

**H.R. 445, H.R. 1785, H.R. 4119,
H.R. 4901, H.R. 4979, H.R. 5086,
S. 311, S. 476, AND S. 609**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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Tuesday, July 29, 2014
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CONTENTS

	Page
Hearing held on Tuesday, July 29, 2014	1
Statement of Members:	
Clyburn, Hon. James E., a Representative in Congress from the State of South Carolina	72
Prepared statement of	74
DeFazio, Hon. Peter, a Representative in Congress from the State of Oregon	2
Dent, Hon. Charles W., a Representative in Congress from the State of Pennsylvania	70
Fortenberry, Hon. Jeff, a Representative in Congress from the State of Nebraska	68
Grijalva, Hon. Raúl, Prepared statement of	3
Johnson, Hon. Hank Jr., a Representative in Congress from the State of Georgia	61
Reichert, Hon. David G., a Representative in Congress from the State of Washington	55
Thornberry, Hon. Mac, a Representative in Congress from the State of Texas	34
Tonko, Hon. Paul, a Representative in Congress from the State of New York	75
Tsongas, Hon. Niki, a Representative in Congress from the State of Massachusetts, Prepared statement of	83
Van Hollen, Hon. Chris, a Representative in Congress from the State of Maryland, Prepared statement of	83
Statement of Witnesses:	
Abernathy, Reverend Ralph David III, Atlanta, Georgia	64
Prepared statement of	66
Abrams, Mary, Director, Department of State Lands, State of Oregon	10
Prepared statement of	12
Canan, Pat, Captain Game Warden, Wichita Falls, Texas	37
Prepared statement of	39
Ellis, Steve, Deputy Director, Bureau of Land Management, U.S. Depart- ment of the Interior	14
Prepared statement of	15
Gorton, Hon. Slade, Bellevue, Washington	59
Prepared statement of	60
Hickman, Vanessa P., Land Commissioner, State of Arizona	4
Prepared statement of	6
Ogsbury, Jim, Executive Director, Western Governors' Association	8
Prepared statement of	9
Sachse, Allen C., Chair, Alliance of National Heritage Areas	77
Prepared statement of	78
Spitler, Paul, The Wilderness Society	22
Prepared statement of	23
Toothman, Stephanie, Associate Director, Cultural Resources, Partner- ships and Science, National Park Service, U.S. Department of the Interior	47
Prepared statement of	48
Additional Materials Submitted for the Record:	
Coalition for the Peoples' Agenda, July 23, 2014 Letter submitted for the record on H.R. 4119	62
GABEO—Georgia Association of Black Elected Officials, July 31, 2014 Letter submitted for the record on H.R. 4119	96

IV

	Page
Additional Materials Submitted for the Record—Continued	
Mountains to Sound Greenway National Heritage Area Endorsement List, submitted for the record by Rep. Reichert	57
Mountains to Sound Greenway Trust, Cynthia Welti, Executive Director, Prepared statement on H.R. 1785	84
NAACP Washington Bureau, July 28, 2014 Letter submitted for the record on H.R. 4119	64
Southern Christian Leadership Conference (SCLC), July 22, 2014 Letter submitted for the record on H.R. 4119	63
Texas Farm Bureau, July 25, 2014 Letter submitted for the record on H.R. 4979	35
Texas and Southwestern Cattle Raisers Association, July 29, 2014 Letter submitted for the record on H.R. 4979	36
Western Governors' Association Policy Resolution 13-01, submitted for the record by Jim Ogsbury	95
Wichita County, Texas, Woodrow W. "Woody" Gossom, Jr, County Judge, July 25, 2014 Letter submitted for the record on H.R. 4979	37
Yuma Crossing National Heritage Area, Thomas D. Rushin, Chairman of the Board of Directors, Prepared statement on H.R. 445 with attachments	87

LEGISLATIVE HEARING ON H.R. 445, TO AUTHORIZE A NATIONAL HERITAGE AREA PROGRAM, AND FOR OTHER PURPOSES, "NATIONAL HERITAGE AREA ACT OF 2013"; H.R. 1785, TO ESTABLISH THE MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE AREA IN THE STATE OF WASHINGTON, AND FOR OTHER PURPOSES, "MOUNTAINS TO SOUND GREENWAY NATIONAL HERITAGE AREA ACT"; H.R. 4119, TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A SPECIAL RESOURCE STUDY OF THE WEST HUNTER STREET BAPTIST CHURCH IN ATLANTA, GEORGIA, AND FOR OTHER PURPOSES, "WEST HUNTER STREET BAPTIST CHURCH STUDY ACT"; H.R. 4901, TO MAXIMIZE LAND MANAGEMENT EFFICIENCIES, PROMOTE LAND CONSERVATION, GENERATE EDUCATION FUNDING, AND FOR OTHER PURPOSES, "ADVANCING CONSERVATION AND EDUCATION ACT OF 2014"; H.R. 4979, TO PROVIDE LEGAL CERTAINTY TO PROPERTY OWNERS ALONG THE RED RIVER IN TEXAS, AND FOR OTHER PURPOSES, "RED RIVER PRIVATE PROPERTY PROTECTION ACT"; H.R. 5086, TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO DIRECT THE SECRETARY OF THE INTERIOR TO CONDUCT A STUDY ON THE FEASIBILITY OF DESIGNATING THE CHIEF STANDING BEAR NATIONAL HISTORIC TRAIL, AND FOR OTHER PURPOSES; S. 311, A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO STUDY THE SUITABILITY AND FEASIBILITY OF DESIGNATING SITES IN THE LOWER MISSISSIPPI RIVER AREA IN THE STATE OF LOUISIANA AS A UNIT OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES, "LOWER MISSISSIPPI RIVER AREA STUDY ACT"; S. 476, A BILL TO AMEND THE CHESAPEAKE AND OHIO CANAL DEVELOPMENT ACT TO EXTEND TO THE CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION; AND S. 609, A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONVEY CERTAIN FEDERAL LAND IN SAN JUAN COUNTY, NEW MEXICO, AND FOR OTHER PURPOSES, "SAN JUAN COUNTY FEDERAL LAND CONVEYANCE ACT"

Tuesday, July 29, 2014
U.S. House of Representatives
Subcommittee on Public Lands and Environmental Regulation
Committee on Natural Resources
Washington, DC

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, McClintock, Lummis, Tipton, Cramer, Hastings; DeFazio, and Grijalva.

Also Present: Representatives Mullin; and Clyburn.

Mr. BISHOP. All right. Mr. Grijalva is on his way, so he will be joining us shortly. The Chair notes the presence of a quorum. And so the Subcommittee on Public Lands and Environmental Regulation is meeting today to hear testimony on many bills.

[Laughter.]

Mr. BISHOP. I am not going to read this. Under the rules, opening statements are limited to the Chairman and Ranking Member. However, I ask unanimous consent to include any other Members' opening statement in the hearing record, if submitted to the Clerk by the close of business today.

I also ask unanimous consent that Members that are not on the full committee or the subcommittee be allowed to sit at the dais and take part in the proceedings.

[No response.]

Mr. BISHOP. And hearing no objections, they will be so ordered.

I am going to skip any kind of opening statement. We have a lot of bills to go through. I will give Mr. Grijalva the opportunity of giving an opening statement when he arrives.

Mr. DeFazio, did you have an opening statement you wanted to give?

STATEMENT OF THE HON. PETER DEFAZIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. DEFAZIO. Very briefly, Mr. Chairman. Thank you, Mr. Chairman. Thank you for this markup. In particular, thanks for working together on H.R. 4901. I think it bodes well for other issues where we have common concerns in the Western United States that we were able to work out this legislation.

And I wanted to welcome the State Director of Lands from Oregon, Mary Abrams. And I wanted to thank her for her help and consultation. You know, we know she knows well as do I, from my years as a county commissioner and representing the state, the difficulties of managing checkerboard landscapes. And the idea that we can benefit both economic development, economic activity, funds for counties and schools, and we can benefit conservation efforts in one piece of legislation is fairly extraordinary. So I thank her for her consultation and help. I thank the Chairman for all his work on this, and look forward to hearing from the witnesses.

Thank you, Mr. Chairman.

Mr. BISHOP. Appreciate that. We are going to go through a whole bunch of bills. We will start off with H.R. 4901, which is sponsored by Mr. DeFazio and myself, which means it is a perfect bill, and anyone who testifies against it will be escorted from the room for unnecessary display of ignorance.

[Laughter.]

Mr. BISHOP. We will have H.R. 4979, the Red River Private Property Act by Mr. Thornberry, Senate Bill 609 by Mr. Udall—have to have a Senate bill in there, I apologize for that—H.R. 1785, Mr. Reichert, on the Heritage Area, H.R. 4119 by Mr. Johnson of Georgia about a study area, H.R. 5086 by Mr. Fortenberry about a trail, Senate 311 by Senator Landrieu about a potential feasibility study, and Senate 476 by Senator Cardin, also about a historical area commission, and H.R. 445 by Mr. Dent.

So, we will go through those areas and try and do them as quickly as we possibly can. Let me call up the first panel, if we could, that deals with H.R. 4901. We will ask Vanessa Hickman, who is a land commissioner in the State of Arizona; Jim Ogsbury, who is the Executive Director of the Western Governors' Association; Mary Abrams, who was just introduced by Representative DeFazio, who is the Director of the Department of State Lands in the State of Oregon; Steve Ellis, who is the Deputy Director at the Bureau of Land Management; and also Paul Spitler from the Wilderness Society.

So, I appreciate you there. You have the places. As I said, the written statements are part of the record. Most of you have been here, you know the drill before you. We ask for an oral statement that is limited to 5 minutes. If you can cut it shorter than that, we will love you for the rest of my life, and you can have my first-born male child, because he is still costing me money.

However, I am going to keep a strict limit on 5 minutes. If you are going over 5 minutes, I am going to cut you off. So watch the clock ahead of you. When the light goes from green to yellow, please hurry and quit. When it hits red, stop, even in mid-sentence.

With that, before we start the testimony, I want to welcome Mr. Grijalva for being here. Sorry to rush you. Do you have—we waived statements. Do you have an opening statement you want to put in the record?

Mr. GRIJALVA. Just for the record.

Mr. BISHOP. OK. Then we will do that.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL GRIJALVA, RANKING MEMBER,
SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

I would like to thank Chairman Bishop for holding this legislative hearing on nine bills, four of which are sponsored by Democrats. There are even Republican bills that we can support. Out of all 9 bills, it looks like there is only one that we cannot support. I hope this is a sign of how all our hearings are going to be once we get back from August recess.

Kidding aside, all of these measures are priorities for their sponsors and we appreciate holding a hearing before the long summer break.

One of the Republican measures that I am especially pleased to hear more about is H.R. 445 by Mr. Dent of Pennsylvania. This bill is the long overdue programmatic statute for National Heritage Areas. Congress has designated 49 heritage areas but they are each governed by their enabling acts and there is no uniform standard for designation, management, or evaluation.

H.R. 445 is an attempt at creating that standard and establishing the National Heritage Area System.

My district is home to the Yuma Crossing National Heritage Areas, and it has provided clear economic and preservation benefits. While that Heritage Area has been authorized, I've been waiting 6 years for to designate the Santa Cruz Valley National Heritage Area. I've asked for a hearing and not received one. I know many other Members have asked for hearings on similar pieces of legislation to establish National Heritage Areas in their districts. I hope consideration of this bill means we can keep working together to guarantee that all heritage areas get the support and authorization they need to be successful and, ultimately, financially sustainable.

I also want to thank the Chairman for including H.R. 4119 by my friend, Mr. Johnson of Georgia. The bill will authorize the National Park Service to study the feasibility of including the West Hunter Baptist Church as a unit of the National Park System. The Church was an important gathering place during the Civil Rights Movements, and we are fortunate enough to have the Reverend Ralph David Abernathy here with us today to tell us more about its story. His father oversaw the church during that important time in our Nation's history.

Last, I would like to thank the Chairman for allowing us to consider three bills that originated in and passed the Senate.

Hearing these bills is a recognition that we can start moving past the political impasse and start sending some more public lands legislation to the President's desk.

With that, I yield back.

Mr. BISHOP. So, we will begin with the testimony on this bill. Let's start with Ms. Hickman in the way I read the names off there. And then we will go through the questioning.

Ms. Hickman, thank you for being here. You are recognized for 5 minutes.

**STATEMENT OF VANESSA P. HICKMAN, LAND COMMISSIONER,
STATE OF ARIZONA**

Ms. HICKMAN. Good morning, Chairman Bishop, Ranking Member Grijalva, and members of the subcommittee. For the record, my name is Vanessa Hickman, and I am the current Vice President of the Western States Land Commissioners Association, and I also serve as the Arizona State Land Commissioner. I would like to express my appreciation to the subcommittee for conducting this hearing to examine ways to resolve the land tenure issues between state school and institutional trust lands and Federal land ownership.

I am before you today to support H.R. 4901 as a solution that will minimize the burden our school trust lands and Federal conservation lands have been facing for the past century.

Today, 23 states continue to manage state trust lands as a result of the visionary acts of the congressional predecessors who valued permanent funding for these institutions. The Western States Land Commissioners Association is comprised of these 23 predominantly Western states, that share the common legal mandate of managing trust lands to generate revenue for schoolchildren and other institutions in our states.

Today our member states manage over 447 million acres of trust lands. To put this in perspective, that area is roughly two-and-one-half times the size of Texas. Through management of these lands for mineral, energy, grazing, commercial development, and a myriad of other uses, our combined educational trusts total more than \$271 billion, generating an additional 3.8 billion for public schools in 2012.

The Arizona State Land Department manages approximately 9.2 million acres of state trust lands within Arizona. These lands are held in trust and managed for the sole purpose of generating revenue for its beneficiaries, the largest of which is Arizona's K-12 education. Legally, all uses of the land must benefit the trust, a fact that distinguishes it from the way public land, such as parks or national forests, may be used.

Unfortunately, a host of factors make generating revenue increasingly difficult. One of the greatest challenges is management of state trust lands within federally designated areas. These designations obstruct opportunities to meet the fiduciary responsibilities that are central to our mission.

Let me please draw your attention to the slides.

[Slide]

An example of the land tenure challenges in Arizona is the Grand Canyon-Parashant National Monument, which contains over 23,000 acres of Arizona State trust land. In all, over 1 million surface and subsurface acres of trust land are effectively removed from revenue-generating opportunities, because they are included within the boundaries of Federal holdings.

The Western States Association has been working with Chairman Bishop, Congressman DeFazio, and many other stakeholders to craft H.R. 4901. We believe the bill will be an effective tool for allowing states to efficiently remove their lands from inside Federal conservation areas, and relocate these parcels to locations that will support our trust obligations.

Additionally, the proposal will enhance Federal conservation efforts through contiguous landscapes by eliminating the state-owned inholdings. The acquisition and conveyance of lands would be conducted in accordance with the National Environmental Policy Act of 1969. However, when preparing an environmental assessment or environmental impact statement, the Secretary of the Interior would only be required to consider the proposed conveyance and a no-action alternative.

The bill also proposes a streamlined process for appraising parcels valued at \$300 per acre or less, through the use of a summary appraisal made by a qualified appraiser in accordance with the Internal Revenue Service standards, and because the qualified lands would be strictly limited to unappropriated public lands, special Federal land designations in areas such as national forests would not be affected.

For almost a century, Congress has made decisions to reclassify Federal lands with a wide range of management and policy prescriptions that leave large amounts of state trust land without revenue-generating opportunities. In order to keep the solemn promise whereby the United States agreed to cede some of its land to the state in exchange for a commitment by the state to educate our schoolchildren, we must adopt and implement the progressive tools prescribed in the legislation.

H.R. 4901 proposes a win-win solution for state land and Federal land managers. It gives Western states greater flexibility in managing and maximizing trust revenue, while simultaneously getting Federal land managers greater opportunities to meet their conservation and management objectives.

I thank Chairman Hastings, Ranking Member Grijalva, and members of the subcommittee for your attention to this important matter, and look forward to working with you to gain broad support for the enactment of H.R. 4901 to better fund the education of our children.

Thank you for the opportunity to testify, and I am available for any questions.

[The prepared statement of Ms. Hickman follows:]

PREPARED STATEMENT OF VANESSA HICKMAN, ARIZONA STATE LAND COMMISSIONER
AND VICE PRESIDENT, WESTERN STATES LAND COMMISSIONERS ASSOCIATION ON
H.R. 4901

Chairman Bishop, Ranking Member Grijalva, and members of the subcommittee, for the record, my name is Vanessa Hickman, and I am the current Vice President of the Western States Land Commissioners Association, in addition to my duties as the Arizona State Land Commissioner. I thank the subcommittee for conducting this hearing to examine how to resolve the land tenure issues between state school and institutional trust lands and Federal land ownership. I am before you today to support H.R. 4901 as an effective tool to manage our school trust lands and to improve the management of Federal conservation lands.

Today, 23 states continue to manage state trust lands as a result of the visionary acts of the congressional predecessors who valued permanent funding for these institutions. The Western States Land Commissioners Association (“WSLCA”) is comprised of these 23 predominantly Western states who share the common mandate of managing trust lands to generate revenue for the schoolchildren and institutions in our states. Upon becoming a territory and/or statehood, our member states were entrusted with hundreds of millions of acres of lands and minerals to be managed specifically to provide funding for public education and other state institutions. Today, our member states manage over 447 million acres of trust lands. To put it in perspective, this area is roughly two-and-one-half times the size of Texas. Through prudent management of these lands for mineral and energy development, timber, grazing, agricultural production, commercial and residential development, open space, critical wildlife habitat, recreation, and a myriad of other uses, our combined educational trusts amount to over \$271 billion, which generated an additional \$3.8 billion for public schools in 2012. As evidenced by the vast amount of state trust land set aside for common schools and other public institutions, the architects of the West—and, indeed, the entire Nation—clearly placed a high value on the funding of public education.

The Arizona State Land Department (“ASLD”) manages approximately 9.2 million acres of State Trust lands within Arizona. These lands are held in trust and managed for the sole purpose of generating revenues for the 13 State Trust land beneficiaries, the largest of which is Arizona’s K–12 education. In Fiscal Year 2014, the ASLD generated \$259,357,190 from the management and sale of Trust land for Trust beneficiaries in the State of Arizona. In a little over 100 years of statehood, our permanent fund stands at over \$4,000,000,000.

Prior to beginning my tenure as Commissioner, I served as the Deputy State Land Commissioner and Deputy General Counsel to Governor Janice K. Brewer, who is a supporter of H.R. 4901 and prudent land management practices. Prior to my state government service, I worked in private practice in real estate litigation and land use law.

My state’s path to statehood began on February 24, 1863, when the U.S. Congress established the Territory of Arizona and granted two sections of each township for the benefit of common schools.

On June 20, 1910, when Congress enacted the Arizona New Mexico Enabling Act, it granted two more sections in each township to be held in trust for the common schools, as well as an additional 2 million acres to be held for other public institutions. In total, the new State of Arizona would enter the Union with over 10 million acres of State Trust land reserved for the sole purpose of generating revenue for the state’s 13 beneficiaries—the largest of which is K–12 education.

The ASLD and the system by which Trust lands are managed were established in 1915 by the State Land Code. In compliance with the Enabling Act and the State Constitution, the State Land Code gave the ASLD authority to manage all Trust lands and the natural products from those lands.

Since the ASLD’s inception, its mission has been to manage the Land Trust and to maximize its revenues for the beneficiaries. All uses of the land must benefit the Trust, a fact that distinguishes it from the way public land, such as parks or national forests, may be used. While public use of Trust land is not prohibited, it is regulated to ensure protection of the land and compensation to the beneficiaries for its use.

To be clear, as envisioned by the founders and encoded in Federal and state law, the sole purpose of state trust land is to generate revenues for trust beneficiaries. Unfortunately, a host of factors make generating revenue increasingly difficult. One the greatest challenges to revenue generation is management of state trust lands within federally designated areas.

Let me please draw your attention to examples in the State of Arizona, where 70 percent of the land is under Federal control. The boundaries of the Grand Canyon-

Parashant National Monument include over 23 thousand acres of Arizona State Trust land. This is but one of many federally designated areas that impact the revenue generating mission of Arizona's State Trust lands. In all, over 1 million surface and subsurface acres of Trust land are effectively removed from revenue-generating opportunities because they are included within the boundaries of Federal holdings. And please, let me respectfully remind you that the revenue generating mandate requires me to put these lands into production, whether it be for grazing, agriculture, mineral production, or development.

Existing administrative and legislative solutions are costly, complicated, unpredictable, and time consuming. Administrative land exchanges with agencies within the Department of Interior or with the U.S. Forest Service are inadequate as the sole tool to complete land transfers between states and the Federal Government. The Department of Interior has implemented policies and guidelines that have made administrative exchanges nearly impossible to complete in any reasonable time frame. Moreover, the Department of Interior has failed to make the exchange process a priority and, therefore, funding has been woefully inadequate for years. Many states can cite specific examples of administrative exchanges taking longer than a decade to complete.

For several years, WSLCA has been working with our member states, Chairman Bishop, Representative DeFazio, other Members of Congress, and outside organizations to craft H.R. 4901, a bill that we believe will be an effective tool to allow states to efficiently remove their lands from inside Federal conservation areas and relocate these values to locations that are more appropriate to fulfill our Trust obligations. Additionally, our proposal will enhance Federal conservation goals and management areas by eliminating the state-owned inholdings and providing for consolidated land management. We believe we have built a broad spectrum of support and we now turn to this subcommittee to pass this bi-partisan legislation that will implement our proposal.

H.R. 4901 is a supplement to existing laws that permit exchanges and purchases. This bill is similar to the existing Federal statutes (43 U.S.C. 851–852) that permit state *in lieu* selections of Federal public lands. These statutes allow Western land grant states to select Federal lands in lieu of lands originally granted to the states that ended up not being available due to preexisting conveyances or Federal special purpose designations. By way of example, if the Federal Government had created an Indian reservation or issued a homestead patent before a state's title to a particular state parcel had vested, the state was entitled to select an equal amount of available Federal land in lieu of the lands that were lost (in lieu selections are often synonymously referred to as "indemnity" selections).

By creating new conservation designations that have limited the states from utilizing school lands for their intended purposes, the United States has in a very real sense failed to live up to the promise of the statehood land grants. H.R. 4901 will help rectify this situation by confirming the right of the states to relinquish state trust lands within Federal conservation designations to the United States and to select replacement Federal lands outside such areas. This will allow the Federal Government to obtain unified ownership and management authority over areas deemed important for conservation goals. Concerns also exist within many Western states about recent petitions to list threatened and endangered species. Where priority habitat for endangered species exists within these conservation designations, this circumstance would likely create additional constraints in managing state lands. This bill would facilitate another means by which states could relinquish lands constrained by threatened and/or endangered species considerations.

The mechanism of relinquishment and selection has been utilized previously by Congress and should not be difficult to implement. Under H.R. 4901, states owning lands within Federal conservation designations would simply deed the lands back to the United States, subject to any existing rights. This conveyance would entitle the states to select replacement lands from the unappropriated Federal public lands within the state utilizing the existing process for such selections, as set forth in 43 CFR Part 2620 (2010).

Additionally, the bill incorporates important concepts that make it a more effective tool when compared to existing laws. The acquisition and conveyance of lands will be conducted in accordance with the National Environmental Policy Act of 1969 and other applicable laws; however, the Secretary of the Interior, when preparing an environmental assessment or environmental impact statement, will be required to consider only the proposed conveyance or no action. The bill also includes a streamlined process for appraising low value parcels, allowing the Secretary of the Interior to use a summary appraisal or statement of value made by a qualified appraiser in accordance with Internal Revenue Service standards when both parties agree that a parcel's value is less than \$300 per acre. And, because selections would

be limited to unappropriated public lands, the right to select lands would not extend to areas such as wilderness, national forests, and other conservation or special purpose designations.

In conclusion, I would like to direct you to the U.S. Supreme Court in *Andrus v. Utah*, in which the Court held that “the school land grant was a *solemn agreement* which in some ways may be analogized to a contract between private parties. The United States agreed to cede some of its land to the state in exchange for a commitment by the state to use the revenues derived from the land to educate the citizenry.” For almost a century, Congress has made decisions to reclassify Federal lands with a wide range of management and policy prescriptions. While the Park Service approaches its 100th anniversary and the country now appreciates nearly 50 years of designated Wilderness, the mandate for school trust lands has remained constant for over 200 years. Congressional actions and policy decisions over the decades have locked up millions of acres of school lands and minerals within National Parks, Wilderness Areas, Wildlife Refuges, National Monuments and other Federal designations. In order to keep the *solemn agreement* with the schoolchildren of our states, we must craft effective tools to move these trapped state trust lands and minerals from within constrictive Federal ownership into other locations where the generation of income is appropriate and acceptable. H.R. 4901 is an effective tool for moving these grid-locked state trust lands into productive use.

I thank Chairman Bishop, Ranking Member Grijalva, and members of the subcommittee for your attention to this important matter and look forward to working with you to gain broad support for the enactment of H.R. 4901 to better fund the education of our children. Thank you for the opportunity to testify and I would be happy to answer any questions.

Mr. BISHOP. Thank you. You almost hit it straight on.

Mr. Ogsbury, from the Western Governors’ Association, 5 minutes.

**STATEMENT OF JIM OGSBURY, EXECUTIVE DIRECTOR,
WESTERN GOVERNORS’ ASSOCIATION**

Mr. OGSBURY. Mr. Chairman and members of the committee, my name is Jim Ogsbury. I am the Executive Director of the Western Governors’ Association. WGA is an independent, non-partisan organization representing the Governors of 19 Western states and 3 U.S. flag islands. The Governors appreciate very much the opportunity to testify today.

Because you have a very ambitious schedule, and because I have submitted my written testimony for the record, and because you have assembled a Grade A panel of witnesses who can do a deep dive on the details of the legislation and the infirmities of the current land exchange process, I will be brief. But, Mr. Chairman, if I am under 5 minutes, I would really prefer not to have your first-born child.

[Laughter.]

Mr. OGSBURY. I have, in fact, but one message to communicate, and that is the enthusiastic support of Western Governors for H.R. 4901. Like similar organizations, WGA has limited resources, and the Governors have directed the Association to focus its energies on those issues that are timely, actionable, priorities of the Governors, bipartisan, and Western in nature. Land exchange reform meets all of those tests.

Reform of the land exchange process, particularly to facilitate sensible Federal-State exchanges remains a high priority of Western Governors. WGA Policy Resolution 13-01 states, “To improve management of both Federal and state lands in areas where there is checkerboarded ownership or state lands are completely

captive within the boundaries of a Federal management area, Western Governors call on Congress to simplify and expedite the Federal-State land exchange and sale process.”

The resolution goes on to specifically embrace the effort contemplated by H.R. 4901: “The Governors encourage Congress to introduce and pass legislation that incorporates the proposed Federal-State land selection improvements proposed by the Western States Land Commissioners’ Association.” I would respectfully request that that resolution be made part of the hearing record.

Governors are frustrated. The current land exchange processes are ineffective to effect sensible and even non-controversial government-to-government exchanges that would consolidate Federal conservation areas, provide states the economic benefit of trust lands that were granted at statehood to support public education, and remove the inefficiencies of managing contiguous parcels for entirely different purposes. Those processes are expensive, complex, time-consuming, and often thwarted by inertia and competing priorities.

H.R. 4901 creates a new process for the consolidation of lands within Federal conservation areas, and the selection by states of replacement lands from the vast inventory of unappropriated Federal land. The bill is not radical. Appraisals are still required to ensure that the subject lands are of equal value, and environmental requirements remain intact.

H.R. 4901 is modest in scope, and will not solve the many problems associated with Federal land exchanges. The bill, however, does represent a common-sense approach to a problem that has seemed intractable for generations. And the Governors are delighted that, in this instance, Congress is stealing a page from the WGA playbook, crafting a bipartisan, pragmatic, comprise solution that accommodates the concerns of multiple stakeholders. The Governors applaud Representatives Bishop and DeFazio for their bipartisan leadership in advancing this bill, and pledge their continued support.

Thank you again for the opportunity to testify.

[The prepared statement of Mr. Ogsbury follows:]

PREPARED STATEMENT OF JAMES D. OGSBURY, EXECUTIVE DIRECTOR, WESTERN GOVERNORS’ ASSOCIATION ON H.R. 4901

Mr. Chairman and members of the subcommittee, thank you for inviting the Western Governors’ Association (WGA) to testify today. My name is James D. Ogsbury and I am the Executive Director of the WGA. WGA is an independent, non-partisan organization representing the Governors of 19 Western states and 3 U.S. flag islands. We are pleased to have this opportunity to testify in support of H.R. 4901, the Advancing Conservation and Education Act of 2014.

The Association is an instrument of the Governors for bipartisan policy development, information exchange and collective action on issues of critical importance to the Western United States. Above all, the Governors use WGA to promote common sense and bipartisan solutions to Western policy challenges. In order to maximize the effectiveness of the Association, the Governors concentrate its resources on policy initiatives that are: timely, actionable, bipartisan, priorities of the Governors and Western in nature. Federal land exchange reform meets all of these tests.

On a bipartisan basis, Governors throughout the West have called for reform of the Federal land exchange process, particularly to facilitate government-to-government exchanges that benefit both parties. As you know, state land managers have a fiduciary duty to manage state trust lands to maximize their revenues for specified constitutional purposes, such as public education. Federal lands are managed for entirely different purposes. Where state lands are effectively trapped inside

Federal conservation areas, it only makes sense to effect exchanges so that the Federal Government can acquire and manage that land consistent with its purposes and the state can acquire land from which economic value can be realized.

The problem, of course, is that the procedural burdens for executing a land exchange with the Federal Government are overwhelming. The time-swallowing bureaucratic requirements associated with appraisals, analyses and environmental reviews (and their staggering costs) operate to defeat otherwise sensible trades.

It is critical that Congress enact legislation to expedite the process for sensible government-to-government exchanges, which should be presumed to be in the public interest. When such exchanges are executed, the Federal Government can consolidate conservation areas, contiguous parcels can be managed more consistently, and the state can realize value for the lands granted to them in trust.

Accordingly, the Western Governors support H.R. 4901. The measure establishes a new process to consolidate both Federal and state land holdings, pursuant to which a state may relinquish state-owned lands within Federal conservation areas (such as national parks or federally designated wilderness areas) and then select replacement lands from the immense inventory of Federal lands that are suitable for economic development. Appraisals are required to ensure that the lands exchanged are of equal value, and Federal requirements for environmental review remain intact.

The legislation represents neither a radical proposal nor a comprehensive solution to the problem that is the Federal land exchange process. It does, however, represent incremental progress, and it reflects a pragmatic and bipartisan approach to a problem that has seemed intractable for generations.

Western Governors are especially pleased that, in this instance, Congress has taken a page from the WGA playbook, advancing a pragmatic solution to a Western challenge on a bipartisan basis. They commend Chairman Bishop and Ranking Member DeFazio for coming together to develop this practical approach to a serious public policy challenge.

Thank you again for the opportunity to testify.

Mr. BISHOP. Thank you, I appreciate that. If you don't want the first, you can have the fifth-born kid. He still hasn't finished college yet.

Ms. Abrams, we welcome you from Oregon. Five minutes. You are on.

STATEMENT OF MARY ABRAMS, DIRECTOR, DEPARTMENT OF STATE LANDS, STATE OF OREGON

Ms. ABRAMS. Thank you, Chairman Bishop and Congressman DeFazio, for introducing the Advancing Conservation and Education Act of 2014, and for holding this hearing.

For the record, I am Mary Abrams, I am the Director of the Oregon Department of State Lands, and I want to thank the subcommittee for the opportunity to testify today. I am here today representing my agency, as well as the State of Oregon and the Western States Land Commissioners Association. I would like to testify in support of H.R. 4901 from a state-specific and a more general Western state standpoint.

I will remind you that as settlers came West in the 1850s and beyond, Oregon needed to educate those children that were born in the new state. Recognizing this, the U.S. Government granted Oregon Section 16 and 36 of each township to generate money for the schools. These school trust lands have a very specific purpose that differentiates them from other public lands managed for a variety of uses. These lands are solely dedicated to making money for Oregon's schoolchildren. The trust agreement for their use is laid out in the congressionally adopted Admissions Act for Oregon, as well as in our State Constitution. And revenues from these lands

are deposited in the Common School Fund, a trust fund specifically dedicated for Oregon's public schools.

As an example, in 2012 alone, revenues from these lands contributed \$13 million to the Common School Fund, which, in its entirety, stands with a current value of about \$1.4 billion. Although the Common School Fund distributions are small, they are an important part of Oregon's school financing. The average annual distribution since 2008 has been \$50 million a year. These funds, however, are sufficient to be the equivalent of 48 full-time teachers in a large district such as Portland, and 3 to 4 full-time teachers in small, rural communities. In other words, the money matters to Oregon students.

While we strive to maximize revenue for our schools, the patchwork nature of the original land grant to Oregon has always been and remains a management challenge with our trust lands. The dispersed nature of the holdings caused inefficiencies, as it is easier to manage contiguous blocks with similar management goals than to manage small, non-consolidated parcels.

