved, children excel in the classroom, and our American culture is enhanced by diversified neighborhoods.

While we have accomplished much in building these foundations, we still have work to do. We still have education to do. I have experienced race discrimination firsthand during my time in the real estate profession, sometimes direct, often times subtle, and always disturbing. It comes in the form of the rejection of my services as a real estate professional, and even occasions where contract offers were rejected based on the assumption of race of the client being represented.

The Fair Housing Act protects my right to practice my profession in three significant ways:

First, it prohibits my exclusion on the basis of race, color, national origin, religion, sex, familial status, or disability in organizations of real estate professionals. The National Association of REALTORS® affirmatively protects my right to be a REALTOR® and prohibits actions that might exclude me on the basis of these characteristics.

Second, the Fair Housing Act protects me from retaliation should I exercise my rights or help anyone else exercise their rights under the Fair Housing Act. Even today, there are incidents of bigoted neighbors threatening REALTORS® and minority buyers who try to buy property.

Third, every time a buyer or seller I am working with is a victim of housing discrimination—whether for race, color, national origin, religion, sex, familial status, or disability—everyone loses a bit of dignity and respect, and it continues to reinforce the need for the focus on and enforcement of fair housing.

Thus, what better message to send to all Americans than to establish a permanent monument dedicated to Fair Housing right here in the nation's Capitol: A fixed reminder, both now and in the future, that the American Dream of Homeownership is, and should be available to all Americans.

The progress we have made and the work remaining was and will be accomplished by many Americans, from those who bravely exercised their fair housing rights in the face of violence, to the community voices for fair housing, to REALTORS® who challenged practices and helped people find the housing they needed.

While we have made great strides and accomplished much to promote and foster fair housing, there is more to do to inspire us and future generations to be vigilant in protecting some of our most basic rights: the rights to property and housing. We want to see the hard won struggles to make fair housing a reality and the positive influence fair housing has had on our society commemorated by the establishment of a Fair Housing Monument in this city and urge you to support H.R. 3425.

Thank you for the opportunity to testify in support of this worthy endeavor.

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Mr. GRIJALVA. Thank you very much. Let me now introduce Ms. Susan Chandoha, and if I misstated your name, I apologize, who is the Executive Director of Los Compadres de San Antonio Misions, San Antonio, Texas. Welcome.

**STATEMENT OF SUSAN CHANDOHA, EXECUTIVE DIRECTOR,  
LOS COMPADRES DE SAN ANTONIO MISSIONS, SAN ANTONIO,  
TEXAS**

Ms. CHANDOHA. Good morning, Mr. Chairman, and Ranking Member Pro Temp Brown, and Subcommittee Members. It is an honor and a privilege to be here in this beautiful capital of our wonderful country to provide testimony on H.R. 4438. With me, I would like to introduce Sue Ann Garcia, Chairman of the Board of Los Compadres; her husband, J.A. Garcia, who is a county judge of Kennedy County in South Texas; Betty Bueche, who is representing Bexar County Judge Nelson Wolf, and Scott Bentley, Superintendent of the San Antonio Missions National Historical Park.

Los Compadres is the friend's group to this national park in San Antonio. We are comprised of a large group of caring individuals and businesses. We cherish the historical resources in San Antonio.

As such our organization since 1983, when we were chartered, has raised over 54 million dollars on behalf of the San Antonio Missions National Historical Park. Congressman Ciro Rodriguez, a longtime devotee to our historical missions, who was raised in the shadow of San José, and attends religious services there on Sundays when he is back in the district, sponsored this bill, along with the wholehearted supported of our three other Bexar County Congressman, Congressman Henry Cuellar, Congressman Lamar Smith, and Congressman Charles Gonzalez.

Few can question the national and international significance of the San Antonio Missions. They comprise the single largest concentration of Spanish colonial resources in the United States, and include the only Eighteenth Century continuously functioning dam, irrigation system, and aqueduct on the continent.

These missions represent the finest remaining monuments of Spain's frontier ingenuity in the country, and they are living testimony to the pioneering spirit that established the Southwest and gave rise to our country's agricultural and ranching industries.

By way of background, some 90 years ago the citizens of San Antonio began their work to acquire the protection of the National Park Service. When they finally became a national park in 1978, the boundary that was drawn by Congress was multifaceted due to the nature of the separate areas of each mission. This bill will help address some of these issues.

The boundary adjustment portion of the bill, if passed, will add 151 acres to the park. In actuality, 118 of this is already owned by the park, or will soon be donated and transferred through land swap.

H.R. 4438 also calls for a new study to determine whether additional Spanish colonial resources in Bexar and Wilson Counties should be incorporated within the missions boundaries.

Historically, the missions had strong ties with the San Antonio River as each mission had its own irrigation system that depended on the river for its water. Unfortunately, this historic connection was broken with flood control work in the 1960s.

This is something that is extremely important. In 1975, when the citizens were working to bring the protection of the Park Service to the missions, a feasibility study was done by the National Park Service.

Five separate options for a national park were developed. Unfortunately, all of those options were thrown out, but it is very important right now to understand that every landowner within those five proposed boundaries at that time was supported.

The citizens, even though we didn't get the park that we wanted, the citizens of San Antonio continued working to protect the resources, and coming up with ideas on how this would work.

