AMERICAN HERITAGE RIVERS INITIATIVE

OVERSIGHT HEARING

BEFORE THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING ON THE CLINTON ADMINISTRATION'S AMERICAN HERITAGE RIVERS INITIATIVE

JULY 15, 1997, WASHINGTON, DC

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OVERSIGHT HEARING ON THE CLINTON ADMINISTRATION'S AMERICAN HERITAGE RIVERS INITIATIVE

TUESDAY, JULY 15, 1997,

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:30 p.m., in room 1324, Longworth House Office Building, Washington, DC, Hon. James Hansen, [member of the Committee] presiding.

STATEMENT OF HON. JAMES HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. HANSEN. The Committee will come to order. Chairman Don Young has asked me to chair this hearing at this time. I am Jim Hansen. I represent the first district in Utah.

This morning, the Committee will hear Administration testimony on the controversial American Heritage Rivers Initiative. This oversight hearing is the result of tremendous public outrage and concern expressed to the Congress during the past several months and the need to have accountability for the Federal agencies undertaking this activity.

This Committee has jurisdiction over the Council on Environmental Quality, the Department of the Interior, and the Forest Service under the direction of the Department of Agriculture. This hearing will raise serious questions about Federal agency participation in and the coordination of this initiative throughout the United States and may very likely lead to further Congressional oversight hearings in order to provide the American public an opportunity to express their concerns on this issue.

This hearing this morning was postponed from the original date of June 26, 1997, at the request of the Council on Environmental Quality. Furthermore, through negotiation between this Committee and the Council on Environmental Quality, the testimony of these five Administration witnesses was agreed to, although this Committee originally requested that all 12 Federal agencies involved in the implementation of this initiative provide testimony.

We appreciate the attendance of Kathleen McGinty, Secretary Bruce Babbitt, Secretary Glickman, and we haven't had the opportunity to have our former colleague, Mr. Goodman, before us before. It is a pleasure to have him here. Dan was a joy to work with on legislation, and I think we accomplished some good things, and

the Administration appointees before the Committee this morning and look forward to their testimony.

The President first mentioned the American Heritage Rivers Initiative during the State of the Union Address on January 4, 1997. The basic thrust of the American Heritage Rivers Initiative is that the President will designate by proclamation ten rivers during the calendar year with the potential for an unlimited number to follow at a later date. Rivers will be nominated by communities submitting plans to a Federal interagency task force that will make recommendations to the President.

This vague and broad statement which has no prior coordination within the executive branch has resulted in the Council on Environmental Quality coordinating this initiative within the Cabinet and involving at least 12 Federal agencies. This far-reaching initiative involves designation of Federal, State, and private lands in ten so-called American Heritage Rivers that will encompass hundreds of miles of shoreline involving multiple overlapping city, county, and State jurisdictions, and in fact, international boundaries.

For example, the Council on Environmental Quality documents specifically refer to the potential of designating the entire length of the Mississippi River under one U.S. Army Corps of Engineers district, and hundreds of miles of the Rio Grande River forming the boundary between Texas and Mexico.

The Committee on Resources has the Congressional jurisdiction over designation of Federal lands, wild and scenic rivers, trails, wilderness, recreation areas, and heritage areas, among other considerations.

The Committee and the Congress sometimes take decades to reach consensus on these designations and eventually pass laws authorizing the establishment. The unauthorized proclamation of such areas by the President will at a minimum create confusion with the American public, and at worst, is a direct challenge to Congressional jurisdiction and authority.

Following the May, 1997, publication of notice on the American Heritage Rivers Initiative in the **Federal Register**, this Committee requested an extension of the public comment period for 90 days until September 9, 1997. On June 20, 1997, the Administration provided for only 60 more days of public comment until August 20, 1997. Today, this Committee formally requests an additional 60 days of public comment until October 20, 1997. This time will allow the American Public and local and State elected officials to have an adequate opportunity to address this issue.

Media and press reports, private citizens and organization accounts, Council on Environmental Quality documents requested by this Committee all reveal that a disturbing case for Federal agency misconduct seems to be developing. Meetings were held with limited public notification and involvement. Special invitation only meetings were held and State governmental agencies have not been involved. Furthermore, there are reported instances of Federal employees promising enhanced or priority funding for rivers designated under this initiative.

The Administration has informed this Committee that there are no fiscal year 1997 or fiscal year 1998 funds specifically authorized or appropriated for this American Heritage Rivers Initiative. How-

ever, documents provided by the Council on Environmental Quality describe a Federal program that will be created by executive order issued later this summer that will require reprogramming of over $2,000,000 of agency funds for this initiative.

For instance, the so-called river navigator position will cost over $100,000 per designated river and will be utilizing Federal employees. Staffing and meetings for a so-called blue ribbon panel will cost over $300,000. In addition, the long awaited tool box of agency information on resources available to designated rivers will cost over $300,000 in staff and production costs.

The staffing estimates do not account for the Federal employees currently involved in the Federal interagency task force but does reflect that these Federal employees are involved full-time on this project.

I am increasingly concerned with the Administration's arrogance and abuse of unilateral Presidential actions. The creating of the ill-conceived Grand Staircase-Escalante National Monument, cutting huge land deals on the Headwaters Forest and the Crown Butte Mine were all examples of executive actions taken without Congressional approval.

This Committee has already demonstrated that the monument was purely politically driven, and all you have to do is go down and spend months on it as I have, and you will see that.

Moreover, now the Administration wants Congress to bail them out of the Headwaters and Crown Butte land deals because once the political advantage of this announcement wears off, there is no substance to these actions, and now, this new river initiative that again appears to be politically motivated.

Yes, once again, documents provided by the Administration reveal that politics is a major consideration in the designation of these rivers.

I don't believe there is a Member of Congress who does not believe in conservation; however, this Nation believes in the democratic process that provides for debate and refining of ideas.

This Committee looks forward to the testimony we will receive from the distinguished panel this morning. The Committee members have many questions to ask following your prepared remarks, so I hope that your schedules have been arranged to remain until we have completed all questions from members of the Committee for the record.

[Briefing Paper on Council on Environmental Quality's American Heritage Rivers Initiative may be found at end of hearing.]

[Statement of Hon. James Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

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The President first mentioned the American Heritage Rivers Initiative during his State of the Union Address on February 4, 1997. The basic thrust of the American Heritage Rivers Initiative is that the President will designate, by proclamation, 10 rivers during this calendar year, with the potential for an unlimited number to follow at a later date. Rivers will be nominated by "communities" submitting plans to a "Federal interagency task force" that will make recommendations to the President.

This vague and broad statement, which had no prior coordination within the executive branch, has resulted in the Council on Environmental Quality coordinating this initiative within the Cabinet, and involving at least 12 Federal agencies. This far-reaching initiative involves designation of Federal, State and private lands into 10 "so called" American Heritage Rivers that will encompass hundreds of miles of shoreline involving multiple overlapping city, county, and State jurisdictions, and in fact, international boundaries. For example, Council on Environmental Quality documents specifically refer to the potential of designating the entire length of the Mississippi River under one U.S. Army, Corps of Engineer District, and hundreds of miles of the Rio Grande River forming the boundary between Texas and Mexico.

This Committee on Resources has the Congressional jurisdiction over designation of Federal lands, wild and scenic rivers, trails, wilderness, recreation areas, and heritage areas, among other considerations. This Committee, and the Congress, sometimes take decades to reach consensus on these designations, and eventually pass laws authorizing their establishment. The unauthorized "proclamation" of such areas by the President will, at a minimum, create confusion with the American public, and at worst, is a direct challenge to Congressional jurisdiction and authority.

Following the May 19, 1997 publication of notice on the American Heritage Rivers Initiative in the **Federal Register,** this Committee requested an extension of the public comment period for 90 days, until September 9, 1997. On June 20, 1997, the Administration provided for only 60 more days of public comment, until August 20, 1997. Today, this Committee formally requests an additional 60 days of public comment, until October 20, 1997. This time will allow the American public and local and State elected officials, to have an adequate opportunity to address this issue.

Media and press reports, private citizen and organization accounts, Council on Environmental Quality documents, requested by this Committee, all reveal that a disturbing case of Federal agency misconduct seems to be developing. Meetings were held with limited public notification and involvement. Special invitation only meetings were held and county and State governmental agencies have not been involved. Furthermore, there are reported instances of Federal employees promising enhanced or priority funding for rivers designated under this initiative.

The Administration has informed this Committee that there are no fiscal year 1997 or fiscal year 1998 funds specifically authorized or appropriated for this American Heritage Rivers Initiative. However, documents provided by the Council on Environmental Quality, describe a Federal program that will be created by Executive Order, issued later this summer, that will require reprogramming over $2 million of agency funds for this initiative. For instance, the "so called" river navigator position will cost over $100,000 per designated river, and will be utilizing Federal employees. Staffing and meetings for a "so called" blue ribbon panel will cost over $300,000. In addition, the long awaited "tool box" of agency information on resources available to designated rivers will cost over $300,000 in staff and production costs. The staffing estimates do not account for the Federal employees currently involved in the Federal interagency task force, but does reflect that these Federal employees are involved full time on this project.

I am increasingly concerned with this Administration's arrogance and abuse of unilateral Presidential actions. Creation of the ill-conceived Grand Staircase-Escalante National Monument, cutting huge land deals on the Headwaters Forest and the Grand Butte mine, are all examples of Executive actions taken without Congressional approval. This Committee has already demonstrated that the monument was purely politically driven. Moreover, now the Administration wants Congress to bail them out on the Headwaters and Crown Butte land deals because once the political advantages of the announcement wear off, there is no substance to

these actions. And now, this new Rivers Initiative that again appears to be politically motivated. Yes, once again, documents provided by the Administration reveal that politics is a major consideration in the designation of these rivers. I don't believe there is a Member in Congress who does not believe in conservation; however, this Nation believes in a democratic process that provides for debate and refining of ideas.

This Committee looks forward to the testimony we will receive from this distinguished panel this morning. The Committee members have many questions to ask following your prepared remarks, so I hope that your schedules have been arranged to remain until we have completed all questions from Members of the Committee for the record.

Mr. HANSEN. I ask unanimous consent that the former member of this Committee, Doc Hastings, be allowed to sit on the dais. Is there objection?

Hearing none, so ordered.

The gentleman from California, Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman, and I would ask unanimous consent that the statement by Mr. Pallone of the Committee be inserted in the record.

Mr. HANSEN. Without objection.

Mr. MILLER. And that my statement be inserted in the record in its entirety.

I just wanted to say that I welcome our distinguished panel of witnesses here today, and I strongly support the American Heritage Rivers Initiative. I believe that this is an important initiate to try to coordinate State, local, and Federal efforts at watershed management and helping local communities to reach a consensus on how we manage the rivers.

This theme of management of these water resources has been explored in the Water Policy Review Commission on which I sit as a member, and we have been taking testimony from local communities about the management of these rivers.

Obviously, there can be no discussion of American history, American culture, or American heritage without the discussion of America's rivers, and unfortunately, too often, we find too many of our rivers in serous trouble because of a lack of coordination, the lack of local input, and the lack of good decisionmaking processes. Hopefully, this initiative will bring to these watersheds and to these communities the help that is necessary so that we might engage in better decisionmaking about our rivers.

I look forward to the testimony of the witnesses.

[Statements of Hon. George Miller and Hon. Frank Pallone follows:]

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

Good morning. I want to welcome our distinguished panel of witnesses here today. I hope they will be able to dispel some of the rumors that have been circulating regarding the American Heritage Rivers Initiative.

The American Heritage Rivers Initiative has grown into a government-wide effort to improve communication about Federal rivers programs, and to coordinate Federal agency activities affecting rivers. I don't think anyone could fail to support the goals of improved communication and agency coordination. I hope that this Initiative achieves these goals and increases public awareness of Federal resources for river conservation.

In addition, I applaud the effort to work with local communities to determine local needs for river conservation. In several places in the West, local watershed councils have proven that citizens working together can be effective in reaching consensus on managing rivers. Many of the best decisions about river management come from

local watershed groups working together with State and Federal agencies. This theme is being explored in some detail by the Western Water Policy Review Commission, on which I sit. I expect that the Commission will strongly recommend expansion of these efforts.

I am pleased to see that the Administration has chosen to extend the comment period on the American Heritage Rivers Initiative. The public has expressed considerable interest in this program, and further public comment is warranted. However, I hope that the extended comment period will not lead to indefinite delays in coordinating agency efforts on rivers. Making Federal programs work together is an objective that the Administration should pursue regardless of other factors affecting this Initiative.

I look forward to the witnesses' testimony. Thank you.

STATEMENT OF HON. FRANK PALLONE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Thank you, Mr. Chairman. I would like to welcome Ms. McGinty, Secretary Babbitt, and Secretary Glickman and thank them for coming today to provide us with information on the American Heritage Rivers Initiative currently being developed by the Clinton Administration. This promises to be an important and useful initiative for river communities around the country and I look forward to hearing their testimony.

I would like to take this opportunity to say a few words of support for the American Heritage Rivers Initiative.

Our country has been built around our Nation's rivers. From the very beginning, rivers served as an essential means of transportation, and therefore as a conduit for trade and commerce. Rivers have provided endless recreational opportunities. They have also provided an important national aesthetic.

The goal of the American Heritage River initiative is to support communities in their efforts to restore and revitalize the economic, historic, cultural, recreational, and environmental values of their rivers. Under this new initiative, communities will nominate themselves to be selected as American Heritage Rivers, and the President will designate 10 such rivers in his next State of the Union Address.