So, how does the Federal Government fit in? First and foremost, you are our biggest neighbors. Most of the Western states trust lands are interspersed with Federal lands, which increasingly have fundamentally different management goals than state trust lands. The Federal land management has evolved from the early days of open range to designation for special land uses and an increased emphasis on multiple-use management, which differs from our management goal, which is to increase revenue for our schools.

State trust lands surrounded by Federal designations can also be encumbered by Federal threatened and endangered species policies, access constraints, as well as unintended consequences of Federal fire protection policies. Therefore, state trust lands trapped within Federal conservation designations have a decreased value to the state's school trust, depriving current and future generations of schoolchildren of valuable revenues that could help support their education.

The Western states see the best remedy is to facilitate either exchanges or sales of land-locked state trust land parcels to the surrounding Federal agency. The Advancing Conservation and Education Act would allow state land managers to relinquish title to lands trapped within Federal conservation areas in exchange for Federal lands not already protected, and not otherwise appropriated.

The Act would consolidate the Federal conservation and state trust mandates into two separate land management blocks. This fulfills the funding mandate for public education, while also providing Federal land managers with more easily managed conservation areas.

The Advancing Conservation and Education Act is simple and elegant. It is really a win-win solution. It provides a mechanism for states to exchange state trust land affected by their landlocked position. It allows Federal land managers to more effectively manage their lands, and it accomplishes all of this using fewer assets, Federal and state, to process the exchanges than typical exchanges or purchases.

Remember, congressional and administrative decisions that affect Federal land management also affect our ability to maximize revenue for state schools. This Act will help Western states meet their constitutional mandates for education by increasing trust land management efficiency. With this Act, land assets can be unlocked to generate greater revenues for schoolchildren in the future. It also helps the Federal land managers to conserve and protect some of our Nation's most valuable resources.

Because of these advantages, I encourage you to support the Advancing Conservation and Education Act of 2014. It will help Western states like Oregon, but also the rest of the Nation, through increased government efficiencies at the state and Federal level.

I would be happy to answer any questions.

[The prepared statement of Ms. Abrams follows:]

PREPARED STATEMENT OF MARY ABRAMS, DIRECTOR, OREGON DEPARTMENT OF STATE LANDS ON H.R. 4901

Thank you Chairman Bishop and Congressman DeFazio for introducing H.R. 4901 and for holding this hearing.

For the record, I am Mary Abrams, Director of the Oregon Department of State Lands. I want to thank the subcommittee for the opportunity to testify today.

I am here representing my agency as well as the Western States Land Commissioners Association. Oregon is one of 23 member states in the organization. I would like to testify in support of H.R. 4901 from a state specific and more general Western states standpoint.

OREGON DEPARTMENT OF STATE LANDS

The Department of State Lands is the administrative arm of the State Land Board. The Board was established at statehood by the 1859 Oregon Constitution to oversee "school trust lands" (Trust Lands) granted by the Federal Government. The U.S. Government granted our land-rich, cash-poor state sections 16 and 36 of each township to generate money for schools. The Oregon Constitution names the Governor, Secretary of State, and State Treasurer as the members of the State Land Board.

These Trust Lands have a very specific purpose that differentiates them from other public lands. These lands are solely dedicated to making money for Oregon's schoolchildren. Revenues from these lands are deposited in the Common School Fund, a trust fund for schools.

The estimated total market value of Oregon's Trust Lands is between \$500 and \$600 million. In 2012 alone revenues from these lands contributed \$13 million to the Common School Fund.

FUNDING SCHOOLS

Oregon's Common School Fund is managed by the State Treasurer and the Oregon Investment Council. Its market value is now about \$1.4 billion and its earnings are dedicated to K-12 public education. All public school districts in Oregon receive two distributions a year from the fund's interest earnings. The average annual distribution since 2008 has been about \$50 million.

Common School Fund distributions are a small but important part of Oregon's school funding. These funds support the equivalent of 48 full-time teachers in a large district such as Portland, and 3 full-time teachers in a small coastal community. In other words, *the money matters*.

Oregon's goal has been to steadily increase our funding for schools through strategic land management planning. This includes implementing land exchanges and sales to maximize our high revenue producing lands while disposing of our non-producing lands.

CONTEXT OF MAXIMIZING REVENUE GENERATION

Revenue from Trust Lands over time has included both annual receipts from land management operations (timber harvest receipts and grazing leases) as well as funds from divesting of some land assets that are either underperforming or very

difficult to manage. Divested Trust Lands were either sold at auction or exchanged for higher performing lands.

However because of the patchwork nature of the original land grant to Oregon (16th & 36th sections), there have always been management challenges with our Trust Lands. In addition, not all the granted sections were high value and the dispersed nature of the holdings caused inefficiencies as it is generally easier to manage contiguous blocks of land with similar management goals than it is to manage small, non-consolidated parcels.

Because of these constraints, land sales and exchanges have been an important management tool for our real estate portfolio to maximize school revenue. We have divested or exchanged difficult-to-manage lands and reinvested the funds in lands with a higher revenue potential.

WHY DOES THE FEDERAL GOVERNMENT MATTER?

First and foremost because Federal lands are our biggest neighboring landowners! Most of Oregon's remaining trust lands are interspersed with Federal lands (BLM or USFS).

Federal land management has evolved over time from the early days of open range to designation of areas for special land uses (parks, scenic areas, wilderness areas, etc.) to an increased emphasis on multiple use management. This often means we have different management goals than our Federal neighbors.

The modern era of Federal land management increases the complexity of Federal land exchanges that historically were a tool to resolve management challenges between state and Federal lands. Therefore congressional and administrative decisions that affect Federal land management do affect our ability to maximize revenue for schools, particularly when they reduce options for Trust Lands portfolio management.

In Oregon we have just under 10,000 acres of Trust Lands that are surrounded by Federal lands with different management objectives. These lands are valued at roughly \$8 million dollars. These Trust Lands can be encumbered by Federal land T&E species policies, access constraints, unintended consequences of Federal fire protection policies, and potentially other Federal actions that limit opportunities for generating revenues.

Therefore, Trust Lands trapped within Federal conservation designations leave them virtually worthless to the state's school trust, depriving current and future generations of schoolchildren of valuable revenues that could help support public education.

THE SOLUTION

As we in the Western states see it, the best remedy to this situation is to either facilitate an exchange of these landlocked state parcels for Federal lands or sell them to the land-holding Federal agency. However normal Federal land exchange and sale procedures are lengthy, complex administrative processes that require money and time—both substantial drains on the states' ability to manage their trust lands.

The scarcity of Federal funds for land acquisition adds to the uncertainty and low likelihood of success in traditional land sales and exchanges with the Federal land management agencies. So the Western states support House Bill 4901 which proposes a different approach.

IN LIEU SELECTION PROCESS AND A NEW TOOL

A further bit of background in land grants is needed to understand the benefit of H.R. 4901. At statehood some of the 16th and 36th sections granted to Oregon were already owned and therefore in actuality unavailable. For these sections, states were given "in lieu selection" credits that could be used in exchange for Federal lands.

States have largely extinguished their in lieu selection credits but some are still outstanding. Oregon is still working with the BLM to finalize exchanges for our last 1600 acres of credits.

H.R. 4901 concept is based on the in-lieu selection model as a solution to trust land parcels landlocked by Federal lands. H.R. 4901 would allow state land managers to relinquish title to lands trapped within Federal conservation areas in exchange for BLM lands not already protected as a Federal conservation area, and not otherwise appropriated.

The model provides a workable methodology for removing trust lands from Federal conservation areas. This fulfills the funding mandate for public education

and provides Federal land managers with conservation areas that are largely clear of inholdings.

The H.R. 4901 process is simple and elegant—using the basis of an existing process. It is really a win-win:

- It provides a mechanism for states to divest state trust lands whose management and value is affected by their landlocked position in Federal lands.
- It allows Federal land managers to more effectively manage their lands.
- It provides a viable option for removing state trust lands from the political debates surrounding conservation area creations within Congress.
- It accomplishes all of this using fewer assets (Federal and state) to process the exchanges than typical exchanges or purchases.
- The proposal is a streamlined, but transparent process.

This proposal will help Oregon better meet its constitutional mandate for school trust lands by increasing management flexibility on almost 10,000 acres of such lands. Land assets worth \$8–\$10 million can be ‘unlocked’ to generate greater revenues for Oregon’s schoolchildren in the future.

Because of these advantages, I encourage you to support H.R. 4901. It will help Western states, like Oregon, but also the rest of the Nation through increased government efficiencies at the state and Federal level.

Mr. BISHOP. Thank you. I appreciate that.
Now we will turn to Steve Ellis from BLM. Five minutes.

STATEMENT OF STEVE ELLIS, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Mr. ELLIS. Appreciate the opportunity to testify on H.R. 4901, the Advancing Conservation and Education Act. I will briefly summarize my testimony, and ask that my entire statement be placed in the record.

H.R. 4901 is a serious and thoughtful effort to resolve a long-standing problem facing Federal and state land managers throughout the West, and that is the often conflicting needs of Federal agencies charged with managing those lands, which have been designated for conservation purposes, and of state agencies charged with meeting differing management mandates.

Today’s hearing is the beginning of a process to find common ground toward resolving these challenges. Chairman Bishop and Ranking Member DeFazio have demonstrated their commitment to find a bipartisan workable solution. The Department of the Interior and the BLM pledge to cooperate in reaching that goal.

Each of the 13 states covered by H.R. 4901 have state laws governing the management of state trust lands. And, on the whole, they are dedicated to providing revenue to benefit education and other state purposes.

While the somewhat random disbursement of state sections that exists today may have seemed logical in the 19th and 20th centuries, it has resulted in an ownership pattern of lands that makes management difficult and challenging for both states and the Federal Government. These ownership patterns can also prove confusing for many users of the public lands.

Today, many of these state sections lie within conservation units established by Congress and the President. While these conservation designations only apply to Federal lands within those designated areas, the ability of states to fully access or develop their resources of these inholdings may be limited.

The BLM does have the authority, under Section 206 of FLPMA, to exchange public land with states or other entities, if the Secretary of the Interior determines that the public interest will be well served by making that exchange.

H.R. 4901 establishes a new mechanism for the states to relinquish state inholdings within federally designated conservation units, and then allowing the states to subsequently select other BLM-administered lands within the states for acquisition. The Department of the Interior endorses the concept, and would like to work with Chairman Bishop and Ranking Member DeFazio and other members of the committee to reach this goal, consistent with FLPMA, NEPA, and other important resource management laws.

We believe this conversation must include not only Congress, the states, the BLM, but also tribes, local governments, user groups, and the public at large. There are a number of significant issues that will need to be explored, clarified, and resolved, in order to reach consensus on a way forward. And in my full testimony I have outlined many of these.

We recommend continuing a dialog to develop a solution that protects the interests of all the American people and the individual states. And we hope that today's hearing is just the beginning of that process, and that there will be opportunities for future conversations and future hearings.

Be happy to answer any questions.

[The prepared statement of Mr. Ellis follows:]

PREPARED STATEMENT OF STEVE ELLIS, DEPUTY DIRECTOR, BUREAU OF LAND
MANAGEMENT, DEPARTMENT OF THE INTERIOR

H.R. 4901, Advancing Conservation and Education Act of 2014

Thank you for the opportunity to testify on H.R. 4901 the Advancing Conservation and Education Act. This bill is a serious and thoughtful effort to resolve a long-standing problem facing Federal and state land managers throughout the West: the often conflicting needs of Federal agencies charged with managing lands designated for conservation purposes and of state agencies charged with meeting differing management mandates. Today's hearing is the beginning of a process to find common ground toward resolving these challenges. Chairman Bishop and Ranking Member DeFazio have demonstrated their commitment to finding a bipartisan and workable solution; the Department of the Interior and the Bureau of Land Management (BLM) pledge to cooperate in reaching that goal.

Background

The lengthy history of America's westward expansion is complex. Much has been written about the story of the General Land Office and its successor the BLM, and the disposal of hundreds of millions of acres of public land through homesteading and other means. Ultimately, the passage of the Federal Land Policy and Management Act of 1976 (FLPMA) set a new policy to retain the Federal lands and guides the BLM's multiple use and sustained yield mandate. This testimony focuses on the situation we find ourselves in today with respect to state trust lands, the challenges that it presents, and the opportunities we may find to resolve those issues.

The admission of Ohio into the Union in 1802 marked the beginning of congressional action to provide land to the individual states through their Enabling Acts. Beginning in 1848, new states tended to receive two sections of land in each township,¹ generally sections 16 and 36. That increased to four sections with the admission of Utah, Arizona, and New Mexico who generally received sections 2, 16, 32, and 36. When Alaska entered the Union in 1959 rather than being assigned specific

¹The rectangular survey system was established by the Land Ordinance of 1785. It established a system of townships made up of 36 individual sections measuring 1 square mile. Each section is made up of 640 acres.

sections, the provisions of the Alaska Statehood Act entitled the state to select over 103 million acres of Federal land.

Each of the 13 states covered by H.R. 4901—Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming—has state laws governing the management of these lands. On the whole they are dedicated to providing revenue to benefit education and other state purposes. While the somewhat random disbursement of sections may have seemed logical in the 19th and 20th centuries, today it has given us an ownership pattern of lands that makes management difficult and challenging for both the states and the Federal Government. These ownership patterns can also prove confusing for the many users of the public lands.

Today, many of these state sections—nearly 3 million acres with over half of those acres in Alaska—lie within conservation units established by Congress and the President. Among these are state lands within national parks, wildlife refuges, national monuments, National Conservation Areas, and designated wilderness areas. While these conservation designations only apply to Federal lands within those designated areas, the ability of states to fully access or develop the resources of these inholdings may be limited.

The BLM has the authority under section 206 of FLPMA to exchange public land with states or other entities if the Secretary of the Interior “determines that the public interest will be well served by making that exchange.” Furthermore, FLPMA requires that all exchanges be of equally valued lands as determined by appraisals conducted according to the Federal Uniform Appraisal Standards.

H.R. 4901, Advancing Conservation and Education Act

H.R. 4901, the Advancing Conservation and Education Act, addresses the scattered nature of state land parcels in 13 Western states by establishing a new mechanism for the states to relinquish state inholdings within federally designated conservation units and then allowing the states to subsequently select other BLM-administered lands within the states for acquisition. The Department of the Interior endorses the concept and would like to work with Chairman Bishop, Ranking Member DeFazio and other members of the committee to reach this goal consistent with FLPMA, the National Environmental Policy Act (NEPA), and other important resource management laws. We believe that conversation must include not only the Congress, the states, and the BLM, but also tribal and local governments, user groups, and the public at large.

There are a number of significant issues that will need to be explored, clarified, and resolved in order to reach consensus on a way forward. Following are some major concerns, with the understanding that the Administration is continuing its review of this significant piece of legislation.

Valuation & Cost

Equal value land transfers must be the cornerstone of any proposal. The Administration is committed to continuing its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice. While it may be appropriate to consider alternative methods for low-value parcels as envisioned by the legislation, we believe in general that adhering to existing FLPMA processes as much as possible is important. The provision in H.R. 4901 establishing ledger accounts is an interesting one that merits further exploration.

Typically costs of land exchange transactions, including clearances, appraisals, surveys, and other requirements, are split equally between the state and Federal Government. This may be a viable approach here, and we would seek to assure that each benefiting Federal agency would necessarily be responsible for costs related to their conveyances. However, the Administration is concerned that language in the legislation allowing states to assume additional costs in return for land value could result in the Federal Government receiving dramatically less land value than would otherwise be the case. While this provision may appear to be an easy solution, it may result in the “payment” for processing costs with substantial quantities of land. This would not serve the interest of the American people. The ability to undertake what would be a massive land transfer is clearly a costly undertaking; a better source of resources will need to be found.

Additionally, on lands with substantial mineral potential or with existing mineral leases, the Federal Government’s royalty interest should be protected. An overriding interest in the mineral estate is an option to consider.

Lands Available for Exchange

FLPMA establishes clear national policy that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to

identify lands as potentially available for disposal that meet specific criteria through its land use planning process. Such determinations are made after full public participation and are consistent with all applicable laws. Under FLPMA, disposal of the lands is discretionary and BLM must first consider local conditions and needs. Furthermore, under FLPMA the BLM is required to coordinate with tribal, state, and local governments; plans should be consistent with those governmental plans to the maximum extent consistent with Federal law. H.R. 4901 weakens both the general land retention policy of FLPMA and the open public process which BLM currently uses to make determinations on which lands would be available for disposal.

H.R. 4901 specifies and prioritizes which lands the states may relinquish and which lands they may select. The bill defines “Federal conservation areas” as congressionally designated wilderness, NPS units, units of the National Wildlife Refuge System, lands within BLMs National Landscape Conservation System (NLCS), including national monuments, National Conservation Areas, and Wilderness Study Areas, and conservation units within the National Forest System. States may relinquish inholdings within these units and select “unappropriated public land.” The BLM and other land managing agencies—the NPS, Fish & Wildlife Service, and Forest Service—welcome the opportunity to consolidate holdings in these special places. However, we believe that the establishment of “priority conservation units” in addition to “Federal conservation areas” is unnecessary. The individual states and Federal agencies should work cooperatively to prioritize these land tenure adjustments within each state. This prioritization may vary based on individual circumstances and limiting flexibility is unnecessary.

Likewise, we support flexibility on the selecting side within certain parameters. Focusing on lands already identified for disposal through the BLM’s land use planning process should be a priority. Additionally, we believe a priority should be placed on exchanging out to the state unencumbered mineral estate where the Federal Government is not the surface landowner, as well as areas in a checkerboard land ownership pattern and Federal lands interspersed with other lands.

While the legislation places certain public lands off-limits for selection, such as lands within conservation designations and Areas of Critical Environmental Concern, we would like to discuss other lands that we should consider limiting access to for selection. For example, the BLM has numerous developed recreation sites outside of conservation units, including campgrounds, trailheads, and designated off highway vehicle play areas. Taxpayer funds and user fees have been used to develop such sites which often receive high visitation and are popular with the public.

The legislation also makes available for potential selection by the states lands with high mineral and energy development and transmission potential. This could include lands currently leased for oil and gas development, lands under consideration for future leasing, lands within designated Solar Energy Zones, and lands with existing mining claims. The appropriateness, cost-effectiveness, and viability of transferring each of these types of lands needs to be considered carefully. For example, the wholesale conversion of existing mining claims to state mining leases raises any number of issues, as does the failure to segregate proposed lands from entry under the mining law for state selection in order to avoid the proliferation of nuisance claims. Transferring lands with associated or developed oil and gas mineral estate raises issues of both valuation and protection of valid existing rights. These and many other issues deserve a careful public review.

By creating a static definition of “unappropriated lands” the bill fails to take into account future needs or changing circumstances. “Unappropriated lands” implies unused lands. Of course, nothing could be further from the truth. These BLM lands may already be in use for a wide variety of purposes, including grazing, hunting, fishing, wildlife habitat, and recreation. Transfer to the state could have consequences for these users and uses. Incorporating the state selection process into the BLM’s on-going land use planning process could help to avoid at least some of these conflicts.

The President’s Fiscal Year 2015 Budget included a proposal to reauthorize the Federal Land Transaction Facilitation Act (FLTFA) which provided the BLM with an important tool to facilitate land tenure adjustments. FLTFA expired in 2011. Reauthorization would allow the BLM to sell lands identified as suitable for disposal in recent land use plans, and then to use the proceeds from those sales to acquire environmentally sensitive lands, including state trust land inholdings. We recommend that Congress move to reauthorize FLTFA.

Time Frames

While we certainly understand the concept that land tenure rationalization needs to be addressed in an expeditious manner, the time frames envisioned in H.R. 4901 are unrealistically short. It is important to both the states and the Federal Govern-

ment that these land transfers be undertaken with full public participation and thoughtful consideration. The personnel the BLM would need to process these land transfers are the same personnel currently employed in a wide variety of other vital land management issues, including oil and gas leasing and monitoring, as well as processing renewable energy and transmission rights-of-way applications, and land use authorizations for community needs to name just a few. Short time frames will necessarily have serious consequences for a wide variety of other users of the public lands. Additionally, we recommend eliminating the 10-year sunset provision. Completing the projected scope of the legislation in that short time frame is unrealistic and doesn't do justice to the goals of the legislation.

State Variations

Not surprisingly there are issues to be considered in H.R. 4901 that affect a single state. For example, Arizona's State Constitution requires that state lands may only be disposed of through auction to the highest bidder or by exchange with other governmental entities. Because this bill does not provide for exchanges, but rather relinquishment and selection, it would appear that this could vitiate any benefit Arizona might receive from H.R. 4901. In Alaska, the BLM is continuing to fulfill its obligations to transfer millions of acres of mandated entitlements under the Native Allotment Act of 1906, the Alaska Native Claims Settlement Act of 1971, and the Alaska Statehood Act. To date, the BLM has transferred in excess of 99 million acres of land under these and other laws. The BLM is working to complete the survey and transfer of the remaining 7 million acres in Alaska over the next 5–10 years. H.R. 4901 could have the effect of dramatically slowing the pace of completion of these important entitlements.

Conclusion

The Department commends the Chairman and Ranking Member for the conscientious effort put into this proposal to date. We recommend continuing a dialog to develop a solution that protects the interests of all the American people and the individual states. We hope that today's hearing is just the beginning of that process and there will be opportunities for future conversation and hearings.

H.R. 4979, Red River Private Property Protection Act

Thank you for the opportunity to testify on H.R. 4979, the Red River Private Property Protection Act, which seeks to address potential conflicts in land ownership along the Red River in Oklahoma and Texas. The complex history of the Red River corridor presents Federal and state land managers, as well as private landowners, with many challenges. As we continue to work toward the responsible management of resources on public lands in Kansas, Oklahoma, and Texas, the Department of the Interior (Department) and Bureau of Land Management (BLM) remain committed to engaging Members of Congress, local, state, and tribal officials and members of the public in resolving potential land ownership disputes in the area.

The Department shares the goal of providing legal certainty to property owners along the Red River. However, the Department cannot support H.R. 4979 as currently written because the bill could result in the transfer of Federal lands and mineral estate out of Federal ownership without adequate demonstration of private ownership or compensation to U.S. taxpayers. The Department is also concerned the legislation may adversely affect ownership interests of tribal nations in the area. The Department and BLM recognize the importance of identifying the status of lands along the Red River and look forward to working with the members of the committee and the public to ensure the appropriate management of lands in the public domain.

Red River Boundary

The public lands managed by the BLM along a 116-mile continuous stretch of the Red River originally came into Federal ownership as part of the Louisiana Purchase from France in 1803. A series of subsequent treaties with foreign governments in 1819, 1828, and 1838 set the south bank of the river as the southern border of the United States and the northern border of what is now the State of Texas. In 1867, when a portion of this public domain was reserved for the Kiowa-Comanche-Apache (KCA) Reservation (Reservation), the "middle of the main channel" of the river between the 98th meridian and the North Fork of the river was established as the Reservation's southern boundary. The remaining land between what is now called "the medial line" and the south bank retained its status as public land, which continues to the present.

In a series of decisions in the 1920s, the U.S. Supreme Court adopted a method known as the gradient boundary method for determining the location of the border

between Texas and Oklahoma along the south bank of the river. In giving certainty to the boundary's location and the extent of tribal holdings, the Court's decisions also provided a basis for clarifying private land ownership on each side of the river. The terminology for determining the location of public domain lands and private property boundaries—medial line, cut bank, and gradient boundary—has been the accepted standard since the 1920s Supreme Court rulings.

In 1981 and 1984, two separate Oklahoma landowners argued in U.S. District Court that under riparian law, changes in the river's location had expanded their private holdings while reducing the acreage of the Texas landowners whose properties faced them across the river. In both cases, the District Court followed the Supreme Court's established principles concerning the location of public and private lands. Private property in Oklahoma extended to the center of the river, while private property in Texas stopped at the ordinary high water mark on the south bank, with the remaining land being part of the original public domain located in Oklahoma.

Despite the Court's identification of a defined border, certain areas along the Red River remained in dispute. In 2000, the state legislatures of Oklahoma and Texas, along with tribal leaders from the neighboring Kiowa, Comanche, and Apache Tribes and Chickasaw and Choctaw Nations, attempted to resolve these remaining issues by agreeing to the Red River Boundary Compact. Congress later consented to the Compact, and in doing so, agreed to move the jurisdictional boundary between the states from the south bank gradient line to the south bank vegetation line. The Compact explicitly did not change the title of any person or entity, public or private, to any of the lands adjacent to the Red River. Although the Compact may have shifted the boundary between the states, the location and status of lands in the public domain remained unchanged.

In addition to Federal, state, and private land in the area, the Chickasaw and Choctaw Nations also hold ownership interests east of the 98th meridian intermittently to the border between the states. Tribal land ownership extends from the north bank across the river to the gradient boundary on the south bank. There are no current estimates for the total tribal acreage in this area.

The varied and, in places, uncertain ownership of lands along the Red River has recently led to concerns from local landowners that the BLM is seeking to expand its presence in the area or gain ownership of lands belonging to private parties. Neither the Department nor the BLM are expanding Federal holdings along the Red River. The current work underway by the BLM through its resource management planning process is intended to identify, with certainty, and propose management alternatives for lands which fall within the public domain but have never been patented, reserved, or disposed.

Resource Management Planning in Kansas, Oklahoma, and Texas

The BLM is currently in the initial stages of updating its Resource Management Plan (RMP) for public lands in Kansas, Oklahoma, and Texas, which include the area along the Red River. The BLM estimates approximately 30,000 acres of public land exist along the Red River between the North Fork of the river and the 98th meridian. The resource management planning process will update the current RMPs covering this area, which were developed in 1994 and 1996, and establish a long-term plan articulating the BLM's objectives and strategies for maintaining the health and productivity of public lands in the region.

Plan updates are needed for public lands in the Red River area specifically to address issues ranging from potential oil and gas development to public access for recreation and various other uses. The BLM's management focus along the Red River to date has been for oil and gas activities and livestock grazing on public land allotments in Oklahoma, though public land south of Waurika, Oklahoma, currently receives extensive recreational use.

The process for updating land use plans involves numerous steps that allow for public input, analysis, and informed decisionmaking with regard to public resources. In order to ensure the appropriate consistency with other governmental planning efforts, the BLM has already engaged local, state, Federal, and tribal representatives as cooperating agencies in the preparation of the RMP. Multiple county governments and agencies of the States of Texas and Oklahoma have agreed to participate as cooperating agencies. Although the RMP does not apply to state or private lands, this process and outreach ensures full consideration of adjacent issues, including local uses of resources on public lands.

BLM Management Authorities

Public lands are managed by the BLM under a variety of statutes that provide the agency the authorities necessary to address issues and disputes in land owner-

ship. Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM is authorized to transfer or dispose of lands that have been identified as potentially suitable for disposal in an approved land use plan or through an amendment to an existing plan. Through these authorities, the BLM has been able to effectively manage and resolve many land use conflicts.

The Color of Title Act provides a unique mechanism to resolve certain private party claims on public land which may be applicable to issues along the Red River. Any individual, group, or corporation who presents evidence of having title to public lands may file a color-of-title claim with the BLM. Accepted filings grant the applicant a patent conveying clear title to the lands upon payment of a fair and reasonable sale price which reflects the current market value of the lands, but may be discounted to account for improvements made on the land or previous property taxes paid. Guidance for implementing the Color of Title Act is found in Department regulations, Interior Board of Land Appeals (IBLA) decisions, and court decisions. The obligation to establish a valid color-of-title claim is upon the claimant.

The BLM also has a number of other authorities under which it may seek to transfer or dispose of lands, including sales, exchanges, the issuance of rights-of-way, and the Recreation and Public Purposes Act (R&PP).

Through the resource management planning process in Kansas, Oklahoma, and Texas, along with its existing authorities under FLPMA, the Color of Title Act, and the R&PP Act, the BLM will be able to identify and resolve land ownership issues associated with the Red River.

H.R. 4979, Red River Private Property Protection Act

H.R. 4979, the Red River Private Property Protection Act, attempts to resolve potential land ownership conflicts along the Red River by requiring the Secretary of the Interior (Secretary) to transfer public lands through quit claim deed to any claimants with official county or state records indicating that the claimant holds all right, title and interest to those lands. The legislation does not specify what types of documents constitute sufficient official county or state records to satisfy a quit claim request or how to handle competing claims to such lands, yet requires the Secretary to approve such transfers within 120 days of a claimant's submission.

The Department opposes several provisions within H.R. 4979, principally involving the bill's requirement that the Secretary transfer what may be public lands out of Federal ownership without ensuring a fair return to the U.S. taxpayer. Federal law, including FLPMA, directs that it is the policy of the United States that public lands be retained in Federal ownership unless as a result of the land use planning process it is determined that disposal will serve the national interest.

The bill also appears to propose the transfer of not only public surface ownership to claimants, but also the subsurface mineral estate. According to Section 209 of FLPMA, the United States generally retains mineral interests when transferring lands out of Federal ownership. Mineral interests in the Red River area are also uniquely addressed in the Act of June 12, 1926, and carry a trust responsibility that, if transferred, could result in a taking of Oklahoma and tribal mineral interests. Under existing law, 62.5 percent of the royalty revenue from the development of the Federal mineral estate between the 98th meridian and the North Fork of the Red River is owed to the Kiowa, Comanche, and Apache Tribes, with the remaining 37.5 percent owed to the State of Oklahoma. The legislation may also adversely affect ownership interests of the Chickasaw and Choctaw Nations in the area between the 98th meridian and the border with the State of Arkansas.

The Red River area's long history of oil and gas exploration would make transfers of interest in public land and the associated mineral estate to claimants problematic. Many sites in the area contain historic oil field equipment that may contain public health and safety and environmental hazards. The legislation is unclear if liability for these sites would be transferred to claimants. It is also unclear which public lands or mineral estate would be transferred under H.R. 4979 due to provisions in the bill preventing the BLM from completing its RMP to identify public lands, a step that FLPMA mandates precedes any disposal and must guide land-use decisions.

Additionally, the legislation's proposed requirement that the Secretary issue a decision within 120 days does not allow adequate time for the BLM to respond to quit claim requests, including arranging or executing surveys of affected properties, complying with the requirements of other applicable laws and performing research to validate the submitted claims.

Finally, the Department is concerned H.R. 4979 does not provide a process for adjudicating disputes. Because it is not uncommon for land records to contain errors creating overlapping interests between two or more parties, disputes are likely to

arise among adjacent landowners and between private parties with leases to develop oil and gas resources.

Conclusion

Thank you for the opportunity to testify on H.R. 4979. I will be glad to answer any questions.

S. 609, San Juan County Federal Land Conveyance Act

Thank you for inviting the Department of the Interior to testify on S. 609, the San Juan Federal Land Conveyance Act. The Bureau of Land Management (BLM) supports S. 609, which provides for the sale of approximately 19 acres of public land in northern San Juan County, New Mexico, to a private party at fair market value. We support this legislation as passed by the Senate on July 9.

Background

In 1998, the BLM settled a lawsuit regarding protection of the southwestern willow flycatcher in New Mexico. In order to protect potential flycatcher habitat, the BLM agreed to exclude livestock grazing from riparian areas in New Mexico by fencing BLM-managed river tracts identified as having suitable flycatcher habitat. While surveying lands for fencing under the settlement agreement, the BLM discovered as many as 20 different cases of trespass on BLM-administered public lands in New Mexico.

These trespass cases included a 14-acre trespass into the Bald Eagle Area of Critical Environmental Concern (ACEC) north of Aztec, New Mexico. In 1999, the Blancett family, who were actively farming these acres, was cited for trespass on approximately 19 acres of public lands. Despite resolution of many of the identified trespass cases—including cases with the Blancett's neighbors to the north and south—BLM negotiation efforts with the Blancetts were unsuccessful.

Following failed negotiations and an IBLA mediation attempt, the Blancetts sued the Department of the Interior in U.S. District Court in 2010. On February 27, 2012, a settlement was reached between the Blancetts and the Department of the Interior, and the case was dismissed with prejudice. Under that settlement agreement, the Blancetts have 2 years to obtain a legislative solution to address the trespass situation. If a legislative solution is not obtained by March 5, 2014, or substantial progress toward that solution is not made by that time, the BLM will offer to sell the approximately 2-acre parcel with the family residence to the Blancetts and the BLM may immediately begin to fence and reclaim the remaining 17 acres for bald eagle habitat, which will remain in Federal ownership. Consistent with the settlement agreement, the BLM notified the Blancetts on May 30, 2014, that the introduction and congressional consideration of S. 609 indicates substantial progress toward a legislative solution.

S. 609

S. 609 provides for the direct sale of approximately 19 acres of BLM-managed public land in San Juan County, New Mexico, to the Blancetts pursuant to a 2012 settlement agreement. The bill requires the Secretary of the Interior to sell at fair market value approximately 19 acres of public land to the Blancetts upon their request, as outlined in the settlement.

Under the bill, fair market value is to be determined by an appraisal conducted using the Uniform Appraisal Standards for Federal Land Acquisitions and other standard provisions. Additionally, the bill requires the Blancetts to pay administrative costs associated with the sale, including the cost of the survey and appraisal. The BLM supports these provisions.