So they voted a venue tax and raised \$271 million to restore the southern segment of the San Antonio River. This work will be completed in 2013. We have worked hard for this, and we feel that a new boundary study to review some of these early options that would contain, and that would bring in all of these wonderful resources that were left out.

Most of this land is within public ownership, and the city, the county, and in Wilson County, and the individual landowners, are all willing to work on a new study. The third segment portion of this bill would authorize the Park Service to enter into a lease agreement with a nonprofit for a new headquarters building.

Obviously, we want that nonprofit to be Los Compadres. We have worked with the city for two years on acquiring the City-acquired 26 acres adjacent to Mission San José, the queen of the missions. They are building a new library.

This 26 acres has potential for an incredible educational facility. We would like to build the National Park Service headquarters, lease it to them, and once the building is paid for, all lease funds that we would receive would be put into an endowment that, in turn, would raise funds to give back to the National Park Service for preservation, restoration, development, and educational projects. It is a win-win situation.

Mr. Chairman, and Members of the Subcommittee, we feel very strongly that since the study of 1975 that we have satisfied our early promise to Congress, who created the park in 1978, that we would support it.

We are now asking you to assist in meeting our joint commitment and our needs for the future. We look forward to a very continued successful relationship with you and the National Park Service. Thank you for your consideration.

[The prepared statement of Ms. Chandoha follows:]

**Statement of Susan Chandoha, Executive Director, Los Compadres de San Antonio Missions National Historical Park, on H.R. 4438**

Good Morning, Mr. Chairman and members of the sub-committee.

My name is Susan Chandoha and I am the Executive Director of Los Compadres, the non-profit Friends' group to the San Antonio Missions National Historical Park. Joining me today, are Sue Ann Garcia, Chairman of the Board of Los Compadres, and her husband, J.A., Betty Bueché, Facilities Division Manager of Bexar County, and Scott Bentley, Superintendent of our national historical park.

I thank you for the opportunity to appear before you in support of H.R. 4438, introduced by Congressman Ciro Rodriguez and co-sponsored by Congressman Henry Cuellar, Congressman Charles Gonzalez and Congressman Lamar Smith. This legislation will do three things:

1. Complete an immediate boundary adjustment that brings in approximately 151 acres of lands owned by the park and lands actively being acquired by the park
2. Direct the National Park Service to conduct a study of lands within Bexar and Wilson Counties, Texas to identify lands that would be suitable for inclusion within this park's boundaries
3. Allow the Secretary of the Interior to lease its headquarters, maintenance, research and educational space from a non-profit or government agencies

Few can question the national and international significance of the San Antonio Missions. They comprise the single largest concentration of Spanish Colonial resources in the United States and include the only 18th century continuously-functioning dam, irrigation system and aqueduct on the continent. These missions represent the finest remaining monuments of Spain's frontier ingenuity in the country. The missions are living testimony to the pioneering spirit that established the Southwest and gave rise to our country's agricultural and ranching industries. As such, they have been placed on the United States tentative list for nomination as a World Heritage site.

By way of background, some 90 years ago the citizens of San Antonio began their work to acquire the protection of the National Park Service for its most valued historic resources. Our national park is based upon a unique set of cooperative agreements under which it operates in conjunction with local and state governments, the Catholic Archdiocese and the private sector. Very few national parks receive such total support from both the private and public sectors as does our missions' park.

When our missions became a national park, the boundary that was drawn by Congress was multifaceted due to the nature of the separate areas of each mission and related historic sites coupled with the ownership of properties by public and private entities within the boundary. Some adjustments were made in 1990. The most important being the inclusion of the Rancho de las Cabras in Wilson County. This was the working ranch for Mission Espada and contains the only extant remains of a Spanish colonial ranch in the entire country.

Today the park consists of 10 diverse, significant cultural sites contained within 813 acres of historic farmland and archaeologically sensitive areas. These sites include Missions Concepción, San José, San Juan and Espada; the Espada Dam, Espada Aqueduct and Espada Acequia or irrigation ditch, the San Juan Acequia; and the Rancho de las Cabras. Mission Concepción and the Espada Aqueduct have "landmark" status. However, many additional Spanish colonial resources in both counties still remain outside the park boundary without adequate protection.

The boundary adjustment portion of this bill, if passed, will add 151 acres to the park. In actuality, 118 acres of this is owned by the park or will soon be donated or transferred to the park through a land exchange. The additional 33 acres proposed for addition could also possibly be donated, and if not, could cost as much as \$3.5 million. This will pay for invaluable historical resources, more efficient management and enhanced educational opportunities.

H.R. 4438 also calls for a new study to determine whether additional Spanish colonial resources in Bexar and Wilson Counties should be incorporated within the missions' park boundary. Historically, the missions had strong ties with the San Antonio River as each mission had its own irrigation system that depended on the river for its water. Unfortunately, this historic connection was broken when flood control work on the southern, or mission reach, was done in the 1960s.

The citizens in Bexar County continued their efforts to bring the protection of the National Park Service to the missions. In 1975, the National Park Service completed a Feasibility Study on this. In this study, several different options for the park boundary were proposed and they were all based on the San Antonio River. However, none of the options were used because the National Park Service felt it would be too costly to restore the river's connections to the missions.