The American Heritage Rivers Initiative acknowledges the critical role that rivers have played in America's development. Perhaps more importantly, however, the American Heritage Rivers Initiative also acknowledges the role that these rivers can still play in the continued growth and enhancement of river-front communities nationwide. And for that reason, I am very excited about the prospects of this initiative and its potential for improving the quality of life of a lot of people in this country.

While this is an initiative based on rivers and the restoration and revitalization of river related resources, it is really about people and communities. It is the local communities that must voluntarily nominate their river, create partnerships among affected groups to ensure broad based support for the nomination, identify common goals, and develop a plan to achieve those goals. In this way, the American Heritage Rivers Initiative helps communities at the local level to work together to realize their own goals and improve their communities in ways that they themselves have chosen.

And that is why there is a lot of support for this initiative at the local level. The U.S. Conference of Mayors has already endorsed the Initiative. And I know that my office has been contacted by local officials from the district that I represent who are very interested in the initiative and who plan to nominate the Raritan River to be an American Heritage River, a nomination that I would welcome and wholeheartedly support and one that I think would be well deserving of the honor.

I think the bottom line here is that the American Heritage Rivers Initiative is going to help communities to focus their own resources, better coordinate Federal assistance, as well as to leverage sources of non-government assistance in order to conduct economic development, historic preservation, environmental restoration, and educational and recreational activities along our Nation's rivers. And that is something that I think deserves widespread, bipartisan support.

Again, I would like to thank Ms. McGinty, Mr. Babbitt, and Mr. Glickman, as well as the Environmental Protection Agency and the Army Corps of Engineers for coming here today and I look forward to hearing their testimony.

Thank you.

Mr. HANSEN. I thank the gentleman from California. I can see that we have quite a few members here, and I am sure more will be coming.

I am sure most of you have opening statements. We have a lot of ground to cover and a lot of witnesses, and we have our two secretaries and the chairman of the counsel. I would appreciate it if we could be brief in our opening statements.

I will start in the order they arrived. Mr. Hill.

Mr. HILL. Thank you, Mr. Chairman, and thank you for holding this important oversight hearing.

As with most Federal programs, this initiative seems well intended, particularly for those communities that are interested in finding new tourism opportunities. However, as with all proposals, the devil is in the details.

A lot of questions need to be asked today. For example, will the American Heritage Rivers Initiative serve as a simple nonregulatory purpose or is it an incremental approach that will lead to more infringements on local sovereignty and individual property rights? Moreover, what effect will this have on the American taxpayer, particularly when Congress has not authorized the initiative?

Mr. Chairman, I strongly believe we need to find answers to these questions on behalf of the American people and the people of Montana. They deserve nothing less than accountability from the Congress and from the White House.

I look forward to closely examining the proposal and hearing from our distinguished witnesses.

Again, Mr. Chairman, thank you.

Mr. HANSEN. The gentlelady from the Virgin Islands.

Ms. GREEN. Thank you, Mr. Chairman. Just briefly, I think it is a great initiative which the President announced during his State of the Union Address. It is community-based, denominated, and still coordinates the efforts of many Federal agencies, and it is yet another program to help rebuild America's towns and cities as well as restore some of our important natural resources.

As I welcome the panelists and look forward to their testimony, I think about a river out of our Virgin Islands, the Salt River, the only point within the United States where Columbus actually was known to have landed. It is a great historical area and a valued natural habitat.

While we had not planned to restore the entire river, the estuary is in need of restoration and protection, and it has the potential for wonderful recreational tourism and educational development. I wonder if it would qualify for this program, and I hope that during the course of this morning, that could be answered for me.

I am pleased to join you, Mr. Chairman, and the rest of my colleagues and welcome our panelists this morning.

Mr. HANSEN. Thank you. The gentleman from Nevada, Mr. Gibbons.

Mr. GIBBONS. Thank you, Mr. Chairman. Very briefly, I want to thank you and the leadership of this Committee for having this hearing here today.

I welcome the guests who are going to be testifying as well. I think that the purpose of this hearing, of course, should be to answer some of the questions that we have as Members of Congress

as to whether or not such a designation as this should be actually authorized by Congress, should it be an administrative procedure, whether or not there was sufficient time given to the public of this country to have sufficient input into the process.

As a result, I will be very interested to hear some of the answers that are going to be proposed here today in relationship to those, and I welcome the opportunity to participate in this hearing. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Virginia, Mr. Pickett.

Mr. PICKETT. Thank you, Mr. Chairman. In the interests of time and hearing what our witnesses have to say today, I will submit my statement for the record.

Mr. HANSEN. Thank you. The gentleman from Idaho, Mr. Crapo.

Mr. CRAPO. Thank you, Mr. Chairman. I will be brief also, but I do want to associate myself with the chairman's remarks and to also indicate that it is of great concern to me and my constituents that we now face yet once again in this arena the same battle which we seem to fight constantly these days, and that is whether all wisdom does flow from Washington.

I can tell you that I have just come from a meeting where we have been discussing some of the water and river issues in my community, and if you want to see how another Federal task force or a federally managed program can foul up a river system, just take a look at the Columbia River system in the Pacific Northwest.

The last thing we need is another Federal initiative to move Federal management into decisions of this type.

I have introduced legislation that would require the Federal Government to comply with State substantive and procedural water law with regard to the allocation, management, and use of water, and it is of concern to me that this initiative not only seems to move back toward the approach of saying that all wisdom comes from a federally managed task force, but it seems to say that that wisdom which some seem to think flows only from Washington now flows only from the executive branch in Washington.

It appears to me that we have a lot of important questions to answer today about not only the wisdom of this initiative at all, but how it has been proposed in a manner which excludes Congress from any effective involvement in development of policy regarding the management of the Nation's rivers.

Mr. HANSEN. Thank you. The gentleman from Colorado, Mr. Schaffer.

Mr. SCHAFFER. Thank you, Mr. Chairman. The people in my State are quite concerned over the initiative, but I think not so much because they know of many details. There were not that many disclosed, quite frankly, but because of the manner in which it was introduced and suggested in the Congressional Record, given a very short period of time for public comment, and that it has really caused a number of folks that I represent to view this whole initiative with some degree of skepticism, that also taken in light of what has happened in our neighboring State with the Grand Staircase-Escalante heritage program there done in large part without the knowledge of the Congressional delegation, the Governor, the members of the legislature and their home State, and in

fact, announced from a neighboring State, not even from the State that was affected.

There are several examples like this that we have heard, the discussions about reintroduction of grizzly bears in Idaho to the objection of members of that State's entire delegation in that case, almost, as I recall, unanimous opposition in the State legislature.

In Kentucky as well, this biosphere initiative has in the same way encouraged the opposition of the Kentucky State legislature, yet these initiatives continue to move forward and be presented by the Administration as represented here today, portions of the Administration represented here today, and it is for those reasons that I think that the citizens and taxpayers throughout the country, rightly so, view these programs and this initiative with great skepticism and hopefully, as a result of this hearing here today, we will be a little bit more knowledgeable about the intent and the objectives of the Clinton Administration.

Mr. HANSEN. The gentlelady from Idaho, Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman. I have been outspoken on this issue, this initiative since I first read about it in the **Federal Register**, and it is no secret that I am adamantly opposed to it.

I think my colleague from Idaho very clearly stated what our western perspective is. It seems like every time I open the **Federal Register**, there is a new effort by the Federal Government to become the nanny of the western resources. From the Forest Service and the Bureau of Land Management's proposed law enforcement regulations which is a direct assault on the Constitution in many ways to the lock-up of billions of dollars in resources over the Escalante National Monument set-aside which took private rights and State property, I am very disturbed and very suspicious, and we have a right to be.

Today, we examine the American Heritage Rivers Initiative initially proposed May 19, 1997, with only a 3-week comment period which was thankfully extended. The American Heritage Rivers Initiative creates a new entity called the river community which is not defined to propose a new designation.

It establishes a river navigator, a Federal official, to help guide the river communities through the designation process. Interestingly, this river navigator is tabbed to be a GS–13 to a GS–15 to the tune of a salary of up to $100,000 a year—all, Mr. Chairman, without Congressional authorization.

Ten rivers per year, the possibility of ten rivers per year, ten times river navigators, at $100,000 salary per year is $1,000,000 just in salary—per year. The river navigator's tenure is 5 years. That is $5,000,000 plus ten additional rivers per year. The numbers start adding up pretty fast into the millions.

The last time I checked, the Constitutional role of Congress is to authorize the funds, and I don't remember authorizing $5,000,000 per year for river navigators. Do you, Mr. Chairman?

Probably the most offensive and alarming issue here is the scope of area covered by these nominations. A designation may include the length of the area whether it be an entire watershed, the length of the entire river, and may cross jurisdictional boundaries, as you stated.

This can literally mean by definition from mountaintop to mountaintop, and given that the Mississippi River drains approximately 40 percent of the U.S. mainland, 40 percent of the U.S. could conceivably be an American Heritage River.

Mr. Chairman, whether this designation has legal teeth or not is not the issue. The issue is private and State property rights and self determination and State determination. The Idaho Constitution and Code, like many western States, expressly claims all waters within its boundaries as State's waters. How can we allow the Federal Government to designate something it doesn't own?

If the Clinton Administration is truly serious about American Heritage Rivers, let us take the $5,000,000 they are taking from other on-the-ground programs and clean up our historical surroundings. It is an embarrassment to this Nation when people from around the Nation and around the world come to the capital of the United States to watch people pull fish from the tidal basin with blisters on them and open sores and to watch garbage and tires floating around as one gazes out from the historic Thomas Jefferson Memorial.

The Anacostia and the Potomac Rivers are historic and certainly part of our heritage. The rivers were used by explorers and settlers to trade with Native Americans, by the British in an effort to hold on to the colonies, and by the architects of our capital city to bring marble and granite into Washington to build the Federal city, and the Hudson Bay and other places full of history need our attention.

I would suggest to the Clinton Administration that they take on these projects first, and when they have brought these projects up to a standard that they are satisfied with, that can then be the measuring standard by which they measure all other rivers that they wish to take into this particular program.

Thank you, Mr. Chairman. I have a full statement that I would like to enter into the record with your permission.

Mr. HANSEN. Without objection.

Mrs. CHENOWETH. Thank you.

[Statement of Hon. Helen Chenoweth follows:]

STATEMENT OF HON. HELEN CHENOWETH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mr. Chairman, thank you for holding this hearing on this very important issue.

From the perspective of the western States, I have to ask the question: When is enough, enough? It seems every time I open the Federal Register, there is a new effort by the Federal Government to become the nanny of western resources. From Forest Service and Bureau of Land Management proposed law enforcement regulations—which would have thrown out the Fourth, Fifth and Sixth Amendments—to the Utah Monument—which locked up billions of dollars in resources including over of billion dollars of Utah's school children—the Clinton Administration's appetite to control western resources appears insatiable.

(And certainly there have been many programs in between: the Interior Columbia Basin Ecosystem Management Program; the introduction of grizzly bears into Idaho over the strenuous objections of the Governor, the legislature and Idaho's congressional delegation; the Uniform Action Guidelines for the Sawtooth National Forest designed to end grazing; the Owyhee Resource Management Plan, again, to end grazing; the illegal July 2, 1996 USDA memo to illegally end salvage timber operations in violation of congressional intent; Forest Service efforts to end historical jet boating in Hells Canyon; EPA's Idaho water quality standards; takings of water for bull trout and salmon—the list literally goes on and on. When is enough, enough?)

Today, we examine the American Heritage Rivers initiative. Proposed on May 19, 1997 with only a 3-week comment period initially, the initiative proposes to des-

ignate ten rivers per year as American Heritage Rivers. It creates the fictional entity "river community" which is not defined—to propose a designation. It establishes a "river navigator," a Federal official to help guide the river community through the designation process. Interestingly this "river navigator" is tapped to be a GS-13 to GS-15 to the tune of up to one hundred thousand dollar salary—all without congressional authorization.

Mr. Chairman, 10 rivers per year, times 10 river navigators at a hundred thousand dollar salary per year is one million dollars—just in salary. The river navigator's tenure is 5 years, that's five million dollars, plus 10 additional rivers per year. The numbers start adding up pretty fast. Millions upon millions of dollars, just in river navigator salaries. Last I checked, the Constitutional role of Congress is to authorize the funds. I don't remember authorizing five million dollars per year for river navigators. Do you, Mr. Chairman?

Additionally, the "river community" is only vaguely defined. Who is a member? In today's environment, when an individual in Maine can protest each and every timber sale in Idaho with a mere postcard, I am left with little comfort as to who is a member of the river community! Additionally, the ambiguous definition includes "... parties ... that support the designation and the goals of American Heritage Rivers." This is truly amazing to me. This definition leaves absolutely zero room for detractors—the private land owner who objects to his land being included in the designation has no voice in the so-called "river community." Private property rights are again under attack by the Clinton Administration.

But probably the most offensive issue here is the "Scope or Area Covered by Nomination." A designation may include "the length of the area, whether it be an entire watershed, the length of the entire river, [and] may cross jurisdictional boundaries ..." Mr. Chairman, this can literally be mountain top to mountain top. And given that the Mississippi River drains approximately 40 percent of the U.S. mainland, 40 percent of the U.S. could conceivably be an American Heritage River.

Mr. Chairman, whether this designation has legal teeth is not the issue. The issue is private property rights and self-determination. The Idaho Constitution and code, like many western States, expressly claims all water within its borders as Idaho's water. How can we allow the Federal Government to designate something it doesn't own? It is the height of arrogance! Additionally, the designation will become nothing more than a tool by environmental extremists to further lock-up resources and control or take private and State property.