All proceeds from the sale are to be deposited into a special account in the Treasury for use in the acquisition of land or interests in land to further the protective purposes of the Bald Eagle ACEC or for resource protection consistent with the purposes of the ACEC. Because these funds are derived from the sale of lands, the BLM believes these funds should be used solely to acquire other lands or interest in lands. BLM also recommends that Congress reauthorize the Federal Land Transaction Facilitation Act (FLTFA), as proposed in the Fiscal Year 2015 Budget, which includes a special account for the disposition of proceeds from land sales. Under FLTFA, proceeds would be used to fund the acquisition of environmentally sensitive lands and to cover the administrative costs associated with conducting sales. Reauthorization of FLTFA would help avoid the need for creation of multiple special accounts for similar transactions.

The BLM supports this bill as it represents an opportunity to resolve a long-standing trespass issue and facilitates a reasonable and practicable conveyance of the lands to the Blancetts that is consistent with the 2012 settlement agreement.

Conclusion

Thank you again for the opportunity to testify in support of the San Juan Federal Land Conveyance Act. I would be glad to answer your questions.

Mr. BISHOP. Thank you.

And, Mr. Spitler from The Wilderness Society, welcome. Five minutes.

STATEMENT OF PAUL SPITLER, THE WILDERNESS SOCIETY

Mr. SPITLER. Thank you. Chairman Bishop, Ranking Member Grijalva, and members of the subcommittee, thank you for the opportunity to testify on behalf of The Wilderness Society in regards to H.R. 4901, the Advancing Conservation and Education Act. I would like to thank Chairman Bishop and Ranking Member DeFazio for their leadership on this important issue, and ask that my written testimony be made a part of the hearing record.

The Wilderness Society works on behalf of its 500,000 members and supporters to protect wilderness and inspire Americans to care for our wild places. H.R. 4901 is classic win-win legislation. It will preserve lands with outstanding ecological and recreational values, improve local economies, and provide new revenue for the benefit of public schools. The Wilderness Society supports this legislation, and urges the committee to advance it.

In the past 50 years, Congress has protected 110 million acres of America's most scenic landscapes as wilderness, and across the Western United States. Congress has established numerous parks, conservation areas, and other protected lands. These lands include some of America's most iconic natural treasures, including such well-known gems as the Grand Canyon, Yellowstone, and Yosemite, as well as lesser-known jewels like the Owyhee Canyonlands, Mt. Hood, and Cabeza Prieta. These lands serve many purposes, including protecting ecologically significant habitats and cultural resources, and providing wonderful outdoor recreation opportunities.

However, within these wonderful protected lands are millions of acres of state inholdings. These state trust lands were granted to states to provide revenue for public education and are managed to maximize revenue, and activities like mining, oil and gas development, resource extraction, logging, and other forms of development are encouraged.

The inclusion of these state trust lands in Federal conservation areas creates an inherent land management conflict. State trust lands are managed to maximize revenue, while Federal conservation lands are managed to maximize their conservation and recreational values. The development of these state lands is often difficult, due to their remote location, leaving states fewer opportunities to secure additional revenue.

Further, the development of these state inholdings could undermine the protected areas within which they are located. Therefore, it is in the interest of the states and in the public interest to ensure that these state lands within existing Federal conservation areas are exchanged for other lands better suited to economic development. Facilitating such exchanges will help protect the values

of the Federal conservation areas, while providing states with new sources of revenue from its lands.

While there is broad support for this concept, current mechanisms for completing such exchanges are deeply flawed. While Federal law permits land exchanges to be completed administratively, such exchanges are exceedingly cumbersome, costly, and time consuming. Land exchanges may also be completed through an Act of Congress. However, legislation can take many years to accomplish.

As a result of these inadequacies, State-Federal land exchanges do not take place on the scale necessary to protect Federal conservation areas, or provide needed benefits to states. Clearly, a new approach is needed. The Advancing Conservation and Education Act presents a practical approach to expedite the exchange of state inholdings from Federal conservation for Federal lands with lower conservation value and higher economic development potential.

Under this legislation, states would identify the inholdings they wish to convey to the Federal Government, with a special priority on inholdings within national parks and wilderness. After identifying lands to transfer to the Federal Government, a state would then identify Federal lands it wished to acquire. A state may only select lands from certain lands within the state that are managed by the Bureau of Land Management, and the legislation includes important safeguards to ensure that lands with high ecological and recreational value are not conveyed.

After identifying lands to exchange, the state and Federal Government would negotiate the exact Federal and state parcels to be exchanged and the terms of the exchange. The actual exchange would only take place after compliance with the National Environmental Policy Act, in consideration of public input. Strict timelines would govern the entire process, ensuring that the exchanges are completed expeditiously. No further action from Congress would be required.

By expediting the elimination of state inholdings in wilderness areas, parks, and other Federal conservation areas, H.R. 4901 will help prevent incompatible development within these areas, while affording new economic development opportunities for states, and providing new sources of revenue for schools.

H.R. 4901 is classic win-win legislation. The Wilderness Society supports this legislation, and urges the committee to advance it.

[The prepared statement of Mr. Spitler follows:]

PREPARED STATEMENT OF PAUL J. SPITLER, DIRECTOR OF WILDERNESS CAMPAIGNS,
THE WILDERNESS SOCIETY ON H.R. 4901

Chairman Bishop, Ranking Member Grijalva, and members of the subcommittee, thank you for the opportunity to testify on behalf of The Wilderness Society in regards to H.R. 4901, the Advancing Conservation and Education Act. I would also like to thank Chairman Bishop and Ranking Member DeFazio for their leadership on this important issue. I ask that my written testimony be made a part of the hearing record.

The Wilderness Society works on behalf of its 500,000 members and supporters to protect wilderness and inspire Americans to care for our wild places. We work to promote the preservation of public land in a way that provides opportunities for economic development of rural communities.

H.R. 4901 is classic "win-win" legislation. It will preserve lands with outstanding ecological and recreational values, improve local economies, and provide new re-

sources to states for the benefit of public schools. The Wilderness Society supports this legislation and urges the committee to advance it.

FEDERAL CONSERVATION AREAS AND STATE TRUST LANDS: A NEW APPROACH IS NEEDED

This year is the 50th anniversary of the Wilderness Act. In the past 50 years, Congress has protected 110 million acres of America's most scenic and vital landscapes as wilderness, and the National Wilderness Preservation System stands as a beacon to the world as a premier system of protected lands.

Across the Western United States, Congress has also established numerous parks, conservation areas and other protected lands. These lands preserve some of America's most iconic natural treasures. These include such well-known gems as the Grand Canyon, Yellowstone, and Yosemite, as well as lesser known jewels like the Owyhee Canyonlands, Mt. Hood, and Cabeza Prieta.

These lands serve many purposes, including protecting ecologically significant habitats and cultural resources, providing wonderful outdoor recreational opportunities, and benefiting local economies. Their preservation is a gift to all Americans as well as future generations.

However, within these wonderful protected lands are millions of acres of state inholdings. These state lands were granted to states to provide revenue for public education. These "state trust lands" are managed to maximize revenue and activities like mining, oil and gas development, resource extraction, logging, and other forms of development are encouraged.

The inclusion of these lands in Federal conservation areas is detrimental both to the states, and to the Federal Government. The development of these lands is often difficult due to their remote location, leaving states fewer opportunities to secure additional revenue. Further, the development of these inholdings could undermine the protected areas within which they are located.

There are numerous examples of state inholdings in Federal conservation areas, where development would be detrimental to the surrounding lands. In Grand Teton National Park, for example, the State of Wyoming owns two sections of land that, if developed, would lead to increased traffic, water and air pollution, and habitat degradation. Such development, if it were to take place, would forever mar one of America's premier national parks. Similar developments on state inholdings elsewhere threaten similar results.

Therefore, it is in the interest of the states, and the public interest, to ensure that the state lands within existing Federal conservation areas are exchanged for other lands better suited to economic development. Facilitating such exchanges will help protect the values of the Federal conservation areas, while providing states with new sources of revenue from its lands.

States, Federal agencies, conservation organizations, and others support removing state inholdings from Federal conservation areas. However, current mechanisms are deeply flawed. While Federal law permits land exchanges to be completed administratively, administrative land exchanges are exceedingly cumbersome, costly, and time-consuming. Because administrative land exchanges are so difficult and time-consuming to undertake, such exchanges are rarely completed. Land exchanges may also be completed through an Act of Congress. However, legislation is also a time-consuming process and can take many years to accomplish.

As a result of the inadequacies of current land exchange mechanisms, state-Federal land exchanges do not take place on the scale necessary to protect Federal conservation areas or provide needed benefits to states. A new approach is needed.

THE ADVANCING CONSERVATION AND EDUCATION ACT

The Advancing Conservation and Education Act presents a practical approach to expedite the exchange of state inholdings from Federal conservation areas for Federal lands with lower conservation value and higher economic development potential.

Under the legislation, states would identify the inholdings they wish to convey to the Federal Government, with a special priority on inholdings within national parks and wilderness. After identifying lands to transfer to the Federal Government, a state would then identify Federal lands it wished to acquire.

States would likely seek to acquire lands with low conservation value and high economic development potential in order to maximize revenue. A state may only select from certain lands within the state that are managed by the Bureau of Land Management, and the legislation includes important sideboards to ensure that lands with high ecological and recreational value are not conveyed.

After identifying lands to exchange, the state would negotiate with the Federal Government the exact Federal and state parcels to be exchanged and the terms of

the exchange. The Secretary of the Interior would retain the authority to accept or reject any proposed parcels to receive or convey. After the parties reach agreement, the actual exchange would take place only after compliance with the National Environmental Policy Act and consideration of public input. Timelines would govern the entire process, ensuring that state-Federal land exchanges proceed at a timely pace.

The approach is significantly better than the current administrative or legislative land exchange processes. Upon enactment of the legislation, states would have a set time period to initiate the land exchange process for their inholdings. Strict timelines would help ensure the process stays on track and is completed expeditiously. No further action from Congress would be required.

BENEFITS OF THE ADVANCING CONSERVATION AND EDUCATION ACT

H.R. 4901 will help to expedite the elimination of state inholdings in wilderness areas, national parks, and other Federal conservation areas. It will help prevent incompatible development within these areas, afford new economic development opportunities for states, and provide new sources of revenue for schools. By benefiting conservation, state economies, and public schools, the approach is a classic win-win solution. Here is who will benefit from H.R. 4901:

- **Public**—Through their elected representatives, the public have protected some of America’s most spectacular landscapes as parks, wilderness, monuments, and other Federal conservation areas. These areas enjoy broad public support and provide important benefits to the American people. The public expects that these scenic wonders—like Yosemite and Yellowstone—will not be marred by inappropriate development within their boundaries.
By removing state lands that are managed to maximize revenue production—not conservation—H.R. 4901 will help ensure that America’s scenic treasures are well-protected and secure. This will benefit the American public who has come to rely on these special places for recreation, enjoyment, and relaxation.
- **State Economies**—State trust lands within existing Federal conservation areas are not currently maximizing revenue. By facilitating the exchange of these lands for lands that have greater economic potential and are appropriate for economic development, H.R. 4901 will provide new sources of revenue for states, as well as providing new jobs and revenue to local economies.
- **Public Schools**—A portion of the revenue from state trust lands is dedicated to support for public education. By facilitating the exchange of state inholdings in Federal conservation areas for lands that have greater economic potential and are appropriate for economic development, H.R. 4901 will provide new sources of revenue for states, which will, in turn, benefit public schools.
- **Land Management**—By consolidating state and Federal holdings and eliminating state inholdings in Federal conservation areas, H.R. 4901 will benefit state and Federal land management.

We have several technical amendments to the legislation regarding sections 4(b) and 8(e) that we would like to address, and look forward to working with Chairman Bishop, Ranking Member DeFazio, and the committee to address these technical amendments as the legislation moves forward.

CONCLUSION

H.R. 4901 is classic “win-win” legislation. It will preserve lands with outstanding ecological and recreational values, improve local economies, and provide new resources to states for the benefit of public schools. The Wilderness Society supports this legislation and urges the committee to advance it.

Mr. BISHOP. Thank you. I appreciate all of you for being here with your testimony. We will start the questioning. Turn first to Mr. Grijalva for questions.

Mr. GRIJALVA. Thank you, Mr. Chairman, and thank you for the hearing.

Let me begin with Commissioner Hickman and Director Abrams. In Arizona and Oregon, what percentage of education spending is

represented by the revenue generated from state trust lands? Just a guess, a figure, if there is one?

Ms. ABRAMS. Chairman, Congressman, the percentage in Oregon is quite small. It is about 5 percent of the overall spending.

Ms. HICKMAN. Chairman, thank you. Chairman, Mr. Grijalva, the percentage in Arizona is also a smaller percentage. I can tell you that last year we generated over \$300 million for education. A portion of that went into the permanent fund, and a portion directly to the beneficiaries. But, in terms of the overall spending that is necessary for K–12, that is a fairly small portion.

Mr. GRIJALVA. Either or both, do—the legislation that we are dealing with right now, do you see that as a facilitating instrument to providing—expedite exchanges that would, in turn, raise that percentage somewhat significantly?

Ms. HICKMAN. Mr. Chairman, Congressman Grijalva, I do believe that this would create a tremendous path forward to additional revenues generated for K–12. In the history of Arizona and the State Land Department, between 1915 and 2001, we generated \$1 billion for the trust. Between 2001 and 2014, it has gone from \$1 billion to \$4.3 billion, based on additional opportunities and other types of land uses.

So, having the opportunity to have more holdings in which we can authorize other revenue-producing land uses would only help us generate those monies for K–12.

Mr. GRIJALVA. Thank you.

Ms. ABRAMS. Chairman, Congressman, the same sort of situation plays out in Oregon, but to a smaller extent, just because we have a smaller amount of holdings in state trust lands.

But, as an example, in a previous exchange we were able to exchange some isolated parcels with BLM for some area that is open for commercial and industrial development, which actually increases the economic development in one of our rural areas, as well as providing a big increase in the amount of money we can generate from those lands. So, yes, it does have the potential for a significant effect.

Mr. GRIJALVA. Thank you. Commissioner Hickman, the BLM, in Director Ellis' testimony, he mentions the fact that the Arizona State Constitution specifies that state trust land can only be disposed of through exchange or auction. Under H.R. 4901, states relinquish their school trust land and then select alternative Federal land in exchange. This is a technicality, I know, but it could mean that Arizona may not be able to take full advantage or gain full benefit from the expedited exchanges that are in this bill.

Do you have any suggestion on that, or an opinion as to—is that a potential concern?

Ms. HICKMAN. Certainly, Mr. Chairman, Congressman Grijalva, that is an issue that we have looked at. And it is our position currently that we are able to explore an alternate mechanism outside of exchanges. While we have the ability to do exchanges in the Constitution and the Enabling Act, Congress can give us additional authorities in which we are able to relinquish lands and use that mechanism to consolidate land holdings.

Mr. GRIJALVA. Is there specific language, Commissioner, that you would be able to suggest to this committee as this legislation moves forward that would deal with that Arizona anomaly?

Ms. HICKMAN. Mr. Chairman, Congressman Grijalva, I am certainly happy to provide something supplemental in writing that we could look at adding to this legislation to make sure that it is clear that this would be an alternate mechanism available to—

Mr. GRIJALVA. Specific to the constitutional—

Ms. HICKMAN. Correct.

Mr. GRIJALVA [continuing]. Issue. OK?

Ms. HICKMAN. Yes.

Mr. GRIJALVA. Thank you so much. Thank you. Yield back.

Mr. BISHOP. I don't know if we are going to have a second round. Go on.

Mr. GRIJALVA. No, I am just going to—

Mr. BISHOP. Mrs. Lummis, do you have questions for this panel?

Mrs. LUMMIS. Thank you, Mr. Chairman. There are a lot of familiar faces in this room. I want to thank you all for being here.

Question for Ms. Hickman. Can you list some of the difficulties with the current administrative process for land exchanges?

Ms. HICKMAN. Certainly, Mr. Chairman, Congresswoman. The existing process with land exchanges is a topic that we spend a great deal of time at the Western States Land Commissioners Association discussing. There are multiple states that have been engaged in lengthy land exchanges that have taken more than 10 years, and have still not reached culmination, and quite frankly, without a specific end date in sight.

The State of Idaho has been working on an exchange that they were expressly authorized to engage in by Congress. They have been working on that since 2008, and that has not yet been completed. There are examples in Wyoming, where I believe there is an exchange that has been in process for at least 50 years that has not yet reached culmination.

So, the process is lengthy, often is not completed. It is burdensome, in terms of staff time and cost. And we are looking for another mechanism, because the land exchange process is currently not working.

Mrs. LUMMIS. I can vouch for the voracity of that statement. The Grand Teton land exchange has been pending for a very long time. We set it up in four tranches, because there are first mineral rights that were bought out. Subsequently, a very small parcel. And then the two big gulps that we can't get done are basically two full sections, one of which is surrounded on four sides by Grand Teton National Park, the other surrounded on three sides by Grand Teton National Park. The appraisals are in excess, for those two parcels, of \$100 million.

So, these are not small bites. And to the extent that they would go up the list on the Land and Water Conservation Fund, then they fall right back down, because they are just too big a bite to take. So I am pleased to see this bill being debated and discussed. It provides other options for boards of land commissioners, for states who wish to accomplish those types of exchanges that are beneficial to the state trust, and fulfills the state trust obligations that those boards of land commissioners have, and the fact that the

Federal Government would like to acquire, certainly, other lands that are within the borders of national parks. So there are specific circumstances.

Now, is it possible, let me ask Ms. Hickman. For example, the land that is similar to the land we have in Grand Teton, and the land Arizona owns in the Grand Canyon, can these lands be put to productive use now, as is required of state trust lands, while they are surrounded by national parks?

Ms. HICKMAN. Mr. Chairman, Congresswoman, it is very difficult, if not impossible, to put many of these lands into productive use. Many of them are checkerboarded and landlocked. And although the designation does not necessarily overlay the state trust land, it surrounds those lands. And, therefore, we have access problems and an inability to market those lands for other opportunities.

So, it is very rare that we are able to make revenue-producing opportunities from these lands because they are landlocked and, frankly, politically encumbered with the reason for the creation of the monument or the conservation area in the first place.

Mrs. LUMMIS. Thereby violating the trust obligations of those who were entrusted to manage these lands for the benefit of the public schools.

Ms. HICKMAN. Yes. Mr. Chairman, Congresswoman, that is exactly our point, that by not being able to make productive use of these lands, we are not fulfilling our fiduciary duty to the trust by leaving these lands in an unproductive state, and hindering the Federal management agency from doing their job, and preventing us from making money for the schoolchildren.

Mrs. LUMMIS. Mr. Ogsbury and Ms. Abrams, very quickly, do you have anything to add on the cost of these delays?

Mr. BISHOP. You have 4 seconds to say it, though.

[Laughter.]

Ms. ABRAMS. They are expensive.

Mr. BISHOP. Good. Jim, do you—

Ms. ABRAMS. They are expensive.

Mr. BISHOP. Jim, do you want to answer that very quickly?

Mr. OGSBURY. I would repeat the very eloquent testimony of Ms. Abrams.

Mr. BISHOP. Thank you. Let me ask a couple of questions, as we go through here.

First of all, Ms. Hickman, can you approximate about how many acres Arizona school trust lands have that are currently trapped inside Federal conservation areas, roughly?

Ms. HICKMAN. Mr. Chairman, the approximate acreage is 500,000 acres of existing and pending conservation actions.

Mr. BISHOP. OK. Ms. Abrams, Oregon has a different way of funding their education system than the rest of the Western states, which is a mineral extraction that is funding those. Does Oregon have this unique pattern of how they actually fund them? And does the education and timber community in Oregon support this concept?

Ms. ABRAMS. Chairman, Oregon doesn't have the mineral resources that many of the other Western states have. But the way we gather revenue off of these lands is either through grazing allot-

ments, much like the BLM does with their grazing lands, or through timber production on our timbered lands.

And we do have the same sorts of constraints, because, for grazing, for instance, if for some reason grazing is not allowed on the Federal lands, if there are conservation areas around the state trust land, we are not able to release grazing leases for those lands, because the cattle can't get on through the Federal conservation area.

Mr. BISHOP. All right. Does there seem to be support amongst the education community and the grazing timber community in Oregon for this approach?

Ms. ABRAMS. Yes, there is.

Mr. BISHOP. Thank you.

Mr. Ogsbury, if I could ask you, how important are trust lands for generating public education funds for Western Governors?

Mr. OGSBURY. It is tremendously important, Mr. Chairman. This is one of those issues where, when I am with the Governors, with their staff, and we are trying to establish priorities for the efforts of WGA and the application of our limited resources, when we come to land exchange reform, every hand in the room shoots up. This has been a problem for generations.

I was at Grand Teton National Park a couple weeks ago and learned how every generation of leadership tries to expedite that exchange so the Federal conservation areas can be consolidated, and a more productive use of those state lands be realized. So it is an extremely important issue on a bipartisan basis at WGA.

Mr. BISHOP. Thank you. Mr. Spitler, does The Wilderness Society see these inholdings, these in-held trust lands, as a threat for potential development in parks, wilderness areas?

Mr. SPITLER. Chairman Bishop, in some places we do. The presence of these lands, if they were to be utilized for their trust obligation purposes to generate revenue, would be fundamentally incompatible with the protection of the surrounding Federal lands.

Mr. BISHOP. OK. I thank you for that. All right, Mr. Ellis, let me now come here. You had very nice words for Mr. DeFazio and myself as far as the creation of this legislation, and then took four pages to bash it. Look, the system doesn't work. That is the testimony we have heard all around here. We recently did a land exchange in Utah that took 5 years to complete, and it took 3 years to get BLM to pay their \$300,000 for their half of the appraisal. Something is not working here, and there has to be a change.

I would note that in FLPMA, to which you referenced, it gives some flexibility to the Department. It does say, "Upon mutual agreement of the parties to make adjustments to the relative values involved in an exchange transaction in order to compensate a party or parties to the exchange for assuming costs, responsibilities, or requirements which would ordinarily be borne by the other party or parties." FLPMA does give some flexibility.

In your instructional memorandum to FLPMA, you write in there, "The Department says the remaining entitlements of the various states are to be considered as an obligation and debt due to the state by the Federal Government." It also further states that in indemnity selections BLM will consider the equities of the states to the greatest extent possible.

Bottom line is that is not happening. And it is becoming somewhat frustrating that those are some options that we are not looking at. We have to break the concept.

So, the question I simply have is I am willing to work with the Agency, if your folks are willing to give the latitude to think outside the box and outside the current restraints to which we hide behind right now, because something has to change. What we are doing now does not work. And continuing on the status quo means it won't work in the future. Is the Department willing to think creatively on this?

Mr. ELLIS. Mr. Chairman, as I said in my testimony, we are willing to work with you and the committee and Ranking Member DeFazio on your legislation. The Agency, of course, we are required to follow Federal uniform appraisal standards in all our laws that we have.

Mr. BISHOP. I am sorry, I am going to have to cut you off. And I will come back. There will be another round of questions. I will let you answer that, but I am out of time.

Mr. LaMalfa, did you have any questions you want—Mr. Grijalva, go ahead.

Mr. GRIJALVA. Let me continue with Director Ellis. You know, we have been hearing not only here, but from the states that we represent, that we need a new process to facilitate certain land exchanges, to expedite them, because the current process is too burdensome, slow. And so, is the process in place now broken? Or does your agency not have the budget capacity to complete all the proposed exchanges that are in a timely manner and those that are already on the waiting list? Where do you see the issue?

Mr. ELLIS. Mr. Chairman, Congressman, I might respond this way. I understand, and I have heard today the states' frustrations with the length of time it sometimes takes to complete exchanges, and their eagerness for a quick resolution. And the Bureau has an obligation to ensure extensive participation and input from a wide variety of interests. That includes tribal interests, it includes state and local governments, user groups, adjacent landowners, private individuals, as we go through this process.

Now, there are many things, many competing things, for the limited resources that we have. For example, our realty specialists that work on these exchanges are the same realty specialists that process transmission line applications. They are the same realty specialists that work on right-of-ways for oil and gas leases that come in. And so, you know, they are the same ones that work on processing commercial permits for filming and other economic activities. These are the same people that we have.

So, my experience in both my BLM and Forest Service career is these land exchanges, they do take time. They take time. Utah took time, we are working on others, the one Congressman mentioned here. These take time. But I might say that we also have had very many successes. I have seen in my career, most of which has been in the field, I have seen a lot of land exchanges that do come together, including states. But we, like every other thing we do, we have to prioritize. We have to prioritize exchanges, we have to prioritize other things that we do. And we are willing to work with you on this legislation.

Mr. GRIJALVA. Thank you. Mr. Spitler, in your oral testimony you talked about incompatible development and use on state trust land inholdings in Federal conservation areas, or Federal areas. Just for the record, and for myself, give me an example of that incompatibility and why you are supporting this legislation.

Mr. SPITLER. Mr. Grijalva, there are many examples of uses that would be permitted and encouraged on state trust lands that would be incompatible—

Mr. GRIJALVA. Given the fact that there are two different missions here, the Commissioner and the Director, their primary mission, in terms of the contribution to education, is revenue generation. And there is a corresponding mission of conservation of critical areas. And that is part of the incompatibility, I assume. But what is an example that I think people would look at and—

Mr. SPITLER. Oh. If you can imagine oil and gas development in the middle of a national park, that would be an example of incompatible development with the national park lands. It is not what the American public expects when they go visit a national park.

Mr. GRIJALVA. Yield back.

Mr. BISHOP. Mrs. Lummis, do you have a couple more quick questions? Emphasis on quick.

Mrs. LUMMIS. I will make it quick, thank you. Mr. Ellis, don't you think it is in the best interest of the American people to trade some checkerboard land for less monetary cost to the government?

Mr. ELLIS. OK, Congresswoman, I will respond this way. You know, we have had instances in the Agency where we have done exchanges with states on various parcels, some more checkerboarded, but others not checkerboarded.

Mrs. LUMMIS. And you recommend a better source of resources, and not allowing states to pay more than half the administrative expenses. A better source of resources is just tax dollars, isn't it?

Mr. ELLIS. Help me understand your question, Congresswoman.

Mrs. LUMMIS. Well, your testimony has concerns with allowing states to cover additional administrative costs in return for more land, because that would result in the Federal Government receiving dramatically less land value. And as you put it, "This would not serve the interests of the American people."

Mr. ELLIS. Yes. And my point there is that generally you have the state—they have the cost—if the state took on more of the cost of the staff work in exchange for lands, then there would be less lands going in the Federal ownership, there would be less land area going into Federal ownership.

Mrs. LUMMIS. I would yield to the gentleman from Utah.

Mr. BISHOP. Mr. Ellis, I will give you a chance to respond, but I think you basically responded to my question to Mr. Grijalva, but I will give you a second if you don't want to.

I will accept just as the basics here that you are willing to work with us. My problem is, and my concern, and I want this going back to the Department, is if you really want to work with us, you have to be willing to work with us.

FLPMA and NEPA were passed when I was still wearing saddleback jeans. They were bell bottoms. I had platform shoes. My hair had color, it was parted in the middle, and covered more than just my ears. Those are still the rules about which the Department

is hiding behind. They don't work. It takes too long. It is not happening.

And the problem of the matter is if you own the land, or if the land is owned by the State of Arizona, it is the same damn taxpayers who own the land. The only difference is if you have it, kids are hurt; if she has it, kids are helped. We ought to be moving in that direction. So I will give you a chance to respond if you want to. I would welcome your assistance. I would welcome the help of the Department. But if we are going to insist on having those blinders on that keep us with the same constraints that are causing the problem now, it isn't going to work.

Mr. ELLIS. Well, Mr. Chairman, we do look forward to working with you and the committee on this bill. We do.

Mr. BISHOP. All right. Well—

Mr. ELLIS. Yes.

Mrs. LUMMIS. My time? What does that mean? Does that mean you have amendments to it?

Mr. ELLIS. No, I have no amendments here for your bill. What we have recognized—I recognized in my career, for example, the example that came up in Owyhee County, Idaho that was brought up with the wilderness area in Owyhee County, Idaho, and the state sections in Owyhee County. We are working to try to do an exchange with Idaho so we can exchange with the state out of those lands. It has taken time. You are correct, I think—

Mrs. LUMMIS. And I am sorry for the interruption. You bet it takes time. It takes way too much gosh darn time. Because this Teton land exchange has been on the agenda since I was a little girl. And in my capacity as the former Director of the Office of State Lands and Investments in Wyoming, and my former capacity as State Treasurer, where I sat on the Board of Land Commissioners, in my former capacity where I was in the State Senate, and before that in the State House, we were working on this the entire time. The entire time.

And I am going to tell you I sat in my first term as a Wyoming legislator when I was 24 years old. And next month I am turning 60. I have been working on this my entire adult life, this one exchange. Time? It doesn't take time, it takes lifetimes. And that is not good enough. Excuse me, Mr. Chairman. This time I really do yield back.

Mr. BISHOP. Are there any other questions for the panel?

[Laughter.]

Mr. BISHOP. Then we want to thank you for coming here. And I understand. I understand. I want to thank you for coming here and giving your testimony. I appreciate it very much. This panel is excused. And we are actually a little bit ahead of schedule, but not by a heck of a lot.

We are now going to turn to H.R. 4979, I will invite a new panel to come up. Mr. Thornberry—Mac, if you would actually like to join us on the dais to give your testimony and ask questions, we will invite you up here. Sure. I am looking to the future—yes, come up here and be with us.

We would also invite Mr. Ellis, if he would stay there, from BLM, and invite Mr. Pat Canan—I am sorry for the wrong emphasis there—the Captain Game Warden from Wichita Falls, Texas.

I appreciate you coming here. This is on H.R. 4979. Once again we will offer you your written statements are in the record. Anything else you want to add will be added to the record. Mr. Ellis, you are recognized to talk about this particular one, if you would.

Actually, Mr. Ellis, to help you out here, you have the next one, as well. Yes, if you want to just do both bills at the same time and knock them out, you can. OK, please go.

Mr. ELLIS. Mr. Chairman, the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on two bills of interest to the Bureau of Land Management. I will briefly summarize my written statements and ask that they be submitted in their entirety for the record.

H.R. 4979, the Red River Private Property Protection Act, seeks to address potential conflicts in land ownership on the 116-mile portion of the Red River in Oklahoma and Texas. The complex history of the Red River corridor presents Federal land managers, as well as private landowners, many challenges. As we continue to work toward the responsible management of resources on public lands in Kansas, Oklahoma, and Texas, the Department and BLM remain committed to actively engaging Members of Congress, local state and tribal officials, as well as members of the public, in resolving potential land ownership disputes in the area.

While the Department shares the goal of the legislation in providing legal certainty to property owners along the Red River, it cannot support H.R. 4979 as currently written, because the bill could result in the transfer of Federal lands and mineral state out of Federal ownership without compensation to the U.S. taxpayers. The Department is also concerned the legislation may negatively impact important subsurface mineral interests and revenue sources for tribal nations in Oklahoma.

We recognize the importance of identifying the status of lands along the Red River, and are currently in active discussions with various parties, including the State of Texas, to clarify ownership and address resource management challenges. We look forward to working with the sponsor, members of this committee, and many interested stakeholders of the Red River to provide for an appropriate management of Federal lands in the public domain.

Senate 609, the San Juan County Federal Land Conveyance Act, would provide for the sale of 19 acres of public land in Northern San Juan County, New Mexico, to a private party at fair market value. The BLM supports this bill as amended, which passed the Senate earlier this month. Enactment of S. 609 represents an opportunity to resolve a longstanding trespass issue consistent with a 2012 settlement agreement between the private party and the Department.

We appreciate the committee's work to help address this trespass issue, and thank you for inviting Department of the Interior to testify on these bills. I would be happy to answer any questions you may have.

Mr. BISHOP. Thank you.

Now, Congressman Thornberry, I am sorry. You were supposed to be able to go first on your bill. My bad, I just did the wrong thing. I will recognize you now, if you want to introduce your bill, late. Sorry.

**STATEMENT OF THE HON. MAC THORNBERRY, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. THORNBERRY. No, thank you, Mr. Chairman. I appreciate you and the committee holding a hearing on this, and giving me a chance to visit with you about it. Just to amplify a little bit about the history, any time the story starts out, "When President Thomas Jefferson made the Louisiana Purchase from Napoleon Bonaparte," you know that it is an interesting story. But that is exactly where this goes back to.

In the Louisiana Purchase, the United States bought not only the Louisiana Territory, but the river bed went to the United States. And that was confirmed in treaties with the United States and Spain, the United States and Mexico, the United States and the Republic of Texas, that the boundary of Texas is the south bank of the Red River.

Now, in the mid-1800s, there was an Indian reservation that was established in a portion of that area, but defining exactly where the south bank is was considered a challenge. So, in the 1920s, the Supreme Court says basically it is the south gradient bank, and they have a definition of what that means.

The problem is the gradient bank required a survey to figure out where it was, and this boundary goes for 539 miles. That is how long the river goes between Texas and Oklahoma forming that boundary. So you would have to survey the whole 539 miles. The second problem is it changes all the time. And, as you know, as the river changes, the boundary changes.