Our citizens did get their dream partially fulfilled when Congress created a smaller, but somewhat discontinuous park in 1978. The citizens vowed to continue their local support to protect the missions and to develop them into America's premier Spanish colonial national park. In so doing, they overwhelmingly voted in a local tax that raised \$271 million to fund the restoration of the mission reach of the San Antonio River. The historic connection between the river and the missions will be re-established when this work is completed in 2013.

Bexar and Wilson Counties have worked tirelessly to provide enhancements to our park over the years. The dream that started in 1924 and partially fulfilled in 1978 can now become a reality with the authorization of this study. We urge you to direct the National Park Service to 1) re-evaluate the addition of lands that meet the criteria for inclusion based on the 1975 feasibility study; and 2) evaluate the other known Spanish Colonial resources within these two counties that meet the criteria for inclusion.

We do not want to lose historic farmlands and ranch lands to urban development, but it is happening. Precious parts of our cultural heritage are slipping away. The bells of San José, Concepción, San Juan and Espada rang long before the Liberty Bell and we cannot afford to lose any more of this history.

Los Compadres is comprised of individuals and businesses who are civic leaders who are passionate about our missions' national park. Los Compadres funded the first capital improvements project at the park in 1987 with the construction of a vis-

itor contact station at Mission Concepción. Los Compadres funded the complete landscaping and tour bus drop-off at the federally-funded Visitor Center at Mission San José and we continue to fund landscaping throughout the park on an annual basis. Our non-profit funds 15 to 20 projects each year—critical educational and preservation projects that could not be done without our support.

Los Compadres has worked with the park and the City over the past two years to develop property near Mission San José. The City purchased lands adjacent to the mission and has started construction on a much-needed library at the site. The development plan also includes the construction of a new headquarters facility for the park that would contain an archival storage facility for the park's 990,000+ artifacts and a research facility. It would also contain space for educational programs and community forums.

Los Compadres would like to construct this facility and lease it to the park and HR4438 would allow the National Park Service to do this. Once the building was paid for, we would place the lease funds in an endowment in which 100% of the proceeds would be donated back to the park for preservation, restoration, development and educational projects. This is a win-win situation for all.

We would ask that the language in the bill give the National Park Service the authority to lease specifically from Los Compadres. If not modified, then the National Park Service would have to advertise the project with other non-profits who might be interested in building on the property. Or, at least insert the language that specifies a non-profit contribute, after debt payment, all rental proceeds from the lease be donated back to the missions' park.

Additionally, we would also like to see specific funding for several one-time highly specialized National Park Service needs in the amount of \$5.7 million for specialty equipment, security measures, archival storage and access control. Los Compadres' portion of the construction cost of the building would be \$6 million and we are ready to move forward.

Mr. Chairman and members of the sub-committee, in our opinion Bexar and Wilson Counties have satisfied our early promises to Congress to support a national park. We are now asking the federal government to assist in meeting our joint commitment and needs for the future. We look forward to a continued successful relationship with you and the National Park Service.

From a business perspective, I see the San Antonio Missions National Historical Park as a significant economic generator for our city. Park visitation has increased over 761% since its creation and now has over 1.6 million annual visitors. And, as an American and Texan, I am committed to the preservation of our cultural heritage. I see these missions as more than architectural relics—they are the windows to our past and the foundation of our future.

Thank you for your consideration this morning.

[NOTE: Attachments have been retained in the Committee's official files.]

Mr. GRIJALVA. Let me now thank you. Let me ask Geneva Brett, who is the Vice President of the Los Banos Buffalo Soldiers Association, to begin. Welcome, and I look forward to your comments.

**STATEMENT OF GENEVA BRETT, VICE PRESIDENT, LOS BANOS BUFFALO SOLDIERS ASSOCIATION, LOS BANOS, CALIFORNIA**

Ms. BRETT. On behalf of every veteran who has ever served this great nation, I thank you for the opportunity to testify in support of H.R. 4491. My name is Geneva Marie Brett. I am a Realtor broker associate, Vice President of the Los Banos Buffalo Soldiers Ninth and Tenth Cavalry Association, and President of the Los Banos Chamber of Commerce.

Few Americans are aware that Yosemite, Sequoia, and Kings Canyon National Parks, were protected by the United States Army from 1899 to 1913. Buffalo Soldiers, African-American Cavalrymen, traveled by horseback from the Presidio of San Francisco to Sequoia and Yosemite in 1899, 1903, and 1904, to work as park protectors.

These veterans of foreign and domestic wars made significant contributions in the development of our nation and the National

Park System, yet they remain near invisible in the pages of American history.

H.R. 4491 will bring to light this hidden history and commemorate the service of pioneers like the remarkable Colonel Charles Young, the third black graduate of West Point, and the first black acting superintendent of a national park, first black military attache, and one of 10 people to ever have a memorial service in the Marble Amphitheater in Arlington.

The Los Banos Buffalo Soldiers Ninth and Tenth Cavalry Association was formed to share this American history. At the heart of the 18 communities along the trail, we not only embrace this important history, but we have become its champion, sharing this remarkable story from sea to shining sea.

Our organization is currently planning activities that will educate, engage, and inspire current and future generations. To show the wide community support for this bill, we brought letters from our City Council, Chamber of Commerce, veterans, the NAACP, and the public.

The Los Banos City Council declared 2010 the Year of the Veteran. The San Joaquin Valley national cemetery declared it the year of the Buffalo Soldier. We are confident that the passage of H.R. 4491 will aid local historic preservation, commerce, tourism, and education in all 18 communities along the trail.