The proposal purports to utilize a Federal "Good Neighbor" policy and to more effectively and efficiently coordinate and deliver Federal support to the community. These are laudable goals and I am pleased to know the Clinton Administration is trying to be a "Good Neighbor." But why does it take this proposal? Shouldn't the Federal Government already be a "Good Neighbor?" Shouldn't the Administration already be striving for efficiency? Is this proposal a tacit admission that the Clinton Administration is not striving for these goals?

If the Clinton Administration is truly serious about American Heritage, let's take the five million dollars they are robbing from other on the ground programs and clean-up our historical surroundings. It is an embarrassment to this Nation when people from around the Nation and world come to the Capital of the United States to watch people pull fish from the tidal basin with blisters and open sores, and to watch garbage, tires and debris float around as one gazes out from the historic Jefferson Memorial. The Anacostia and Potomac rivers are historical, and certainly part of our "heritage." The rivers were used by explorers and settlers to trade with the Native Americans, by the British in an effort to hold-on to the colonies, and by the architects of our capital city to bring marble and granite into Washington to build the Federal city. And the Hudson Bay and other places full of history need our attention. We've got a "good neighbor" trying to tell the west how to live its life, when it can't even take care of its own backyard.

Mr. Chairman, I introduced H.R. 1842 to stop this ill-conceived program, and I urge my colleagues to join me.

Lastly, Mr. Chairman, in closing I'd like to quote the seminal U.S. Supreme Court case on western water law, the 1978 *California v. U.S.*: *"The history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is both long and involved, but through it runs the consistent thread of purposeful and continued deference to State water law by Congress. [Indeed], to take from the legislatures of the various States and territories the control of water at the present time would be something less than suicidal. If the appropriation and use were not under the provisions of State law, the utmost confusion would prevail."* Mr. Chairman, I couldn't agree more. When is enough, enough?

Thank you Mr. Chairman.

Mr. HANSEN. The gentleman from New York, Mr. Hinchey.

Mr. HINCHEY. Thank you very much, Mr. Chairman. First of all, I want to express my appreciation to you for holding these hearings and thereby giving us an opportunity to look into this very important subject of American rivers.

I want to say that I have been excited about this program ever since the President announced it in the State of the Union Address earlier this year. I think it is a terrific idea and one that ought to be supported by all of the American people.

I can tell you that the people in my district do support it. In the intervening period between his announcement of the program and today, my district office has had numerous calls from people on a bipartisan basis, Republicans and Democrats, even the State government in New York, which of course is currently a Republican State government with Republican Governor, strongly supports the program and has spoken out in favor of it much to their credit.

Most of the support that we have seen has come from nonpartisan organizations, environmental, civic, other organizations stretching all along the Hudson River, excited about the prospects of this program, looking forward to it, and hoping that the Hudson River will in fact merit the designation of one of America's National Heritage Rivers. It is a very, very exciting program.

Of course, there have been those who have raised the specter of government control which of course in the context of this particular program is nonsense, but it is not the first time that we have heard that.

When I was a member of the State legislature, I initiated a program creating the Hudson River Valley Greenway which is a multicounty project that stretches all along the Hudson River, all along its tidal length at least as far north as the Federal dam at Troy, about 150 miles. In that particular context, people raised the specter of government control. Of course, it wasn't true, and that program has survived, and people understand that.

Even in the context of the designation of the Hudson River as an American Heritage area last year, which came through this Committee, Mr. Chairman, for which I and the people that I represent are very grateful for the fact that the Hudson River was designated an American Heritage area along with a number of other areas around the country. I think that that was a marvelous, very strong step forward in celebration of the great heritage of this country in providing an opportunity for people to become better acquainted with the American Heritage.

This program, I think, is a great one. I have seen in the course of my tenure in public service an enormous improvement in America's rivers as a result of the clean water program and the Safe Drinking Water Act. The quality of America's rivers have improved enormously.

Unfortunately, in the 1980's, the Clean Water Act funding was changed and as a consequence cut back rather sharply, and so the progress that was made in earlier years has been slowed down. The kind of things that Mrs. Chenoweth talked about just a few moments ago are the result of that.

If we had continued to fund the clean water program at the rate that it was originally envisioned and which was supported by ear-

lier administrations, we would have rivers today that although they are a lot cleaner than they were, would in fact be even cleaner than they are. We need to go back to that program and reassess it. I hope that this Congress will address itself to that issue, that we will adequately fund those programs.

Is the gentleman signaling me?

Mr. MILLER. I just want to know if the gentleman would yield for a moment when he is done.

Mr. HINCHEY. Yes.

Mr. MILLER. I just want to say that the heritage corridor area that you spoke of that we dealt with last session is interesting, because it started out much the same way with an awful lot of opposition from people. But when we started to run out of time in the session, there was no end to members that wanted to make sure that their local communities in fact received that designation.

In this session, we now have one of the strongest opponents of that legislation seeking extra-legislative measures by which to get an area included that he fought so hard last year to get excluded.

I think when people start to understand the nomination process and the work that local communities go to to get this designation, I think we will find that ten rivers will be a limitation, given the interest of local communities and Members of Congress.

Mr. HINCHEY. I thank the gentleman for that observation. I think it is very important. My time is almost over. I will just end by again saying to the representatives of the Administration here, my thanks to the Administration, my thanks to the President for this initiative.

I think it is an extraordinarily positive and powerful one, and I hope that the Congress will address itself to it. There will be no impediment to its enaction because I think the American people want this project and they want it badly.

Mr. HANSEN. The gentlelady from Washington, Mrs. Smith.

Mrs. SMITH. Thank you, Mr. Chairman. I guess I have had a different experience. My phones have been ringing off the hook in my district offices from all over the State of Washington with people very concerned who happen to live along the Columbia River.

They have watched several Federal initiatives take their property. One whole section cannot use their property even though these people have paid taxes for years. They can't even paint their own homes the color that would be their choice because it is within so many miles, not even visible of the river.

It has gone so far that they are wondering what this next Federal intervention will be, because you see, when the Federal Government does this, it starts losing reasonableness. The common sense of the people who also love the river, rely the river for families to be able to eat. This is the area that I come from.

We have a little problem with those from other States around the Nation saying that they have to move in the Federal Government to take care of our beautiful State. We have cooperative agreements with other States of Idaho and Oregon. We care deeply. This is our State. My grandchildren fish on the river. We boat on the river. Most of my family relies on the river.

We not only don't share the values of the President. We share the values. Where we differ is this, do we believe that we care more

than the President for where we live? Does he really believe that we are so irresponsible, we who live in those two States, that he has to bring in 12 Federal agencies?

I guess this is the question I am going to be looking to have answered today. If this program is indeed voluntary as it says, nonregulatory, community-defined, and honorary, why do we need the Federal Government, in fact 12 Federal agencies, involved in this?

We really love our State. We care for our environment. Our family plans on living there for many years, and I just can't believe that the President who lives here cares more about it than we do.

I will be looking for that answer during the testimony and looking forward to reassuring the folks in my State that they are not going to just see the big hand of government from the East Coast come again, tap them on the shoulder, and say we certainly know best.

Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. I have no statement, Mr. Chairman.

Mr. HANSEN. Thank you. We have two Members of Congress who are with us who we would like to hear from, Mr. McHale from Pennsylvania. We will turn the time to you and then to Doc Hastings from Washington.

STATEMENT OF HON. PAUL McHALE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. MCHALE. Thank you, Mr. Chairman, and distinguished members of the Committee. I am honored and pleased to be here this morning. I will have a formal statement for the record, but if I may in the next 5 minutes, I would like to simply summarize my testimony.

Although my testimony is going to focus on one river, the Lehigh River, I think in many ways the story of the Lehigh is the story of our Nation's rivers. My purpose in appearing before the Committee today is to warmly and enthusiastically endorse the American Heritage Rivers Initiative.

The distinguished author, Norman McLane, once wrote, "Eventually, all things merge into one, and a river runs through it." That phrase describes not only a wonderful book, it also describes my congressional district, a region of eastern Pennsylvania shaped socially, economically, and environmentally by the Lehigh River.

A good friend of mine, Dennis Shaw, once wrote the following description of the Lehigh, "With its headwaters in the Pocono plateau, the Lehigh River drains an area of approximately 1,364 square miles containing parts of present day Berks, Bucks, Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, and Schuykill Counties.

The river flows south and east for 75 miles before joining the Delaware, the forks of the Delaware, in Easton, Pennsylvania. More than 1,000,000 citizens live and work within the Lehigh watershed.

Mr. Chairman, my commitment to the protection and the restoration of the Lehigh River is not based on an abstract study of history. Within the past month, I have canoed the Lehigh's rapids, fished its waters, camped on its banks, and hiked more than ten

miles along its shores. I have lived within a mile of the Lehigh River my entire life.

We are a community defined both literally and symbolically by the Lehigh River. The Act of Assembly of the Pennsylvania House of Representatives dated March 6, 1812, defined Lehigh County as follows, "That and all that part of Northampton County being within the limits beginning at the Bethlehem line where it joins the Lehigh River; thence along said line until it intersects the road leading from Bethlehem to Lehigh Water Gap."

Literally, the county where I live is defined by the Lehigh River. Modern history along the Lehigh reflects a checkered past, including long periods of short-sighted greed, unsustainable consumption, and environment abuse.

Mr. Chairman, today in my brief testimony, I am not going to give you a complete environment or social history of the Lehigh River, but just let me point out a couple of critical dates.

In 1740, David Nitchman was the first European to come and settle in our community. At that time, the area where I now live was described as follows, "It was wild and a forest, at a distance of 50 miles from the nearest town, and only two houses occupied by white people. No other dwellings were to be seen in the whole country except the scattered huts or wigwams of Indians." Here they commenced a settlement, Bethlehem. That is my home town. That is where I live today. That is not some Federal abstraction. That is the community in which I am raising my children.

On May 6, 1772, a record catch of 5,300 shad were harvested in the Lehigh River about a half-mile from where I live today, but in 1829, we turned a corner. It was a year of decision, in some ways positive and in some ways quite negative.

John James Audubon, the distinguished naturalist and artist, spent 6 weeks in the upper Lehigh painting and studying that portion of the river, but in that same year, the Lehigh Coal and Navigation Company constructed a dam at the forks of the Lehigh where it flows into the Delaware River, permanently impeding the flow of shad and their annual migration up the Lehigh.

By 1872 when coal had been discovered in northeastern Pennsylvania, 1,000 canal boats travelled the canal parallel to the Lehigh River transporting that coal to Philadelphia and New York, and there were consequences from that.

By 1953, there were no shad caught in the Delaware. By 1968, the pollution block in Philadelphia meant that the shad could not spawn as they had historically spawned up the Delaware.

By 1970, we again turned a corner with the passage of the Clean Streams Act. In that year, the pollution of the Lehigh had become so bad that an entire five-mile stretch of the river would not sustain aquatic life.

I remember what that was like 25 years ago. I witnessed a river that had become an open sewer.

In the past two decades, we have seen a river restored. Having spent 200 years destroying the natural beauty, the water quality, and the aquatic life of the Lehigh River, our community has recently dedicated itself to a more worthy goal, 40 years of river restoration.

Where do we go from here? The Lehigh River is now part of the National Heritage corridor with modest annual funding through the Department of the Interior. There was a management action plan that was approved in 1994, and I strongly support the continuing efforts in the private sector as well as the public sector to restore this great river.

All of the existing public and private efforts to protect and restore the Lehigh River will be dramatically reinforced by the American Heritage Rivers Initiative.

Mr. Chairman, if I may with your indulgence, have one more minute.

I believe that this program is the single most important conservation effort proposed to date by the Clinton Administration. The more efficient and effective delivery of existing Federal services and expertise, the sharing of river restoration experience, and the availability of river-related data via the Internet and a well planned web site will prove to be a tremendous aid in the environmental protection, recreational improvement, and economic development of the Lehigh River.

The American Heritage Rivers Initiative is in the conservation tradition of Teddy Roosevelt, Gifford Pinchot, and Rachel Carson. It deserves the support and the funding of Congress.

Finally, Mr. Chairman, we who live, work, and are raising our families along the Lehigh recognize that there is a reason why our region has become known worldwide as the Lehigh Valley. In the words of Norman McLane, a river runs through it.

[The information referred to may be found at end of hearing.]

Mr. Chairman, I thank you for the opportunity to appear.

Mr. HANSEN. I thank the gentleman. The gentleman from Washington, Mr. Hastings.

Mr. HASTINGS. Thank you, Mr. Chairman, and I appreciate the courtesy that the Committee has given me to sit here.

I want to just mention a couple things real briefly. I live, of course, in an area where the Columbia River flows through, and specifically in the tri-city area, we would like to enhance our river shore there, and there was a consultant that came through and suggested very strongly that perhaps the local community look at the Heritage River Initiative that is being proposed.

I sent a letter to them and said, we don't know what really is in there before you pursue this. Maybe you ought to look and see what it is all about.

I just received letters back from one of the commissioners, and actually, it is signed by all the commissioners in one of the counties that is impacted, Benton County, and if I may quote one sentence here, they say this, "Much of this activity," regarding the American Heritage Rivers Initiative, "has taken place with very little public information or understanding about the initiative or its potential ramifications," which I think is true.

There is another local organization that is looking into this, because there is a suggestion that has been made that tourism will increase. We have a tri-cities visitor and convention bureau that has been very active for 25 years in this area. They sent me a letter and they just make this statement, and I will quote, "The infor-

mation we have received has made us less inclined to pursue the President's initiative."