So, Texas and Oklahoma negotiated an agreement in 1999, and I was the sponsor of the bill that came to Congress that was ratified by Federal law, signed into law by President Clinton in 2000, that said we are not going to use the gradient boundary, we are going to use the vegetation line, because everybody can see it. And as it moves, then you know where it is. It is much easier to deal with. And so, that is the current law, as we have it.

Now, just a side note. There was a local court case that was decided wrongly before the Red River Compact was established, and I think that the owner and the BLM are in discussions on how to rectify that situation, and I hope they do.

But the bottom line is everything was going along pretty well until last year when the BLM announced that they were going to update their management plan for several states, including this area. They probably did not use the best communication. They said 90,000 acres may be owned by the Federal Government. That sets off a panic. When you compound it with the situation out in Nevada, you had all sorts of folks who were up in arms about a Federal land grab.

And so, what the status is today is that private landowners cannot borrow money on their land, because the title is clouded. They do not make improvements on the land. They can't sell their land, because there is all this concern that the Federal Government is going to come in and make a claim on some portion of these acres. BLM has now said it is not really 90, it may be 30. But the point is the title is clouded.

And I will say I represent seven counties along this 500-mile border. It is not just in the three at stake here that there is a

cloud. People up and down the river are panicked about whether their ownership rights will be protected.

BLM says it is going to take until 2018 to figure out their management plan. So if you are an owner along the river, you have, at best, to 2018, where you can't sell, you can't borrow, you can't improve your land. That is the status today.

So, my bill tries to solve that and say if you can prove in the county records of either state that you own the land, if you have been paying taxes, BLM has to recognize that ownership interest, and put it to rest.

Just two brief comments. The only thing I am trying to do is settle the land in Texas, south of the gradient vegetation line. There are issues that BLM has to deal with with the tribes and so forth north of that vegetation line and it is complicated. But I am only dealing with the area south that is in Texas.

Last point is we have already had a gun-related group come hold a rally in this area. There are some groups using this controversy to gain attention for themselves, who want to inflame the situation. The last thing the landowners, the counties, the state, or BLM needs is for people to come in and try to make a big deal out of this to make some political points. The sooner it gets solved for the landowners and for everybody else, the better. Yield back.

Mr. BISHOP. Thank you. Mr. Thornberry, we would like you to stay to answer questions or to ask questions, but I don't know what your commitments are elsewhere. I am sure we are a much better group than Homeland Security. So whatever you decide to do—

Mr. THORNBERRY. No, I appreciate it. If it is all right, I will stay around.

And, Mr. Chairman, may I also ask unanimous consent that three letters be entered in the record in support of the legislation from Texas Farm Bureau, from Texas Southwestern Cattle Raisers, and from the County Judge of Wichita County?

Mr. BISHOP. OK, without objection. No problem.

[The letters submitted by Mr. Thornberry for the record follow:]

LETTERS SUBMITTED FOR THE RECORD IN SUPPORT OF H.R. 4979

TEXAS FARM BUREAU,
WACO, TEXAS,
JULY 25, 2014.

Hon. DOC HASTINGS, *Chairman,*
House Committee on Natural Resources,
1324 Longworth House Office Building,
Washington, DC 20515.

DEAR MR. CHAIRMAN:

The Texas Farm Bureau supports the passage and enactment of H.R. 4979, by Congressman Thornberry. This legislation addresses a federal lands taking issue that has existed between the states of Texas and Oklahoma, and the Bureau of Land Management since 1984. Despite repeated attempts by the States, there continues to be controversy with the Federal Government claims and holdings. Hopefully passage of this bill will remedy the controversy and return formerly privately owned lands to rightful owners.

The center of controversy between the states and federal government is the definition of "gradient boundary" dealing with the southern bank of the Red River. In spite of the actions by both the states of Oklahoma and Texas, in the Red River Boundary compact in 2000; the federal government continues to assert claims on private landowners. A specific instance involves the taking of an individual's prop-

erty through court action, and requiring that individual to continue to make payments for its purchase to another Federal agency.

One question concerning H.R. 4979, is the reason for inclusion of the length of the 539 mile border between Oklahoma and Texas. It would appear that the only border in question involves approximately 116 miles.

We applaud Mr. Thornberry for his efforts in introducing H.R. 4979, and hope to secure its passage at the earliest possible date. We look forward to working with the Committee as it continues its deliberations on this important issue.

Sincerely,

KENNETH DIERSCHKE,
President.

TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION,
FORT WORTH, TEXAS,
JULY 29, 2014.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
1324 Longworth House Office Building,
Washington, DC 20515.

Re: Support for H.R. 4979 by Representative Mac Thornberry—“*Red River Private Property Protection Act*”

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA:

The Texas and Southwestern Cattle Raisers Association (TSCRA) is a 137 year-old trade association and is the largest and oldest livestock organization based in Texas. TSCRA has a membership of more than 16,000 beef cattle operations, ranching families and businesses. These members represent over 50,000 individuals directly involved in ranching and beef production who manage over 4 million head of cattle on more than 76 million acres of range and pasture land primarily in Texas and Oklahoma, but throughout the Southwest.

TSCRA strongly supports H.R. 4979—“*Red River Private Property Protection Act*” by Representative Mac Thornberry. This legislation would save landowners legal expenses regarding property they have long owned along the Red River. H.R. 4979 would also further support the Red River Compact and reaffirm many previous legal rulings.

TSCRA opposes any federal control or management of land on the Texas side of the Red River. TSCRA is concerned that any such control and/or management will take away the long held and legally established private property rights of landowners in this region. Specifically, the proposal by the Bureau of Land Management (BLM) could threaten ranchers’ and landowners’ ability to use their land for grazing livestock and could allow the public on privately owned land for recreation and hunting without the permission of private landowners.

There are over 142 million privately owned acres in Texas, which represent a majority of the entire state. Numerous examples prove that the expansion of federal control and/or management of private land constitute the first step toward the erosion of private property rights. This will not only jeopardize the proud history that Texas landowners have, but it will seriously threaten, limit, and/or take away an important part of our state and national economies. Federal control and/or management of private land will also further challenge future generations from being able to own land and start and continue agricultural operations.

As proud stewards of the land, ranchers and other agricultural producers in this region remain the most adversely impacted by this BLM proposal.

TSCRA respectfully requests your favorable consideration of this legislation.

Sincerely,

PETE BONDS,
President.

WICHITA COUNTY COURTHOUSE,
WICHITA FALLS, TEXAS,
JULY 25, 2014.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
Washington, DC 20515.

Re: Comments on H.R. 4979 by Congressman Thornberry

DEAR CHAIRMAN AND MEMBERS:

Thank you for your consideration of H.R. 4979 to clarify and protect the private land holdings of Texas residents along the Red River area on Wichita, Wilbarger, and Clay Counties of Texas. In its effort to fulfill its administrative planning process, the Bureau of Land Management (BLM) has brought great concern to land owners by implicating that the government may take over land that has been in some Texas families for over a hundred years. In contacts and meetings with BLM representatives, landowners, and elected officials, there has been a great deal of discussion about possible boundary changes without clear definition. The BLM's planning time to produce their document runs about three years during which time, the landowners cannot plan improvements or sell land that would have title questions.

Local elected officials and land owners have met with Congressman Thornberry who developed H.R. 4979 to alleviate this situation and reinforce the doctrines of the Red River Compact which has been in place for a number of years.

We pray that you will favorably consider this bill and move it along in the legislative process.

Sincerely,

WOODROW W. "WOODY" GOSSOM, JR.,
County Judge.

Mr. BISHOP. Mr. Canan. Is that right? That is closer?

Mr. CANAN. Close. Canan.

Mr. BISHOP. Canan. I am sorry, I will—you have to speak with small words to me. I apologize for that.

You have 5 minutes; we welcome your testimony.

**STATEMENT OF PAT CANAN, CAPTAIN GAME WARDEN,
WICHITA FALLS, TEXAS**

Mr. CANAN. Thank you. Chairman Bishop, Ranking Member Grijalva, and members of the subcommittee, thank you for the opportunity to testify for you today. My name is Pat Canan, and I am a landowner along the Red River. I am also a Captain Game Warden with the State of Texas. So I come to you from a couple of different positions.

The land that I currently live on is on the Red River, and it was deeded by the State of Texas on January 29, 1858. And this deed called the north side of this tract to a stake on the bank of the Red River. This description was coming from the south side of the river toward the river, and so the actual boundary of my property, as deeded by the State of Texas, is the south bank of the river.

[Slide]

I thought it might be helpful for the people gathered here today to see what I am talking about. And this picture on the TV up here is a picture I actually took from the back porch of my house, looking north. If you see that tree line just past that fence is the edge of the bluff. And all the land you see down there, below there, is actually the river bottom. And so, we are not talking about some-

thing that is narrow, we are talking about something that is a couple miles wide.

It is hard to see on that picture, but kind of in the middle you see a little white speck. That is the barn just on the other side of the river. So the actual river is a mile-and-a-half from where my house is. If you will, go the next slide, please.

[Slide]

This is actually a slide taken 2 days ago when I went down to the river, and I am standing on what is commonly called the cut bank, and took a picture of the Red River. So you can see it is a meandering river, sandy. The next slide, please.

[Slide]

This is the actual cut bank. The definition established by the Supreme Court in 1923 recognized that the gradient boundary was the boundary between the State of Texas and the State of Oklahoma. The court defined the south bank as water-washed and relatively permanent elevation at the outer line of the riverbed which separates the bed from the adjacent upland. This, the bed, was defined as the area kept practically bare of vegetation. And you can see from the previous picture that the river bottom is essentially bare of vegetation.

The bank of the Red River was a so-called cut bank, and this was established between Oklahoma and Texas under the Spanish Treaty of 1819. The cut bank effectively confines the water to the sand bed, except in times of flooding. This application of the gradient boundary has been accepted by all parties, and was actually surveyed in 1923, when oil was discovered along the Red River.

In 2008, BLM entered upon my land and set some markers on that land. Could you please go to the next slide?

[Slide]

This is where—my house was just above this tree line. If you will notice on this picture, there is a small bank there, a berm, and then over on the right hand side is a tee post. Next slide, please.

[Slide]

This is the marker that was placed at that T-post point. And on the north side it says, "Oklahoma." On the south side, it is Texas. So the BLM has established the gradient boundary at that point. That point is about 20 yards below my house, about 1.7 miles from the Red River, and 1.7 miles from the cut bank. Next slide, please.

[Slide]

This is a Google map of that. The approximate location of the benchmark is on the bottom part of that map, it is that yellow point. The Red River is 1.7 miles due north of there. And so the BLM entered upon my property and set a gradient boundary that does not meet the definition of the gradient boundary.

The claim on the BLM has, as Representative Thornberry has stated, essentially stalled all development in the river bottom. Most of this land has been fenced and managed for livestock and farming since the late 1800s. And now many landowners along this stretch that make their living and support their families are on land that is now being claimed by the BLM.

The passage of H.R. 4979 would clear up this issue along the Red River and re-establish the private property rights to land-

owners along this section of the river. Thank you for allowing me to testify, and I will open to any questions.

[The prepared statement of Mr. Canan follows:]

PREPARED STATEMENT OF PAT CANAN, CAPTAIN GAME WARDEN, WICHITA FALLS,
TEXAS ON H.R. 4979

Chairman Bishop, Ranking Member Grijalva, members of the subcommittee, thank you for the opportunity to testify before you today. My name is Patrick Canan, and I am a landowner along the Red River in Texas that falls between the 98th meridian and the North Fork of the Red River. My property is more specifically located on the Clay County/Wichita County boundary and includes both river bottom lands plus land above the old ancient geological bluff. This land was deeded by the State of Texas by Patent dated January 29, 1858 and this Patent was filed of record in Clay County, Texas on June 27, 1881. The Patent description specifically calls the north side of this tract "to a stake on the Bank of the Red River." Since this description was coming from the south side of the river and going north, the bank called for was the south bank of the Red River.

In January, 1994 the U.S. Department of the Interior Bureau of Land Management (BLM), published an Oklahoma Resource Management Plan that addressed the Red River Management. In this document the BLM recognized that the lands along the Red River could not be defined until the U.S. Congress establishes the permanent state boundary between Oklahoma and Texas. This jurisdictional boundary was subsequently established by the Red River Boundary Compact in 1999. The boundary agreed to was the continuous vegetation line along the south bank of the Red River. In the BLM Resource Management Plan of 1994, the boundary thus established was recognized to result in essentially no public domain along the Red River in the area in question.

Recently the BLM has begun the process of a Resource Management Plan that again addresses the issue of public domain along the Red River. In the initial set of public hearings, the BLM stated that this would impact up to 116 miles of the Red River and could include up to 90,000 acres of public domain along the Red River. Assuming this estimate is correct, the average width of this public domain along these 116 miles will be 1.21 miles. So starting at the south part of the river bed, the BLM is claiming that the land an average of 1.21 miles into Texas is public domain lands. This is the same land that was deeded by the State of Texas in 1858. I understand that the BLM estimates of public domain land along the Red River is a moving target and the subsequent estimates by the BLM have reduced the numbers of public domain acres south of the medial line to 30,000 acres. However, this is still a huge impact to deeded land in Texas, including land on my property.

The recognized boundary between the State of Texas and the State of Oklahoma is the gradient boundary along the south side of the Red River. This gradient boundary was recognized by the Supreme Court in 1923 and this was in response to oil that was discovered along the Red River in 1919. The court defined the south bank as "the water-washed and relatively permanent elevation or acclivity at the outer line of the riverbed which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the waters within the bed and to preserve the course of the river, and the boundary intended is on and along such banks at the average or mean level attained by the waters in periods when they reach and wash the bank without overflowing it while the "bed" includes all area kept practically bare of vegetation by the wash of the waters from year to year, though parts are left dry for months at a time, but not the lateral valleys having the characteristics of relatively fast land, and usually covered by upland grasses and vegetation, though temporarily overflowed in exceptional instances, when the river is at flood."

The bank of the Red River constituting the boundary between Oklahoma and Texas under the Spanish treaty of 1819 is the so-called "cut bank" effectively confining the water to the sand bed, save in exceptional instances when the river is at flood and overflows, and not the range of bluffs marking the exterior limits of the valley through which the river flows.

The application of the "gradient boundary" as defined by the Supreme Court was first applied along the Red River by surveyors Arthur D. Kidder and Arthur A. Stiles in 1924. These two men surveyed the area known as the Big Bend area along the river and then followed that with the Fort Auger area on the Red River. Both these areas are located northwest of the town of Burkburnett, Texas and this is the area where oil was discovered in 1919. No other areas were surveyed along the river by Kidder and Stiles as they did not receive any other requests by the United States.

In 2008 the BLM entered upon my land along the Red River to survey this land for any "Indian" lands that may have been in the river bottom. I allowed the BLM to enter through my gate at the front of my property so they would not have to walk in from the Oklahoma side of the river. This year after attending the public BLM hearings in Wichita Falls, I went down into the area that the BLM surveyed in 2008 and found a cadastral survey marker that was placed on my property. This survey marker is shown on an attachment and this marker shows that the boundary between Texas and Oklahoma is at this point. The field notes state this corner "is located at the toe of slope to the outside of the left bank of the abandoned channel of Gilbert Creek, also, the abandoned channel is located adjacent to the bluff banks." This point is over 1.7 miles south of the south bank of the river bed. The left bank that BLM is referring to in the field notes is actually a man-made berm that was pushed up in the early 1970s using a bulldozer to control the flow of water from several springs that flow at the base of the bluff. This survey marker shows that the BLM is claiming that the gradient boundary is located at the base of the ancient geological bluff and not at the actual gradient boundary that exists along the river bed.

The claim by the BLM on the 90,000 acres or any acreage along the river has clouded the title to my land and has impacted my ability to manage this river bottom. Land sales along the river have come to a standstill and land values along the river have decreased. Private landowners along the river have been effective and conservative stewards of the land. Most of this land has been fenced and managed for livestock and farming since the late 1800s. Many of the landowners along this stretch of river make their livings and support their families on the land now being claimed by the BLM. This land has been bought and sold along the river up until this latest BLM claim. The passage of H.R. 4979 would clear up this issue along the Red River and the re-establish the private property rights to the landowners along this section of the river.

ATTACHMENTS

Cadastral Survey Marker 2008



Red River Bed—Picture taken from top of Cut Bank



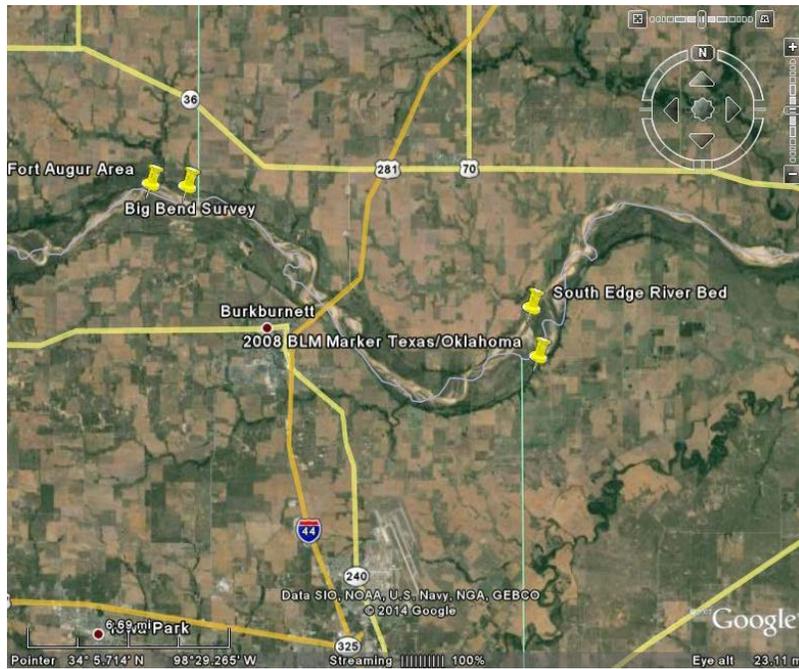
Cut Bank along edge of River Bed



River Bottom View from top of High Bluff



Location of Kidder & Stiles surveys, Red River Bed and BLM survey marker



Tree line represents base of Bluff, green tee post on right shows location of survey marker set by BLM and slight incline shows dirt that was pushed up by dozer to control water from springs



Mr. BISHOP. Thank you. I appreciate your testimony, appreciate you taking patience with my ability to pronounce your name improperly.

Mr. LaMalfa, you have been—do you have questions on either of these bills?

[No response.]

Mr. BISHOP. Mr. Thornberry, do you have questions for either of these witnesses?

Mr. THORNBERRY. Mr. Chairman, I am just here to answer questions.

Mr. BISHOP. All right. Mr. Mullin, do you have questions?

Mr. MULLIN. I have more of a statement. Chairman, thank you for letting me join your committee, and thank you for giving me this opportunity.

I have heard from local tribes in Oklahoma who have approached my office with concerns of Congressman Thornberry's bill. Their concern is that this could affect tribal land interest along the bed of the Red River in Oklahoma. I understand why Congressman Thornberry's bill is needed to protect private landowners from BLM's overreach along a segment of the land, the Red River in Congressman's district, which also touches Oklahoma.

The Red River Boundary Compact included a clear and explicit protection from property rights and governmental interests of the tribes along the Red River, including the Choctaw Nation and Cherokee Nation.

Mr. Chairman, it is my hope that we could work together to make sure the concerns of the tribes are addressed, to make sure there are no unintended consequences of this legislation that would

negatively impact the tribe lands or the tribes east of the 98th meridian.

I would hope, Mr. Chairman, that you would work with us and understand the concerns that the tribes have. The tribes, without question, support and are concerned with the BLM overreach, and support Congressman Thornberry's bill, but we just want to make sure that their interest is protected, too.

Mr. BISHOP. Thank you.

Mr. MULLIN. Thank you. I yield back.

Mr. BISHOP. Mr. Grijalva, do you have questions?

Mr. GRIJALVA. Yes, and let me associate myself with the comments of the gentleman just now, in terms of those tribal concerns. That was one of the questions that I had, but it was better stated and asked by the gentleman.

Mr. ELLIS, a lot of opposition to BLM's survey comes from ownership claims on 140 acres in the Red River area. I have other questions, so quickly, can you describe Federal ownership claims along that Red River?

Mr. ELLIS. Mr. Chairman, Congressman, as Congressman Thornberry mentioned, back with the Louisiana Purchase, this land became public domain. Then, I believe it was back in 1867, the Kiowa Comanche and Apache Reservation was established. And that was set, the southern boundary of that was set, as I understand it, at the median line, which is essentially the center line of the river. Everything, then, south of there to what was referred to as the gradient line is now public domain. And this approximate acreage, our staff tells me, based on their surveys, is approximately 30,000 acres.

So, this is the area that the BLM is now looking at, as part of their land use planning process, as part of the resource management planning process, is that piece of ground that essentially is along this 116-mile stretch from the 98th meridian on the east to the north fork of the Red River, west.

Mr. GRIJALVA. Which leads me to the next question. Is the Bureau looking to expand public lands through this, which is one of the other accusations, concerns that has come up, looking to expand public lands through this scoping process that you are going through right now?

Mr. ELLIS. Congressman, we are not. How the scoping process works in any resource management plan we do, and I have done many of them in my career, the scoping process is where we go to the public, and we find out from the public what they feel about our proposed action. And then they identify issues. And those issues, then, are what we take—this is in NEPA—we take those issues, and then we develop a suite of alternatives. We develop a draft environmental impact statement with the suite of alternatives, and then we go back to the public.

Mr. GRIJALVA. Does the BLM have the administrative authority presently to clear up the ownership claims along the Red River?

Mr. ELLIS. Well, there are—maybe I should discuss the options that would be out there. There are various options that I have seen, again, in my career to deal with various instances. I dealt with an issue in my last job in Ketchum, Idaho, where we had some landowners that—

Mr. GRIJALVA. But did the options that you will describe—and I appreciate that, but I have a couple of other quick ones for you—do those imply that the Agency has the authority to clear up these claims?

Mr. ELLIS. There are some options I can use. One is color of title. Some of the landowners out there may qualify for color of title. That is really outside the planning process. They can apply for color of title on these lands.

The other is when we go through a land use planning process, if the lands—such as we are going through now—if lands are identified for disposal, then there are ways, we exchange those lands, sometimes we sell those lands for fair market value. So those are a couple of the options that are out there. But I believe there are some options to look at this.

But I might also add that this is a public participation process, and so we have to consider the interest of all our public and our tribes as we address this 30,000-acre piece.

Mr. GRIJALVA. If this legislation passes, and the BLM is forced to recognize county or state deeds without further verification, as the bill intends, then this could result in this public land ostensibly being given away without any compensation to the rest of the taxpayers. Is that an assessment that you agree with, disagree with, want to react to?

Mr. ELLIS. Well, I might react this way. We have a concern about competing claims on the same parcel of land. There are many landowners out there. I looked at them on the map. Lots of them. And there could be competing claims with overlapping interests, with two or more parties. And disputes may arise from adjacent landowners. So that is something that would have to be dealt with.

If we get multiple claims to the same parcel, that could be something that we have to deal with. And another thing is the potential transfer of private owners of environmental liability for historic oil field equipment that may contain public health, safety, and environmental hazards. So these are all things that are not insurmountable, but they are things that we would have to deal with.

Mr. GRIJALVA. Yield back, Mr. Chairman.

Mr. BISHOP. Thank you. Mr. Canan, if I could just simply ask you, what impact would losing the deeded lands that you believe you have owned and you have been paying taxes on for generations, what impact would that have to the landowners in the surrounding communities?

Mr. CANAN. Mr. Chairman, obviously, those lands have been farmed and ranched since the late 1800s. So the economic value of the ranching industry, the impact on all the local businesses that those families have in that area would all be impacted by losing that land.

Mr. BISHOP. Mr. Thornberry, it sent a chill up my spine when it was said one of the options would be that the BLM could sell these lands back.

Mr. THORNBERRY. Well, I think that is—

Mr. BISHOP. Is that an option, to buy the land that you have been paying taxes on for years?

Mr. THORNBERRY. No, Mr. Chairman. I think that is exactly the point. Things were going along pretty well. All of a sudden the Federal Government says, "We may own 90,000 acres here."

People like Mr. Canan say, "Wait, I have had a deed to that since the 1850s, I have been paying taxes on it." And now, one of BLM's options is to buy it back. That is why there is such fear of a Federal land grab, and that is why, given the environment we are in, and other actions we have seen, there is such concern.

And that is part of the reason, in addition to the landowners, it seems to me, for BLM's sake, for the counties, for law enforcement folks like Mr. Canan himself, there has to be a resolution. Because this could escalate in ways that none of us want it to.

Mr. BISHOP. And waiting until 2018 is simply not acceptable.

Mr. THORNBERRY. Well, would you want to own a piece of property that you couldn't sell, borrow, make improvements on until 2018, but, by the way, you better keep paying taxes on it the whole time? That is a taking of private land. And that is why it just seems to me we have to resolve this now.

Mr. BISHOP. See, now you know what it is like to live in Utah.

Mr. THORNBERRY. Well, I have to say, Mr. Chairman, if you will allow me, it was depressing for me to listen to some of your previous conversation, with Mrs. Lummis talking about taking, what was that, nearly 40 years for a land exchange. You know, we can't do that here.

Mr. BISHOP. Does anyone have any other questions for this particular piece of legislation or the Udall bill?

[No response.]

Mr. BISHOP. I would just like to put one comment about—I like both pieces of legislation. The Udall bill does have, in our rules, an earmark problem that I would love to try and solve, because I think that would be an issue. To get that out of the way would be a wonderful thing, and help this guy—get that property back to you again would be a wonderful thing, as well. It does have some drafting problems that deal with that.

And I appreciate you presenting this bill to us. We will move on with that.

With that, I thank you both, especially coming here from long distances. I appreciate you traveling up here. And let's hope we can solve this problem for you very quickly. Thank you, gentlemen.

We will invite the third panel up here now, which will include, I am sorry, on mine it says The Honorable David Reichert. I am going to have a difficult time with that.

Dave, if you would like to join us on the panel, up here on the dais, I would be more than happy to have you come up here. And because we have a lot of people here, we also have former Senator Slade Gorton, who is here.

Hank Johnson, Congressman, I appreciate you being here on the dais with us.

Reverend Ralph David Abernathy is invited up. Jeff Fortenberry, Congressman Fortenberry, is not quite here with us yet, right? All right. As soon as he is, we will try and get him up here on the dais as well, as well as Congressman Hoyer, and I believe I have one more on this panel. Stephanie Toothman from the National Park Service.

OK. Is Reverend Abernathy here? Yes, thank you, Reverend Abernathy, for joining us here. And, like I say, when Jeff comes in here, we will invite him to be up at the dais, as well.

Let me go through these bills, bill by bill. But we ask you to be there on the dais, as well.

Let me do this in the following order: Ms. Toothman, from the Park Service, if you would like to give the first opening comment and cover the entire thing, then we don't have to keep coming back to you on each bill. And then we will go specifically first to H.R. 1785, and then we will go to the next bill after that. But if you would like to cover them all at the beginning, you are recognized right now.

Dr. TOOTHMAN. OK. Just to clarify, you would like me to testify on the Heritage Area bill, as well?

Mr. BISHOP. If you would like to, whatever suits you. But we have several bills up here. If you want to get them all in one fell swoop, we can do that.

STATEMENT OF STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR, CULTURAL RESOURCES, PARTNERSHIPS AND SCIENCE, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Dr. TOOTHMAN. OK, let me start with thanking you for the opportunity to appear before the subcommittee to present the Department of the Interior's views on six bills. I would like to submit our full statement on these bills for the record, and summarize the Department's views.

Starting with H.R. 445 with amendment, we support H.R. 445 with amendments. This bill would authorize the National Heritage Area program within the National Park Service. We have long supported legislation to establish a National Heritage Area program that standardizes time frames and funding for designated National Heritage Areas and formally establishes criteria for new heritage areas. The amendments we are recommending are described in our written statement. We look forward to working with the committee on them.

The Department supports the objectives of H.R. 1785, which would establish the Mountains to Sound Greenway National Heritage Area in the State of Washington. The Mountains to Sound Greenway Area has been found to meet the National Park Service's interim criteria for designation as a National Heritage Area. However, the Department recommends that Congress pass National Heritage Area program legislation before designating any additional new heritage areas.

The Department also recommends a technical amendment to provide for an official National Park Service map to accompany the legislation.

The Department supports H.R. 4119 with amendments. The bill would authorize a special resource study of the West Hunter Street Baptist Church in Atlanta, Georgia. During the Civil Rights Movement, the West Hunter Street Baptist Church served as headquarters for many civil rights workers and organizers. It was the site of important leadership meetings, and it doubled as a school for non-violent protests during initiatives such as the Voter

Education Project and the Freedom Summer of 1964. It was also a spiritual refuge for the men and women who devoted their lives to the cause.

The Department supports H.R. 5086 with a technical amendment. The bill would authorize a study of the feasibility of designating the Chief Standing Bear National Historic Trail. The proposed trail would extend approximately 550 miles from Niobrara, Nebraska, to Ponca City, Oklahoma, following the route taken by Chief Standing Bear and the Ponca people during Federal Indian removal, and their return route from Oklahoma to Nebraska.

The Department also supports Senate Bill 311 with an amendment. This bill would authorize a special resource study of sites in the Lower Mississippi River area in Louisiana. The study area would include Fort St. Philip and Fort Jackson, located on opposite sides of a bend in the Mississippi River, about 8 miles upstream from the town of Venice, Louisiana.

Fort St. Philip was originally built in 1749, and the construction of Fort Jackson, named for Andrew Jackson, began in 1822. Fort St. Philip played an important defensive role in the Battle of New Orleans, and both forts were employed unsuccessfully to defend New Orleans and the Confederacy from Admiral Farragut's Union fleet during the Civil War. We recommend an amendment to fund this study, consistent with other special resource studies.

The Department supports Senate Bill 476, which would extend the authority of the Chesapeake and Ohio Canal National Historical Park Commission. The establishment of the Commission in 1971 stems in part from the unique nature of the canal. It is unlike most areas administered by the National Park Service, as it is a linear park running along a 185-mile stretch of river shoreline, and is flanked by the Nation's capital, suburban communities, and numerous small towns.

Mr. Chairman, this concludes my remarks. I would be happy to answer any questions.

[The prepared statement of Dr. Toothman follows:]

PREPARED STATEMENT OF DR. STEPHANIE TOOTHMAN, ASSOCIATE DIRECTOR,
CULTURAL RESOURCES, PARTNERSHIPS AND SCIENCE, NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR

H.R. 1785, Mountains to Sound Greenway National Heritage Area Act

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 1785, a bill to establish the Mountains to Sound Greenway National Heritage Area in the State of Washington.

The Department supports the objectives of H.R. 1785. The Mountains to Sound Greenway area has been found to meet the National Park Service's interim criteria for designation as a National Heritage Area. However, the Department recommends that Congress pass program legislation that establishes criteria to evaluate potentially qualified National Heritage Areas and a process for the designation, funding, and administration of these areas before designating any additional new National Heritage Areas. The Department also recommends a technical amendment to provide for an official NPS map to accompany the legislation.

There are currently 49 designated national heritage areas, although there is no authority in law that guides their designation and administration as a national system. National Heritage Area Program legislation would provide a much-needed framework for evaluation of proposed national heritage areas, guiding planning and management, clarifying roles and responsibilities, and standardizing time frames and funding for designated areas.

H.R. 1785 would establish the Mountains to Sound Greenway National Heritage Area to include lands within the Yakima River basin upstream of Manastash Creek

and the cities of Ellensburg, Roslyn, Cle Elum, and South Cle Elum in Kittitas County. It would also include all lands in the Snoqualmie River, Cedar River, and Lake Washington watersheds, the Puget Sound near shore watersheds within and including the cities of Seattle and Shoreline, and 22 additional cities in King County.

The proposed local coordinating entity would be the nonprofit corporation Mountains to Sound Greenway Trust (Trust).

NPS review of the *Mountains to Sound Greenway National Heritage Area Feasibility Study* completed by the Trust in March 2012, found that the study did not meet the NPS *Interim National Heritage Area Feasibility Study Guidelines*. The NPS requested the Trust provide a revised statement of national importance; themes and a list of associated resources; a summary of traditions, customs, beliefs and folk life; and a boundary justification. The NPS received the Addendum from the Trust on May 27, 2014, which (1) explained that the Mountains to Sound Greenway National Heritage Area is nationally important for its association with the expansion of our national transportation system and the creation of our modern timber industry; (2) identified three themes associated with the region's national importance and their related historic and natural resources; (3) summarized the ongoing traditions, customs, beliefs, and folklife that interprets and celebrates the region's national importance; and (4) justified the proposed boundary in relation to the strategic assemblage of resources and opportunities for conservation, recreation and education, as well as public interest in this national heritage area designation.

The proposed Mountains to Sound Greenway National Heritage Area tells a nationally important story of how the Northern Pacific and Milwaukee railroads, and later the Sunset Highway and Interstate 90, created the final section of an historic transportation corridor that wove the Northwest into the Nation's fabric, opened up trade between the United States and Asia, and led to the development of the Nation's modern timber industry.