It is a rare and thrilling opportunity to share this new old history of local and national significance. Is it irony or perhaps destiny that the Buffalo Soldiers were among the first stewards of the little known or understood notion of national parks, and now the National Park Service is the steward of the fragile and little known history of the Buffalo Soldiers.

We were not only astonished to learn of the Buffalo Soldiers' connection to our community, but also that the greatest resource for Buffalo Soldier history is the National Park Service.

H.R. 4491 is necessary and vital because there is nothing official in the NPS to commemorate the contributions of these veterans. A National Historic Trail makes a statement to future generations that this history, their contribution, is important to this nation.

Historical trail status would force academia to pay attention to this history, meaning universities to grade schools would begin to study and teach the story. If American children grow up hearing about the Buffalo Soldiers of the Sierra Nevada, then all children and their parents will understand that National Parks belong to all Americans.

In truly honoring the hundredth anniversary of the National Park Service, Congress is being challenged with exploring visionary strategies to attract and accommodate new visitors through innovation and outreach. This historical trail project is undeniably such a visionary strategy.

It provides 18 opportunities to bring the National Parks directly to the people in their communities. This trail will stimulate those segments of our society who least visit the parks, African-Americans and other minorities.

In her press conference announcing the bill, Congresswoman Speier said: "I have lived my entire life within walking distance of El Camino Real, and never knew this chapter of our local history.

Locally, my hope is that this remarkable story is incorporated into lesson plans for children learning about our region. We all learned in history class about the Spanish missionaries, the 49ers, and the railroad barons. In more recent years, educators have stressed the history of local Native American tribes who made their home, later would become known as the San Francisco Bay. The story of the Buffalo Soldiers should be added to that history.” We concur.

On behalf of Los Banos, the Buffalo Soldiers, and the communities along the route, we wholeheartedly thank Congresswoman Speier and the 52 co-sponsors for introducing H.R. 4491.

Neither Congress nor this Subcommittee can change the missions of yesterday. However, you can ensure that this history is not just preserved, but presented. We are in this for the long haul. Working together, we can, and we will, stand and salute these remarkable and deserving veterans. And if you listen closely, you can hear the thank you from the Buffalo Soldiers themselves.

[The prepared statement of Ms. Brett follows:]

**Statement of Geneva Marie Brett, Realtor/Broker Associate, Vice President, Los Banos Buffalo Soldiers 9th & 10th Cavalry Association, and President, Los Banos Chamber of Commerce, on H.R. 4491**

My name is Geneva Marie Brett; I'm a Realtor/Broker Associate, Vice President of the Los Banos Buffalo Soldiers 9th & 10th Cavalry Association, President of the Los Banos Chamber of Commerce, and the only child of a Vet who died in Korea. On behalf of every Veteran who has ever served this great nation, I thank you for the opportunity to testify in support of H.R. 4491, The Buffalo Soldiers in the National Parks Study Act.

Few Americans are aware Yosemite, Sequoia & Kings Canyon National Parks were protected by the U.S. Army from 1891-1913. Buffalo Soldiers (African-American Cavalry and Infantrymen) traveled by horseback from the Presidio of San Francisco to Sequoia and Yosemite in 1899, 1903 and 1904 to work as park protectors. Among other things they built the first usable wagon road into Sequoia's Giant Forest, the first trail to the top of Mt Whitney, as well as the first museum in the national parks.

These Veterans of Foreign and Domestic Wars made significant contributions in the development of our nation and the National Parks System yet they remain near invisible in the pages of American history. H.R. 4491 will help bring to light this hidden history and commemorate the service of pioneers like the remarkable Colonel Charles Young, the 3rd Black Graduate of West Point, 1st Black Superintendent of a National Park, 1st Black Military Attaché and 1 of 10 people to ever have a memorial service in the marble amphitheater at Arlington.

The Los Banos Buffalo Soldiers 9th & 10th Cavalry Association was formed to share this delicious slice of American history. At the heart of the 18 communities along the Trail, we not only embrace this historical treasure but have become its champion, sharing this remarkable story from sea to shining sea. Our organization is currently planning activities that will educate, engage, and inspire current and future generations. Evidencing the wide community support for this Bill we've brought letters from our City Council, Chamber, Church members, Veterans, and the general public. City Council declared 2010 the Year of the Veteran, our National Cemetery declared it the Year of the Buffalo Soldier. We are confident the passage of H.R. 4491 will aid local historic preservation, commerce and tourism in all 18 communities along the Trail. It is a rare yet thrilling opportunity to share new, old history of local and national significance.

Our Chamber brought the Buffalo Soldiers to our attention when researching the cultural diversity of Los Banos for our centennial celebration in 2007. We were not only astonished to learn of the Buffalo Soldier connection to our community, but also that the greatest resource for Buffalo Soldier history is the National Parks Service! Is it irony, or perhaps destiny, that the Buffalo Soldiers were among the first stewards of the little known or understood notion of national parks and now the National Parks Service is the steward of the fragile and little known history of the Buffalo Soldiers?

H.R. 4491 is necessary because there this is NOTHING official to commemorate the contributions of these Veterans. A National Historic Trail makes a statement

to future generations that this history, this contribution is important. Historic trail status would force academia to pay attention to this history, meaning universities to grade schools would begin to study the story. If American children will understand at an early age that national parks belong to all Americans.