Now, the reason I mention this, and this kind of reflects the comments that I have heard certainly on this side of the aisle, as we go down this path, is that the question that at least the local people have in my view, and I would like to know if—certainly, I will listen to the testimony to see if this could be answered, is the unintended consequences that happen because we have legislation that is supposedly warm and fuzzy and nice for local areas, but as we go down the line, something changes, and I just may add with my friend from Pennsylvania and his testimony, clearly from his perspective, this is a conservation initiative. Clearly from his perspective.

I can tell you from the west if that is the main initiative, then I have some great doubts that this ought to be a conservation initiative. Clearly, we don't understand where the Administration is going on this, and I would certainly like to see that clarified.

Mr. Chairman, thank you again for the courtesy and I look forward to the testimony that will be forthcoming.

Mr. HANSEN. The gentleman from Utah, Mr. Cannon, my colleague from the third district.

Mr. CANNON. Thank you, Mr. Chairman. Like many of my colleagues, I also have considerable concerns about the real import of the American Heritage Rivers Initiative.

Americans today unfortunately do not place a great deal of trust in the Federal Government. Much of their cynicism is fueled unfortunately by experience.

For instance, last fall, this Administration in order to pick up a few votes in California disregard the law, the Utah congressional delegation, and the people of Utah in secretly crafting a massive 1,700,000-acre national monument in southern Utah, entirely within my district.

All of this was done in the dark and without any public input. No wonder my constituents are cynical about this latest proposal by the Administration. This proposal is built on the premise of trust us. We in Utah know about Federal agencies and their false assurances and empty promises.

My fear and that of my constituents is that this program is nothing more than a thinly veiled attempt by the Federal Government to grab more regulatory power. This hollow program offers no new money for real solutions for these communities.

Instead, the initiative as proposed by Council on Environmental Quality would give participating communities $100,000 to hire a government bureaucrat, and for what purpose? To help clean up rivers? No. To help restore historic landmarks or landscapes? No.

In fact these bureaucrats, so-called river navigators, have one primary purpose, slopping at the Federal trough for possible taxpayer funds.

America's rivers and associated communities do need improvements, but the solutions will come from our communities, from our people, and not from river navigator-types.

This initiative offers our towns and cities no real answers, no real plan. That is why the American Heritage Rivers Initiative and

the river navigators should be set on the appropriate course—downstream.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Hawaii, Mr. Abercrombie.

Mr. ABERCROMBIE. Thank you very much, Mr. Chairman. Do you suppose we might take advantage of the fact that Mr. McHale is here and perhaps question him inasmuch as he just testified? Is that in order, as opposed to making statements at the moment?

Mr. HANSEN. Would you repeat your question?

Mr. ABERCROMBIE. I said, do you suppose we might take advantage of the fact that Mr. McHale is here testifying?

Mr. HANSEN. Mr. McHale has already given his testimony, but you have 5 minutes. If you would like to have an interchange with Mr. McHale, by all means, use your time.

Mr. ABERCROMBIE. Thank you very much.

Good morning, Mr. McHale.

Mr. MCHALE. Good morning, Neil. How are you?

Mr. ABERCROMBIE. Very fine, thank you.

In your statement, I missed the first part of it, and you may have covered it, but I want to refer to something that Mr. Hansen and I believe others have commented on, and to get your reaction.

Obviously, you are in favor of carrying forward with this initiative. Now, taking into account or accepting for conversation sake that this may not have gone through all of the examination and analysis that would be required, and that the Committee's hearing today and possibly subsequent hearings is entirely in order to accomplish the legislative goals, is it your contention that this is something that we should fund in addition to whatever funding may already be associated with various departments, whether it is the Council on Environmental Quality or the Department of the Interior or the Forest Service subdivisions within it?

The reason I ask the question is that Mr. Hansen has pointed out that if I understand it correctly, now there will be reprogramming of already authorized and appropriated funds, and I don't think that is a good idea necessarily, or I think it is certainly something that should be examined. I think that Chairman Hansen has pointed that out.

So for conversation sake, if we accept the idea that the Heritage Rivers is a good idea, is it your contention that we should authorize and appropriate new funds to do that, or is the reprogramming you would accept at this stage?

Mr. MCHALE. My study of the program would indicate that the vast majority of the funding can be reprogrammed.

What we are talking about here is not the creation of a new bureaucracy or the creation of new statutory authority. We are talking about the more efficient administration and delivery of existing Federal programs.

For that reason, I think that existing funding would for the most part be satisfactory, but I, as an individual Member of Congress, would vote for additional funding as necessary to supplement the existing funding, although I suspect that amount of funding would be very modest.

I would simply say to Mrs. Chenoweth and other friends and colleagues who are skeptical about this program, I strongly support your belief that this program should never be imposed upon you. I think you deserve credit that there is an extended period of comment on this program.

Once we complete that analysis, however, for those parts of the country such as my own that would very much at the local level like to participate in this program, so long as we adequately protect you from any imposition of the program, why not allow us to participate?

Our rivers in the northeast have experienced for the most part a degradation that fortunately has never been inflicted upon the rivers of the northwest.

We have a major challenge ahead of us in restoring those rivers, and this program can be a very significant aid in that process.

Mr. ABERCROMBIE. Mr. McHale, I would like to followup on that point.

While there may be some trepidation on some of the members' parts with respect to the implementation of this program, isn't it the case or would it not be the case in many instances that absent Federal assistance, local resources might not be sufficient to be able to handle the difficulties that might be encountered in comprehensive regional considerations that might come up with respect to the restoration, et cetera.

Mr. MCHALE. That is absolutely correct. We have a 75-mile stretch of river along with 1,000,000 people live. That is nearly equal to the population of most of the States that are represented before me.

We have a large concentration of population along a stretch of river that has received heavy industrial use over the last 100 years. We have three major cities, Allentown, Bethlehem, and Easton, that are attempting to coordinate that restoration and revitalization effort.

All we want is advice from the Federal Government. We want those who will come in with that expertise and at our request and to the degree that we solicit, step into our community and assist us in a partnership that will ultimately clean up, restore, and economically develop a river, the like of which simply doesn't exist, for instance, in the State of Idaho, a magnificent State where I am about to travel in 2 weeks, and where I have spent a great deal of time.

The rivers of Idaho are very different from the rivers of Pennsylvania. We have silt, we have mine drainage. We have had a century of pollution where we are making major strides to clean up that pollution, but clearly in that process, the Federal Government can be a partner.

Mr. ABERCROMBIE. Thank you very much, Mr. Chairman.

Mr. HANSEN. I will recognize the gentleman from Tennessee who did not use his time before for questions.

Mr. DUNCAN. I just have one question. Paul, do you have any objections to or problems with the Congress voting on this before it is done rather than doing it by executive order without the Congress voting on it?

Mr. MCHALE. Jimmy, I want to protect our rivers, and I want to do it in a way that encourages debate, encourages congressional participation. Certainly in terms of funding, Mrs. Chenoweth is correct. We hold the power of the purse, and I think that gives us an adequate safeguard on the substance of the legislation, but I have to smile.

We heard references earlier from Mr. Cannon and some other folks about a President taking unilateral action. The President of the United States acting without the consent of Congress and in fact, deliberately attempting to circumvent the will of some Members of Congress, took executive action to protect the natural resources of the United States.

I am not referring to Bill Clinton. I am referring to Teddy Roosevelt. Read his autobiography. What is objected to today is precisely what Roosevelt did nearly a century ago, and with the wisdom of hindsight and history, we now recognize that Roosevelt fortunately protected the natural resources of our Nation so that we of this generation might be able to enjoy them.

Mr. DUNCAN. Thank you.

Mr. HANSEN. The gentleman from Pennsylvania, Mr. Peterson.

Mr. PETERSON. I have no comments at this time.

Mr. HANSEN. The gentleman from North Carolina, Mr. Jones.

Mr. JONES. No comment, Mr. Chairman.

Mr. HANSEN. The gentleman from Puerto Rico.

Mr. ROMERO-BARCELÓ. No comment.

Mr. HANSEN. Thank you. I guess that covers——

Mrs. SMITH. Mr. Chairman, just one question.

Mr. HANSEN. If we may, we will recognize the gentleman from California and the gentlelady from Washington, and then let us get on with the witnesses, could we please?

The gentleman from California.

Mr. MILLER. I guess, Mr. Chairman, that Paul is a witness here, so we can ask him questions, right? He is a witness.

Let me just ask you, the way you frame this bill and the way I understand it, let me see if we are clear on this.

My understanding is that local communities at some point are going to make a decision to nominate a river for participation.

Mr. MCHALE. Not only must they nominate, but in evaluating those applications, the level of local public support is the decisive factor in determining whether or not an individual river will be so designated as an American Heritage river.

For instance, in our case, the Republican mayor of Allentown who watched the State of the Union Address came to me immediately after that address and said, Paul, this is a wonderful opportunity for the Lehigh River. We are attempting to develop an entire management plan for that watershed. Could you please do what you can to intervene with the Federal Government so that we at the local level by nominating our river can have it be designated as one of the first ten.

I really don't think and I appreciate the sensitivity and respect it, but I really don't think that the issue will be the imposition of the status on any local community. I frankly think you are going to see enormous competition among all of the potential rivers to be designated for those ten that will be actually be chosen.

I don't think anyone will have this designation forced upon them.

Mr. MILLER. As I see the record developing, it starts to appear that you are essentially almost going to have to have a consensus in the local community.

Mr. MCHALE. Yes. From what I have read, and of course, the Administration witnesses can amplify this, I can't imagine that a river would be chosen for this program over the objection of the local Member of Congress.

Mr. MILLER. Maybe we should give the local Member of Congress the veto, and we will find out strong they are.

Mr. HANSEN. That is an excellent idea.

Mr. MILLER. That would be a great idea. We have kind of been here before. I mean, we have scenic highways, and we have heritage highways, and we have now heritage corridors. We had a lot of early opposition to these things, and then hindsight, people in communities decide they made the right decision.

I remember being up in the Rocky Mountain National Park out on the back side of it. They have a scenic highway designation that was hard fought coming up to one of the rivers there. An old fellow got up out there from his bar, and he fought this. He led the local organization, he put up all the window signs, he organized the ranchers, said that this was a Federal land grab and so forth. But it was a fact of life a couple years later. When we were in this meeting out there trying to work out who was going to feed the wildlife in the national park, the farmers or the Federal Government, somebody asked him what he thought now about that scenic corridor, that scenic highway, and what was the best thing about it. He said the best thing about it was it puts butts on his barstools in the bar that he runs.

The fact of the matter is what local communities have found out if they do comprehensive planning, organization, and promotion, that many of these assets become huge economic engines for activity and for income for these communities and these designations.

I think you are right. I think there is going to be serious competition to try to get in under the wire of ten. And I also think that those of us who have lived on rivers and watched all the disjointed decisions by all of the Federal agencies, all the lack of communication between the agencies, it would be wonderful to have a navigator.

I am just going through a base closing. I went through one before. We didn't have any help from the Administration. This Administration, we have a navigator for that base closing and you know what? Every time the city and the county and the local agencies have a problem, they go to that fellow from the Navy. He works it out with the Fish and Wildlife Service; he works it out with the State of California; and we are so far ahead of schedule, it is making our heads spin. That is the difference in how you can approach this.

We see it in brownfields. We see it in all kinds of approaches where communities have been left to fend for themselves, and now somebody comes along and offers help, and somebody wants to act like it is some grand conspiracy.

Fine, opt out, but I think you are going to find that communities are going to want to opt into this. We are asking for $500,000,000

to restore the river that runs by my congressional district because of a lot of individual disjointed decisions that have been made in the past, and nobody thought about the comprehensive impact, and now, we have an ecological disaster. Thank you, Paul.

Mr. MCHALE. Thank you very much.

Mr. HANSEN. Thank you. The gentlelady from Washington will be our last question, and then we are going to go to our witnesses.

The gentlelady from Washington is recognized for 1 minute.

Mrs. SMITH. Thank you. I think as I listen to this discussion and as I was listening to you, you said it OK because we looked at history for the President or other authorities to step outside the balance of power of the Constitution, which I call breaking the law.

As a budget person, that is my background both at the State and corporately. If I take this amount of staff, and I have the document of the staffing, and I take it out of other areas and I put it to a new area, I am stating they are overstaffed; the other areas are overstaffed.

Now, this Administration testified they needed more people in these areas, so what they are saying now is we are going to take them out of other areas to start this new program; therefore, the President has decided to replace Congress in the Constitution. That is not OK.

Do you believe these other programs are overfunded enough to transfer all this staff or are you really saying, and this is a little bit disturbing as a colleague, that we can step aside as a Congress and say yes, whether it be a Republican or Democratic president, that they can start a new program; authorize it, knowing full well that they are violating the separation of powers where Congress is supposed to authorize so we protect the people at home from one person having all the power?

I very rarely hear another official say it is OK in history, therefore, it is OK now to violate the Constitution, so I guess I have to ask you as a colleague, what other programs and areas do you believe that the President should be able to step out and say I am going to start a program without a vote of Congress, because we might be setting a precedent here that there will be others coming and saying we don't need Congress. You might not have to run again.

Mr. MCHALE. Mrs. Smith, I have taken an oath to the Constitution of the United States as a member of the State legislature, a Member of Congress, and as a United States Marine on more than a dozen occasions throughout my lifetime.

I have to say that respectfully, your paraphrase of my testimony was wholly inaccurate.

We have the power of the purse under Article I of the Constitution. No chief executive, Bill Clinton or anyone else, should have unilateral power.

We have considerable authority through the appropriations process to approve or disapprove action taken by a President of the United States. I was simply pointing out with historic accuracy that in the autobiography of Teddy Roosevelt, the kind of action that has been undertaken by President Clinton and has been criticized in this committee room today was precisely the same action

that Teddy Roosevelt undertook and about which he wrote with pride.