Although the Puget Sound area was part of the United States by 1950, the Cascade Range isolated the region from the rest of the Nation, with little access to its abundant natural resources and sheltered deep-water ports. Chartered by President Lincoln in 1864, the Northern Pacific Railroad was constructed along a Native American pathway through the nearly impassible Snoqualmie Pass to reach Seattle 20 years later. The connection of the Eastern seaboard and Great Lakes with the farthest reaches of the continental United States reinforced the newly drawn American-Canadian border. The city of Seattle grew into a booming hub for shipbuilding and the trade of foreign goods and the region's own wealth of natural resources, opening the country's first trade routes on what we now call the Pacific Rim. Rail towns sprung up along the main lines with mill and coal towns on the spurs, while piers stretched into Puget Sound, attracting immigrant workers whose descendants live in the region today.

The Milwaukee Road crossed the Cascades in the early 1900s using pioneering tunneling and electrification techniques. The high speed electric trains of the Milwaukee Road carried Japanese silk to New York, the Nation's most precious rail commodity after gold and silver bullion, but the railroad made its money carrying passengers to ski, hike, and climb at Snoqualmie Pass. The conservation ethic that developed in the region from enjoyment of the region's natural beauty is strongly held today.

Washington's modern economy is descended directly from the Northern Pacific Land Grant that was used to build the railroad. In place of public financing, the railroad received the largest Federal land grant in American history. The railroad was granted 40 million acres—every other square mile of land in a checkerboard pattern up to 40 miles on either side of the right-of-way. This consolidated ownership, as well as steam technology brought by the railroad, created the booming timber industry that helped rebuild San Francisco after the 1906 earthquake and fueled shipbuilding in World War I. Airplanes being produced for the military on a large scale for the first time were built from the region's prized spruce trees. Demand for this aircraft led William Boeing to found a company in the region in 1916 that supplies the Nation's air transportation industry today.

Plantation forestry involving sustained-yield harvest and reforestation was invented in 1937 by William Weyerhaeuser, who had amassed one-and-a-half million acres of Washington timberland. He established the first seedling industry at Snoqualmie Falls and began to manage timber across multiple harvests, a radical idea at the time. This remains the industry standard across much of the country today.

The cultural heritage of the Mountains to Sound Greenway National Heritage Area is alive in the ethnic diversity of the region's population, in the traditions, customs and celebrations, and in museums, festivals, historic sites, and interpretive

trails that both residents and visitors enjoy today. Following modern-day political and land-management structures, the proposed heritage area boundaries are pragmatic, thus offering the best formula for long-term success as communities seek to manage, enhance, and interpret resources across this landscape.

H.R. 4119, West Hunter Street Baptist Church Study Act

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 4119, to direct the Secretary of the Interior to conduct a special resource study of the West Hunter Street Baptist Church in Atlanta, Georgia, and for other purposes.

The Department supports enactment of H.R. 4119 with amendments. However, we believe that priority should be given to the 24 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 Rivers System that have not yet been transmitted to Congress.

H.R. 4119 authorizes a special resource study of the original location of the West Hunter Street Baptist Church, located at 775 Martin Luther King Junior Drive SW, Atlanta, Georgia. This study would evaluate the West Hunter Street Baptist Church and the surrounding area to determine whether they meet the National Park Service's criteria for inclusion in the National Park System of national significance, suitability, feasibility, and need for National Park Service management. The study would also consider other alternatives for preservation, protection, and interpretation of the resources. We estimate the cost of the study to range from \$100,000 to \$200,000, based on similar studies conducted in recent years.

Founded as the Friendship Baptist Church in 1881, the congregation moved in 1906 to a stone building on West Hunter Street, which was later renamed Martin Luther King Jr. Drive. During the Civil Rights Movement, the West Hunter Street Baptist Church served as a headquarters for many civil rights workers and organizers, was the site of important leadership meetings, and doubled as a school for nonviolent protest during initiatives such as the Voter Education Project and the Freedom Summer of 1964. It was also a spiritual refuge for the men and women who devoted their lives to the cause. In 1973, the congregation moved to a new location on what was then called Gordon Street. Ralph David Abernathy, Sr., a leader of the Civil Rights Movement and an associate of Dr. Martin Luther King, Jr., served as pastor of the church from 1962 until his death in 1990. Subsequent to his death, the street in front of the church was renamed Ralph David Abernathy Boulevard in his honor.

We recommend amending the bill and the long title to clearly define that the area to be studied will include the city block where the West Hunter Street Baptist Church is located. We will be happy to provide an amendment for this purpose.

We also recommend a technical amendment to section 2(c) to reflect that the name of the National Park System General Authorities Act has been enacted into law. The amendment is as follows:

On page 2, strike lines 21–24 and insert the following:

“subsection (a) shall be conducted in accordance with the National Park System General Authorities Act (16 U.S.C. 1a–5(c)).”.

H.R. 5086, To amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail, and for other purposes

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today and present the Department's views on H.R. 5086, a bill to amend the National Trails System Act to direct the Secretary of the Interior to conduct a study on the feasibility of designating the Chief Standing Bear National Historic Trail, and for other purposes.

The Department supports H.R. 5086 with a technical amendment. However, we feel that priority should be given to the 24 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 Rivers System that have not yet been transmitted to Congress.

H.R. 5086 would amend Section 5(c) of the National Trails System Act by directing the Secretary to conduct a study of the Chief Standing Bear Trail for consideration for inclusion in the National Trails System. We estimate the cost of this study

to be approximately \$500,000 based on costs of similar studies previously conducted by the National Park Service.

The proposed Chief Standing Bear National Historic Trail would extend approximately 550 miles from Niobrara, Nebraska, to Ponca City, Oklahoma, following the route taken by Chief Standing Bear and the Ponca people during Federal Indian removal, and their return route from Oklahoma back to Niobrara, Nebraska.

Chief Standing Bear was born around 1829 in the traditional Ponca homeland near the confluence of the Niobrara and Missouri rivers. About 30 years later, the tribe sold its homeland to the United States, retaining a 58,000-acre reservation between Ponca Creek and the Niobrara River.

When the Federal Government created the Great Sioux Reservation in 1868, the Ponca Reservation was included within its boundaries, depriving them of title to their remaining lands. In 1877, the Federal Government decided to remove the Poncas to Indian Territory. Standing Bear, a tribal leader, protested his tribe's eviction. Federal troops enforced the removal orders and the Poncas arrived in Indian Territory in the summer of 1878.

After leaving Nebraska, one-third of the tribe had died and nearly all of the survivors were sick or disabled. This included Chief Standing Bear's 16-year-old son, who died in late December 1878. Wanting to honor his son's last wish to be buried in the land of his birth, Standing Bear gathered a few members of his tribe and started north for the Ponca homeland in early January 1879, reaching the reservation of their relatives, the Omahas, about 2 months later. Standing Bear carried his son's bones with him to be buried in the familiar earth along the Niobrara River.

Because Indians were not allowed to leave their reservation without permission, Standing Bear and his followers were labeled a renegade band. The Army, on the order of the Secretary of the Interior, arrested them and took them to Fort Omaha, where they were to be held before being returned to Indian Territory. General George Crook, however, sympathized with Standing Bear and his followers and asked Thomas Henry Tibbles, an Omaha newspaperman, for help. Tibbles took up the cause and secured two prominent Omaha attorneys to represent Standing Bear.

The lawyers filed a Federal court application for a writ of habeas corpus to test the legality of the detention, basing their case on the 14th Amendment to the Constitution. The government disputed the right of Standing Bear to obtain a writ of habeas corpus on the grounds that an Indian was not a "person" under the meaning of the law. In a landmark decision, U.S. District Court Judge Elmer S. Dundy ruled in favor of Standing Bear, reasoning that he and his band were indeed "persons" under the law, entitled to sever tribal connections, and were free to enjoy the rights of any other person in the land. The Government appealed Dundy's decision, but the Supreme Court of the United States refused to hear the case, leaving Standing Bear and his followers free in the eyes of the law. Standing Bear died in 1908 and was buried alongside his ancestors in the Ponca homeland.

A study produced by the National Park Service would apply the criteria provided in the National Trails Act to determine inclusion in the National Trails System. We envision the Chief Standing Bear National Historic Trail study to focus on exploring recreational opportunities, defining historical aspects of the trail, and establishing methods for a working relationship with partners in order to identify facilities on adjacent lands that would contribute to the purposes of the trail.

Finally, the Department recommends a technical amendment to reference an official NPS map for the legislation.

H.R. 445, National Heritage Area Act of 2013

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 445, to authorize a National Heritage Area Program, and for other purposes.

The Department supports H.R. 445 with amendments that are described later in this statement. We have long supported legislation to establish a National Heritage Area program within the National Park Service that standardizes time frames and funding for designated national heritage areas and formally establishes criteria for establishing new heritage areas. We would like to thank Representatives Dent and Tonko, the principal sponsors of this legislation, for their leadership on this issue.

H.R. 445 would formally establish a system of National Heritage Areas to conserve, enhance, and interpret natural, historic, scenic, and cultural resources that together tell nationally significant stories representing our country's heritage. The bill provides uniform national standards for conducting feasibility studies, designating National Heritage Areas, approving management plans and conducting evaluations; it specifies the authorities and duties of the Secretary of the Interior and

of the local coordinating entities in conducting these activities. It also authorizes appropriations for each individual national heritage area of up to \$700,000 annually, along with \$300,000 annually for the Secretary to conduct feasibility studies (with not more than \$100,000 for any individual study) and \$750,000 annually to conduct management plans (with not more than \$250,000 for any individual management plan). Finally, the bill sets a sunset date for the National Heritage Area system that is 25 years after the date of enactment.

National Heritage Areas further the mission of the National Park Service by fostering community stewardship of our Nation's heritage, while not creating new national park units. Rather, the National Park Service partners with National Heritage Area local coordinating entities and provides technical assistance and matching Federal funds from Congress. The National Park Service does not assume ownership of land inside heritage areas or impose land use controls.

National Heritage Areas expand on traditional approaches to resource stewardship by supporting large-scale, grassroots initiatives that connect local citizens through preservation, conservation, and planning processes. The areas represent a community-driven approach to heritage conservation and economic development. Through public-private partnerships and the facilitation of a local coordinating entity, National Heritage Areas support historic preservation, natural resource conservation, recreation, heritage tourism, and educational projects. Leveraging funds and long-term support for projects, these partnerships foster pride of place and an enduring stewardship ethic. Because heritage areas are lived-in landscapes, local coordinating entities collaborate with communities to determine how to make their heritage relevant to local interests and needs. Through their resources, National Heritage Areas tell nationally important stories that celebrate our Nation's diverse heritage.

The first National Heritage Area, the Illinois and Michigan Canal National Heritage Corridor, was designated 30 years ago. Since that time, Congress has authorized another 48 National Heritage Areas in 32 states across the country. Numerous bills to designate more National Heritage Areas are pending in Congress. While the earliest National Heritage Area bills had differing management and funding structures, National Heritage Areas created since 1996 have become more standardized in how they are studied, designated, managed, and funded. Regardless of when created, all designated National Heritage Areas strive for long-term sustainability.

The need for and value of National Heritage Area program legislation has been well-considered and is supported in numerous studies. In 2005, the Administration identified the need for program legislation as part of an overall review of the program. In 2006, the National Park System Advisory Board report *Charting a Future for National Heritage Areas* recommended a legislative and policy foundation for the National Heritage Areas program. In 2009, the National Parks 2nd Century Committee reported on the value of National Heritage Areas as a collaborative model, recommending that they be recognized as long-term assets to the National Park System. Passage of legislation to authorize and define a nationwide system of National Heritage Areas was a key recommendation of the Committee's 2009 report *Advancing the National Park Idea*. In 2011, in *America's Great Outdoors: A Promise to Future Generations*, the Department of the Interior included a recommendation to ". . . establish through legislation clearly defined standards and processes to support a system of regional and community-based national heritage areas that promote locally supported preservation work, promote heritage tourism, and create jobs." In 2012, National Park Service Director Jonathan B. Jarvis issued a Policy Memorandum on the National Heritage Areas Program stating that he endorses the recommendations of the National Parks Second Century Commission that "advocate creation of a clearly defined system of National Heritage Areas as well as funding at a level that will allow them to carry out their work." Just recently, the National Park Service's *Cultural Resource Challenge* (2014) expressed support for the passage of National Heritage Area program legislation and continued funding for National Heritage Areas.

While we support enactment of H.R. 445, we recommend amending the bill in several areas:

First, we recommend establishing the National Heritage Areas program as an ongoing responsibility of the National Park Service, reflecting the fact that the National Heritage Areas already designated by Congress do not sunset. As introduced, H.R. 445 provides a sunset of the National Heritage Area System established by the bill 25 years after the date of enactment.

Second, we recommend amending the bill to clarify that the requirement for local coordinating entities to complete a management plan for a National Heritage Area would occur after an area has been designated by Congress, rather than prior to

designation. This would be consistent with the requirements that are standard for the existing National Heritage Areas. The bill should include a process for the approval of management plans by the Secretary of the Interior, which is also a standard requirement for currently designated National Heritage Areas.

Third, we recommend including a requirement for evaluations of designated National Heritage Areas 3 years before their authorization of appropriations for heritage area program funding expires. These “3-year-out” reports, which have become a standard feature of National Heritage Area designation bills, are essential for helping the Department and Congress determine the future course of these areas.

Fourth, we recommend deleting the authorization of a specified amount of appropriations for conducting management plans. Under current practice, management plans are developed by local coordinating entities. They are reviewed by the National Park Service as part of its routine work in assisting National Heritage Areas. It is infeasible to separate out the cost to the National Park Service of performing this work among the other technical assistance and guidance it provides to the areas.

Fifth, we recommend changes to the authorization levels for individual National Heritage Areas and for studies of potential National Heritage Areas. We support including in the bill a total authorization for each individual heritage area of \$10,000,000, to be made available over a period of 15 years. We also support a higher authorization level for studies than the bill provides: \$750,000 as a total amount of funding, rather than \$300,000; and \$250,000 as a total amount for any single study, as opposed to \$100,000. And, we recommend including an authorization for a modest amount of funding on an ongoing basis to support long-term sustainability for designated National Heritage Areas that have reached the end of their eligibility period for receiving funds under the Heritage Partnership Program.

We would be happy to provide the committee and the bill’s sponsors with recommended language for these amendments, along with some other technical amendments which we believe are needed. We look forward to working with the committee toward enactment of this legislation this year.

S. 311, Lower Mississippi River Area Study Act

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 311, a bill to direct the Secretary of the Interior to study the suitability and feasibility of designating sites in the Lower Mississippi River Area in the State of Louisiana as a unit of the National Park System, and for other purposes. The Senate passed this bill on July 9, 2014.

The Department supports this legislation with an amendment described later in this statement. However, we feel that priority should be given to the 24 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 Rivers System that have not yet been transmitted to Congress.

S. 311 would authorize a study of natural, cultural, historical, and recreational resources in Plaquemines Parish, located south of the city of New Orleans, for potential designation as a unit of the National Park System. The study area would include Fort St. Philip and Fort Jackson, located on opposite sides of a bend in the Mississippi River about 8 miles upstream from the town of Venice, Louisiana, and approximately 73 river miles downstream from New Orleans at an ancient “Head of Passes” site. The term “Head of Passes” refers to the site where the main stem of the Mississippi River branches off to the east, the south, and the southwest at its mouth in the Gulf of Mexico. The present day Head of Passes is just south of the town of Venice. The study is estimated to cost between \$200,000 and \$400,000 based on similar studies.

As passed by the Senate, S. 311 requires that the study either be conducted and be paid for from non-Federal sources, or that non-Federal funds be donated to the National Park Service to pay for the study. We believe that this funding requirement should not set a precedent for other study bills. There are many valuable natural, cultural, and historic resources in our country that may be good candidates for a National Park Service special resource study. We would not like to see a trend develop where those resources are not studied for their potential as national park units because of a lack of community or interest-group funding available to pay for a study. Further, if the study authorized by this bill is conducted by a non-Federal entity, the National Park Service still would be required to expend a modest amount of Federal funds to review the study to ensure that it complies with the requirements of section 3 of S. 311. We recommend an amendment to fund this study consistent with other studies.

Fort St. Philip was originally built in 1749, and the construction of Fort Jackson, named for Andrew Jackson, the hero of the Battle of New Orleans in 1815, began in 1822. Fort St. Philip played an important defensive role in the Battle of New Orleans and both forts were employed unsuccessfully to defend New Orleans and the Confederacy from Admiral Farragut's union fleet during the Civil War. Both Fort St. Philip and Fort Jackson have been designated as National Historic Landmarks, which attests to their national significance. Fort St. Philip, privately owned at the present time, is in ruins and overgrown with vegetation. Fort Jackson was operated by Plaquemines Parish as a historical museum until Hurricane Katrina caused extensive damage, and it has been closed to the public ever since.

S. 476, To amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission

Mr. Chairman, members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on S. 476, a bill that would amend the Chesapeake and Ohio Canal Development Act to extend the authority of the Chesapeake and Ohio Canal National Historical Park Commission.

The Department supports S. 476. The establishment of the Chesapeake and Ohio Canal National Historical Park Commission (Commission) on January 8, 1971, stemmed in part from the unique nature of the canal. It is unlike most areas administered by the National Park Service as it is a linear park running along a 185-mile stretch of river shoreline and is flanked by the Nation's capital, suburban communities, and numerous small towns.

S. 476 would extend the authorization of the Commission for an additional 10 years. The Commission's authority to operate terminated on January 8, 2011. S. 476 would extend the Commission's authority to operate to 10 years after the date of enactment of the Act.

The Chesapeake and Ohio Canal, begun in 1828 and completed in 1850, runs continuously 185 miles from Georgetown in the District of Columbia to Cumberland, Maryland. Originally planned to link Washington, DC, and Pittsburgh, Pennsylvania, as part of this Nation's canal-building era, the canal was constructed to be a major commercial route. While the canal operated until 1924 when it was abandoned, competition from the newly constructed railroad and the National Road resulted in much less commercial success than its builders had hoped. In 1938, the United States purchased the narrow canal right-of-way from Georgetown to Cumberland, Maryland, and partially restored the lower end of the canal.

In 1961, the C&O Canal Monument was created by Presidential Proclamation No. 3391 but no funding was provided to develop the area or acquire adjacent lands. A proposal to construct a highway along the canal's route met considerable public opposition led by U.S. Supreme Court Justice William O. Douglas. His support for preserving the canal ultimately led to the establishment of the Chesapeake and Ohio Canal National Historical Park, running the length of the original canal.

When the park was established in 1971, the Chesapeake and Ohio Canal National Historical Park Commission was created. The 19-member Commission served to link the various jurisdictions along the length of the park. Under the 1971 legislation, the Secretary of the Interior or her designee was directed to meet and consult with the Commission at least annually on general policies and specific matters related to the administration and development of the park.

The Commission performed a valuable service during its first 40 years in advising and assisting the National Park Service in the administration and development of the park. In the early years, the Commission served as the vehicle for public meetings in the development of the park's general plan and several site-specific development concept plans. In the years since, the Commission has served as the public forum for discussing implementation of plans along the 185 miles of the park.

The Commission represented not only the local park neighbors, but the national constituency as well. Many Commission members had a lifelong interest in the C&O Canal and the National Park Service. The Commission met quarterly and Commission members were only compensated for reimbursement of actual expenses for meetings. Individual members of the Commission served on various volunteer groups and participated in park-sponsored events throughout the year. The commissioners communicated directly with the park superintendent during meetings and individually throughout the year regarding park issues.

The need for the Commission continues because the park is spread across 19 political jurisdictions. The Commission assisted park staff in reaching out to these numerous constituencies and ensuring that all their views were heard. As the work of managing C&O Canal National Historical Park continues, the public connection

to park management through the Commission should continue as well. We understand that the appointments for the existing commissioners have expired. If enacted, the Secretary would appoint or reappoint commissioners in accordance with the Act.

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

Mr. BISHOP. Thank you. I appreciate your comments, and we would ask you to stay, obviously, for questions as we go through each of these bills.

So I am going to go through testimony and questions, bill by bill. So we will start first with H.R. 1785. Congressman Reichert, if you would like to introduce that.

STATEMENT OF THE HON. DAVID G. REICHERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. REICHERT. Thank you, Mr. Chairman, and thank you, Ranking Member Grijalva and members of the subcommittee. Thanks for including H.R. 1785 in your discussion this morning, Mountains to Sound National Heritage Area Act, on today's agenda.

I especially want to thank Senator Gorton, who is with us here this morning. He has taken a lot of time, traveled a very long distance to be here with us this morning to testify on this bill, been working on it for quite a number of years, and has been a staunch supporter and advocate. All of Washington, I will mention, especially the nearly 1.4 million residents within the Mountains to Sound Greenway, owe Senator Gorton a debt of gratitude for his foresight and work as Chairman of the Senate Interior Appropriations Subcommittee to protect this unique Washington landscape, and to ensure its economic vitality.

This area is located along Interstate 90, a corridor that extends from Seattle all the way across the country, practically. But the section that we are talking about today extends from Seattle to Ellensburg, Washington. The 1.5 million-acre Greenway is a mix of public lands, rural farms, and working forests, as well as Seattle metropolitan.

Within this corridor, the history of Washington State is contained. From early exploration and settling of the region, mining and lumber operations to the birth of aerospace and high tech. Efforts to protect the native viewshed have made this a popular local and national and international tourist destination where people go to hunt, fish, camp, bike, hike, and among other activities. It has over 1,600 miles of recreational trails, including the Pacific Crest Trail, and provides clean drinking water for the entire region.

Concerned about the future of the Greenway area, community leaders in 1991 brought together a coalition of government agencies, businesses, and citizen groups to form the Mountains to Sound Greenway Trust to create and implement a common vision that would balance economic growth with conservation of the local landscape. Using collaboration, negotiation, and compromise, the Trust, in its public-private membership, have maintained a vibrant and diverse economy, while conserving the environment and pro-

tecting private property rights. The Trust encouraged local commitment to the land.

Over 280,000 acres of land have been conserved. Tens of thousands of citizens have volunteered to plant trees, maintain trails, and care for these public lands. Each year, over 5,000 children get to leave the classroom and learn about the importance of our forests and our outdoor spaces and our community.

In considering the future of the Greenway, the Trust conducted extensive public meetings. There were 145 meetings, to be exact, held with comments from over 1,000 individuals. And in these discussions, the conclusion was reached that the Greenway was a special place deserving of national recognition.

My legislation will provide the Greenway with that special recognition as a National Heritage Area. It will help to further diversify the area's economic base into the future. The designation will also build upon the area's strong history of collaboration. It will allow communities to jointly market tourism activities, which especially are important to the small rural communities in my district, and it will help to promote better coordination among Federal, state, and local land managers, as well as law enforcement, to ensure the safety of visitors and recreation activities.

My legislation also contains important protections for individual rights and private property owners.

Here is what my legislation will not do. It will not allow the government to condemn any land. It does not alter any land use plan, including forest plans, does not force private property owners to participate in any activity, or provide any public access. It explicitly does not alter, modify, or extinguish treaty rights, affect water rights, or limit the authority of the state to manage fish and wildlife, including hunting and fishing.

The result is a balanced bill that enjoys broad public support. Over 2,000 and counting elected officials and agencies and businesses, organizations, and individuals, support the Mountains to Sound Greenway National Heritage Area. My constituents are regularly contacting my office in support of this bill, and asking what they can do to get this proposal underway.

I would like to include in my testimony a current list of individuals and organizations that support this designation.

Mr. BISHOP. Without objection.

[The information provided by Mr. Reichert for the record follows:]



Mountains to Sound Greenway
National Heritage Area Designation
Endorsements

Total Endorsements
2,042

CURRENT AND FORMER ELECTED OFFICIALS (51)

State of Washington - Governor Jay Inslee	City of Duvall - Mayor Will Ibershof
State of Washington - Former Governor Mike Lowry	City of Duvall - Councilmember Amy Ockerlander
State of Washington - Former Senator Dan McDonald	City of Duvall - Councilmember Jason Walker
WA State Department of Natural Resources - Commissioner of Public Lands Peter Goldmark	City of Issaquah - Mayor Fred Butler
WA State Department of Natural Resources - Former Commissioner of Public Lands Brian Boyle	City of Issaquah - Councilmember Tola Marts
Kittitas County - Commissioner Gary Berndt	City of Issaquah - Councilmember Nina Milligan
Kittitas County - Commissioner Paul Jewell	City of Issaquah - Former Mayor Ava Frisinger
Kittitas County - Commissioner Obie O'Brien	City of Kirkland - Mayor Amy Walen
King County - Executive Dow Constantine	City of Lake Forest Park - Mayor Mary Jane Goss
King County - Councilmember Rod Dembowski	City of Mercer Island - Mayor Bruce Bassett
King County - Councilmember Reagan Dunn	City of Newcastle - Councilmember Rich Crispo
King County - Councilmember Larry Gossett	City of Newcastle - Councilmember Lisa Jensen
King County - Councilmember Jane Hague	City of North Bend - Mayor Ken Hearing
King County - Councilmember Kathy Lambert	City of North Bend - Councilmember Dee Williamson
King County - Councilmember Joe McDermott	City of Roslyn - Councilmember Nolan Weis
King County - Councilmember Larry Phillips	City of Sammamish - Mayor Tom Vance
King County - Councilmember Pete von Reichbauer	City of Sammamish - Councilmember Don Gerend
King County - Councilmember Dave Upthegrove	City of Sammamish - Councilmember Kathy Huckabay
King County - Former Councilmember Louise Miller	City of Sammamish - Councilmember Tom Odell
City of Bellevue - Councilmember John Stokes	City of Seattle - Mayor Ed Murray
City of Carnation - Mayor Jim Berger	City of Seattle - Councilmember Sally Bagshaw
City of Carnation - Deputy Mayor Fred Bereswill	City of Seattle - Councilmember Mike O'Brien
City of Carnation - Councilmember Erin Chamberlain	City of Seattle - Former Councilmember Jan Drago
City of Carnation - Councilmember Mike Flowers	City of Shoreline - Deputy Mayor Chris Eggen
City of Carnation - Councilmember Lee Grumman	City of Shoreline - Councilmember Will Hall
	City of Shoreline - Councilmember Keith A. McGlashan

GOVERNMENTS / AGENCIES (6)

Snoqualmie Tribe	WA State Parks & Recreation Commission
WA State Department of Fish & Wildlife	City of Bellevue Planning Department
WA State Department of Transportation	Puget Sound Regional Council

CIVIC LEADERS (22)

Thatcher Bailey	Peter Donaldson	Craig McKibben	Ron Sher
Jim Berry	Jim Ellis	Inez Noble Black	Maryanne Tagney
Mark Boyar	Tom Gibbs	Dan Nordstrom	Doug Walker
Alan Boyd	Joanna Grist	Cleve Pinnix	Martha Wyckoff
Bill Chapman	Konrad Liegel	Tom Reeve	
Michael Collins	Gordon McHenry, Jr	Floyd Rogers	

COMMUNITY MEMBERS (1,818)

For a list of all Community Members, visit GreenwayHeritage.org

Endorsements

HERITAGE & CULTURE ORGANIZATIONS (21)

4Culture	Humanities Washington	Northern Kittitas County Historical Society
Association of King County Historical Organizations	Issaquah History Museums	Renton Historical Society
Ballard Historical Society	Kirkland Heritage Society	Sammamish Heritage Society
Duwall Historical Society	Kittitas County Historical Museum	Shoreline Historical Museum
Eastside Heritage Center	Maritime Folknet	Snoqualmie Valley Historical Society
Historic Seattle	Milwaukee Road Historical Association	Woodinville Heritage Society
History Ink	Museum of History and Industry	
	Nordic Heritage Museum	

CONSERVATION & RESTORATION ORGANIZATIONS (28)

Alpine Lakes Protection Society	Friends of the Issaquah Salmon Hatchery	The Trust for Public Land
American Rivers	Issaquah Environmental Council	The Wilderness Society
Braided River	National Parks Conservation Association	Washington Environmental Council
Center for Environmental Law & Policy	National Wildlife Federation	Washington Native Plant Society
Conservation Northwest	Partnership for Rural King County	Washington Wild
EarthCorps	People for Puget Sound	Washington Wildlife and Recreation Coalition
Forterra	Sammamish Friends	Weed Warriors
Friends of Lake Sammamish State Park	Seattle Parks Foundation	Wild Fish Conservancy
Friends of Luther Burbank Park	Sound Salmon Solutions	
Friends of the Cedar River Watershed	Stewardship Partners	

OUTDOOR RECREATION ORGANIZATIONS (30)

Access Fund	Middle Fork Outdoor Recreation Coalition	Sound Sports
American Alpine Institute	Mountain Plus Outdoor Gear	The Bicycle Repair Shop
American Whitewater	Mountain to Sound Outfitters	Trout Unlimited
Backcountry Horsemen of Washington	Mountaineers	Washington Alpine Club
Cascade Bicycle Club	Nuun	Washington Bikes
Cascade Designs	Outdoor Research	Washington State Parks Foundation
(MSR/Therm-a-Rest/SealLine)	Pacific Crest Trail Association	Washington Trails Association
Evergreen Mountain Bike Alliance	Recreational Equipment Inc.	Winter Wildlands Alliance
Green Trails Maps	Second Ascent	YMCA Outdoor Leadership Dept.
Issaquah Alps Trails Club	Sherpa Adventure Gear	
Kayak Academy	SOS Outreach	

OTHER NON-PROFIT ORGANIZATIONS (13)

Camp Korey	Rainier Scholars	The Village Schoolhouse & Academy
Feet First	Rural Majority of King County	Urban Sparks
GreenLaw Environmental Law Society, UW	Snoqualmie Valley Community Network	Washington Forest Law Center
Issaquah Salmon Days	Sustainable Ballard	Wilderness Awareness School
	Sustainable Seattle	

AGRICULTURE & FORESTRY ORGANIZATIONS (13)

21 Acres Center	Jubilee Farm	Seattle Tilth
Carnation Farmers Market	K-T Cattle Company	Snoqualmie Valley Honey Farm
Cherry Valley Dairy	Oxbow Farm	Sno-Valley Tilth
Full Circle Farm	PCC Farmland Trust	
Green Diamond Resource Co.	Plum Creek Timber Company	

BUSINESSES (40)

AAA Washington	Harbor Properties	Quadrant Homes
becker&myerl Books	HEARTLAND LLC	Real Retail
Cairncross & Hempelmann, PS	Hillis Clark Martin & Peterson	Seattle Metropolitan Chamber of Commerce
Carter Motors	HomeStreet Bank	Thayer Residential LLC
Cascade Capital Group	Iron Horse Brewery	The Watershed Company
Cascade Interpretive Consulting LLP	Issaquah Chamber of Commerce	Tousley Brain Stephens PLLC
Cascadia Law Group PLLC	Johnson+Southerland	Urban Renaissance Group
Cascadia Pacific Group, LLC	K&L Gates LLP	Urban Visions
CH2M HILL	Merrill Design, Inc.	Van Ness Feldman GordonDerr
David Dunning & Co.	Mike McClung Construction Co. Inc.	Washington Real Estate Holdings LLC
Expedia, Inc	Microsoft Corporation	Waste Management of Washington
GeoEngineers, Inc.	NationAd Communications	Wright Runstad & Co.
GranCorp, Inc.	Port Blakely Companies	
Greenvelope	Puget Sound Energy	

Mr. REICHERT. Mr. Chairman, H.R. 1785 is the result of a grass-roots movement. People have come together and planned this out very carefully. It began in the 1980s. The Greenway Trust has nurtured a spirit of cooperation and a vision that encourages businesses' growth, and sound stewardship of our lands. I hope that this committee will recognize that record by supporting my legislation. I yield back.

Mr. BISHOP. Thank you. Senator Gorton, we are happy to have you here. It is always good to see you on the correct side of the Capitol, over here on the House side. Thank you for traveling back

with us. You are recognized, as well, if you would like to speak to this bill.

**STATEMENT OF THE HON. SLADE GORTON, BELLEVUE,
WASHINGTON**

Mr. GORTON. Thank you, Mr. Chairman and Ranking Member and members of the subcommittee. It is my pleasure to be here to testify for H.R. 1785, the Mountains to Sound Greenway National Heritage Area Act. You already have my written statement, and I will ask that it be included in the record, together with a statement by Cynthia Welti, the Executive Director of Mountains to Sound Greenway Trust. But I will paraphrase it, then, just simply talk to you about the history and why this is such an appropriate National Heritage Area.

Snoqualmie Pass is the lowest level pass through the Cascade Mountains from the east to west. It was the way through which Indian nations communicated and traded from time immemorial. It was a way for maybe a handful of early settlers to reach Puget Sound, though most of them came by water.

President Lincoln, during the Lincoln administration, authorized the construction of a northern cross-continental railway. But it was a long time before any such railway was built. And it required a Federal gift of 40 million acres of land to the Northern Pacific Railroad, ultimately, to get that communication built. Later, Northern Pacific deeded that land to Plum Creek Timber, now the largest private landowner in the United States and, I may say, a member of the Trust and a supporter of this legislation. Sunset Highway went through Snoqualmie Pass, and ultimately Interstate 90.