In truly honoring the 100th Anniversary of the National Park Service, Congress has been challenged with exploring visionary strategies to attract and accommodate new visitors through innovation and outreach. This Historical Trail Project is undeniably such a visionary strategy; it provides 18 opportunities to bring the National Parks to the people in their communities as referenced in the NPS Centennial Initiative for 2016!

In 2006 President George Bush called on all Americans to help in these efforts and to enhance our parks as we get ready for the National Park Service's centennial celebration. Los Banos answered that call and the quiet whispers from a hundred years past to honor the little noted and mostly forgotten Buffalo Soldiers.

Neither Congress nor this Subcommittee can change the omissions of yesterday; however you can ensure that this history is not just preserved, but also presented. It is both your duty and your honor to do so by passing H.R. 4491. We're in this for the long haul, working together, We Can—We Will stand and salute these remarkable and deserving Veterans.

In her Press Conference announcing the Bill Congresswoman Speier said, "I lived my entire life within walking distance of El Camino Real and never knew this chapter in our local history. Locally, my hope is that this remarkable story is incorporated into lesson plans for children learning about our region. We all learned in history class about the Spanish missionaries, the 49ers and the railroad barons. In more recent years, educators have stressed the history of local Native American tribes who made their home along what would later be known as San Francisco Bay. The story of the Buffalo Soldiers should be added to that history." We concur.

On behalf of our community and the Buffalo Soldiers we wholeheartedly thank Congresswoman Speier and the 52 cosponsors for introducing H.R. 4491—The Buffalo Soldiers in the National Parks Study Act, we thank you here today for voting yes.

Mr. GRIJALVA. Let me ask if I may, Ms. Brett, the guests that accompanied you today.

Ms. BRETT. Yes. Thank you. This is Captain Dave Aflano of our chapter. Excuse me, not our chapter. We are the only Buffalo Soldiers Association in the United States to address the 1903 reconstruction area uniform. So this is Captain David Aflano; and our First Sergeant, Kevin Craig; and our young cadet, Kevin Craig, Junior.

Mr. GRIJALVA. Thank you very much.

Ms. BRETT. Thank you.

Mr. GRIJALVA. Thank you. Let me welcome Mr. Reid Wilson, H.R. 4524, Executive Director, Conservation Trust for North Carolina, Raleigh, North Carolina. Welcome, and thank you for your patience, and I look forward to your comments.

**STATEMENT OF REID WILSON, EXECUTIVE DIRECTOR, CONSERVATION TRUST FOR NORTH CAROLINA, RALEIGH, NORTH CAROLINA**

Mr. WILSON. Thank you, Mr. Chairman, and Members of the Subcommittee. My name is Reid Wilson, and I am the Executive Director of the Conservation Trust for North Carolina.

CTNC works to increase the amount of protected natural areas in North Carolina, and we do it in two ways. First, we promote, and represent, and assist 24 local land trusts so that they can protect more land in the communities that they serve.

And, second, we are a land trust ourselves, and we focus on conserving the natural and scenic corridor of the Blue Ridge Parkway, and I am presenting my testimony today on behalf of seven other

land trusts in Virginia and North Carolina who protect land along the Parkway.

We strongly support the Blue Ridge Parkway Protection Act, H.R. 4524, introduced by Representatives Shuler, Price, Boucher, and Perriello, and there is a Senate version, S. 2951, introduced by Senators Burr, Hagen, Webb, and Warner.

I want to express our sincere thanks for their leadership on this issue. These bills would provide much needed funding to help ensure that the Parkway is as awe inspiring to future generations as it is to us today.

There are five reasons why it is critically important to expand funding for land conservation along the Blue Ridge Parkway. First, the Parkway is the most visited unit by far of the National Park Service, but its most popular features are under threat.

The Parkway is a national treasure. It is 469 miles of spectacular vistas, mature forests, pristine streams, and hiking trails that attract nearly 20 million visitors per year. Yet, it is an extremely fragile ribbon threatened by development.

In most places the Parkway's land corridor is only 800 feet wide, and most of the property that makes up its views is privately owned, vulnerable to development.

In recent years unplanned rapid growth as denuded forests, choked streams with silt, destroyed wildlife habitat, and ruined scenery. In a survey, over 90 percent of Parkway visitors said it was the views that brought them there in the first place.

But the survey also found that if scenic quality declines, roughly one-quarter of respondents would reduce their number of visits to the Parkway, and many said that they would not return at all.

The second reason is that the Parkway is one of the strongest economic engines in the region, providing \$2.3 billion per year to local communities. Furniture and textile jobs in the mountains are largely gone, and they are not coming back.

We cannot afford to allow the tourism industry to suffer the same fate as manufacturing, and so we must conserve the Parkway, the backbone of tourism in this region.

Third, the Parkway is an incredible natural resource, with rich and diverse wildlife habitat. The Parkway contains some 600 miles of pure mountain streams. It also contains 43 species of amphibians, over 1,600 species of plants, and nine Federally listed threatened or endangered species. Adding more acres to the Parkway would ensure that wildlife habitat is protected and not fragmented.

Fourth, this bill is urgently needed due to the effects of the recession. For one thing, there is less State funding in Virginia and North Carolina available for conservation projects.

On the flip side, there is more land available for less money for conservation due to falling real estate prices and distressed properties coming on to the market. While development along the Parkway has slowed during the recession, its pace was furious before and will no doubt pick up again. So there is no time to waste.