One hundred years later, if Roosevelt had not taken that action, almost a century later, we would not enjoy the forests of the northwest that were protected from greed and extravagance and consumption, but for Teddy Roosevelt's intervention.

We have enormous power under the Constitution. I praise Mrs. Chenoweth, although I would never vote for her bill. It is constitutionally proper in that she seeks to terminate funding in the exercise of our authority under Article I of the Constitution.

I believe the President, and you may disagree with his decision, but I believe the President can exercise authority under Article II that allows him to create this program. We then decide under Article I whether we are willing to pay for it.

Mrs. SMITH. Then I guess the answer you have is this should not go forward unless Congress votes for it, and I think that——

Mr. MCHALE. For the money for it, yes.

Mrs. SMITH. [continuing] is the point I wanted to get to, that he has authorized a new program. He does not have the money by his own testimony and those that are coming before us, because they have said they don't have enough money in their programs; therefore, this cannot go forward constitutionally.

As you said, you took an oath to the Constitution without a vote of Congress, and that is the point I want to make. We can vote here, but should we only need one person, the Founding Fathers would have chosen a king. Therefore, I am going to be objecting unless we debate this and we all decide to start this new program or not in the Congress.

That is probably the most important thing that we address today. I appreciate your support of the rivers. I also support the rivers, but I also support the Constitution and don't believe we should step aside just because it is convenient for the moment or because historically someone else did it. Thank you.

Mr. HANSEN. We appreciate Mr. McHale coming before us our good friend from Pennsylvania, and the comments that you have made.

Mr. MCHALE. Mr. Chairman, thank you.

Mr. HANSEN. We will go to our witnesses. I am going to editorialize for 30 seconds.

This is to my good friend from Pennsylvania. I, too, have great feelings about Teddy Roosevelt, one of my heroes in life. He had the 1906 antiquity law, however, we have a park bill in 1915 and 1916; the 1969 NEPA; the 1964 wilderness; and 1976 FLPMA, which in my opinion give 1,000 times more protection than what President Roosevelt did, even though I think he was right in what he did, and I applaud his actions.

I think we have much better laws now to protect. In fact, if anything, the 1906 antiquity law takes away protection as we have seen in southern Utah.

With that, we will excuse you and ask our next panel to come up. We are very honored to have with us our two Secretaries, the Honorable Bruce Babbitt, Secretary of the United States Department of the Interior; the Honorable Dan Glickman, our former colleague, Secretary of the U.S. Department of Agriculture. We are

honored to have Kathleen McGinty, chairman of the Council on Environmental Quality, and we appreciate our three witnesses being with us.

Dan Glickman, who is probably the most articulate person on tort reform on light aircraft that I have ever met in my life, and we are grateful for all three of them.

Kathleen McGinty, we will start with you.

STATEMENT OF KATHLEEN A. McGINTY, CHAIR, COUNCIL ON ENVIRONMENTAL QUALITY, EXECUTIVE OFFICE OF THE PRESIDENT, WASHINGTON, DC

Ms. MCGINTY. Thank you, Mr. Chairman and members of the Committee for the opportunity to testify today on the very important American Heritage Rivers Initiative.

Mr. Chairman, this initiative represents a historic opportunity to support efforts to revitalize the communities that surround 3,500,000 miles of rivers and streams that flow throughout our Nation.

American Heritage Rivers focuses on the powerful link between healthy rivers and healthy communities. As prescribed and called for by the National Environmental Policy Act, this initiative is built on the fact that environmental, cultural, and economic goals are inextricably linked and that citizens' voices have to be central to Federal action.

Why rivers? Because, Mr. Chairman, members of the Committee, as Mayor Richard Riordan has said of the Los Angeles River, "Rivers often represent the heart of our city or community's spirit. Rivers, with their beauty, their history, their lore, their economic force, provide a centerpiece, an organizing principle around which disparate elements of a community can come together to work toward the economic, cultural, and environmental revitalization of their place, their home."

Mr. Chairman, I have had the privilege and opportunity of seeing this happen in every part of our country. My own home town is Philadelphia.

Twenty years ago, the Delaware waterfront was no place you wanted to be, crime and drugs, trash and decay. But as the bicentennial of our Nation approached, that river captured the imagination of Philadelphians. It had a story to tell, we realized, Penn's Landing, George Washington's crossing; it was part of what made our city and indeed, our country, great. Philadelphians were determined to take that waterfront back, push the pushers out, revitalize the historic buildings. Revitalizing that waterfront then compelled ideas to take back Front Street, Second Street, Third Street with the result that all of downtown Philadelphia, now 20 years later, is thriving and whole and very much alive.

Chattanooga, Tennessee, in 1969 was voted America's dirtiest city. Today, Chattanooga is hailed as a miracle city, as one of America's most livable, and where did it all start? With the inspiration of a high school student who said, hey, the Tennessee River is a pretty unique and wonderful resource. Why don't we celebrate by putting a first-of-its kind fresh water aquarium on its banks? Chattanooga did, and now that aquarium, and indeed, the entire city, is world-renowned.

St. Paul, Minnesota, I just visited there with Mayor Norm Coleman and some 20 other mayors of the upper Mississippi, Republicans and Democrats alike, who gather because of their tremendous enthusiasm for this initiative. Mayor Coleman has taken to calling St. Paul, St. Paul on the Mississippi, and will tell you in no uncertain terms that reconnecting that city with its wonderful river was the single most important factor that enabled him just recently to convince a major software manufacturer to locate in the heart of the city, bringing jobs back into that city. The river restored makes that city an attractive, exciting, unique, and extremely compelling place to be.

Mr. Chairman, I would like to offer some declarative statements on what this initiative is and what it is not.

It is 100-percent voluntary. Communities don't have to participate, and once participating, can opt out at any time. It is 100-percent locally driven. This is purely bottom-up. Whether to participate and to plan for participation are completely under the control and in the hands of local citizens.

It is 100-percent nonregulatory. There are absolutely no new regulatory requirements or restrictions of any kind that will come as part of this program.

It is 100-percent in compliance with and indeed compelled by the National Environmental Policy Act. Through this initiative, environmental, economic, and social concerns are finally being integrated and brought into one coherent whole in a way that is designed and driven by local communities.

It is also 100-percent directed by the President and Vice President's effort to reinvent government. The initiative is a directive to Federal agencies better to serve the citizens that the meet, to do more with less, to cut red tape and bureaucracy so citizens can access resources that they pay for in an efficient and effective way.

What this initiative is not, it is not an attempt by Federal agencies to take on new authorities and responsibilities. Rather, it is an effort to execute current authorities as those agencies are already directed to do, that is, in a coherent and coordinated way, in a way that most responsibly expends taxpayer's dollars, in a way that most efficiently and effectively serves the citizens of this country.

It is not an attempt to take anyone's private property. Private property rights will in no way be adversely affected through this effort. To dispel any notion to the contrary, language on protecting private property rights penned by President Reagan will be included in the final program.

Finally, this initiative is not a program of the United Nations. No foreign government or governmental entitles are involved in any way, either directly or as some have been concerned, by way of deploying surveillance systems of some kind. There is just nothing of the kind involved in this initiative.

Mr. Chairman, we have consulted far and wide on this initiative. This has been a very open and public process. First, of course, the President announced it in the State of the Union so that all could be aware.

Second, we immediately established a home page and a hotline on this initiative, and we have received 31,000 hits to that home page.

Third, we have held more than a dozen meetings in every region of the country where hundreds of people representing every walk of life, business, agriculture, arts, and education; Federal, State, local governments; and environmental concerns all participated.

Fourth, we have sent senior Administration officials to every meeting we have been invited to by others on this initiative. Mayors, Members of Congress, the American Farm Bureau, property rights groups, the Western States Coalition, to discuss this program and there have been at lest ten such meetings, Texas, Washington State, Iowa, Missouri, et cetera.

Fifth, we published a **Federal Register** notice seeking comment on every aspect of this program and we have now extended the comment period so now we will have received more than 90 days of comment on the program.

Sixth and finally, we have had at least 14 meetings on this program on Capitol Hill.

Mr. Chairman, this ia a positive initiative. It is based on principles this Congress and this Committee have espoused. It is locally driven. It cuts bureaucracy and red tape. It brings economic and social concerns in environmental decisions. Purely and simply, it is government at the service of citizens.

Thank you very much, Mr. Chairman.

[Letter to Kathleen A. McGinty may be found at end of hearing.]

[Statement of Kathleen A. McGinty may be found at end of hearing.]

[Letter from Kathleen McGinty to Hon. Don Young may be found at end of hearing.]

Mr. HANSEN. Thank you. Secretary Babbitt, we will turn the time to you, sir.

STATEMENT OF HON. BRUCE BABBITT, SECRETARY, U.S. DEPARTMENT OF THE INTERIOR, WASHINGTON, DC

Mr. BABBITT. Mr. Chairman and Committee members, I appreciate the chance to come back and appear before this Committee and I would like briefly to describe for you the roots of my involvement in this program.

It really began back in 1995 when this Congress was taking a wrecking ball to the environmental laws of this country. I responded by leaving town for considerable periods, because I felt that it was really time to get out and reconnect with the American people and see what I could learn about how the environmental laws of this country were being used.

I very quickly discovered that there was something new happening in this land, and you have already heard from the Congressmen and from Katie about this phenomenon.

Citizens all over this country are turning back to rediscover their heritage and their roots in the rivers that nourish their communities and that are entwined in the history of this country.

I spent 3 days going up the Hudson River that summer in the area described by Mr. Hinchey, and I saw a remarkable renaissance in communities like Poughkeepsie, Troy, and Peekskill where waterfronts are literally being revived, and what I heard from the citizens of those communities was that part of that grassroots success in Poughkeepsie was their ability to go to the Department of

Housing and Urban Development, not in Washington, but at the local level and to commandeer HUD resources and put them to use for their vision.

Up in Troy, I heard from a community, which has restored its waterfront, about how they had gone to the Environmental Protection Agency and brought those programs down and connected them with that river. I heard communities talking about the Corps of Engineers and how the Corps, at their request, had joined in these partnership efforts.

I spent a summer day on the Susquehanna River in Pennsylvania, floating down to Harrisburg and then floating further down where I saw, as the Congressman intimated, on the Lehigh River, a most extraordinary sight of that river. The shad runs are now proliferating up that river, and what the citizens in those communities told me was that they had gone to the Fish and Wildlife Service and to the National Marine Fisheries Service, not in Washington, but in their own communities and the State of Pennsylvania and said, you are the Federal Government, but you are here to serve us, and we are going to show you want we need in this community.

Several months ago, actually in June of this very year, I was out on the Cuyahoga River at the request of Congressman Regula. I had visited the Cuyahoga a year before, because I wanted to go back to where the river burned and to see what had been happening out there in the last few years.

Of course, what I found, where the river burned was a lake restored, and out on the Cuyahoga, I saw an entire new riverfront development. I saw fishing boats out on the mouth of that river. I saw blue herons sweeping down across the river in search of a meal.

Congressman Regula took me upstream, 100 miles upstream, to a national recreation area. Beyond that were the headwaters of the Cuyahoga. I listened and met with citizens who told me that as part of their effort to restore their river, they had gone to the National Park Service—to the rivers, trails and conservation division of the service—and to the heritage and historic preservation groups and brought them into the community and said, we want you to direct your efforts in aid of our vision, and it is happening. The communities are driving it. They came to this Congress last year and had their efforts translated into legislation in the form of a heritage conservation area.

Two more examples, because unlike the Congressman from Pennsylvania, I believe these are western issues, and I want to tell you, as a westerner, I believe that western communities are as interested in this President's initiative as any communities in the east.

I was out in Seattle during the course of the summer at a place called Piper Creek, which runs through suburban Seattle where I saw an entire high school and its teachers with their kids out on Piper Creek saying we believe we can restore the salmon running out of Puget Sound up Piper Creek into Seattle. They took me out one summer day, and they actually showed me that the salmon had returned for the first time within memory of anyone in Seattle.

I said how did you do that, and they said we went to the Environmental Protection Agency and got assistance at our request to

clean up a wastewater treatment plant. Then we went downtown to the Fish and Wildlife Service and said what do we need to do to get the salmon spawning in this stream.

Lastly, I would like to say just a word about the McKinsey River in Oregon. This is a tributary of the Willamette River which runs right by Eugene and several other cities. The citizens have come together and formed what they call a watershed council. It has on it county commissioners, representatives of the local utility companies, educators, citizens, and representatives from, I think it is Weyerhaeuser, but, at any rate, a local forest products company. They have set out to restore the entire river. It is a magical place when you see the steelhead and the salmon spawning and they were in danger of losing them. They are out there restoring wetlands, planting alders and poplars along the banks of the river, working with the county to put together a riparian protection plan.

I asked them what can we do, and they said, Mrs. Smith, they said we don't need any programs, any new programs. What we need is access to existing resources. They said, we have gone to the Forest Service, the Natural Resource Conservation Service, and they are helping us do this. We have gone to the Bureau of Land Management, and they are helping us inventory the landscape around this river, and we have received some help from the USGS. They are providing us hydrographic data sets and maps.

It was at that moment that I realized what this concept is about. It is not about new programs. It is, as Katie McGinty said, about empowering citizens to access existing programs. You have voted to help them, and we are reconnecting with their effort.

That is, of course, the reason that the President in his State of the Union address—I would like to showcase these examples, and I would like to help local citizens get better access to these resources by coordinating their availability. And it is in that spirit I come here simply to recite my experience and to say I think this is an important moment in which this Congress, by helping us with these programs, can come to the aid of your constituents all over this country.