In the late 1970s and the early 1980s, at the beginning of a new boom in the Pacific Northwest, normal citizens or corporations, landowners, farmers, timber harvesters began to be concerned about what could be preserved of this heritage. And in 1991, the Mountains to Sound Greenway Trust was formed.

Tens of thousands of individual citizens have volunteered hundreds of thousands, perhaps millions, of volunteer hours to help preserve the Greenway. As a matter of fact, I am almost certain there are many of them out there working today, planting trees, improving trails. Congressman Reichert has pointed out there are 1,600 miles of trails within this Heritage Area.

In one sense it is a peculiar one, because it includes this wonderful natural area from east to west, and it also includes the entire city of Seattle, 20 other incorporated cities, and 1.4 million people. It extends for more than 100 miles, from Ellensburg, east of the mountains, to Seattle, west of the mountains. It is truly a people's organization. It is a wonderful opportunity for recreation for tens of thousands of people. It is an outdoor school for schoolchildren in the area. It is, in fact, our heritage in the Pacific Northwest.

And so, this request comes not to create a heritage area so that people will make it such. It is to create it as a heritage area because it already is that, and the people of the region have shown it by their work and by their dedication to it.

So, it is my plea to you that you recognize this contribution on the part of individual people, and the fact that this is a great American heritage, and pass H.R. 1785.

[The prepared statement of Mr. Gorton follows:]

PREPARED STATEMENT OF THE HONORABLE SLADE GORTON, BELLEVUE, WASHINGTON
ON H.R. 1785

Mr. Chairman, Mr. Ranking Member and members of the subcommittee, I am pleased and honored to testify today for H.R. 1785, the Mountains to Sound Greenway National Heritage Area Act.

The proposal for this Mountains to Sound Heritage Act is an expression of the Washington tradition of balanced, bipartisan legislation to conserve Washington's most treasured public lands while continuing with the responsible economic development of the resources that our lands provide. That approach was enthusiastically built by my predecessors in Congress, happily adhered to during my career here and is carried forward today by Chairman Hastings and his Washington State colleagues.

The proposed Mountains to Sound Greenway Heritage Area in Washington State includes 1.5 million acres on both sides of Interstate 90 from Puget Sound at Seattle, across the crest of the Cascade Mountains, to Ellensburg in central Washington. The Greenway includes public forests and parks, private rural farms and working forests, and much of the 15th largest metropolitan area in the Nation; 900,000 of the 1.5 million acres are public land, but it also includes 1,600 miles of recreational trails, 28 cities, and more than 1.4 million residents. The Greenway provides easy access to outdoor recreation, including hunting, fishing camping and hiking for millions of people, a key to the quality of life in Washington State.

Mr. Chairman, H.R. 1785 is the result of a long, thoughtful process, led by the Mountains to Sound Greenway Trust. The Mountains to Sound Greenway Trust is one of the earliest coalitions to come together to develop a coordinated approach to the interface of public and private lands in a growing urban region. The 1980s marked another Seattle area growth surge, with its new technology industries and an influx of population. Much of this growth would occur along the I-90 corridor east of Seattle. Community leaders, led by my close friend, Jim Ellis, formed a coalition of government agencies, business and other private sector leaders, and community activists to create and implement a common vision that would balance strong economic growth with a conservation ethic and founded the Mountains to Sound Greenway Trust.

Since 1991, 281,454 acres have been conserved and 45,471 citizens have worked as volunteers to plant trees and build trails. During the 1990s this cause became so impressive that, over the course of 6 years the Congress made appropriations sufficient to conserve 76,254 acres of land for public use. All of these lands were acquired from willing sellers at market rates, as the Greenway as a voluntary association has never, and will never, take land by the use of eminent domain.

Today, this Trust is a broad coalition that includes major employers including Plum Creek Timber Company, Weyerhaeuser, Puget Sound Energy, Recreational Equipment Inc., Boeing, and Microsoft, as well as local governments and individual citizens, most of which have worked together since 1991.

The decision to move forward with a request for a National Heritage Area was reached after an extensive public involvement process that included 145 meetings and consultation with over 1,000 individuals. This is a proposal that will allow for economic development and conservation to exist side-by-side. This legislation will NOT add any new regulatory authority or other management restrictions over private lands. It will NOT require any private landowner to provide public access to its land or require it to participate in any activity conducted by the Heritage Area. It will NOT affect water, hunting, or fishing rights, nor will it add Federal Government oversight over local management decisions, nor does it legislate acquisition of new public lands. What this does do is to demonstrate the national significance of this landscape, provide national recognition to the work and dedication of those tens of thousands of volunteers, and empower local communities to unite to increase tourism and economic activity.

Here in Washington, DC, it has benefited from the enthusiastic support of its primary sponsor, Congressman Dave Reichert, whose Congressional District includes the largest portion of the Trust area, and all of the other members whose districts include portions of that area, members Del Bene, McDermott and Smith. All of them have the gratitude of the Trust.

Mr. Chairman and members of the committee, H.R. 1785 is a well thought-out approach that has broad local support and will stand the test of time. I urge the committee to give this legislation positive consideration. In conclusion, I would ask that the committee include in today's record, the statement by Cynthia Welti, Executive Director of the Mountains to Sound Greenway Trust.

Mr. BISHOP. Thank you. Thank you for joining us. Thank you for your testimony. We will now have questions on H.R. 1785. Mr. Grijalva, do you have questions on this one, specifically?

Mr. GRIJALVA. No, I don't. Just to congratulate the gentleman talking about that legislation today, sir, and the Senator, I think this Heritage Area is an example of what a unifying concept can be for many communities, and the overall economic and cultural impact that it has on a community.

So, a piece of legislation I support, and thank you very much for bringing it to us.

Mr. GORTON. Thank you.

Mr. BISHOP. Mr. Reichert, do you have any questions for the Senator or for you?

Mr. REICHERT. No, we talked a lot.

[Laughter.]

Mr. REICHERT. No, thank you, Mr. Chairman. He did a fine job with his testimony this morning, didn't he?

Mr. BISHOP. All right. I have no questions. Unless there are other questions, we thank you for being here, thank you for your testimony. If you would like to stay for the other three—we have five more bills, actually—you are welcome. If you have to go somewhere else, I will be offended by you leaving, but you can do that if you would like to.

Same thing with Senator Gorton. Your testimony is over. If you would like to stay, you are welcome to. If you need to go somewhere else, I recognize that, as well.

Let us turn now to H.R. 4119 by Mr. Johnson of Georgia. And I will recognize Mr. Johnson to introduce your bill.

STATEMENT OF THE HON. HANK JOHNSON, JR., A REPRESENTATIVE ON CONGRESS FROM THE STATE OF GEORGIA

Mr. JOHNSON. Thank you, Mr. Chairman. I would like to thank Chairman Hastings, Ranking Member DeFazio, Chairman Bishop, and Ranking Member Grijalva, for allowing me to testify before the Subcommittee on Public Lands and Environmental Regulation. I am honored that the committee would include my bill, H.R. 4119, the West Hunter Street Baptist Church Study Act, that is part of today's hearing.

This is an important piece of legislation for the people of Georgia's fourth congressional district who I represent, but also for the thousands of heroes who fought tirelessly during the Civil Rights Movement for equality in the South, and throughout the country.

I would also like to thank you, the committee members, for your time and consideration of this bill.

The West Hunter Street Baptist Church Study Act, with 76 cosponsors from both parties, would authorize the Department of the Interior to conduct a study of the West Hunter Street Baptist

Church in Atlanta, Georgia, to determine if it meets the requirements to become part of the National Park System.

According to the National Park Service, a site may be considered for designation as a national park if it is associated with significant events and people in our Nation's history, and contributes to the understanding of these historic events and figures.

During the Civil Rights Movement, the West Hunter Street Baptist Church served as the headquarters for many civil rights workers and organizers. It was the site of many important leadership meetings, and doubled as a school for non-violent protest during the initiatives such as the Voter Education Project and the Freedom Summer of 1964. It was also a spiritual refuge for the countless men and women who devoted their lives to the cause.

The Reverend Dr. Ralph David Abernathy, Sr., the church's pastor, was a close associate of Dr. Martin Luther King, Jr. He helped lead the bus boycotts after Rosa Parks famously refused to give up her seat. Reverend Abernathy, Sr. assumed his position at the church at Dr. King's urging, following the success of the freedom rides. He was the pastor at West Hunter Street Baptist Church until his death in 1990.

Passage of this bill will allow the Department of the Interior to assess how to more fully preserve and honor the contributions of all who played significant roles in advancing freedom and human rights. I urge the members of this committee to remember the pivotal nature of the Civil Rights Movement. When considering this bill, think of what the movement meant to our Nation and the world. As Dr. King said, the struggle for civil rights lifted our Nation from the quicksands of racial injustice to the solid rock of brotherhood.

Finally, I would ask unanimous consent to submit these letters in support of the legislation from the Coalition for the People's Agenda, the SCLC, and also the Washington Bureau of the NAACP into the record.

Mr. BISHOP. Without objection.

[The information submitted by Mr. Johnson for the record follows:]

LETTERS SUBMITTED FOR THE RECORD IN SUPPORT OF H.R. 4119

COALITION FOR THE PEOPLES' AGENDA,
ATLANTA, GEORGIA,
JULY 23, 2014.

Hon. DOC HASTINGS, *Chairman,*
House Committee on Natural Resources,
1324 Longworth House Office Building,
Washington, DC 20515.

DEAR CHAIRMAN HASTINGS:

I am writing in support of H.R. 4119, the West Hunter Street Baptist Church Study Act.

I, along with many Civil Rights leaders, organizers, and movement friends used West Hunter Street Baptist Church as a headquarters for important planning meetings, nonviolent trainings, and served as the bedrock for our Voter Education Project and Freedom Summer 1964 activities. While it served as a place for movement activities, it also served many members of the Metro Atlanta community as a place to worship and receive spiritual guidance.

This Act will help preserve that history and deserves recognition and inclusion in the National Park system. The Civil Rights movement was a major contributor

to ensuring the implementation of democratic principles upon which this country was founded. West Hunter Street Baptist Church is one of a few of the places where the civil rights movement and its nonviolent principles were taught and used. We urge you to help protect and preserve this place so that future generations will be able to connect, not just from reading books about the movement, but will be able to experience and feel the actual place where history was made.

Respectfully,

JOSEPH E. LOWERY, D.D.,
Convenor.

SCLC—SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE,
ATLANTA, GEORGIA,
JULY 22, 2014.

Hon. DOC HASTINGS, *Chairman*,
Hon. PETER DEFAZIO, *Ranking Member*,
House Committee on Natural Resources,
1324 Longworth House Office Building,
Washington, DC 20515.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
1324 Longworth House Office Building,
Washington, DC 20515.

DEAR CHAIRMAN HASTINGS, RANKING MEMBER DEFAZIO, CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA:

The SCLC is writing in support of H.R. 4119, the West Hunter Street Baptist Church Study Act. We urge you to support this bipartisan and bicameral bill so that we can expeditiously move through the House Committee on Natural Resources and receive consideration by the full house. This is a bipartisan bill that was introduced in the Senate by Georgia's two U.S. Senators (S. 2431) and has the House support of 62 bipartisan members of the House of Representatives, including members of the House Committee on Natural Resources. This bill is also supported by the NAACP as all major civil rights organizations understand the gravity of preserving history. This Congress, the committees has reported several "study acts" offered by Members of Congress from both parties and we urge your favorable consideration of this important bill.

H.R. 4119, the West Hunter Street Baptist Church Study Act, will direct the Department of the Interior to determine whether the historic H.R. 4119, the West Hunter Street Baptist Church in Atlanta, Georgia meets the criteria for designation in the National Park System.

During the Civil Rights Movement, the H.R. 4119, the West Hunter Street Baptist Church served as a headquarters for many Civil Rights workers and organizers. It was the site of many important leadership meetings and doubled as a school for non-violent protests during initiatives such as the Voter Education Project and the Freedom Summer of 1964. Moreover, the church served as a spiritual refuge for the countless men and women who devoted their lives to the cause. Presently Atlanta, Georgia is home to the Martin Luther King, Jr. National Historic site and several other private institutions that commemorate the important role Atlanta and its people played in the Civil Rights Movement.

We believe the H.R. 4119, the West Hunter Street Baptist Church deserves recognition and its inclusion in the National Park System will help to complete the story of the Civil Rights Movement.

The history of the Civil Rights Movement is a lesson in democratic ideals. The church serves as a living testimony to our internal strengths and the courage of all American people. We deeply believe that it is our duty to preserve these landmarks and share their significance with future generations. As our nation marks the 50th anniversary of the Freedom Summer and the 1964 Civil Rights Act, we urge you

to move this bill expeditiously and fortuitously to a conclusion before the House Committee on Natural Resources.

Sincerely,

DR. CHARLES STEELE JR.,
President & CEO.

WASHINGTON BUREAU—NAACP,
WASHINGTON, DC,
JULY 28, 2014.

Hon. HANK JOHNSON,
*U.S. House of Representatives,
Washington, DC 20515.*

Re: NAACP Support for H.R. 4119, the *West Hunter Street Baptist Church Study Act*

DEAR CONGRESSMAN JOHNSON:

On behalf of the NAACP, our nation's oldest, largest and most widely recognized grassroots-based civil rights organization, I am writing to thank you for your leadership in introducing H.R. 4119, the *West Hunter Street Baptist Church Study Act* and to express our strong support for this important legislation. The NAACP supports H.R. 4119 and any effort that promotes the preservation of the diverse history and culture that has contributed to the greatness of our nation.

Located in Atlanta, Georgia, the West Hunter Street Baptist Church served as a headquarters for many civil rights workers and organizers and as the site of many important leadership meetings during the Civil Rights Movement. The church also doubled as a school for nonviolent protest training during initiatives such as the Voter Education Project and the Freedom Summer of 1964. Finally, it also served as a spiritual refuge for the countless men and women who devoted and risked their lives to the cause of ending racial segregation and discrimination.

If passed, H.R. 4119, the *West Hunter Street Baptist Church Study Act* would direct the Department of the Interior to determine whether the historic West Hunter Street Baptist Church meets the criteria for designation in the National Park System. This year our nation commemorates the 50th anniversaries of both the 1964 Civil Rights Act and of Freedom Summer. It would be fitting tribute to the progress that our country has made for Congress to enact H.R. 4119, and for our government to begin the process of considering the appropriate way in which to honor the role of the West Hunter Street Baptist Church in American history.

Thank you again for your leadership; I look forward to working with you to ensure that our history is not forgotten.

Sincerely,

HILARY O. SHELTON,
Director.

Mr. JOHNSON. Thank you. I thank you for your time and consideration, and I would be pleased to take any questions.

Mr. BISHOP. Reverend Abernathy, we appreciate you joining us here. And at this time we would recognize you to speak toward this piece of legislation.

**STATEMENT OF REVEREND RALPH DAVID ABERNATHY III,
ATLANTA, GEORGIA**

Rev. ABERNATHY. Thank you, Mr. Chairman, Ranking Member DeFazio, honorable members of the committee. On behalf of the American Civil Rights Movement, a legacy steeped in the moral principles of non-violence and civil disobedience, and for the preservation of American history, I address you today. I speak with the

support of the honorable gentleman from Georgia, Congressman Hank Johnson, and Congressman Austin Scott, and 76 of their colleagues, members of this August body. And, most importantly, I speak with the support of the Vine City communities, and the Atlanta University in which this historic church resides on the Martin Luther King, Jr. corridor.

Not only is this church historical, but the area is as well, in helping shape American society. This community became a think tank for the American Civil Rights Movement after Montgomery, Alabama and the West Hunter Street Baptist Church became the spiritual workplace.

Across the street from the church, Pascal's restaurant lounge and hotel became a place to convene with civil rights leaders, Dr. Abernathy and Dr. King, and activists, community leaders, educators, clergy, businessmen and women, black entertainers and actors and many others. The church held many civil rights mass meetings, strategy sessions, and non-violent conflict resolution trainings.

Decisions were made at this church that had a direct impact on influencing American culture. For example, the decision was made at this church for the go-ahead for the Selma to Montgomery march on the Edmond Pettis Bridge on Sunday March 7, 1963, which is known in American history as Bloody Sunday, which changed the face of American policy with the passing of the Voting Rights Act in helping shape a more perfect union.

When white students came from the North, to help register blacks in the South during what is known in history as Freedom Summer Voter Education Project, the church served as a training and workshop center for the Mississippi summer project where black students and white students attended non-violent workshops and conflict resolution seminars in an effort to conduct voter registration drives throughout the South with emphasis on Mississippi and Alabama.

The church provided space for the Atlanta University student association called UMBU, United Movement for Black Unity, Get-Out-the-Vote operations to elect Maynard Jackson as the first black mayor of a major city of in the South. And the church was a meeting place and conducted strategy and field operations to elect Andrew Young, first black congressman from Georgia.

This historic preservation of West Hunter Street Baptist Church represents commitment to remembering the past and preparing for a sustainable future. By preserving historic structures, we are able to share the very spaces and environments in which the generations before us lived. Historic preservation is a visual and tangible conservation of cultural identity.

In addition to solidifying a community's past, preservation can help strengthen a community's future. Historic buildings help create a vibrant, cultural area that draw tourism, art, festivals, and other activities which, in turn, draw investment, revenue, and economic growth. This museum/community educational resource center will be a centerpiece for the community.

Local residents can also benefit through interactive components such as learning and educational resources that illustrate a special meaning between its past, present, and future.

The Ralph David Abernathy National Historic Center will become a hub for the community empowerment, and will feature interactive gallery tours. Our goal is to create and promote a learning environment of the moral principles of non-violence for the entire family. We will offer an educational resource center for student research on the Civil Rights Movement. Parents and K–12 students will have an educational resource center focused on the Civil Rights Movement and the six pioneers of that movement, with the “Remember Them” monument to help bridge the gap between the past and the present generations. It is more than a historic site, it is a center for empowerment and transformation, a living legacy.

The preservation of this last historic civil rights church site will also be a park, Freedom Plaza, to encourage families to gather, reflect, and interact with nature and history.

My father, Dr. Ralph David Abernathy, Sr., and Dr. Martin King Jr., were co-founders and co-leaders of the American Civil Rights Movement. They started out together in Montgomery, Alabama, when my father was called to organize the first meeting around Ms. Parks’ arrest, and together, as civil rights twins, until the assassination of Dr. King, who died cradled in my father’s arms. My father, with the courage to walk alone, picked up the mantle of leadership and completed the work of the Civil Rights Movement.

They have a date with destiny, Mr. Chairman, and a rendezvous with eternity, and I encourage the passage of this most important legislation in honor of their great American legacy. Thank you and God bless you.

Any questions that you may have, I am available.

[The prepared statement of Rev. Abernathy follows:]

PREPARED STATEMENT OF REVEREND RALPH DAVID ABERNATHY, III ON H.R. 4119

Mr. Chairman and honorable members of the committee: On behalf of the American civil rights movement, a legacy steeped in the moral principles of non-violence and civil disobedience, and for the preservation of American history, I address you today.

I speak with the support of the honorable gentlemen from Georgia, Congressman Hank Johnson and Congressman Austin Scott and 76 of their colleagues members of this August body and most importantly, I speak with the support of the Vine City communities and the Atlanta University community in which this historic church resides on the Martin Luther King Jr. corridor. Not only is this church historical, but the area is as well, in helping shape American society. This community became a think tank for the American civil rights movement after Montgomery, Alabama and the West Hunter Street Baptist Church became the spiritual work place. Across the street from the church, Pascal’s restaurant lounge and hotel became a place to convene with civil rights leaders, Dr. Abernathy and Dr. King and activists, community leaders, educators, clergy, businessmen and women, black entertainers and actors and many others. The church held many civil rights mass meetings, strategy sessions and nonviolent conflict resolution training. Decisions were made at this church that had a direct impact on influencing American culture.

For example; the decision was made at his church for the go-ahead for the Selma to Montgomery march on the Edmond Pettis on Sunday, March 7, 1963 which is known in American history as “Bloody Sunday” which changed the face of American policy with the passing of the Voting Rights Act in helping shape a more perfect union.

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The church provided space for the Atlanta University student association called UMBU, University Movement for Black Unity, Get-out-the-Vote operations to elect Maynard Jackson as the first black mayor of a major city of in the South.

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The Historic Preservation of West Hunter Street Baptist Church represents commitment to remembering the past and preparation for a sustainable future.

By preserving historic structures, we are able to share the very spaces and environments in which the generations before us lived. Historic preservation is the visual and tangible conservation of cultural identity. In addition to solidifying a community's past, preservation can help strengthen a community's future. Historic buildings help create vibrant, cultural areas that draw tourism, art, festivals, and other activities which in turn draw investment, revenue, and economic growth. This museum/community educational resource center will be the centerpiece of the community. Local residents can also benefit through interpretive components such as learning and educational resources that illustrate a special meaning between its past, present and future.

The RDA National Historical Center will become the hub for community empowerment and will feature interactive gallery tours. Our goal is to create and promote a learning environment for the entire family. We will offer an educational resource center for student research on the civil rights movement. Parents and K-12 students will have an educational resource center focused on the civil rights movement and the six pioneers of that movement and with the "Remember Them" monument to help bridge the gap between the past and the present generations. It's more than a historic site, it's a center for empowerment and transformation—a living legacy. The preservation of this last historic civil rights church site will also include a park, "Freedom Plaza", to encourage families to gather, reflect and interact with nature and history.

My father Dr. Ralph David Abernathy, Sr., and Dr. Martin King Jr., were co-founders and co-leaders of the American civil rights movement. They started out together in Montgomery, Alabama when my father was called to organize the first meeting around the arrest of Ms. Parks and were together as civil rights twins until the assassination of Dr. King who died cradled in my father's arms. My father with the courage to walk alone picked up the mantle of leadership and completed the work of the civil rights movement.

They have a date with destiny and a rendezvous with eternity and I encourage the passage of this most important legislation in honor of their great American legacy.

Thank you and God bless you.

Mr. BISHOP. Thank you. I appreciate that. We will now turn to questions on this particular piece of legislation.

Mr. Grijalva?

Mr. GRIJALVA. Thank you, Mr. Chairman. No questions, just to thank my colleague, Congressman Johnson, for the legislation, and thank the reverend for his testimony today.

You mentioned, Reverend, living legacy. How true. I think all of us know that the Civil Rights Movement made this Nation a better Nation, made all of us better people. And, as we go forward, this is not just a historic set-aside, it is indeed more than a reminder. It points the way to where this Nation still needs to go. And I want to thank you, and thank both of you, and yield back.

Mr. BISHOP. Thank you. Did you have any questions for the reverend? Congressman Clyburn, we welcome you here. Did you have a statement to make, or questions? You are on the Dent bill? OK, the next one. I am sorry.

Any other questions for these witnesses on this particular bill?
[No response.]

Mr. BISHOP. If not, we appreciate you coming up and testifying for this. Congressman Johnson, thank you for joining us. Once

again, you are welcome to stay as long as you want to, but everyone else has rejected me, so I understand.

Reverend, you can stay as long as you wish to, as well. But your part of the bill is over. I appreciate you coming here.

Rev. ABERNATHY. Thank you, Mr. Chairman, members of the committee.

Mr. BISHOP. Let us turn now to Congressman Fortenberry for his bill, which is H.R. 5086.

You are recognized for 5 minutes to introduce the bill.

STATEMENT OF THE HON. JEFF FORTENBERRY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. FORTENBERRY. Well, first, Mr. Chairman, let me thank you and Ranking Member Grijalva for holding this important hearing. And I appreciate having the opportunity to express my strong support for the feasibility study on creating a National Historic Trail in recognition of Chief Standing Bear.

Mr. Chairman, if you would indulge me for a few minutes, I would like to give you some background on Chief Standing Bear. He holds a very special place in Native American history, as well as U.S. history, as one of our Nation's first civil rights leaders. Establishing a trail in his name would also be an outstanding way to recognize the contributions that he made to our country.

He prevailed in one of the most important court cases for Native Americans in our Nation's history. Chief Standing Bear was a Ponca chief. In the late 1800s, the Ponca Tribe made its home in the Niobrara River Valley in the area of northeast Nebraska. In 1877, the U.S. Government pressured the Poncas from their homeland, compelling them to move to Indian Territory in Oklahoma. Not wanting to subject his people to any type of confrontation with the Government, Standing Bear obliged, and led them from their homes to the reservation in Oklahoma.

Mr. Chairman, the journey was harsh and inhospitable. Nearly a third of the tribe died from starvation, malaria, and other illnesses, including Standing Bear's little daughter, named Prairie Flower. And later his son, Bear Shield, also died. It is interesting to note, Mr. Chairman, that Prairie Flower is buried in a place near Neligh, Nebraska and fresh flowers still appear on her grave regularly, as a community there keeps vigil out of respect for her memory.

And before his son, Bear Shield, died, Standing Bear promised Bear Shield that he would bury him in their native homeland in the Niobrara River Valley. Embarking on that trip in the winter of 1878, Standing Bear led a group of about 65 Poncas. Upon reaching the Omaha reservation, north of present-day Omaha, Nebraska, the U.S. Army stopped Standing Bear and arrested him for leaving the Oklahoma reservation without permission.

He was taken to Fort Omaha, and held there to stand trial. In the meantime, Standing Bear's plight attracted the attention of the *Omaha Daily Herald*, which is the predecessor of the current city's newspaper, the *Omaha World Herald*, and this story became very well publicized.

At the conclusion of the 2-day trial, Standing Bear was allowed to speak for himself. Mr. Chairman, Standing Bear raised his hand and he had this to say, "That hand is not the color of yours. But if I pierce it, I will feel pain. If you pierce your hand, you will feel pain. The blood that will flow from mine will be the same color as yours. I am a man. God made us both."

With these words on that late spring day of 1879, Chief Standing Bear, I believe, expressed the most profound of American sentiments, the belief in the inherent dignity and rights of all persons, no matter their ethnicity, no matter their color. Judge Elmer Dundee then ruled that Native Americans are persons within the meaning of the law. Remember, this is 1879, and this is the first court ruling that Native Americans are persons within the meaning of the law.

After the trial, Chief Standing Bear spent the next 4 years in the eastern part of the United States, promoting Native American rights, and seeking the return of his Niobrara homeland to the Ponca people.

Mr. Chairman, I believe that the story of the great Ponca chief is one of strength and grace and dignity and the most basic protection of human rights. It is a story that I think needs to be told and told and retold and cherished by all Americans of coming generations. That is why I am so supportive of the establishment of the Chief Standing Bear National Historic Trail that would both honor his courage and the great contribution to the freedom and civil liberties of our Nation. I believe this bill is an important first step toward establishing that trail, and I look forward to working with the committee, Mr. Chairman, and the National Park Service, as well, to make it a reality.

Thank you so much for allowing me to testify today.

Mr. BISHOP. Thank you. Thank you for being here. Do you have any questions for this one, as well?

[No response.]

Mr. BISHOP. I don't either. I appreciate you coming, appreciate the testimony for the bill. Thank you. Unless you have any questions for yourself?

Mr. FORTENBERRY. I am satisfied with my own testimony, I think.

[Laughter.]

Mr. BISHOP. You answered your own questions very, very well.

Mr. FORTENBERRY. I do that on other occasions, though, just to let you know.

Mr. BISHOP. Thank you. Appreciate it. I notice we have been joined by Senator Cardin here.

We will give you some time, if you wish to, to speak to your bill, as well.

First, are there any questions for Senate 311 for Ms. Toothman? That is the Landrieu bill.

[No response.]

Mr. BISHOP. If not, we appreciate that.

Mr. Cardin?

[No response.]

Mr. BISHOP. I am sorry, doesn't exist. He is not here. Mr. Cardin's bill. Are there any questions for his bill?

[No response.]

Mr. BISHOP. All right. If not, we appreciate that. You still have to sit around for one more bill. I apologize for that, Ms. Toothman, I appreciate that.

We do have one other bill, then, to go through, which is H.R. 445, by Mr. Dent. Appreciate you joining us here, we appreciate the other two Members who were here. Let's start with Mr. Dent.

We will give you 5 minutes to introduce your bill, and then we will turn to Mr. Clyburn and Mr. Tonko, if you happen to have comments on this bill, as well.

And also ask the dais—lost my page here—somebody else. Yes, Mr.—I am going to screw up your name again. Why don't you just tell it to me?

Mr. SACHSE. Allen Sachse.

Mr. BISHOP. Mr. Sachse—should be easy enough—from the Alliance for National Heritage Areas. We thank you for that.

Mr. Dent, you are recognized first.

STATEMENT OF THE HON. CHARLES W. DENT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. DENT. Thank you. First, I want to thank Chairman Bishop, and certainly Ranking Member Grijalva, for this opportunity to testify before the subcommittee on H.R. 445, the National Heritage Area Act. I would also like to recognize and thank the co-lead of the bill, Congressman Tonko, who is seated here at the dais, as well, for offering testimony.

I would also like to thank the rest of the subcommittee for their desire to learn more about the beneficial public-private partnerships around the country. And finally, again, I would like to thank my friend who is seated at the dais, as well, Allen Sachse, a long-time fixture of the Delaware Lehigh Heritage Corridor, and the current President of the National Alliance of National Heritage Areas, for offering his testimony today, too.

As the subcommittee may know, the National Heritage Areas have proven a record of fostering job creation and advancing economic, cultural, historic, environmental, and community development. As it has been a few years since the subcommittee has addressed the issue of heritage areas, this will be the first time for many of you dealing with this issue.

The National Heritage Area is a region that has been recognized by Congress for its unique qualities and resources. The National Heritage Area is in place where a combination of natural, cultural, historic, and recreational resources have shaped a very distinctive landscape. Our legislation, if it were enacted into law, would create a systematic framework in the National Park Service for maintaining the existing National Heritage Areas, while allowing for the possibility of creating future heritage areas.

H.R. 445 accomplishes these goals, these dual goals, by permanently authorizing the current 49 National Heritage Areas, and requiring the heritage areas to have a viable management plan in place before any designation by Congress.

I know some of you believe these areas should be temporary programs. However, we continually make the argument around here for stability and certainty for businesses. Well, I believe the same

should be the case for our heritage areas. Permanent authorization provides stability that enables these heritage areas to continue to leverage substantial private, local, and state investment in our nationally significant resources, stimulate community and economic development, and build sustainable communities.

National Heritage Areas generate valuable revenue for local governments, and sustain communities through revitalization and heritage tourism. In fact, in a recent study of 12 heritage areas, all heritage areas met, in most cases exceeded, the 50 percent required match, used their National Park Service funds responsibly to meet program goals and leverage additional funds for heritage infrastructure to a ratio of about 4 to 1, which is pretty good.

As a long-time supporter of the Delaware Lehigh Heritage Corridor and the Schuylkill River Heritage Area in eastern Pennsylvania, I have seen firsthand the impact these heritage areas have on our communities. As an example, when the Rails-to-Trails Conservancy did an economic impact of the Delaware and Lehigh Trail, two property owners said they purchased their homes in close proximity to the trail. That was the principal reason. I bring this example up as one of the many positive things brought up by the heritage areas across our country.

And while the specific impact may be local, the economic and recreational impact of each heritage area can reach national significance.

Several members of the full committee have expressed concerns that heritage areas are earmarks. And I can assure you this is simply not the case. That is why we would like to see them permanently authorized. However, it is the responsibility of the entire country to preserve key historical sites for future generations of Americans to enjoy.

Heritage areas play a fundamental role in this preservation, as well as a role in conservation efforts. Currently, we have 49 National Heritage Areas, with pending applications for a few more. Although there are 49 of these heritage areas, presently there is no systematic process in place for Congress to determine if a heritage area should receive the same congressional designation.

We continue to reauthorize existing areas on an ad hoc basis. Most recently, for example, we authorized 12 heritage areas as part of the Fiscal Year 2014 omnibus. Further, the designation of an NHA should be based on a nationally significant narrative and the collective resources that contribute to that history. Without these parameters in place, we have run into a situation where a heritage area, quite frankly, really didn't have any business being designated.

So H.R. 445, the National Heritage Area Act, addresses these issues by creating a systematic framework in the National Park Service, and this is a point in the legislation that requires a management plan to be presented and vetted prior to any designation from Congress. And I think that is a very important point to mention here. And Congress will maintain the responsibility of designation, which means that we maintain our appropriate role in the process.

Finally, the heritage areas are not and would not become part of the National Park System. These areas would remain a vital pub-

lic-private partnership that spurs economic development, provides outdoor recreation, and conserves key areas of American historical importance.

As mentioned previously, H.R. 445 would also permanently authorize any existing National Heritage Area, and our legislation will also encourage more involvement in the designation process as the local community members will have to weigh in and develop a management plan.

The bill currently has 36 co-sponsors, with Members representing all parts of the country. This is especially true of the northeastern part of the United States.

To address some previous concerns I have had about the bill, it would not impact private property rights. To address these concerns specifically, we included Section 11 of the bill, which directly states that H.R. 445 will not infringe on private property rights.