Fifth, the Parkway is celebrating its seventy-fifth anniversary in 2010. Passage of the Blue Ridge Parkway Protection Act and appropriation of funding would be a fitting way to mark the anniversary of this hugely popular, but chronically underfunded jewel of the National Park System.

The bill itself is straightforward. It would authorize \$75 million over five years to purchase both properties and conservation easements adjacent to the Parkway. All transactions would be done with willing landowners. There would be no eminent domain.

Only properties listed in the Blue Ridge Parkway's land protection plan would be eligible to receive funding. The bill would facilitate partnerships between the Park Service and nonprofit conservation organizations.

Usually these land trusts can move more quickly than the government to protect a property. So the land trust could buy the land during the easement, hold it, manage it, until such time that the Park Service could supply funding.

All feasible purchases would be conveyed as soon as possible to the National Park Service, and added to the Parkway's boundaries. All properties with conservation easements would continue in private ownership, but would be protected.

We do understand that the National Park Service has some concerns about the bill as drafted. From my conversations with the staff of the bills of these sponsors, it is clear that there is a strong desire to work with the Park Service to resolve these issues and improve the bill.

CTNC and the other land trusts are likewise eager to work toward language also with the Subcommittee that is agreeable to all. We all share a sense of responsibility to pass on to future generations clean rivers and streams, abundant wildlife habitat, ample opportunities to enjoy the outdoors, and a sound economy. In short, a high quality of life.

The Blue Ridge Parkway Protection Act would help achieve all of those goals for those who come after us. I respectfully urge you to pass this important legislation and to work with the Appropriations Committee to secure funding in the next budget.

Admittedly, our Nation faces extraordinary budget constraints, but just like 75 years ago when the Parkway was created, this relatively small investment will save a treasured landscape at bargain prices, and ensure that jobs are created and maintained in a region of the country with chronic high unemployment. Thank you, and I would be happy to take any questions.

[The prepared statement of Mr. Wilson follows:]

**Statement of D. Reid Wilson, Executive Director,  
Conservation Trust for North Carolina, on H.R. 4524**

Thank you, Mr. Chairman, and members of the subcommittee. I appreciate the opportunity to be here today. My name is Reid Wilson, and I am the Executive Director of the Conservation Trust for North Carolina, based in Raleigh. CTNC works to increase the amount of protected natural lands in our beautiful state. We do this in two ways. First, we represent, promote and assist 24 local land trusts, so that they can protect more land in the communities they serve. Second, we are a land trust ourselves, and we focus on conserving the natural and scenic corridor of the Blue Ridge Parkway.

I present my testimony on behalf of several other local land trusts that do excellent work to protect lands along the Parkway—Blue Ridge Rural Land Trust, Foot-hills Conservancy of North Carolina, High Country Conservancy, Land Trust for the Little Tennessee, and Southern Appalachian Highlands Conservancy, all in North Carolina, and Western Virginia Land Trust in Virginia.

The Conservation Trust for North Carolina has protected over 30,000 acres along the Blue Ridge Parkway in 39 locations. Properties we've conserved include the 17,000-acre watershed that supplies drinking water for the city of Asheville, and the 8,000-acre watershed for the town of Waynesville. CTNC over the years has pro-

tected and conveyed 18 properties (all but two of them donated) totaling 1,321 acres to the National Park Service, and these lands have been added to the boundaries of the Parkway. We appreciate the close working relationship we have with the excellent staff at the Blue Ridge Parkway.

We strongly support the Blue Ridge Parkway Protection Act, H.R. 4524, introduced by Representatives Shuler, Price, Boucher and Perriello, and S. 2951, introduced by Senators Burr, Hagan, Webb and Warner. These bills would provide much-needed funding to help ensure that the Parkway is as awe-inspiring to future generations as it is to us today.

Let me tell you why it is critically important to expand funding for land conservation along the Blue Ridge Parkway.

- First, the Blue Ridge Parkway is the most visited unit of the National Park Service, but its most popular features are under constant threat.
- Second, the Parkway is the economic lifeblood of nearby mountain communities.
- Third, the Parkway is an incredible natural resource with rich and diverse wildlife habitat.
- Fourth, right now is an outstanding time to buy land along the Parkway.
- Fifth, the Parkway will celebrate its 75th anniversary this year.

Let me take each point in turn.

The Parkway is a national treasure. Its 469 miles of spectacular vistas, mature forests, pristine streams and hiking trails attract nearly 20 million visitors per year to North Carolina and Virginia. Yet the Parkway is an extremely fragile ribbon, and its scenic, cultural, and natural integrity are threatened by development. In most places, the Parkway's land corridor is only 800 feet wide, and most of the property that makes up its views is privately owned, vulnerable to development at a moment's notice.

In recent years, unplanned rampant growth along the Parkway has denuded forests, choked streams with silt, destroyed wildlife habitat, and ruined scenery with new subdivisions, roads, and shopping centers. In a survey, over 80 percent of Parkway visitors said that the main reason they visit is to see the vistas. The survey also found that if scenic quality declines, 22 percent of North Carolina respondents and 26 percent of Virginia respondents would reduce their number of visits to the Parkway. Many said they would not return at all.

Clearly, people travel to the Parkway to see the views. The best way to protect those vistas is to conserve the lands that comprise them.