Mr. HANSEN. Thank you, Mr. Secretary. Secretary Dan Glickman, we will turn the time to you, sir.

STATEMENT OF HON. DAN GLICKMAN, SECRETARY, U.S. DEPARTMENT OF AGRICULTURE, WASHINGTON, DC, ACCOMPANIED BY JOHN ZIRSCHKY, ACTING ASSISTANT SECRETARY OF CIVIL WORKS, DEPARTMENT OF THE ARMY, WASHINGTON, DC

Mr. GLICKMAN. Thank you, Jim. It is an honor to be here and to be here with so many people that I served with before.

I would just make a couple comments. I hear a couple of things being said today. One is, I hear from some folks about this distrust of the Federal Government, and I served 18 years in this body. I understand that. I would hear that from time to time myself.

The other issue which my colleagues have talked about is the issue of empowerment, which is there are communities in this country who do use the resources that the taxpayers of this country pay every year to try to help themselves, and the goal is to try to

find a way to give them the right to choose how to spend the money in the most effective way possible.

How do you blend those two things? What we are trying to do is to take a program to focus existing Federal resources on helping communities achieve their vision for a rivers future, not the government's vision, their vision, existing resources achieving their vision, empowerment.

In a way actually, it reduces the kind of distrust there is of the Federal Government because it gives them the power.

Let me tell you, I am involved with an issue on the empowerment zones. Many of you in this room have experienced it. We have a couple in particular, one in the Rio Grande Valley of Texas, and one in the Mississippi Delta where what we have done is taken existing resources in very distressed, poor areas and given to the communities the power and the authority to spend existing dollars, use existing laws to help them track jobs, improve their environment, rebuild education systems where appropriate, taking the programs that were there that were rather hodgepodge and uncoordinated and saying to them, you decide how best to coordinate those programs. You talk with your representatives from the Mississippi Delta or south Texas and they will tell you that for the first time, we actually have those programs coming together in a rather meaningful way to see economic development.

In a sense, the American Heritage Rivers program is like an empowerment zone for rivers, to give people the authority at the local level to spend those dollars and to coordinate those resources as much as possible. We call it a river navigator, but I would call it a river facilitator to cut through the red tape and help obtain technical assistance and funding from existing Federal programs.

The Natural Resources Conservation Service provides most of the technical assistance on private lands in this country, stream bank restoration, riparian restoration, those kinds of things, working with landowners on a positive basis. The Forest Service and other agencies do the same thing.

What this does is provide one-stop shopping, so that people can come to basically one place with the mindset and the innovation at the local level and say how best can we use these Federal resources. This is something we are trying to do at USDA generally.

Historically, we have had several shops out there and every county in America advising farmers and ranchers how to do certain things, and oftentimes, you would get conflicting advice. What we are trying to do at USDA service centers around the country is to in fact put in one office folks that serve our farmers and rural communities so that the full range of Federal help is there.

In a sense, that is what we are trying to do here on the American Heritage Rivers Forum. We do that in our urban resources partnership, which is done and many people in this room and others have seen this program because it places resources directly in the hands of communities together to decide how best they can improve their areas in the urban parts of this country in terms of resources.

It is the same kind of thing that we do here, so what USDA will do is use our Forest Service, our Natural Resources Conservation Service, our extension service, our farm service agency and other

parts of rural development to help with funds and technical know-how.

We have agencies as does Secretary Babbitt known around the world for successfully disseminating the latest science-based technologies, information, land management practices, to help landowners and communities utilize their resources in a responsible way, but it is the local communities that are going to decide basically what is the responsible way to use these. It is not the Federal Government. We have funds and technical assistance to help people to do that.

I want to repeat a few things before I stop. This program is not a new regulatory program. We will continue to support voluntary community-led grassroots efforts.

It is not an expensive new program. We can use existing funds to get this done, just using them in a more effective way, and it is not a new legal mandate. The initiative will operate within already existing programs and legal authority. No new authorizations are asked for or are needed.

Last week, this Congress approved a bill, and I believe it came out of this Committee, if I am not mistaken, the Quincy Library Group's pilot project. I was actually very much involved in that. I went out there to Quincy Library Group and talked with them 2 years ago, right after I came to this job, and they said to me they had environmentalists, they had timber people, they had local community people, and they said we would like to come together to see what we can do locally to best manage our forests.

All of you working with them and working with a variety of groups approved a bill 429 to one, I believe, which is a demonstration of how people with divergent groups, local communities, can draw down and lay down their proverbial swords and work together to develop a plan that provides environmental and fire protection and keep some timber mills open as well.

I guess what I am saying is that the communities are very diverse out there. They are not all of one mindset. They are going to sit down together and try to develop a consensus to get this done.

We think this proposal has a great opportunity to empower local communities to use resources in a much more effective way than they are doing right now. Thank you.

Mr. HANSEN. Thank you very much. I appreciate the testimony of the panel.

I am going to recognize the members in the order they came in from majority to minority, and I would appreciate it very much if you would stay within your time. Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman. I just want to commend you for your testimony and for the process that you have undertaken, and thank you for extending the comment period, but for the process that you have undertaken on behalf of this initiative.

Again, the suggestion has been made that somehow, this is a surprise, that this is—I guess if you weren't listening to the State of the Union, that somehow, this has snuck up on everybody. I look at the list of organizations, the national organizations that you have notified, from the forest products people, the pulp people all over the different States, river basins; the Governors' association;

the National Rifle Association; the sporting goods manufacturers; the tribal councils of all the various States and regions and their organizations; local regulatory agencies and planning associations; towns and townships; various educational and environment organizations; various nonprofit organizations; all of the water interests; the petroleum industry, the refiners' association; the people that basically were brought up around the river communities.

We have all used these rivers at different times for different purposes. And a lot of communities are now rethinking what is the future of their river, and what can be restored and as communities have changed, what additional values can be brought to the river or how have values changed in the communities from the way the rivers were used in the past.

I just think that again, this is a very, very welcome initiative. Good portions of our Nation are going through this kind of rethinking as they are trying to build livable communities, as they are trying to get on that list of good places to retire, good places to live, a place to take a vacation.

If you walk by the magazine racks in an airport, the lists are out, because it is the beginning of summer—where to spend your money, where to take a vacation, where to get away from it all, where are you safe. Whether they are big urban cities on big rivers or whether they are small towns looking to see how they can change from one economy to another, they want to engage in this process.

I think to have the Federal Government suggest that we are going to try to come in a cooperative manner rather than sitting back and waiting for you to come up with an idea, then we will whack it around for a few months and bounce it around, and tell you we will get back to you later, that we will get in on the ground floor is exciting.

It is exciting. In fact, probably this initiative, as creative as it is for the Federal Government, it is probably a little bit behind what is going on in local communities. But it brings some very added direction in terms of instructing these agencies to try and work together for the benefit of these communities. If the resources of somebody in a position like the navigator can be created, that is a godsend when you are trying to do this kind of comprehensive planning.

I just think that the fact that again, we have two of the lead agencies, departments, right here in front of us that have an awful lot to say about the life cycle of these rivers, from the headwaters to the oceans, between the Interior and Agriculture, there is an awful lot you can do to help communities. There is an awful lot you can do to just sort of go along with business as usual.

We would prefer that you try to help the communities, and I guess there will be an effort to knock this off the track. That seems pretty clear. I only hope that Members of Congress fully understand, Ms. McGinty, as you have pointed out, the voluntary nature of this: the fact of the community seeking these resources, seeking this help, that that is the initiator. It is not the Federal Government coming in and directing them how to do this or not do this, but there is certainly ample evidence that there is a lot of enthusiasm in the various river communities for a program of rehabilita-

tion in some instances or just recognizing the culture and history of these rivers.

I come from the San Francisco Bay area, and we come in through the Delta from the Sacramento and San Joaquin Rivers, and one of them is dead and runs into the ground, and the other is in a lot of trouble. In the State, we have obviously put a lot of value on these rivers in the last couple of years. With the help of the Federal Government, as I said, we are talking about $500,000,000 to try to go back and correct some of the mistakes that everybody now acknowledges were made.

I think if we would have had a process like this in the beginning where we could have thought about in a comprehensive way what some of the results might have been, how much money we could have saved, and maybe some of the parts of that river community that could have been preserved.

We used to have a wonderful Italian fishing community, commercial fishing industry, that just went by the wayside because we weren't smart enough about the refineries and their impacts on the rivers. Today, we have cleaned up the river, but there is nobody left to fish in it in terms of the skills and the talent.

There is a lot to be learned from this initiative. I would hope that people would give it very, very serous consideration. I certainly applaud the President for this and for the time and effort that the three of you have put into this to make a very, very user-friendly effort by the Administration.

Thank you for your testimony.

Mr. HANSEN. Thank you. The gentleman from Montana, Mr. Hill, is recognized for 5 minutes.

Mr. HILL. Thank you, Mr. Chairman. Coming from the State with the original river that runs through it, Montanans take great pride in their rivers and as a matter of fact, have taken great strides in making sure that our rivers are protected. I think we have among the most difficult, if you will, or toughest water quality standards in the Nation.

I just have a few questions, and I will start by saying that with all the success stories that you have outlined, perhaps that would make the most compelling argument that you don't need this program rather than that you do need it.

I can certainly see that in many instances, people believe that the myriad of bureaucracy that we have in the government makes it difficult to solve problems when people want to draw together to do that.

Katie, you have held briefing sessions around the country on this program, as I recall. Is that correct?

Ms. MCGINTY. Yes. We have had formal meetings in more than 12 places in every region of the country.

Mr. HILL. Have you done any briefing sessions at all in Montana with any groups on this issue?

Ms. MCGINTY. I could get back to you on that. I don't know off the top of my head that one has been in Montana, but there certainly has been one in that region of the country.

Mr. HILL. I would appreciate if you would make that information available for the record.

Ms. MCGINTY. Sure.

Mr. HILL. I would also be curious about who got invited to those meetings and how the list of people that was invited was selected and that sort of thing so we would have that for the record.

If I could just ask a few questions about this being a collaborative process, because I am a big proponent of the collaborative method of dealing with, I guess, what you would say is the gridlock with regard to the conflict between economic and environmental policy with regard to the country.

When you talk about seeking designation, would, for example, you insist on having the Governor of the State's support before you would designate a river in a State a heritage river?

Ms. MCGINTY. A central element of this program is that any applications that come forward, and again, they come forward from the grass roots needs to show broad-based support and a central piece of that will be the support of elected officials.

Mr. HILL. But would the Governor's support be important, do you think?

Ms. MCGINTY. It would be of extreme importance.

Mr. HILL. So if the Governor was opposed, would you say that that would automatically suggest to you that you don't have broad-based public support?

Ms. MCGINTY. I would say that would be an extremely high hurdle for that particular river.

Mr. HILL. How about local governments, county and city governments? Would you be seeking the county and city governments—would that be a necessary element?

Ms. MCGINTY. Again, this is bottom-up, so we will be seeking no one on this, but if an application comes forward, we would very much expect to see, and the **Federal Register** notice is very clear on this, letters of support or endorsement from a broad spectrum, including local representatives and locally elected officials.

Mr. HILL. So if local governments were opposed and a citizens' group wanted a listing, in your judgment, would that rule out then a listing designation?

Ms. MCGINTY. I think it would make it very difficult. That would be an extremely high hurdle for that particular application.

Mr. HILL. And the citizens' group that we are talking about, these grassroots groups, do you have in mind or do you intend to have in the rules that there be local government officials represented in these citizens' groups in terms of both seeking the designation, and then if the designation is sought, setting the goals, and also hiring, for example, the coordinator? Would you see that local government people—in your view, would local government people have to be part of that process?

Ms. MCGINTY. It would be extremely important, and that is noted in the **Federal Register** again. I guess I would note on that point as well that the Conference of Mayors, for example, has unanimously passed a resolution in support of this initiative, so we have been reaching out to make sure that local government entities are very well aware of this program.

Mr. HILL. One last question. One of the things that I heard in your testimony and in Secretary Babbitt's testimony was a discussion about restoring waterfronts and rivers that have problems.

Those of us in the west, of course, see the resource of water a little differently. Because we have protected our water, we look upon water and these rivers, of course, as potential for economic development, the use of the water and the use of the water areas as opposed to restoring them.

Are you going to make a commitment here that you will be working with those of us in the west where we want to see development of our water resources, that this effort will be an equal effort to helping us if our local communities want to develop those resources as opposed to just focusing on restoring environmental damage that has occurred in the past?

Ms. MCGINTY. Absolutely, and the central focus of this initiative is to show the integration between economic and historic and cultural factors with the environment, what was typically thought of only as an environmental issue to show the interlinkages between economic and cultural-social factors with environmental issues.

Mr. HILL. Certainly, I think we can all agree that the resource of the U.S. Government can solve problems or compound them, and it is my hope that if you go forward with this program, that it will be solving problems, not compounding them.

Thank you very much, Mr. Chairman.

Mr. HANSEN. The gentleman from Nevada, Mr. Gibbons.

Mr. GIBBONS. Thank you very much, Mr. Chairman. I need some help in understanding some of the definitions that are in this proposal.

First of all, tell me exactly who would be included or what is included in the river community? Is it just a section of a river or is it the whole river? What happens when there is a conflict between one party of one section of the river wanting this designation and someone else upstream, downstream, wherever it may be, not wanting this? What do you see as the river community? Who is going to compose that river community?

Ms. MCGINTY. Certainly not the Federal Government. This again will not be a top-down command-and-control, one-size-fits-all. It——

Mr. GIBBONS. I understand that. That was part of your testimony.

Ms. MCGINTY. Yes.

Mr. GIBBONS. On the local level, who is going to be in this river community?