And I would also like to say we are more than willing to work with the subcommittee and the full committee to strengthen the section of the bill to assuage any concerns some of you may have about the National Heritage Area Act's impact on private property rights.

And, in closing, as a member of the Appropriations Committee, I certainly work with my colleagues to ensure that all discretionary Federal spending is used in the most efficient manner by our agencies. At this time, the American public has not shown any sign of tiring of their national parks or desiring reductions in access to park space.

To meet the seemingly incongruent realities, the National Park Service will be required to appreciably expand its current use of public-private partnerships. And as catalysts for community and economic revitalization, National Heritage Areas implement projects through public-private partnerships with a variety of stakeholders, and collaborate with private businesses, foundations, non-profit organizations, state and local governments, to ensure that the regional goals of cultural, historical, recreational, and resource conservation are met. And National Heritage Areas are an innovative approach to resource conservation, as they represent the future direction of the National Park Service in the 21st century.

Again, I want to thank the Chairman and the subcommittee for the opportunity to speak today on behalf of the National Heritage Area Act, and I look forward to working with you to address your concerns and to advance this very important piece of legislation.

I thank you, and I yield back.

Mr. BISHOP. Thank you. We will go on to Mr. Clyburn, then Mr. Tonko, and then to our witness, Mr. Sachse, and we will do it in that order.

Mr. Clyburn, you are recognized for any comments you may have.

STATEMENT OF THE HON. JAMES E. CLYBURN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH CAROLINA

Mr. CLYBURN. Thank you very much, Mr. Chairman. I want to thank you and Ranking Member Grijalva for allowing me to appear before the subcommittee today. I also wanted to thank my colleagues, Representative Dent and Representative Tonko, the spon-

sors of the bill before us today, and co-chairs of the National Heritage Area Caucus, for their leadership on this issue.

Mr. Chairman, members of the subcommittee, I began my professional career as a high school history teacher in Charleston, South Carolina. My teaching experience left me with a profound sense of the importance of young people having an understanding and appreciation of the history and culture of our country and its communities. I believe that historic preservation and restoration are urgent obligations, as once our national treasures are lost, they can never be restored.

Throughout my congressional career, I have championed preservation programs that protect this Nation's cultural heritage and national resources. National Heritage Areas fill a distinct niche among preservation programs. Instead of just protecting a specific building or a site, heritage areas seek to preserve and protect the traditions and folkways of entire communities.

I am very familiar with heritage areas, having successfully sponsored legislation creating two of them. The first, the South Carolina National Heritage Corridor, was established in 1996. It runs through 17 of South Carolina's 46 counties. With over 195 community partners, it blends tourism, our state's number-one industry, with preservation to link rural communities and businesses with historic buildings, sites, and traditions. Since its creation, the South Carolina National Heritage Corridor has leveraged over \$50 million directly into communities in its service areas, impacting over 17,000 jobs in the state.

Our second heritage corridor, the Gullah Geechee Cultural Heritage Corridor, established in 2006, has probably been the single most popular undertaking of my career. The mission of this corridor is truly an example of the unique capacity of heritage areas. Gullah Geechee is a blend of African and European language and traditions found along the coasts and on the sea islands of North Carolina, South Carolina, Georgia, and Florida, where former slaves began their freedom in isolated and remote communities, where they nurtured and sustained a unique way of life for generations.

Called Gullah in the Carolinas, and Geechee in Georgia and Florida, the culture is being threatened by the development that has boomed in these coastal communities. The mission of Gullah Geechee Cultural Heritage Corridor is to preserve and protect these unique slices of living culture. It is more than just historic sites, but communities of living people. No other historic preservation program has the flexibility to take on this unique challenge.

The management entity, the Gullah Geechee Cultural Heritage Corridor Commission, is a grassroots organization made up of members of the communities in all four states. Through outreach, interpretation, education, and promotion, the Commission assists these communities in preserving their culture.

Unfortunately, these programs face an uncertain future, especially in the current budget battles. The South Carolina National Heritage Corridor's original 10-year authorization has been subsequently extended on a short-term basis. It thrives for now, but it needs significant engagement with the National Park Service, and

a more sustained commitment by Congress than that of the yearly Federal funding cycle.

The Gullah Geechee Cultural Heritage Corridor was authorized for 10 years in its original Act. Helping these communities preserve their way of life, however, is not a mission that can be quickly accomplished, nor should it be prematurely abandoned. A 2-year study authorized and funded by Congress has identified this cultural resource as worthy of protecting. Only through permanent engagement with the National Park Service can the objectives of the Corridor truly be achieved.

Congress has invested valuable resources in these heritage areas. We must not lose the work they have done in communities across America. Passage of this Act would send a powerful statement of commitment by Congress to heritage areas as a permanent, sustainable preservation program.

I look forward to working with you to support heritage areas. Thank you for having me here today.

[The prepared statement of Mr. Clyburn follows:]

PREPARED STATEMENT OF THE HON. JAMES E. CLYBURN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF SOUTH CAROLINA

Good morning. I want to thank Chairman Bishop and Ranking Member Grijalva for allowing me to appear before this subcommittee today. I would also like to thank my colleagues Charlie Dent and Paul Tonko, sponsors of the bill before us today and co-chairs of the National Heritage Area Caucus for their leadership on this issue.

Mr. Chairman, members of the subcommittee, I began my professional career as a high school history teacher in Charleston, South Carolina. My teaching experience left me a profound sense of the importance of young people having an understanding and appreciation for the history and culture of our country and its communities. I believe that historic preservation and restoration are urgent obligations, as once our national treasures are lost they can never be restored.

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The Gullah/Geechee Cultural Heritage Corridor was authorized for 10 years by its original act. Helping these communities preserve their way of life, however, is not a mission that can be quickly accomplished nor should it be prematurely abandoned.

A 2-year study, authorized and funded by Congress has indentified this cultural resource as worthy of protecting. Only through permanent engagement with the National Park Service can the objectives of the Corridor truly be achieved.

Congress has invested valuable resources in each heritage area. We must not lose the work they have done in communities across America. Passage of this Act would send a powerful statement of commitment by Congress to heritage areas as a permanent, sustainable preservation program. I look forward to working with you to support heritage areas.

Thank you for having me today.

Mr. HASTINGS [presiding]. I thank the gentleman for his statement, and I will recognize the gentleman from New York, Mr. Tonko.

**STATEMENT OF THE HON. PAUL TONKO, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW YORK**

Mr. TONKO. Thank you, Chair Hastings, Chair Bishop, and Ranking Member Grijalva, and members of the subcommittee. I thank you for holding this hearing and for giving me an opportunity to speak to you about H.R. 445, the National Heritage Areas Act, introduced by our colleague from Pennsylvania, Representative Dent. It is also good to see Allen Sachse in the audience, as he will be testifying also. He is a passionate voice for our heritage areas, and we thank him for that.

Representative Dent and I founded and co-chair the Heritage Area Caucus. And it is a pleasure to be working with Representative Dent, who has done great work on this legislation to promote the great work of the heritage areas across the country.

The birth and history of our Nation is told through many stories, stories of brave people, brave men and women who built this Nation through their grit and determination. The National Heritage Areas form a network across our country that highlights the special places in our culture and our history. Individually, they tell the unique story of their particular place or region. Together, they tell the story of our gradual expansion westward, and our growth from 13 original colonies to the 50 states of this world's greatest Nation.

Each of the 49 Heritage Areas provides the context for telling our story, stories about establishing settlements, initiating commerce, and struggling to build communities that would endure and thrive.

The Erie Canalway and Hudson Valley Heritage Areas have done great things for the 20th congressional district in Upstate New York. They have not only fostered job creation and economic development, but also strengthened our sense of place in New York's 20th congressional district. They have highlighted the tremendous cultural, historic, and environmental assets of our local

communities, creating that sense of place that builds local pride and attracts visitors into our region, and shares and instructs generations to come.

Congressmember Dent and I introduced H.R. 445 to bring additional continuity and support to the network of National Heritage Areas. Also, H.R. 445 responds to concerns that some have raised about how these sites were being established and operating, to define their relationship to the national parks and other lands and facilities managed by the Department of the Interior, and to outline the role state and local governments and private enterprise should play in the establishment and operation of these specific heritage areas.

H.R. 445 gives the heritage areas a home in the National Park Service. Before the Secretary could establish a heritage area, a feasibility study would be conducted to evaluate the financial viability of the proposed heritage area. Local organizations are responsible for developing a management plan for each area, including the identification of a source of local funds for developing and operating these sites. To ensure each area is being well managed and operating in accordance with its management plan, each heritage area must undergo an independent review at least every 10 years. If an area is not meeting expectations, Federal support would be discontinued.

Adding defined processes for establishment, operation, and independent evaluation will ensure that each area can stand on its own, and that it will contribute to this pattern of heritage area program. These required elements will strengthen the overall network. H.R. 445 brings the accountability and definition to this program that skeptics have asked for.

Heritage areas make a very important contribution to their localities and regions. Each Federal dollar results in \$5 of economic activity in the area. They promote tourism and create jobs and spur economic recovery. But they do something much more. As I said earlier, they give people a sense of place, pride in the unique role of their community and the role that that community played in weaving the fabric of our Nation, an inspiration to move forward and write the next chapters of our story.

Last week the House passed the BrandUSA legislation to promote tourism and create jobs. By creating certainty and accountability for the Heritage Areas program, H.R. 445 makes an important contribution to these same goals. I do hope that the full committee will consider and support this important bill before the end of the 113th Congress.

Again, I thank the Chair of the Committee, the subcommittee, and our Ranking Member, for this opportunity. And I thank Representative Dent for his partnership in establishing this legislation, and thank you all for your consideration and your kind attention to the matter. With that, I yield back, Mr. Chair.

Mr. HASTINGS. I thank the gentleman for his comments, and I thank my colleagues for their comments.

And now I want to recognize Mr. Allen Sachse, who is the Chair of the Alliance of National Heritage Areas, for his testimony.

Mr. Sachse, you know that your full statement will appear in the record that we asked you to submit. If you keep your oral remarks

within the 5 minutes, we would appreciate it very much. And, Mr. Sachse, you are recognized.

**STATEMENT OF ALLEN C. SACHSE, CHAIR, ALLIANCE OF
NATIONAL HERITAGE AREAS**

Mr. SACHSE. OK. Thank you, Mr. Chairman and Ranking Member Grijalva, and members of the committee. My name is Allen Sachse. I serve as the Chair of the Alliance of National Heritage Areas and I am here today in support of National Heritage Area Act, H.R. 445.

First, I want to extend our sincere appreciation to Congressmen Dent and Tonko for their vision and leadership in crafting a bipartisan bill that has 36 co-sponsors today. The legislation addresses key issues to the National Heritage Areas by formalizing our partnership with the National Park Service, and partnerships are important to the National Park Service's future.

We understand the National Park Service has a daunting mission of interpreting America's most significant resources. We also recognize the challenges of managing the Federal budget. However, the American public continues to want access to the national parks and public lands, and particularly in our urban centers. To help meet this sort of incongruent processes, the partnerships for the National Park Service are key to their future.

The first National Heritage Area designated was signed into law by President Reagan 30 years ago next month. It was seen as far-reaching. It was a locally driven, multi-discipline approach to saving nationally significant stories and related resources.

Despite the fact that groups across the Nation started to emulate this innovative approach, the establishment has been slow to embrace this cost-effective approach to partnerships. Thus, we remain today without a viable National Heritage Area partnership program within the National Park Service structure.

The present process of designation before all planning is completed is deeply flawed. It authorizes the life of a new National Heritage Area starts the day the Act is signed. But sometimes it takes 5 years before you have Secretary's approval of that plan. This puts the new National Heritage Area in an awkward position of not being able to meet benchmarks established by Congress and the National Park Service, not to mention unfulfilled expectation of local partners because of the time process.

When implementation depends on partnerships, there are a lot of variables in the planning process. It is not prudent practice to designate a National Heritage Area before the action plan is complete, before the roles are all defined, before local approvals are all received, and the management entity is up and functioning.

Also, the planning process provides time for the local partners to truly study alternative approaches. Perhaps through the public discussion process, the best alternative is not a National Heritage Area; it may be something else. The framework under H.R. 445 provides all appropriate planning documents be presented to Congress, along with the Secretary's recommendation prior to congressional designation. And to assist local partners with the process of planning, H.R. 445 provides funding for the National Park

Service to work with up to three planning areas a year. This also puts control on the growth of new initiatives.

The bill provides for National Park Service with ongoing authority to provide national financial assistance of National Heritage Areas. Of course, Congress still approves the level of heritage partnership funding each fiscal year, and the National Park Service would then apply any funding formula criteria they would have. But this brings needed financial stability to all National Heritage Areas, and will enhance our ability to sustain non-Federal funding sources. Also, the bill requires the National Park Service to do an evaluation of each National Heritage Area's work every 10 years.

The final point I would like to make is the bill does nothing to interfere with local authorities, Federal authorities, or state authorities of any agency, and it does nothing to interfere with private property rights.

And also, if designation takes place after planning, that process of planning allows for any public concerns to come to the surface and to be addressed before a designation actually takes place.

I think Director Jarvis said it best, that National Heritage Areas are places where small investments pay huge dividends, providing demonstrable benefits to communities across the country and in partnership with our national parks.

I thank you for the opportunity to present testimony, and available for questions.

[The prepared statement of Mr. Sachse follows:]

PREPARED STATEMENT OF C. ALLEN SACHSE, CHAIR OF THE ALLIANCE OF NATIONAL HERITAGE AREAS ON H.R. 445

Mr. Chairman and distinguished members of the committee, my name is Allen Sachse and I serve as Chair of the Alliance of National Heritage Areas (ANHA). The ANHA is a not-for-profit organization that serves the National Heritage Areas. Today 45 of the 49 National Heritage Areas are members of the ANHA. In 2012, I retired as President of the Delaware & Lehigh National Heritage Corridor (D&L) in eastern PA, but I continue to serve the D&L in an advisory capacity. I am here today on behalf of the ANHA to offer support to H.R. 445—National Heritage Area Act of 2013. I thank Chairman Bishop for placing H.R. 445 on the hearing schedule. Last fall, I had the opportunity to visit Mormon Pioneer National Heritage Area and very much enjoyed experiencing many of the great accomplishments in the State of Utah by Mormon Pioneer. I also want to thank Ranking Member Grijalva for your continued support of the National Heritage Area movement and I had the pleasure of visiting Yuma National Heritage Area some time ago. Finally, I want to thank Congressman Cartwright, who serves on this subcommittee and represents part of the Delaware & Lehigh National Heritage Corridor for his support of the work of the corridor.

Before I address the merits of this legislation, on behalf of the ANHA, I want to extend our sincere appreciation to Congressman Dent and Congressman Tonko for their vision, support, and leadership in crafting a bipartisan bill (H.R. 445), which was introduced by Congressman Dent. Also, we want to acknowledge the 35 co-sponsors. We believe this legislation will address issues vital to the National Heritage Areas, but beyond that it will also establish an innovative partnership program so important to the future of the National Park Service (NPS).

Mr. Chairman and members of the subcommittee, we all understand the NPS has a daunting mission of interpreting the most significant American stories and preserving the key resources related to those stories. We also recognize and appreciate the challenges of managing the Federal budget. No doubt, for the foreseeable future, the fiscal limitations will continue to affect all Federal agencies including the NPS. However, the American public has shown no sign of tiring of their national parks or desiring reductions in park opportunities. To the contrary, there is a demand for more service and accessibility to our public lands, especially near urban centers. So as we approach the second century of the NPS, how do we address these seemingly incongruent realities? A major part of the answer is that the NPS, without owning

everything that is nationally significant, will be required to expand its current level and use of public/private partnerships.

Jon Jarvis, Director of the NPS, recognized the contribution NHAs are capable of when he stated, "*National Heritage Areas are places where small investments pay huge dividends, providing demonstrable benefits in communities across the country and in partnership with our national Parks.*"

The Illinois & Michigan National Heritage Corridor, the first National Heritage Area, was designated by Congress and signed into law 30 years ago next month by President Reagan. Seen as an innovative approach to resource protection, it brought together the interests of preservation, conservation, recreation, and economic development for the first time to address a nationally significant story, which was woven throughout the living landscape.

Unfortunately, the process for designation has changed very little over the past three decades, despite the fact there are now 49 National Heritage Areas. The major flaw is that most often the National Heritage Area designation takes place before the actual planning is completed. This immediately sets a National Heritage Area in the awkward position of failing to achieve certain benchmarks with both NPS and Congress, not to mention the unfulfilled expectations of local partners. It is not uncommon for the time period from the initiation of planning process to actually receiving the Secretary's approval to take as long as 5 years. But the authorization life of the National Heritage Area starts from the date the act is signed by the President. There have been cases where as much as one-half of the new area's authorization period has been consumed with planning, leaving little time for successful implementation. The outcome is that many, if not all, of the newer National Heritage Areas are at a significant disadvantage and will need to spend valuable staff time seeking extensions to their authorizations and less time on actual execution of their plan.

Designation before planning creates a second major problem. Without the plans in hand, Congress has no verification of national theme, significance of resources are not documented, the boundary is often unclear, the action plan is unknown, the financial feasibility has not been measured, there is no business plan, and the local management entity may still be in question. However, H.R. 445 will change that by placing the responsibility of determining significance on the NPS and requiring the local management entity to demonstrate capacity before congressional designation is sought. One can understand how some Members of Congress may view the present designation with a great deal of skepticism.

The proposed bill provides a framework for congressional designation of all future National Heritage Areas, which will be built on research, planning, capacity building, and public participation. Under H.R. 445 all appropriate documents related to Feasibility and Management Planning would be presented to Congress, along with the Secretary's recommendation, prior to congressional action on the designation. Also, under H.R. 445 Congress may appropriate sufficient funds to NPS initiate up to three study projects annually, thereby controlling the growth of new area designations.

Completing the management plan before designation allows for the NPS and local partners to truly study alternative types of technical services, program assistance, partnerships, management options, and designations. Perhaps the public planning process will reveal that the path to becoming a National Heritage Area is not the best choice for the local partners to pursue.

H.R. 445 also provides the NPS with ongoing authority to provide financial assistance to individual National Heritage Areas. However, there will always be other factors to determine the specific amount of funding the NPS would provide to each National Heritage Area in a given fiscal year. First and foremost, Congress will approve the total level of funding available for the *Heritage Partnership Program* with the approval of the Interior Appropriations bill each fiscal year. Next the NPS would then apply the criteria of funding formula, which it has developed with input from the National Heritage Areas. Also, the bill requires the NPS to evaluate the accomplishments of each National Heritage Area at least every 10 years and report to Congress any appropriate changes to the level of NPS assistance in the future. However, the ongoing authorization provided by H.R. 445 ensures much needed stability to the partnership and assures the NPS remains a stakeholder.

The approval of H.R. 445 will provide no special authorities or powers to the local managing entity of the National Heritage Area. Nothing in the Act changes existing authorities or statute of any Federal, state, or local government agency and nothing in the Act interferes with the rights of private or public property owners. In addition, requiring the planning before congressional designation provides the opportunity any private property concerns to be raised during the public participation

process. Thus, if there are concerns they will be address before designation is made, or perhaps this could even be a reason for denial/no action.

The last point I would like to make is that the enactment will likely lead to standardized procedures and policies within the NPS related to National Heritage Areas. Presently, it is not uncommon for the NPS regional offices to provide different levels of technical assistance and guidance to the National Heritage Areas, making the work across the Nation inconsistent and arbitrary.

We all know that change does not come quickly, particularly when it relates to governmental agencies. Similarly, new and innovative approaches will have both naysayers and advocates. The National Heritage Area movement has certainly faced its share of distractions. Approval of National Heritage Area Act of 2013 would finally put structure to this shared (Federal, state, and local agency) approach to resource preservation, conservation, interpretation, and management. It will recognize all existing and future National Heritage Areas as part of the National Park System. The new process will bring real merit and destination to the designation and stabilize other funding partners by eliminating the doubt and uncertainty the National Heritage Area faces with sunset. Going forward the NPS could expect the National Heritage Areas to become a viable component/partner in telling the American story.

Despite the major flaws of the existing program and processes, the model has withstood this test of time and the naysayers. The National Heritage Areas that have had the benefit of time and funding support have established a high level of accomplishments. There is no doubt that a structured and viable National Heritage Program within the NPS will add continued value and resources in support of the mission of the NPS. The following points are just a few of the accomplishments that demonstrate the possibilities.

There are many lessons to be learned about partnership management by studying the successes of the program as it has evolved over the past three decades. At the request of Congress, the NPS commissioned a series of evaluations of nine of the longstanding National Heritage Areas. The work was completed by Westat, an external evaluation firm. The evaluations have verified the accomplishments of the nine National Heritage Area partnerships to address the purpose defined in the legislative language and the original designation: the National Heritage Areas' ability to leverage additional funds to meet program and infrastructure needs four to one (non-Federal to Federal) in most cases; the National Heritage Areas employed sound management and fiscal responsibility; the National Heritage Areas relied on public participation and created partnerships to carry out the work; the partners preserved nationally significant resources; and the NPS was an invaluable partner.

The National Heritage Area approach is particularly well suited to address a nationally significant story that is spread across a very complex and lived-in landscape. One example, more than any other initiative affiliated with the NPS, the National Heritage Area approach has become the most practical framework for addressing de-industrialized landscapes in urban areas. Local National Heritage Area partnerships have emphasized the preservation of sites associated with labor and working class history. Abandoned industrial sites with national significance as well as superfund sites have been re-purposed for a variety of uses including commercial, clean energy, housing, tourism, trails, and even environmental education.

The fact that heritage tourism represents a significant portion of the industry is sometimes overlooked. Heritage travelers includes both domestic and foreign visitors, all desiring to explore and learn more about America. Although National Heritage Areas are lived-in landscapes, they are places of authenticity where the stories of America are told and visitors want to explore.

In February 2013, the Northeast Regional Office of the NPS (NER NPS) released a report titled *The Economic Impact of National Heritage Areas*. The NER NPS partnered with the ANHA and the Heritage Development Partnership, a non-profit 501(c)3 subsidiary of the ANHA, to measure the economic impact of the National Heritage Area partnership work of within the region. Tripp Umbach, a nationally recognized firm specializing in research, strategy planning and economic impact analysis, was commissioned to undertake the study. Among the 21 National Heritage Areas within the northeast region, six were used as case studies. Data collection occurred in these six National Heritage Areas. The subsequent estimates and projections were made using IMPLAN economic impact software. The analysis and projections demonstrated that—

- The 21 NHAs within the Northeast Region of the United States combine for a projected annual economic impact of \$5.4 billion. The National Heritage Areas in the Northeast Region support more than 66,880 jobs and generate \$602.7 million in local and state taxes.
- Additional analysis extrapolates the economic benefit of all National Heritage Areas sites in the United States. The projected annual economic benefit of all 49 NHA sites on the Nation's economy is \$12.9 billion. The economic activity supports nearly 150,000 jobs, many of which are small businesses, and \$1.2 billion in Federal taxes from sources such as employee compensation, proprietor income, indirect business tax, households, and corporations.

Often it is said by critics of the program that funding appropriated to National Heritage Areas is funding lost to the mission of the NPS. Nothing is further from the truth, for the benefits of leveraging funding and shared management will repaid many times over. The National Heritage Areas that have their essence from historic canals demonstrate this return to the NPS.

Early canals connected the major maritime cities to the Great Lakes and on to the Mississippi River. Canals provided water power for mills; canals moved massive amounts coal and other raw materials to manufacturers of industrial products; canals transported the manufactured products to the consumers, improving commerce and trade; canals became the means to grow and expand our young nation. Before railroads, the canals were the transportation backbone necessary to ignite the industrial revolution. There are seven National Heritage Areas whose stories emanate from canals—Augusta Canal, Blackstone River Valley, Delaware & Lehigh, Erie Canalway, Illinois & Michigan, Ohio and Erie Canalway, and Schuylkill River. Each is working in partnership with the NPS, state, and local agencies to preserve and tell this nationally significant story. Collectively, the seven National Heritage Areas received approximately \$3.7 million in NPS *Heritage Partnership* funding in Fiscal Year 2014, which is modest when one considers it is less than half of what it costs to own and operate a historic canal as part of the National Park System. Granted, one cannot accurately compare the cost of managing any given mile of a historic canal to another, for the resources vary greatly, as well as the level of care. However, one can easily see that local ownership and multiple partners sharing the management responsibility can pay significant dividends to the NPS. These National Heritage Areas partnerships are conserving approximately 1,000 miles of historic canal corridors and in the process, miles of watered canal have been saved. These historic corridors are becoming tomorrow's network of trails and blue ways connecting population centers to parks and historical sites of national, state, and local importance. The waterfront towns along the way are experiencing re-purposed buildings, preserved neighborhoods, and small business development. This is all accomplished by leveraging the collective resources and the partners' commitment to preserving their shared heritage and sense of place.

As catalysts for community and economic revitalization, National Heritage Areas implement projects through public/private partnerships with a variety of stakeholders, and collaborate with private businesses, foundations, non-profit organizations, state and local governments to ensure that the regional goals of cultural, historical, recreational and resource conservation are met. National Heritage Areas contribute to the quality of life in communities where heritage and resource conservation become building blocks for community revitalization, job creation and tourism. National Heritage Areas provide ability for a community to maintain a unique sense of place, enhancing development opportunities while teaching about America's history and culture.

Mr. Chairman, I thank you for the opportunity to present testimony in support of the National Heritage Area Act of 2013—H.R. 445. I ask that the committee approve this bill. This is not only important to the 49 existing National Heritage Areas, but it is important to the future of the NPS in these challenging fiscal times. I am available to answer any questions you may have.

Mr. HASTINGS. Thank you very much, Mr. Sachse. I have no questions. I am pinch-hitting for Mr. Bishop, who was called to the Floor. And, as we speak, he is on the Floor. So I have no questions.

However, I will just say that if there are questions from any members of the committee after this is over, and we send the question to you, if you would respond in writing we appreciate it very much.

Mr. Grijalva?

Mr. GRIJALVA. Thank you, and I also want to join in thanking the two colleagues, Mr. Tonko and Mr. Dent, for the legislation.

In the process of this committee dealing with the designation of new requests for heritage areas—we have the one today, Greenway—and this is why I appreciate this legislation—the issues that have been brought up as points of concern or areas of opposition have been the authorization process, which is hard to define how that process works.

Mr. SACHSE. Right.

Mr. GRIJALVA. And it is addressed in the legislation by essentially creating a unit of heritage areas across the country, where there is going to be uniformity in terms of criteria, evaluation, and reinforces the overlay concept, which, what I mean by that is that it is a designation that overlays everything else that is in the area, with no jurisdictional controls or regulatory controls or property controls laid on top of that overlay. That has always been a point of opposition.

The other area, I think, is, during that 10-year period, to require benchmarks, as the project moves along.

I say all those things, because, as was mentioned earlier, before we consider future heritage areas—and there are some that have been—Santa Cruz Heritage Area in my district has been introduced now 8 years, four sessions in a row. I can name other Members who have that same situation. And it has been the lack of uniformity and the lack of criteria that has been the principal reason, and the authorization for how long of a period of time.

I think this legislation begins to answer that. I think it is a good step forward. It kind of opens it up, not only for Greenway in this instance, but those that have been languishing for quite a while, waiting for some daylight to be able to be discussed at a hearing, and lets the proponents and the people that are backing them come and state the case for that private-private, private-public partnership, the buy-in of the community, and the safeguards regarding the overlay. And I think that this is a good step, and I would hope that this legislation moves forward.

Let me ask you a question, Mr. Sachse, and for the 49 that exist, the legislation essentially codifies those 49 in terms of authorization from here into the future. If you look at heritages areas, there is the Yuma one in southern Arizona, some in New Mexico. But portions, particularly the West, don't have the preponderance of heritage areas dedicated in some of those areas. So how would those new regional issues be dealt with? Does codifying 49 in a permanent status limit the ability down the road for new heritage areas to become part of?

Mr. SACHSE. The way I read the bill it wouldn't, no. And there are heritage areas in Colorado, Utah, Nevada, and Alaska, also, and in Iowa. I guess the one thing in the bill, it does provide assistance for the Park Service to work with new areas, and it provides sufficient funding assistance for up to three areas a year, and maybe that is a limitation.

But it certainly doesn't prohibit new areas from being designated anywhere.

Mr. GRIJALVA. Yes, designation being the first step and then—

Mr. SACHSE. Right.

Mr. GRIJALVA. And a critical step, because you can't convince the community that you are really on—have momentum, moving forward, unless you have that designation.

Mr. SACHSE. Right.

Mr. GRIJALVA. Anyway, thank you, Mr. Chairman. Yield back.

Mr. HASTINGS. I thank the gentleman for his question, and I want to thank you very much for your testimony. I know Mr. Bishop started this, this has been a rather long hearing. He has covered a lot of ground. Whenever you get toward the end of the session, obviously, there are a lot of requests for legislation. And certainly this is an important hearing. I am glad that Mr. Bishop called it.

So, if there is no further business to come before the committee, the committee stands adjourned.

[Whereupon, at 12:30 p.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. NIKI TSONGAS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MASSACHUSETTS ON H.R. 445

Thank you Mr. Chairman and thank you for holding this hearing today. I want to express my support for H.R. 445, the National Heritage Area Act. I am proud to co-sponsor this legislation, which was introduced by my colleagues on the National Heritage Area Caucus, Representatives Dent and Tonko. My home district is fortunate to have two Heritage Areas: the Essex National Heritage Area and Freedom's Way National Heritage Area.

And thank you to Mr. Sachse for your testimony outlining issues this legislation seeks to address.

The National Heritage Area Program is an effective, high yield investment of Federal funds. According to the National Park Service, Heritage Areas match every Federal dollar with an average of \$5.50 in other public and private funding. In fact, as public-private partnerships that protect nationally significant resources, Heritage Areas are among the most efficient and cost-effective programs within the Department of Interior and the entire Federal Government. Heritage Areas leverage their Federal funds to create jobs, generate revenue for local governments, and sustain local communities through revitalization and heritage tourism.

And my home region is a great example of the many benefits of utilizing these public-private partnerships. According to a recent study conducted by the Alliance of National Heritage Areas and the National Park Service, the entire Northeast Region sees an economic benefit of approximately \$5.4 billion annually thanks to our 23 Heritage Areas. They also support over 66,000 jobs and bring in over \$600 million in local and state tax revenues.

So once again, thank you for holding this hearing today and I hope that the full committee will take up this legislation and report it to the House.

PREPARED STATEMENT OF THE HON. CHRIS VAN HOLLEN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MARYLAND ON S. 476

Thank you, Chairman Bishop and Ranking Member Grijalva, for the opportunity to express my strong support for S. 476, a bill to amend the Chesapeake and Ohio Canal Development Act to extend the Chesapeake and Ohio Canal National Historical Park Commission. I appreciate the subcommittee's consideration of this bill, which is the Senate companion measure to legislation I introduced in the House with Congressman Frank Wolf and Congressman John Delaney.

The C&O Canal National Historical Park is a treasure of the National Park System. It follows the old C&O Canal and towpath about 185 miles from Washington, DC to Cumberland, MD, encompassing three states and the District of Columbia along the way. It passes through cities, towns, and rural areas, providing

a place for visitors to learn about the history of the canal and enjoy the natural beauty of the towpath.

Because the park spans so many diverse communities, the C&O Canal National Historic Park Commission was established to ensure that its neighbors had a formal channel through which they could give input and advice on park policy. Though the Commission has no authority to make binding park policy, it serves a critical advisory role and has strengthened the relationship between the park and its surrounding communities.

S. 476 seeks to restore the authority of the Commission, which expired in January 2011 after being extended three times on a bipartisan basis. I look forward to working with you to extend this authority and allow the Commission to continue to serve the park and its neighbors.

PREPARED STATEMENT OF THE MOUNTAINS TO SOUND GREENWAY TRUST, CYNTHIA WELTI, EXECUTIVE DIRECTOR, ON H.R. 1785

Chairman Bishop, Ranking Member Grijalva and members of the subcommittee, thank you for holding today's hearing. I am Cynthia Welti, Executive Director of the Mountains to Sound Greenway Trust, and am pleased to offer these comments in support of H.R. 1785 to establish the Mountains to Sound Greenway National Heritage Area. The Trust would like to thank Congressman Reichert and his staff for their hard work with us and the National Park Service to develop the consensus legislation pending before the committee. We also appreciate the support the co-sponsors of this legislation, Representatives Smith, DelBene and McDermott. A broad coalition of residents, businesses, government agencies, elected officials, and nonprofit organizations has come together in support of this designation effort because they are excited about the economic, cultural, and community benefits that National Heritage Area status will provide. This designation fits the Mountains to Sound Greenway for the major role this area played in the formation of our Nation, and continues to serve today as a model of natural areas in balance with economic growth.

The Landscape

The Mountains to Sound Greenway is located in Washington State and encompasses 1.5 million acres surrounding Interstate 90 from Seattle, across the crest of the Cascade Mountains, to Ellensburg in central Washington. The Greenway contains conserved public forests and parks, private rural farms and working forests, and the 15th largest metropolitan area in the Nation. The Mountains to Sound Greenway is a large, lived-in, iconic landscape, spanning three watersheds, with more than 900,000 acres of public land, 1,600 miles of recreational trails, 28 cities, and more than 1.4 million residents. The Greenway provides easy access to outdoor recreation and nature for millions of people, a key to the quality of life in Washington State.