Second, the Parkway is one of the strongest economic engines in the region, providing \$2.3 billion per year to local communities. Visitors spend between \$149 and \$172 per person per day at the Parkway. Clearly, protecting the Blue Ridge Parkway is critical to future economic growth in neighboring communities. The growing tourism industry depends on a healthy Parkway. The furniture and textile industries have been hit hard in the mountains. Those jobs are gone, and aren't coming back. We can't afford to allow the tourism industry to suffer the same fate as manufacturing, so we must conserve the Parkway—the backbone of tourism in this region.

Let me give you a couple of examples that show how fundamental the Parkway is to economic growth for dozens of towns up and down its length. Whenever a section of the Parkway is temporarily closed for repairs or by snow, the Parkway receives numerous anxious phone calls from inn and restaurant owners. They want to know how soon the road will be reopened because their businesses are taking a hit. Imagine if 10 percent or 20 percent fewer visitors came to the Parkway each year. We know from the Park Service survey that declines of that magnitude could take place if the views alone were degraded. This would devastate local businesses—outfitters, restaurants, guides, attractions, inns and hotels—that depend on tourists.

Or take the Orchard at Altapass. This historic apple orchard and general store sits adjacent to the Parkway about an hour north of Asheville. It's a hub of activity in spring, summer and fall. It's a place where locals come to clog to live music, visit with their friends from neighboring hollows, purchase from among 75 varieties of delicious apples, and grab an ice cream cone when it's hot. It's a place where tourists flock, especially in the fall, to see stunning views of mountain foliage from the store's patio. On one weekend alone last fall the orchard had 6,000 visitors. I can guarantee you that those numbers would have been cut by half or more, had the views been developed. Fortunately, CTNC helped broker a deal with the landowner, CSX Railroad, and the state of North Carolina that placed a conservation easement on nearly 1,500 acres adjacent to the orchard. Not only will the views be protected forever, but so will jobs at the orchard and in nearby tourism-dependent towns such as Spruce Pine and Little Switzerland.

Third, the Parkway contains important natural areas that should be protected and expanded. The Parkway is home to the headwaters of 15 watersheds and con-

tains some 600 miles of pristine streams. Protecting water at the source means that downstream communities pay less to supply clean drinking water to their residents. The Parkway also contains 43 species of amphibians, over 1600 species of plants, and nine federally listed threatened or endangered species. Juxtaposed with those numbers is the number of the Parkway's adjacent landowners—roughly 4,500. The Parkway has surveyed the 29 counties to determine what plans they have for development, and based on that, believes that development will become an even more pressing problem in the years to come. Adding more acres to the Parkway would ensure that wildlife habitat is protected and not fragmented.

Fourth, this bill is urgently needed due to the effects of the recession. For one thing, there is less state funding available for conservation projects on the Parkway. And, on the flip side, there is more land available to conserve, for less money, due to falling real estate prices and distressed properties coming onto the market. For instance, CTNC was able to purchase a 534-acre conservation property at a discount at the very end of 2008. And, we're currently negotiating with a bank to purchase a foreclosed property. We have an outstanding opportunity to buy Parkway land, but it won't last indefinitely. While development has slowed during the recession, its pace was furious before then, and will no doubt pick up again with the economy. There's no time to waste.

Fifth, the Parkway is celebrating its 75th anniversary in 2010, culminating in September. Passage of the Blue Ridge Parkway Protection Act and appropriation of funding would be a fitting way to mark the anniversary of this hugely popular but chronically underfunded jewel of the national parks system.

Seventy-five years ago, the United States faced an economic crisis much like the one we're in today. Rather than lock away its money, the federal government invested—funding public works programs that not only put hundreds of thousands of people to work, but created, protected and promoted some of the nation's best-loved places, including the Blue Ridge Parkway. The Parkway has been an unqualified success. Continued federal investment in the Parkway is a must to assure that it will thrive for generations to come.

Fortunately, North Carolina and Virginia lawmakers have taken the lead on legislation to help save the Blue Ridge Parkway's majestic views and natural areas. I want to thank Representatives Shuler, Price, Boucher and Perriello, and Senators Burr, Hagan, Warner and Webb for their leadership in introducing the Blue Ridge Parkway Protection Act. This legislation is desperately needed because a lack of funding has been a critical barrier to protecting the Parkway's forests, streams and vistas.

The bill is straightforward. Here are the highlights.

- It would authorize \$75 million over five years, beginning in FY 2010-11, to purchase fee simple properties and conservation easements along the Parkway, towards a goal of protecting an additional 50,000 acres.
- All transactions would be done with willing landowners. Nothing would be taken by eminent domain claims.
- The Blue Ridge Parkway's Land Protection Plan, which is revised regularly, would guide decisions about which properties are the highest priority to be preserved. Only properties listed in the Land Protection Plan would be eligible to receive funding.
- Any lands or easements purchased would have to be adjacent to the Parkway.
- The bill would enable the Park Service to work in partnership with non-profit conservation organizations to conserve priority properties. Usually these land trusts can move more quickly than the federal government to purchase a property or easement. The land trusts could buy the land or easement, hold it, protect it and manage it until the Park Service could supply funding to the land trust. The bill would ensure that these non-profits are reimbursed by the government after purchasing the properties or easements on behalf of the Park Service.
- No purchase would be made over appraised value.
- All fee simple purchases would be conveyed to the National Park Service and added to the Parkway's boundaries as soon as feasible. All properties with conservation easements would continue in private ownership, and easements would be held, monitored and enforced by a land trust, the National Park Service or an appropriate state agency—whichever approach is preferred by the Park Service.