Ms. MCGINTY. It will have to be a broad and diverse constituency of people who not only have an interest in but live in or are connected to or are a part of that community.

Mr. GIBBONS. Let me give you an example. For example, if I went to my colleague, Mr. Hill's, State and went fishing on the Missouri River, I am a user of that river. Am I now part of that river community because I use it as a recreationist or some other part of that river exercise? Can I then say or petition the government as a user of that river to have it included?

Ms. MCGINTY. That is not at all what we have in mind. The thought behind this is people who find that community and call that community their home.

Mr. GIBBONS. So you would say residents along the river would have the ability to choose whether or not that river would be designated.

Ms. MCGINTY. We would be looking for very strong and lasting connections to the area that——

Mr. GIBBONS. Fishing is a strong and lasting connection to me, so you are going to say that that is not a qualification.

Ms. MCGINTY. If you came to the table with an application that was supported by a broad spectrum of people who have lived there for 100 years or who have lived there or are going to call this their home for 100 years, that would make a difference.

Mr. GIBBONS. So a special interest can't just waltz into your community without local support and get it designated.

Ms. MCGINTY. Right.

Mr. GIBBONS. Right. How many river communities along a stretch of river do you envision?

Ms. MCGINTY. Again, that will depend on how many communities are interested in pursuing an application.

Mr. GIBBONS. Now, if we had the Missouri River, and say we had ten river communities seeking application for designation as an American Heritage river, would we then have ten river navigators for each one of those communities?

Ms. MCGINTY. Not necessarily. Each of those river communities would have identified to them a river navigator. Now, whether or not that river navigator could serve more than one community, I think would have to be dependent upon the complexity of the issues that are being faced and the demand on the person.

Mr. GIBBONS. Technically, you are saying there could be?

Ms. MCGINTY. Could be, again, depending on the circumstances, but also could not be.

Mr. GIBBONS. The river navigator has the ability to evaluate local solutions to local problems. Does that evaluation include being able to change the local community's desires or their solutions to the environmental problems?

Ms. MCGINTY. No, the river navigator will have no decision-making authority of that kind.

Mr. GIBBONS. Secretary Babbitt, you have thought about this American Heritage River program for about 7 months now, haven't you?

Mr. BABBITT. Well, Congressman, since, I would say the beginning of 1995 actually.

Mr. GIBBONS. So 2 years, a little over 2 years now. Name for this Committee the top ten rivers that you are going to recommend under the American Heritage Rivers Initiative.

Mr. BABBITT. Well, in all modesty, Congressman, I don't think I am going to make the recommendation. It is not my function.

Mr. GIBBONS. Well, you have thought about it. You have envisioned them, you have talked about them, and you have some out there. Can't you tell this Committee? Why won't you tell this Committee the ten you would recommend?

Mr. BABBITT. The reason I can't tell this Committee, Congressman, is because that is not the idea of this program. The idea of the program is to say to communities around the United States, if

you are interested in this program and if you have all of the stakeholders in your community interested, make your case.

Mr. GIBBONS. Well, there are some rivers——

Mr. BABBITT. Don't you see that——

Mr. GIBBONS. I see your position, but I say there are some rivers that deserve a higher priority. The Hudson might have a higher priority than the Boise River in Idaho.

Mr. BABBITT. But in my testimony, the point that I made repeatedly was, what this is really about is about responding to local needs expressed compellingly by local people. That is from where it has got to come.

I could point you to a lot of really interesting river restoration issues. For example, in the west, if you were to go up to Henry's Fork in Idaho, you would see a really remarkable group of people working together there. They are all over the landscape. They are in every state, and it is a powerful, grassroots movement which I think involves the very best of the American tradition.

The irony is that we have a Republican bench here voicing skepticism and outright opposition to a concept which you should be embracing because of its obvious and powerful orientation to empowering local communities.

Mr. HANSEN. The time for the gentleman from Nevada has expired. As we are a little heavy on the Republican side, I am going to take one more Republican, and then we will go back and forth, if that is all right with everybody. That is what we have done in the past.

Staff tells me that we have two folks here that are good for information we may want. Mr. Robert H. Wayland, Director of the Office of Wetlands, Oceans, and Watersheds, Office of Water of the U.S. Environmental Protection Agency. We have two additional chairs on either end. Maybe we could put these folks up, and Mr. John Zirschky, Acting Assistant Secretary of Civil Works, Department of the Army in Washington, DC. Maybe we could ask those two folks to come up for questions.

We will go to Mr. Crapo for 5 minutes, and then the gentlelady from the Virgin Islands for 5 minutes.

Mr. Crapo, you are recognized for 5 minutes.

Mr. CRAPO. Thank you, Mr. Chairman, and Mr. Babbitt, I would just say you are correct about the significant progress we have been making on the Henry's Fork in Idaho.

The concerns that we have are that we have been able to do that without this initiative, and we are concerned frankly that perhaps this initiative would put the Federal Government in charge of the very process that has helped us make such good progress. We want to make sure that it works right and is facilitated properly.

That is the reason for a lot of these questions. Ms. McGinty, I think I will focus my questions on you to speak, because I believe you have the expertise and understanding of the development of this, and most of my questions are going to be somewhat technical as to how it operates.

The first question is, who is in the American Heritage Rivers Federal interagency team? Who is that?

Ms. MCGINTY. Well, it would include representatives of the 12 or 13 different agencies who are coming together to be part of this initiative. If you would like, I could read those off.

Mr. CRAPO. No, I just wanted to understand it. The way I read the documents, it sounded like it was Federal officials.

Ms. MCGINTY. I am sorry, Federal?

Mr. CRAPO. It sounded like it was a group of Federal officials representing the agencies.

Ms. MCGINTY. Exactly right. That is what the interagency team is. Yes.

Mr. CRAPO. I know that there have already been questions here about the river community, but bottom line, after you look at all the qualifications and who might qualify to be in it and so forth, who picks the river community?

Ms. MCGINTY. There will be a process through which the applications again, which come from the communities themselves, will be reviewed by at least the interagency team, but this is a question, a specific question that we have posed for public comment, what is the best process we might put together for the final selection of which rivers should be part of the program.

Mr. CRAPO. I will give you my public comment on that right now, and it gets back to the Henry's Fork that has been working out in Idaho, and that is, if you have a Federal team picking who the community representatives will be, that doesn't quite to me sound like the community-based decisionmaking that will work.

Ms. MCGINTY. Let me be clear, Congressman, I am sorry. At the end of the day, the selection process will not select the local community or the local plan or who at the local level participates. The only question is, when we receive, which has been commented on before, what I think will be many, many more applications than the ten rivers we imagined, how do we pick our way through all of those applications to select the ten that we can focus on, and that is a question that we have posed for public comment, who would be the best panel or body of people to help us make that decision.

Mr. CRAPO. I think the question I am trying to get at then is whatever the title is or the name is, we are talking here about community-based decisionmaking.

Ms. MCGINTY. Yes.

Mr. CRAPO. I want to be sure that the people who live in the community are the ones who choose who is in their community. Is that going to happen under this initiative?

Ms. MCGINTY. Yes, that would absolutely be the case.

Mr. CRAPO. So we are not going to have a Federal team or a Federal official who says yes, this person is in the community, this person is not.

Ms. MCGINTY. No, we will not define the community, referring back to the earlier questions.

Mr. CRAPO. Then I assume that to participate with the Federal Government in this initiative, some river community has to become qualified to be a river community. Who decides what river community is qualified to be the river community?

Ms. MCGINTY. What we are looking for is a broad spectrum of people.

Mr. CRAPO. But you are looking. That is my point is not what you are looking for, but who makes that final decision?

The reason I ask is because we are having a dispute in Idaho right now on another watershed where two groups are competing as to which one is the community that gets to be involved in the collaborative decisionmaking process.

I want to know, when that happens, do you or does a Federal official decide under this initiative who is the river community?

Ms. MCGINTY. That may be a very good example of the broad support that will be looked for as these applications come forward. If it is the case that there is this significant disagreement in the community, that would be an application, I would think, that would have a very high hurdle to overcome.

Mr. CRAPO. But the bottom line is, it would be decided here in Washington.

Ms. MCGINTY. It would probably be fatal to it. What is decided here in Washington is only among the applications that we no doubt will receive, which ones can we focus on first, but the details of who is a member of the community, what does the community envision as its future, what tools, what assistance from the Federal Government does the community want and does the community not want, that will be purely and wholly in the province of local citizens.

Mr. CRAPO. One last question, and I really should have spent my whole 5 minutes on this one, and that is, it seems to me that if we are going to try to facilitate—you and I have had many communications about the problems of managing the Columbia River system, and it has all of the problems, I think, that any river system could present.

Is this new decisionmaking body or this new effort going to actually have authority to make decisions like Endangered Species Act decisions, or will that still be decided in the current system that we have under Federal law?

Ms. MCGINTY. All according to the current system. There is no new authorities that are presented from this program.

Mr. CRAPO. My time is up. I would like to explore with you why it would help to add another Federal regime on top of the current system and not change the current system, but I guess I will have to do that at another time. Maybe I can meet with you and we can discuss that.

Ms. MCGINTY. I would be happy to.

Mr. CRAPO. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. The gentlelady from the Virgin Islands.

Ms. GREEN. Thank you, Mr. Chairman. Thank you for your testimony and I do share your enthusiasm for this initiative. I have three questions.

Ms. McGinty, you said that there were about 31,000 hits on the American Heritage web page. About how many of them were opposed to the initiative?

Ms. MCGINTY. I would have to respond in terms of exact numbers, but we have received overwhelming statements of support on this initiative. I mentioned the Conference of Mayors unanimously voting in favor, and in fact, that resolution was introduced by a western mayor, Wellington Webb, from Denver, Colorado.

We have just received significant amounts of positive interest and support for the program.

Ms. GREEN. Thank you. Going back to the question that I raised in my opening statement, I am not sure who would be best to answer this, but is there any requirement that might preclude Salt River from being designated if we chose to apply? Maybe Secretary Babbitt.

Ms. MCGINTY. Is there anything that I would be aware of now that would preclude the application?

Ms. GREEN. Yes.

Ms. MCGINTY. I would be aware of nothing, but I enjoyed very much your recitation of the history of that river.

Ms. GREEN. Finally, I am at a loss, and maybe you can help me to understand why and where does the objection to this initiative come from, because it recognizes and it supports the bond and the romance that people have always had with their rivers, which has been memorialized by many of our great poets.

It protects the resource, it is locally driven, it cuts Federal red tape, it encourages broad public comment, and it revitalizes our towns and cities, so I don't know—I am trying to figure out where the objections come from.

Ms. MCGINTY. Well, we have been a bit surprised ourselves. We have extended the public comment period to make sure that anyone who has a view gets a chance to comment, but as I reflected in my testimony, there have been some who have been afraid, for example, that the United Nations is somehow involved in this program which we have been trying very clearly to dispel any notion that that is the case.

I don't know where ideas like that originate, but we certainly find them troubling and want to be of service to dispel those kinds of misapprehensions.

Ms. GREEN. Thank you. No further questions.

Mr. HANSEN. Thank you. Just the order that I have coming in, next on the Republican side would be Smith, Chenoweth, Duncan, Cannon, Schaffer, Doolittle; on the Democratic side would be Hinchey, Abercrombie, Romero-Barceló, Kildee, and Faleomavaega. If anybody wants to argue with that, switch with your neighbor, if that is the case, and John Peterson.

John, I think you are just in front of John Doolittle, so I know this is tense information for all of you, but I will get to you, believe me.

The gentlelady from Washington is recognized for 5 minutes.

Mrs. SMITH. Thank you, Mr. Chairman. It sounds like there is a lot of consensus, and one thing that I listened to the passion of Mr. Babbitt about the community efforts, and I share that passion. I have traveled the State and worked with any different groups in my region and other parts of the State.

The community successes are so great, but there is a joke in the communities, and it is about a farmer, but they often apply it to themselves. There is a knock at the door, and the culmination of this joke is, we are the Federal Government and we are here to help you.

It isn't really a very funny joke, because many of them have so many overlapping Federal interventions, and they are already suc-

ceeding when they can get us with our good intentions out of their way.

I don't even question your passion or your good intentions, but you stated, as did Mr. Miller, who is now gone, all of these success stories that happened from individual initiatives, State cooperative efforts, and now, all of a sudden, we have decided we are going to add another person.

I did want to clarify that to you, that it is the question of adding another layer. Does that really bring it together or does it cause more questions? Is the Columbia River Gorge up first? Is the environmental action up first? Is the issue of tributaries up first?

We have so many different layers. Now, you say you are going to cooperate and help coordinate, and it only will come from our State, but what we found in the Columbia River Gorge is that those that were—by the way, the word connected scared the soup out of me, connected, that they hiked in the Columbia River Gorge. Very few of the folks that are administering that program really have much to do with the taking of property that has happened, as you can't even use your property in the Columbia River Gorge.

But diverting back to my concern, it is very hard for all these communities that finally succeed when the Federal Government, no matter how well intentioned you are with another agency or another passion from your heart, to really believe that if they are already being successful, that they need your passion.

With that, I am going to turn back, Mr. Babbitt, to some budget questions, because that is my heart. I am very concerned about the budget.

I have heard you testify about increasing people for environmental programs, increasing budgets, and how there is not enough money. I also believe that comes from your heart, but I guess my question is, you are asking for, and I have the budget—are you going to ask for specific FTEs for the navigator position? If so, how many? Do you plan to submit a reprogramming request to the Congress for the use of the funds for an unauthorized program?