History

The Mountains to Sound Greenway is nationally important for its association with the expansion of our national transportation system and the creation of our modern timber industry. Beginning with the foot paths that Native Americans used to cross the Cascade Mountains, Snoqualmie Pass has funneled cultural exchange between East and West for thousands of years. This unique geography shaped travel routes, drove commerce and culture, and inspired bold acts of development and groundbreaking conservation.

The footpath over Snoqualmie Pass linked the Coast Salish tribes with Yakama people of the Columbia Plateau, and ultimately, through an extensive trading network, to the Great Plains. The route they established, following the lowest pass in the North Cascades, went on to shape how this region and the United States developed.

The Oregon Treaty of 1846 which set the U.S. northern boundary west of the Rocky Mountains, included the Puget Sound area, key to the Nation's future trade routes. However, the daunting natural barrier of the Cascades mountain range kept the region and its valuable assets isolated from the rest of the nation. While the mountains, forests, and waterways of the region were rich in natural resources, and offered extremely valuable deep-water harbors on the Pacific Ocean, these assets were not available because of the lack of overland connection to the established markets of the eastern United States.

In 1864, President Lincoln signed the charter for a northern transcontinental railroad, mandating that the terminus be on Puget Sound. Lacking cash to fund the massive construction effort, the United States awarded the Northern Pacific Railroad the largest land grant in American history. The government transferred 40 million acres, or 2 percent of the contiguous United States, to the railroad as a subsidy for building the rail line.

Construction of the Northern Pacific, and later the Milwaukee Railroad, through the Snoqualmie Pass area was crucial in connecting this remote corner to the rest of the Nation. This historic transportation corridor forged a singularly rugged traverse through the last frontier of the continental United States, before descending through vast stands of timber to reach the estuarine complex of Puget Sound. These East-West transcontinental rail lines, and later the Sunset Highway and Interstate 90, connected the Atlantic seaboard and the Great Plains with Seattle and Puget Sound, weaving the Pacific Northwest into the Nation's fabric and placing the last link in the chain allowing full trade between the United States and Asia.

The towering rainforests are a defining feature of the Pacific Northwest, and the Northern Pacific Railroad land grant has been instrumental in shaping the timber industry as a cornerstone of the region's economy. The privatization of massive quantities of Federal land in the Cascades changed timber's business model, transforming the industry from a collection of small, temporary operations to long-term resource management of tree harvesting in the Cascades. This led to sustainable harvesting practices that have been replicated across the Nation.

The Northern Pacific Railroad saw the potential value of the forests alongside its tracks, and was determined to capitalize on that resource. They created a timber subsidiary that became Plum Creek Timber, the largest private landowner in the Nation to this day. Some of the land was sold to other timber interests, including 900,000 acres that launched the Weyerhaeuser timber company. Both Plum Creek and Weyerhaeuser are still based in the Seattle area.

This wealth of timber that provided the resource base to complete our Nation's rail system in the late 1800s went on to supply crucial construction materials to power the American war machine in World War I. Boeing was founded in the Seattle area to turn the region's spruce trees into war planes, and Douglas Fir was used to build ships for the U.S. Navy.

The railroads, and the network of logging roads that came with them, created access to the Cascade Mountains for a wide array of outdoor recreation. Citizens of the region flocked to the mountains for skiing, hiking, mountaineering, and other endeavors, and began forming a special bond with their natural surroundings that still defines the region's culture today.

By the mid-1950s, residents started to realize that it was possible for us to delve too deeply and overwhelm the natural bounty of the region. A new era of citizen-led conservation began. Local citizens united to create a sewage-treatment authority to clean up Lake Washington in the 1950s—a groundbreaking antecedent to the Clean Water Act. In the 1960s, voters enacted the largest park-bond issue in the country at that time to preserve and expand a network of parks and boulevards. In 1979, citizens of King County voted to preserve prime farmland in the county, the first time voters anywhere in the Nation had voted to tax themselves to preserve farmlands. In the late 1980s, Washington State Parks acquired 300 miles of the defunct Milwaukee Railroad, leading to what is now the longest rail-trail conversion in the country.

Greenway Coalition

By the mid-1980s, the Seattle region was beginning to boom with new technology industries and the population was growing rapidly. Concerned citizens realized that much of this growth would sprawl out from Seattle along Interstate 90. In 1991, community leaders formed a coalition of agencies, businesses, and activists, the non-profit Mountains to Sound Greenway Trust, to create and implement a common vision that would balance strong economic growth with retaining the region's defining characteristics: a dramatic physical landscape whose history is still very much intact, giving rise to and sustaining a unique ecological resource and a network of towns and cities inextricably tied to the land.

In its first two decades of work, this Mountains to Sound Greenway coalition has rendered remarkable accomplishments. Working with large timber corporations and government agencies, partners have connected a major swath of public land, instituted new education programs, and involved hundreds of thousands of volunteers in trail renovation and ecological restoration.

Heritage Study

After 20 years of successful collaboration in creating the Mountains to Sound Greenway, residents realized the time had come to gain official recognition of this special place in our Nation that deserves special care. The National Heritage Area program stood out as the best vehicle for this recognition, providing a flexible framework and tools for formalizing partnerships and interpreting resources—without affecting property rights or land management structures. In 2009, the Mountains to Sound Greenway Trust initiated the Heritage Study, a public involvement campaign to gain formal recognition of the landscape, and to lay a pathway for the upcoming decades. The Heritage Study was a stakeholder-driven process that included more than 150 meetings with more than 1,000 individuals.

As a part of the Heritage Study, stakeholders from around the Greenway agreed upon boundaries. The boundaries of the proposed Mountains to Sound Greenway National Heritage Area are based on the history of the transportation corridor in the vicinity of Snoqualmie Pass, marked by the intersection of the Northern Pacific and Milwaukee Railroad transcontinental rail lines, the historic Sunset Highway, and today's Interstate 90. The boundaries encompass many of the railroad spur lines that stretched north and south from these transcontinental lines in the center of the Greenway, comprising an assemblage of resources that tell the Greenway's story with focus and integrity.

The proposed boundaries are appropriate to the Greenway's nationally important themes. They are pragmatic, realistic, and follow modern-day political and land-management structures, thus offering the best formula for long-term success as Greenway communities seek to manage and interpret resources across this diverse landscape. They are based in strong public interest and hold significant opportunities to enhance the resources of this land and its nationally important story.

The Greenway Trust studied the feasibility of establishing a National Heritage Area and worked closely with the National Park Service. We met all the agency's program criteria as reflected in the April 2012 Feasibility Study and the March 2014 Feasibility Study Addendum.

Community Support

Nearly 2,000 elected officials, agencies, businesses, and individuals have expressed their support of the Mountains to Sound Greenway National Heritage Area, and are excited about the benefits of this non-regulatory approach to conservation.

Major corporations, such as supporters Microsoft, Expedia, CH2M HILL, and Recreational Equipment Inc. (REI), see the advantages of locating near an inspiring landscape with easy access to mountains, lakes, and trails. Elected officials know the long-term benefits of engaging the whole community in local planning. The legislation has support from Governor Inslee, the entire King County Council, and all Kittitas County Commissioners. A wide range of nonprofits support designation, drawn by the opportunities to protect quality of life while conserving natural and historic resources and growing tourism. Between the Kittitas County Historical Museum in Ellensburg, the Museum of History and Industry in Seattle, the Association of King County Historical Organizations, and a dozen others, the campaign has robust backing from the historical community.

This designation will help us keep the balance between urban and natural areas as people continue to move here. It will build an awareness of this unique landscape that highlights its historical contributions to the Nation and draws tourism dollars to local communities. Designating the Greenway as a National Heritage Area will also empower citizens, businesses, interest groups, and government agencies to work together more efficiently toward ensuring the Greenway remains a cornerstone of this broad community for generations to come. With National Heritage Area designation, we can promote a shared vision of the Greenway that will aid in raising private funds to leverage government grants and vastly increase the productivity of our efforts.

Thank you again for this opportunity to share our region's national significance with the subcommittee. We ask for your support and advocacy for the Mountains to Sound Greenway National Heritage Area Act. Those of us in the region know that our home and landscape have played a special place in America's story, and we are ready to join Congress, the National Park Service, and the rest of the National Heritage Area network in sharing our stories with the Nation. We welcome any questions you may have.

PREPARED STATEMENT OF YUMA CROSSING NATIONAL HERITAGE AREA, THOMAS D. RUSHIN, CHAIRMAN OF THE BOARD OF DIRECTORS, ON H.R. 445

Chairman Bishop, Ranking Member Grijalva, and other distinguished members of the subcommittee, I appreciate this opportunity to submit testimony in support of H.R. 445 on behalf of the Board of Directors of the Yuma Crossing National Heritage Area, as well as its many public and private partners.

I am a life-long resident of Yuma, Arizona. I devoted my career to education, and most recently served as the Superintendent of Schools before retiring.

NPS Director Jon Jarvis perhaps said it best when he called National Heritage Areas “places where small investments pay huge dividends.” Yuma is an excellent example. For decades, Yumans wanted to reclaim their riverfront along the Colorado River, which was infested with non-native vegetation, hobo camps and trash dumps. Beginning in 2000, the Heritage Area served as the catalyst for these efforts, bringing together a diverse set of partners to make our riverfront attractive and accessible. Riverfront parks . . . wetlands restoration . . . facilitating new private investment on the riverfront . . . saving Yuma’s state historic parks from closing. These are some of the many accomplishments of our heritage area.

We support this bill because it will bring standards of accountability, which will strengthen the National Heritage Area program. We welcome clear criteria for inclusion, a method for a fair funding formula, and a process for rigorous evaluation for existing Heritage Areas. We have a proud record of accomplishment for which we invite examination and scrutiny.

I am attaching expressions of support for the Heritage Area from the community, including resolutions from the Yuma County Board of Supervisors, the Yuma City Council, and the Quechan Tribal Council.

I also wish to address a myth about the Yuma Crossing National Heritage Area. Some allege that private property rights have been infringed here; nothing could be further from the truth. About 10 years ago, we worked through some misunderstandings with the farming community—and they are now our strongest supporters. Nothing expresses the solidarity of our community in support of the Heritage Area than a 2010 letter (attached) from our past Chair and current member, Patricia Ware, who comes from pioneer farming stock.

I am also attaching a letter from the Yuma County Chamber of Commerce, which further puts to rest these questions surrounding private property rights.

H.R. 445 not only strengthens the Heritage Area program. In fact, it strengthens the National Park Service as it approaches its second century by empowering local communities to tell America’s story and conserve our heritage.

Thank you.

Attachments

ATTACHMENT 1—YUMA COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 2014-08



YUMA COUNTY BOARD OF SUPERVISORS

RESOLUTION NO. 2014-08
 A RESOLUTION OF THE
 YUMA COUNTY BOARD OF SUPERVISORS
 IN SUPPORT OF THE REAUTHORIZATION OF THE
 YUMA CROSSING NATIONAL HERITAGE AREA
 FOR AN ADDITIONAL 15 YEARS
 THROUGH SEPTEMBER 30, 2030.

- WHEREAS:** Congress designated the Yuma Crossing National Heritage Area on October 19, 2000 through Public Law (PL) 106-319, and;
- WHEREAS:** In conformance with the legislation, a 501c non-profit organization was established in February 2002 to implement The Plan for the Yuma Crossing National Heritage Area, which was approved by the Secretary of the Interior in December 2002, and;
- WHEREAS:** The Plan envisioned improvements to seven miles of Yuma's riverfront, including parks, trails, wetlands restoration, and encouraging private investment in Yuma's historic downtown and riverfront, and;
- WHEREAS:** Since then, the Heritage Area has undertaken a major transformation of Yuma's riverfront, which has improved Yuma's quality of life and contributed to its economic growth. This has been accomplished through partnerships with businesses, non-profits, and governmental agencies at all levels, and;
- WHEREAS:** More recently, the Heritage Area led the effort to save the Yuma Territorial Prison State Historic Park and Yuma Quartermaster Depot State Historic Park, and now manages them on behalf of the community and Arizona State parks, and;
- WHEREAS:** The funding the Heritage Area has received through the National Park Service has been leveraged with other local, private and state funds at a ratio of 5:1, and;
- WHEREAS:** The Heritage Area's initial authorization under PL 106-319 sunsets on September 30, 2015, and Congress must reauthorize the Heritage Area in order for it to continue to operate with the support of National Park Service funding, matched by local funds.

NOW, THEREFORE, BE IT RESOLVED that the Yuma County Board of Supervisors supports the reauthorization of the Yuma Crossing National Heritage Area for an additional 15 years through September 30, 2030.

Adopted this 18th day of February, 2014


 GREGORY S. FERGUSON, Chairman

ATTEST:


 ROBERT L. PICKELS, JR.
 County Administrator/Clerk of Board

APPROVED AS TO FORM AND DETERMINED TO BE WITHIN THE SCOPE OF PERFORMANCE OF DUTY OF THE YUMA COUNTY BOARD OF SUPERVISORS:


 JON R. SMITH, County Attorney

RESOLUTION NO. R2014-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, IN SUPPORT OF CONGRESSIONAL REAUTHORIZATION OF THE YUMA CROSSING NATIONAL HERITAGE AREA

WHEREAS, the United States Congress designated the Yuma Crossing National Heritage Area on October 19, 2000 through Public Law 106-319; and

WHEREAS, in conformance with the legislation, a 501(c)3 non-profit organization, the Yuma Crossing National Heritage Area Corporation ("Heritage Area") was established in February 2002 to implement The Plan for the Yuma Crossing National Heritage Area ("Plan"), which was approved by the Secretary of the Interior in December 2002; and

WHEREAS, the Plan envisioned improvements to seven miles of Yuma's riverfront, including development of parks, trails, wetlands restoration, and encouraging private investment in Yuma's historic downtown and riverfront; and

WHEREAS, since 2002, the Heritage Area has undertaken a major transformation of Yuma's riverfront, which has improved Yuma's quality of life, celebrated its history, and contributed to its economic growth. This has been accomplished through partnerships with businesses, non-profits, and governmental agencies at all levels; and

WHEREAS, more recently, the Heritage Area led the effort to save the Yuma Territorial Prison State Historic Park and Yuma Quartermaster Depot State Historic Park, and now manages them on behalf of the community and Arizona State Parks; and

WHEREAS, since 2002 the City of Yuma has provided the 1:1 match required by Public Law 106-319, and has recently extended that commitment through 2017; and

WHEREAS, for every dollar of National Park Service funding that the Heritage Area receives, an additional five dollars of local, private and state funds is generated; and

WHEREAS, the Heritage Area's initial authorization under Public Law 106-319 sunsets on September 30, 2015, and Congress must reauthorize the Yuma Crossing National Heritage Area in order to continue to operate with the support of National Park Service funding.

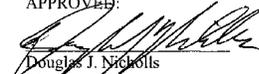
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: Due to the many benefits the Yuma Crossing National Heritage Area provides to the community, the City Council of Yuma, Arizona hereby calls on the Members of the Arizona Congressional Delegation to affirm their support for reauthorization of the Yuma Crossing National Heritage Area for an additional 15 years through September 30, 2030 and to urge their colleagues to do the same; and

SECTION 2: Copies of this Resolution shall be transmitted to each Member of Congress from the State of Arizona.

Adopted this 5th day of March, 2014

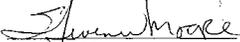
APPROVED:


Douglas J. Nicholls
Mayor

ATTESTED:


Lynda L. Bushong,
City Clerk

APPROVED AS TO FORM:


Steven W. Moore,
City Attorney

ATTACHMENT 3—QUECHAN INDIAN TRIBE RESOLUTION R-65-14



QUECHAN INDIAN TRIBE
Ft. Yuma Indian Reservation
Office of Tribal Administration

P.O. Box 1899
Yuma, Arizona 85366-1899
Phone (760) 572-0213
Fax (760) 572-2102

RESOLUTION

R-65-14

A RESOLUTION IN SUPPORT OF REAUTHORIZATION OF THE YUMA CROSSING NATIONAL HERITAGE AREA.

WHEREAS: THE QUECHAN INDIAN TRIBE OF THE FORT YUMA INDIAN RESERVATION IS A FEDERALLY RECOGNIZED INDIAN TRIBE ORGANIZED UNDER A CONSTITUTION AND BYLAWS RATIFIED BY THE TRIBE ON NOVEMBER 28, 1936, AND APPROVED BY THE SECRETARY OF THE INTERIOR ON DECEMBER 18, 1936, WITH REVISED AMENDMENTS APPROVED ON NOVEMBER 18, 1974, AND MAY 21, 1997; AND

WHEREAS: THE UNITED STATES CONGRESS DESIGNATED THE YUMA CROSSING NATIONAL HERITAGE AREA ON OCTOBER 19, 2000, THROUGH PUBLIC LAW 106-319; AND

WHEREAS: IN CONFORMANCE WITH THE LEGISLATION, A 501 (C)3 NON-PROFIT ORGANIZATION WAS ESTABLISHED IN FEBRUARY 2002 TO IMPLEMENT THE PLAN FOR THE YUMA CROSSING NATIONAL HERITAGE AREA, WHICH WAS APPROVED BY THE SECRETARY OF THE INTERIOR IN DECEMBER 2002; AND

WHEREAS: THE PLAN ENVISIONED IMPROVEMENTS TO SEVEN MILES OF YUMA'S RIVERFRONT, INCLUDING PARKS, TRAILS, WETLANDS RESTORATION, AND ENCOURAGEMENT OF PRIVATE INVESTMENT IN YUMA'S HISTORIC DOWNTOWN AND RIVERFRONT; AND

WHEREAS: SINCE 2002, THE HERITAGE AREA HAS GUIDED A MAJOR TRANSFORMATION OF YUMA'S RIVERFRONT, WHICH HAS IMPROVED YUMA'S QUALITY OF LIFE, CELEBRATED ITS HISTORY, AND CONTRIBUTED TO ITS ECONOMIC GROWTH, AND HAS BEEN ACCOMPLISHED THROUGH MEANINGFUL PARTNERSHIPS WITH THE QUECHAN INDIAN TRIBE, BUSINESSES, NON-PROFIT ENTITIES, AND GOVERNMENTAL AGENCIES AT ALL LEVELS; AND

WHEREAS: THE QUECHAN INDIAN TRIBE, BY VARIOUS RESOLUTIONS APPROVED BY ITS TRIBAL COUNCIL, HAS EXPRESSED ITS SUPPORT FOR AND AUTHORIZED ITS PARTICIPATION IN THE YUMA EAST WETLANDS, ONE OF THE KEY PROJECTS BEING IMPLEMENTED THROUGH AN EFFECTIVE AND UNIQUE PARTNERSHIP; AND

WHEREAS: MOST RECENTLY, THROUGH ITS APPROVAL OF RESOLUTION R-76-13, THE TRIBAL COUNCIL APPROVED A LAND USE AGREEMENT FOR RESTORATION ACTIVITIES CONSISTENT WITH THE LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM IN THE YUMA EAST WETLANDS CONSERVATION AREA, AND ACKNOWLEDGED THAT THE TRIBE'S PARTICIPATION IN THE YUMA EAST WETLANDS PROJECT PROVIDES A RENEWABLE SOURCE OF MATERIALS IMPORTANT TO THE CULTURAL PRODUCTION PRACTICES OF THE TRIBE, OPPORTUNITIES FOR TRIBAL MEMBERS EMPLOYMENT AND ENTREPRENEURSHIP, AND IMPROVED ACCESS TO THE COLORADO RIVER FOR RECREATION AND ECO-TOURISM ACTIVITIES; AND

WHEREAS: THE FUNDING THAT THE HERITAGE AREA HAS RECEIVED THROUGH THE NATIONAL PARK SERVICE HAS BEEN LEVERAGED WITH LOCAL, PRIVATE AND STATE FUNDS AT A RATIO OF FIVE-TO-ONE; AND

WHEREAS: THE HERITAGE AREA'S INITIAL AUTHORIZATION UNDER PUBLIC LAW 106-319 SUNSETS ON SEPTEMBER 30, 2015 AND CONGRESS MUST REAUTHORIZE THE HERITAGE AREA IN ORDER FOR IT TO CONTINUE TO OPERATE WITH THE SUPPORT OF NATIONAL PARK SERVICE FUNDING; AND

NOW, THEREFORE BE IT RESOLVED: THAT THE QUECHAN TRIBAL COUNCIL HEREBY AFFIRMS ITS SUPPORT FOR THE REAUTHORIZATION OF THE YUMA CROSSING NATIONAL HERITAGE AREA FOR AN ADDITIONAL FIFTEEN YEARS THROUGH SEPTEMBER 30, 2020; AND

BE IT FINALLY RESOLVED: THAT THE PRESIDENT, OR IN HIS ABSENCE, THE VICE-PRESIDENT, IS THE AUTHORIZED OFFICIAL TO EXECUTE ALL APPLICABLE DOCUMENTS.

CERTIFICATION

THE FOREGOING RESOLUTION WAS PRESENTED AT A REGULAR COUNCIL MEETING OF THE QUECHAN TRIBAL COUNCIL WHICH CONVENE^D ON APRIL 1, 2014, DULY APPROVED BY A VOTE OF: 5 FOR, 0 AGAINST, 0 ABSTAINED, 1 ABSENT, BY THE TRIBAL COUNCIL OF THE QUECHAN INDIAN TRIBE, PURSUANT TO THE AUTHORITY VESTED IN IT BY SECTION 16 OF THE REORGANIZATION ACT OF JUNE 18, 1934, (48 STAT. 984) AS AMENDED BY THE ACT OF JUNE 15, 1935 (49 STAT. 378) AND ARTICLE VI. OF THE QUECHAN TRIBAL CONSTITUTION, AND BYLAWS. THIS RESOLUTION IS EFFECTIVE AS OF THE DATE OF ITS APPROVAL.

QUECHAN TRIBE

BY:



KEENY ESCALANTI, SR., PRESIDENT
QUECHAN TRIBAL COUNCIL



ALEXIS I. SUMMERFIELD, SECRETARY
QUECHAN TRIBAL COUNCIL

ATTACHMENT 4—YUMA CROSSING HERITAGE AREA LETTER TO THE HERITAGE FOUNDATION



February 22, 2011

Edwin Feulner, Ph.D., President
The Heritage Foundation
214 Massachusetts Ave NE
Washington, DC 20002-4999

Dear Dr. Feulner:

I am writing to express my concern about the Heritage Foundation's continuing allegations that the Yuma Crossing National Heritage Area (YCNHA) is some terrible threat to private property rights. It is simply not true.

Many years ago, there was some misunderstanding within our community about this issue. I am a landowner who was included within the original boundary designation of the YCNHA. As a Farm Bureau member, I was appointed to represent the Farm Bureau at YCNHA Board meetings. The Farm Bureau and YCNHA worked closely together to resolve any outstanding issues. I attended every meeting until the boundaries were amended by Congress through H.R. 326 on October 11, 2005. No one else from these other groups doing all the complaining ever attended a single meeting. They were, however, kept informed of all meetings and actions.

Part of the resolution between the Farm Bureau and the YCNHA was to bring people like myself who are original homesteaders and farmers in this community onto the Board. I became a board member in 2005, and now serve as the Chairwoman of the Board of Directors.

My wish is that the individuals "stuck in the mud" on this particular part of YCNHA's history take time to ask people such as myself who were involved directly. Please stop "harping" on self serving half truths and look to the actual events. Please feel free to contact me at patwarefarms@yahoo.com, and I will provide any information you request to support the truth on this matter.

Ask anyone in Yuma about the Heritage Area, and you will find very strong support for the efforts to reclaim our riverfront on the Colorado River. We have built two riverfront

parks, seven miles of multi-use trails, restored 400 acres of wetlands, and spurred over \$30 million of private investment in the downtown riverfront. Our most recent effort was to save two state historic parks from closing and to take over their operations by raising \$70,000 in community donations in a 60 day period. This has all been done on a ***strictly voluntary and collaborative basis***.

I will not speak for all National Heritage Areas, but you have the Yuma Crossing all wrong. Perhaps getting out of Washington, DC and actually seeing what is going on would do the Heritage Foundation some good. I invite you or your staff to come to Yuma and find out the facts. Until then, I ask that the Heritage Foundation stop with the groundless allegations.

Private property rights are the fundamental basis of our way of life (farming). However, so is the truth. What you keep dredging up and re-circulating is not the truth. Please give this letter your consideration and know all the facts stated are true and documented.

I ask you to please move on from this tedious, untrue, and ongoing criticism of the Yuma Crossing National Heritage Area, and instead focus on other subjects that are more current and warrant your concern.

Sincerely,



Patricia Ware
Chairwoman
Yuma Crossing National Heritage Area Executive Committee

ATTACHMENT 5—YUMA COUNTY CHAMBER OF COMMERCE LETTER TO HON. JOHN MCCAIN



January 31, 2014

Hon. John McCain
United States Senate
241 Russell Senate Office Building
Washington, DC 20510

Dear Senator McCain:

On behalf of the Yuma County Chamber's 850 members, I am writing to express my strong support for the reauthorization of the Yuma Crossing National Heritage Area. Since its inception in 2000, the Heritage Area has had an enormously positive impact on the economy and landscape of Yuma. In particular, it was the driving force to reclaim and revitalize seven miles of riverfront along the Lower Colorado River. It led the effort to save Yuma's state historic parks when Arizona State Parks had scheduled their closure due to state budget cuts in 2010. It has leveraged a small federal investment of National Park Service funds into a total public and private investment on the riverfront of more than \$100 million.

You will hear from some in Washington "think-tanks" (but not in Yuma) about certain as yet unspecified "threats of private property rights". I cannot speak for all Heritage Areas, but here in Yuma, the Heritage Area has not only scrupulously respected private property rights but has also encouraged and facilitated significant private investment along the riverfront.

The loss of the Yuma Crossing National Heritage Area would be a terrible set-back for our community, just as we attempt to recover from the deep national recession. We thank you for having spearheaded the original designation, and request that you help us preserve and maintain the progress our community has made over the last 13 years.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Rosevear", is written over a light yellow rectangular background.

Ken Rosevear
Executive Director

RESOLUTION SUBMITTED FOR THE RECORD BY JIM OGSBURY ON H.R. 4901

**Western Governors' Association
Policy Resolution 13-01**

Federal-State Land Exchanges and Purchases

A. BACKGROUND

1. Congress granted lands to states as they were admitted into union to be held in trust for support of public schools. Over time, the federal government has created conservation areas such as national monuments, wildlife refuges and wilderness study areas on public lands that surround or affect many of these trust lands. Tribal reservations and military withdrawals have also created state enclaves within federal landholdings.
2. Federal and state land managers, land users, the environmental community and the public all agree that the "checkerboard" land ownership pattern prevailing in much of the West is a major hindrance to effective and ecologically sound management of both federal and state lands.
3. Currently, there are three methods of resolving the checkerboard land tenure issue in the West: (1) land exchanges under existing legislation, such as Federal Lands Policy and Management Act (FLPMA); (2) the direct federal purchase of non-federal lands within federal management areas under Federal Lands Transfer Facilitation Act (FLTFA); and (3) individual acts of Congress. However, all three are lengthy, expensive, and inefficient.
4. Federal land exchanges—whether with states or private interests—are conducted under the FLPMA. FLPMA requires that land exchanges be of equal value as determined by appraisal and that the public interest is "well served by making [the land] exchange." The complex regulatory requirements associated with FLPMA exchanges create unintentional barriers to federal-state land exchanges.
5. Generally, the estimated values of lands proposed for exchange are established through appraisals, which must be done in accordance with federal standards and other requirements. If the federal land value is estimated to be less than \$150,000, an appraiser's statement of value (a professional assessment that is based on more limited information than is included in a full appraisal) can be used.
6. The FLTFA allows the Department of the Interior agencies and the Forest Service to use the proceeds from sales of surplus federal lands to acquire inholdings in national parks, national wildlife refuges, national forests and other designated areas, including the National Landscape Conservation System. FLTFA was passed in 2000 with a 10-year sunset. The act was reauthorized for one year in 2010, but was not extended at the July, 2011 expiration.
7. The Western States Land Commissioners' Association (WSLCA) has drafted proposed legislation to solve part of the land tenure problems based on a process known as "in lieu" selections. In lieu selections are established by 43 U.S.C. 851-852 and allow western land grant states to select federal lands in lieu of land originally granted to the states that became unavailable due to preexisting conveyances or federal special purpose designations. Under the WSLCA proposal, states would have the right to relinquish state trust lands within federal conservation designations to the United States, and select replacements lands from unappropriated federal public lands within the states.

B. GOVERNORS' POLICY POSITION

1. To improve management of both federal and state lands in areas where there is checkerboarded ownership or state lands are completely captive within the boundaries of a federal management area, Western Governors call on Congress to simplify and expedite the federal-state land exchange and sale process.
2. The Governors request Congress amend the FLPMA to add language to:
 - Index the existing \$150,000 threshold for using an expedited exchange process for inflation since the \$150,000 threshold was adopted in 1986;

- Allow use of a statement of value to replace the appraisal process in federal-state exchanges of similar rural lands; and
 - Presume any agreed federal-state land exchange as in public interest unless clearly countervailing factors are present (federal-private exchanges are not included in this presumption).
3. The Governors request that Congress reauthorize the FLTFA with priority to be given to acquisition of state inholdings.
 4. The Governors encourage Congress to introduce and pass legislation that incorporates the proposed federal-state land selection improvements proposed by the WSLCA.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct the WGA staff, where appropriate, to work with Congressional committees of jurisdiction and the executive branch to achieve the objectives of this resolution including funding, subject to the appropriation process, based on a prioritization of needs.
2. Furthermore, the Governors direct WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.

LETTER SUBMITTED FOR THE RECORD IN SUPPORT OF H.R. 4119

GABEO—GEORGIA ASSOCIATION OF BLACK ELECTED OFFICIALS,
ATLANTA, GEORGIA,
JULY 31, 2014.

Hon. DOC HASTINGS, *Chairman*,
Hon. PETER DEFAZIO, *Ranking Member*,
House Committee on Natural Resources,
1324 Longworth House Office Building,
Washington, DC 20515.

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL GRIJALVA, *Ranking Member*,
House Subcommittee on Public Lands and Environmental Regulation,
1324 Longworth House Office Building,
Washington, DC 20515.

DEAR CHAIRMAN HASTINGS, RANKING MEMBER DEFAZIO, CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA:

Many of us are Lifetime Active Veterans of The Modern Day Civil Rights Revolution. We are writing in support of H.R. 4119, the West Hunter Street Baptist Church Study Act. We urge you to hold a hearing on this bipartisan and bicameral bill so that it can be expeditiously moved through the House Committee on Natural Resources and considered by the Full House. This is a bipartisan bill that was introduced in the Senate by Georgia's two United States Senators (S. 2431) and has the support of 62 bipartisan members of the House of Representatives, including members of the House Committee on Natural Resources. The bill is also supported by two standard bearers of the Civil Rights Movement: the Southern Christian Leadership Conference (SCLC) and the National Association for the Advancement of Colored People (NAACP). This Congress, the Committee has reported several "Study acts" offered by Members of Congress from both parties and we urge your favorable consideration of this important bill.

H.R. 4119, the West Hunter Street Baptist Church Study Act, will direct the Department of Interior to determine whether the historic West Hunter Street Church in Atlanta, Georgia meets the criteria for designation in the National Park System.

During the Civil Rights Movement of the 50s, 60s, 70s, and 80s, the West Hunter Street Baptist Church served as a headquarters for many Civil Rights workers and organizers. It was the site of many important leadership meetings and doubled as a school for nonviolent protest during initiatives such as the Voter Education Project

and the Freedom Summer of 1964. It was also a spiritual refuge for the countless men and women who devoted their lives to the cause. Atlanta, Georgia is already home to the Martin Luther King Jr. National Historic Site and several other private institutions that commemorate the important role that Atlanta and its people played in the Civil Rights Movement, including the newly opened National Center for Civil and Human Rights. I personally am honored and blessed to have worked and still am in SCLC and The Movement led by Dr. King, Dr. Abernathy, Dr. Lowery, Rev. C.T. Vivian, and Dr. Charles Steele, Dr. Bernard Lafayette etc.

We believe that the West Hunter Street Baptist Church deserves recognition and its inclusion in the National Park System will help to complete the story of the Civil Rights Movement. I spent many days and nights working with Dr. Ralph David Abernathy and Mrs. Juanita in the Old Historic West Hunter Street Baptist Church. Many movements were organized in this church.

The history of the Civil Rights Movement is a lesson in democratic ideals. It is a testimony to the strength of our Constitution, and to the courage of our people. We deeply believe that it is our duty to preserve these landmarks and to share their significance with future generations. As our Nation marks the 50th anniversary of Freedom Summer and the 1964 Civil Rights Act, we urge you to hold a hearing on this bipartisan and bicameral bill so that it can be expeditiously moved through the House Committee on Natural Resources.

We Shall Overcome
Peace and Justice,

TYRONE BROOKS,
President.