Passage of this bill and subsequent appropriations would constitute a critical investment in the Blue Ridge Parkway's scenic, natural, and cultural vitality, and in the future economic well-being and quality of life of North Carolina and Virginia. Although the funds provided by the Blue Ridge Parkway Protection Act would not be used for traditional brick and mortar projects, they would provide a long-term

stimulus for small businesses throughout the Blue Ridge Mountains to maintain jobs that depend on tourism.

We understand that the National Park Service has some concerns about the bill as drafted, specifically about the mechanism for providing the funding for specific properties. From my conversations with the staff of the bill's lead sponsors, it is clear that there is a strong desire to work with the Park Service to resolve these issues and improve the overall bill. CTNC and other land trusts that work along the Parkway are similarly eager to work toward language that is acceptable to all.

We all share a sense of responsibility to pass on to future generations clean rivers and streams, abundant wildlife habitat, ample opportunities to enjoy the outdoors, and a sound economy—in short, a high quality of life. The Blue Ridge Parkway Protection Act would help achieve all of those goals for those who come after us.

I respectfully urge you to pass this important legislation and to work with the Appropriations Committee to secure funding in the FY 2010-11 budget and beyond. Our nation faces extraordinary budget constraints, but—as it did 75 years ago—this relatively small investment will save a treasured landscape at bargain prices and ensure that jobs are created and maintained in a region of the country with chronic high unemployment.

Thank you, and I'd be happy to answer any questions.

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Mr. GRIJALVA. Thank you very much. Let me just quickly ask the panel some questions. Ms. Small, would you like to respond to the National Park Service's position on H.R. 3425?

Ms. SMALL. Chairman, I am not aware of any opposition from the National Park Service, and if they have any concerns, we certainly would look forward to working with them regarding such.

Mr. GRIJALVA. OK. Thank you. The San Antonio Missions, and you mentioned the river and its completion, the restoration completion coming up in 2013, I think you said?

Ms. CHANDOHA. 2013, yes.

Mr. GRIJALVA. How is your vision for what we are talking about today, the missions, and the completion of that, those efforts to restore the river, how do you see the connection between the two?

Ms. CHANDOHA. The connection is extremely important and it is also very, very historic. The five San Antonio missions which were established beginning in 1718, and in 1720, San José, Concepción, Espada, and San Juan, and in 1731, were all established in San Antonio specifically for the river.

They were each established along the San Antonio River and had life sustaining ties to it, for each mission would go upstream, build a diversion dam, and then dig their Acequia or irrigation system that would provide water for the vast farmlands outside the mission, and for the inhabitants who lived inside the mission compound.

So the river and the missions were symbiotic. They were so connected. In the 1960s, flood control work was done in the southern portion of the river, which rechanneled the river, straightened it up, made it into an ugly trapezoidal type cavern almost, and all the ties, the visual ties, and the physical ties with the missions were cut off.

Back in 1975 when the National Park Service did its feasibility study, they said that they didn't think it could be a national park because of the expense of reassociating, reconnecting the missions to the river.

However, the citizens of Bexar County continued lobbying and Congress created the National Park in 1978, but unfortunately, like I said earlier, its smaller, and it is a little bit disjointed. It is

not a continuous park land, and we still didn't have that connection to the river.

San Antonio, Bexar County, continued to work to bring this historical connection back, and passed the venue tax, \$271 million, and now that complete section of the river, from downtown, all the way down to Mission Espada, is being restored. It is an ecorestoration project.

But an integral part of it is that there will be four mission portals that will have visual contact and hiking elements between the river and the mission.

Mr. GRIJALVA. Thank you.

Ms. CHANDOHA. I would also like—

Mr. GRIJALVA. I need to ask some other questions.

Ms. CHANDOHA. Oh, I am sorry.

Mr. GRIJALVA. Otherwise, my time will run out, and I won't be able to comment. Well, anyway, in terms of San Antonio and my visits there, I want to congratulate you and all the people that have worked on restoration efforts, whether that be the river, the missions, to preserve that history and blend it with a modern city is very, very—it is a great model, and I want to congratulate the work that you have done.

Ms. CHANDOHA. Thank you.

Mr. GRIJALVA. I don't have any other questions for the rest of the witnesses, other than to turn it over to Mr. Brown, in case he does.

Mr. BROWN. Thank you, Mr. Chairman. The witnesses have been very forthcoming with their testimony, and I have no further questions.

Mr. GRIJALVA. Mr. Kildee.

Mr. KILDEE. Thank you very much for the hearing, and the clarity of your testimony was very useful and very helpful, and I look forward to working with you and the Minority Leader on these bills. We don't know what the result will be, but we will work closely together. Thank you.

Mr. GRIJALVA. Thank you very much. Let me thank the panel, each one of you bringing important testimony, and good pieces of legislation, and I will certainly work with my colleagues who are the sponsors of this to see where we go from here.

And thank you for the patience, and particularly the last witness, who said I am the last one, and I am going to have to wait the longest. Thank you very much. The hearing is adjourned.

[Whereupon, at 12:00 p.m., the Subcommittee was adjourned.]