Could you give me a preliminary on what your budget is going to look like in the request for this new program? Then would you tell me, being that you have too much money in other programs, which ones you are going to reduce the FTEs on in the other programs, because again, you have testified so eloquently on not having enough money and then traveled the Nation saying that you didn't have enough money.

So share with me why you have too much money now that you can start another program.

Mr. BABBITT. Congresswoman Smith, I appreciate your compliments on my eloquence.

Mrs. SMITH. I think I said passion, but eloquence is fine.

Mr. BABBITT. Passion. Let me see if I can translate that into just a couple of detailed observations.

The first one that I would like to re-emphasize to you is that this kind of approach is grounded indeed in what is already happening, and it is a very new way of looking at how communities can achieve their results, because decisions are not made by the agencies. Decisions are made by the community who in the process of working on river restoration inevitably turns to the Fish and Wild-

life Service, the Park Service, and the Environmental Protection Agency. There is a profound revolutionary distinction here, because for the first time, this Administration is saying to communities, you are in command. You go to those Federal agencies and tell them what you want. It seems to me that that should be enormously appealing.

Now, what have we learned in places like the Willamette Valley? Let me tell you what I have learned from those experiences.

When a community which has set out to restore its watershed begins to look around and say, we need a hydrographic data set from the geological survey, we would like a watershed analysis, a hydrologist, actually, from the Bureau of Land Management. We would like a grant from the Natural Resources Conservation Service. We would like some help from the Corps of Engineers.

It gets pretty confusing, and what we have actually already found is that it is very helpful to say to those communities, we are going to put John Jones from the Fish and Wildlife Service at the other end of the telephone.

Mrs. SMITH. Mr. Babbitt, we are going to have to conclude. I am understanding what you are saying. I don't understand why it has to be done with this action as you have it now.

My question isn't being answered. I have the spreadsheet on the expected FTEs needed for this new program. I understand your desire to coordinate, although from my experience, we are already doing it and very successfully so.

Would you please tell me where you are going to show us that you are going to shift FTEs, that is the employees—you are hiring a bunch of new employees, what agencies you are going to shift them from, or are you going to ask for an appropriation? If so, would you please put that in writing, because, see, we are supposed to pay the bills of the country, and we are supposed to authorize programs, and even though you think this is right, we probably should debate whether or not this new program is started.

If you would give us the budget numbers for that, that is what I am really asking for.

Mr. BABBITT. Let me just briefly tell you what I might do and then refer you to Ms. McGinty.

If push comes to shove, I think what I would probably do is call up the person from the Fish and Wildlife Service who is answering the phone in that river valley and say keep doing what you are doing. You are now the river navigator.

Mrs. SMITH. So you would say the people that were providing a service before of answering the phone now would become the river navigator, so we really didn't need the person answering the phone?

Mr. BABBITT. Quite to the contrary. We do need the person answering the phone, and that is why they are answering it right now.

Mrs. SMITH. We are just going to rename them something else now, retitle them, but how could they spend all their time as a river navigator when we needed them so desperately for answering the phone before?

I guess what we need to do is, you describe why we don't need the other services and why we need the new program. Again,

please, give me in writing where you plan on reducing other services and adding this new one.

Mr. BABBITT. I would be very happy to order Ms. McGinty to provide you those figures.

Mrs. SMITH. Thank you, Mr. Babbitt.

Mr. HANSEN. The gentlelady's time has expired. The gentleman from New York. Mr. Hinchey.

Mr. HINCHEY. Thank you very much, Mr. Chairman. It seems to me that some of the opposition at least to this program seems to be fairly even-handed.

On the one hand, some people are afraid that their communities will be designated and their rivers will be designated. Then on the other hand, they are worried that somebody else may be designated and thereby get the benefits that they won't. It is kind of an interesting situation.

The points that you made in your testimony about the voluntary nature of this project are, of course, ones that need to be emphasized again and again, because I think it is those points that precisely answer some of the criticism or what seems to be the criticism.

I am wondering, in the short period of time since the President announced the program and now, what kind of indications have you had of support from communities around the country? What kind of inquiries have you had for information? Even what attempts have there been to make application for the program up to this point?

Ms. MCGINTY. We have had extensive statements of support for the program. I have mentioned the mayors' resolution, but in addition to that, mayors in different parts of the country are coming together themselves. In the upper Mississippi, there are some 20 mayors who are coming together voluntarily to say we think that this can be a great economic driver for us if we get this label and this kind of exposure on this program.

In addition to that, we have heard from a diversity of interests. Local government, yes, but business concerns, environmental and recreation concerns, people from all different walks of life have been interested in this program.

Mr. HINCHEY. Have there also been expressions of fear, even outrage, about some of the implications that are imagined to flow from a project like this?

Ms. MCGINTY. There have been some, and we have been determined to do our best to be responsive to those concerns. For example, just on Saturday, I traveled to Washington State to visit with a group called the Western States Coalition, a property rights group, that I know Congresswoman Chenoweth spoke to the night before I did.

We are making ourselves available to every group, no matter what their viewpoint, to share with them every piece of information we have and to get their ideas on how this program can best be formulated.

Mr. HINCHEY. And you have addressed this on a number of occasions, but I want to give you an opportunity to do so again, and that is, with regard to concerns about the regulatory nature of the program, my understanding is that this is not a regulatory pro-

gram at all. This is a program that does not vest in anyone any new regulatory authority, but merely seeks to coordinate more effectively and more efficiently those activities that are being conducted by the Federal Government often in cooperation with State and local governments, and to bring the services that are deemed by virtue of present law necessary for the benefit of the people to flow to those constituencies more readily and more effectively.

Ms MCGINTY. That is exactly right, and the President is—there has been concern raised that the public isn't well enough aware of this program. The whole point here is to shine a spotlight on resources that are already out there, that the citizens of this country pay for, but they have little or no idea that they are there to be of service to them.

We are highlighting it for specifically that reason so that citizens know about it and have an ability to access it.

Mr. HINCHEY. There is, I think, a great deal of concern and interest and support for this program, especially perhaps in the eastern part of the country, because as Representative McHale observed, it is precisely the rivers in the eastern part of the country that have been the most abused for a longer period of time.

Secretary Babbitt makes the point that there are rivers also in the western part of the country and the people in that part of the country are equally concerned about the health and vitality of their rivers.

I know that there has been a lot of attention paid, say, for example, to the Columbia River basin, and people there are concerned about it. Perhaps, Mr. Secretary, you would like to speak to the kinds of activities that the Federal Government has engaged there in the Columbia River basin and how a program like this might help to coordinate those activities and improve them.

Mr. BABBITT. Congressman, just a couple of thoughts. I grew up alongside the Colorado River. That is a river which no longer reaches tidewater. It is not as if there hasn't been some development going on in the west.

We are dealing in the California Bay delta with the San Joaquin River which doesn't make it to the delta.

I do think that the restoration issues in the west are surprisingly similar to the issues in the east. I would say as a generalization that east of the Mississippi we tend to be dealing with industrial pollution as the No. 1 issue. West of the Mississippi, we tend to be worrying about water quantity and efficient use and how it is we balance irrigation, hydropower, and fish runs with maintaining instream flows or adequate protection of all the other values.

Mr. HINCHEY. I thank you all very much for your testimony and your candid answers to these questions. Mr. Chairman, thank you.

Mr. HANSEN. The gentleman's time has expired. The gentlelady from Idaho, Mrs. Chenoweth, is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Chairman, I would like to answer Mr. Hinchey's question since the Secretary didn't.

What the Federal Government is planning on doing to the Columbia River is bypassing dams and taking that working river and no longer allowing us the ability to have low cost hydroelectric power. You noticed the Secretary didn't want to answer your question.

I do want to say that in the west, we have working rivers because we are a working State. We also have enough rivers in our roadless and wilderness areas to put four eastern States inside our wilderness areas, so we have rivers of all kinds.

Mr. HINCHEY. Would the gentlelady yield?

Mrs. CHENOWETH. I will yield on your time, sir.

I do want to say that I have before me an executive order that was drafted, Ms. McGinty, and so whether we have the consent of Congress or not, I guess the President is going to go ahead and do this by executive order.

It states that NEPA and FAQA give him the ability to combine 12 agencies and their resources and all the rules and regulations that empower these agencies to embark on this new program.

I do not find anywhere in NEPA or FAQA the authorization for the President to embark on this kind of program. I would like for either you or Mr. Babbitt to give us a written opinion as to where the authority lies in these two statutes that he cited.

I also want to refer, Ms. McGinty, to your statement where you indicated that some people are worried about this being brought on by the United Nations, and I do want to say that I have not heard anyone, anyone in this body talking about this project being connected with the U.N. This is not an issue involving the U.N. It is an issue involving States' rights and private property rights.

You also indicated there was nothing about aerial photography——

Ms. MCGINTY. Surveillance.

Mrs. CHENOWETH. Well, you are very good at wordsmithing, but in your **Federal Register** publication, you do talk about aerial photography. There are enough photographs of our rivers done by various agencies over the years that certainly the results of those photographs and satellite surveillances could certainly be used without having this in the **Federal Register**.

People who have been concerned about aerial photography probably have a reason to be concerned if it is in the **Federal Register**.

I do want to say that you talk about there being no new regulations and no new agencies, but Ms. McGinty, we are sitting here facing two people who sit on the President's Cabinet, and I imagine you sit in on it quite often.

We are talking about three people who say there will be nothing new, and yet you are proposing to bring 12 agencies to bear on helping communities become empowered.

With all the rules and regulations behind them to enforce with, we don't exactly feel sanguine about this. We don't believe that you are really going to empower communities, and while my good colleague, Congressman McHale from Pennsylvania, talked about President Roosevelt had to deal with the greed of the time when people misused our resources, yes, he did.

But indeed, this is what is happening as I listen to this testimony. You are proposing to use funds that this Congress has allocated for certain specific purposes, and holding out the carrot of the dollars to certain communities, you are appealing to the nature of wanting more Federal dollars in certain communities.

I think that would be fine if this particular White House were as concerned about balancing the budget, making sure that we can allocate the scarce resources and scarce tax dollars into Medicare and Social Security, and the needs of humans. This is almost a situation of Marie Antoinette saying if the peasants don't have bread, let us give them cake.

The problem is that when we find, and I agree with Mrs. Smith about the fact that the Secretary, Mr. Babbitt, spoke very eloquently and passionately about floating from the rivers in the east or the midwest into the west, floating down the McKinsey and into the Willamette Valley, but sir, with all due respect and I really mean this for the office that you hold, I suggest you spend time on the tidal basin, truly, or in the Anacostia River. Truly, I do. This is the government's city, and this is where you can set the example. Let us clean up our own house first and then look to the other areas that may need to be cleaned up.

We already have the clean water standards that the areas that you talked about have already apparently responded to to a degree, because they are restoring without this American Heritage Rivers Initiative, communities are restoring themselves.

Mr. HANSEN. Thank you. The time of the gentlelady has expired. The gentleman from Hawaii, Mr. Abercrombie.

Mr. ABERCROMBIE. Thank you, Mr. Chairman. Mr. Babbitt, I can't remember your entire background. I don't believe you are necessarily an engineer, but one of the points was made in this past admonition with respect to States' rights, property rights, expenditures and balancing the budget.

If I wasn't mistaken in there, I heard the phrase low cost hydroelectric power. If I am not mistaken, doesn't a lot of that low cost hydroelectric power come as a result of Federal expenditures to see to it that people who are the beneficiaries of that get it at a heck of a lot lower cost than they would otherwise if they were paying for it themselves exclusively, locally?

Mr. BABBITT. Congressman, I think that is a fair statement.

Mr. ABERCROMBIE. OK. Thank you. In other words, there is a role for the Federal Government, isn't there, when our House constitutes the Nation's house, and those of us who might not be the immediate beneficiaries of something like low cost hydroelectric power nonetheless help to pay for it, because we all consider ourselves brothers and sisters in this Nation.

Mrs. CHENOWETH. If the gentleman will yield——

Mr. ABERCROMBIE. No, I cannot yield. You can speak on your own time, I think is the expression.

Mrs. CHENOWETH. That was——

Mr. ABERCROMBIE. Mr. Chairman, would you direct the member, please, to allow me to have my own time?

Mr. HANSEN. This is Mr. Abercrombie's time.

Mr. ABERCROMBIE. Now——

Mr. BABBITT. Mr. Abercrombie——

Mr. ABERCROMBIE. [continuing] Mr. Babbitt, in case you were not able to hear all of that, is it not the case that there are instances in this country in which as a result of the utilization of our natural resources and a combination of Federal dollars that comes from all of us, do we not regard each other as brothers and sisters in a

house that constitutes the United States of America and are quite willing to help with Federal dollars, tax dollars, different sections of the country whether we benefit immediately from it or not, because we see it in the Nation's interest?

Mr. BABBITT. Congressman, I share the sentiment which you have expressed.

Mr. ABERCROMBIE. Thank you very much. Now, with regard to the local recommendations and the heritage rivers, let us get back to that. I realize it is not always an easy task to determine which constitutes the voice of a community or communities. I think Ms. McGinty responded to that. If I understood her point correctly, if there is contention at the local level or the regional level with respect to the suitability of a river or a river in a region being suitable, if there is contention about that, if there is discussion, that would probably make it more difficult for them ultimately then to be recommended, right?

Mr. BABBITT. Congressman, I think that is correct, yes.

Mr. ABERCROMBIE. Now, with regard to the recommendations, this does constitute a competition in some respects. That is a fair statement also, isn't it?

Mr. BABBITT. Sure.

Mr. ABERCROMBIE. Many might call, but not everyone will be chosen at least initially. It may take a period of time.

Now, in that regard then, isn't the idea of the navigator and this is a legislative process after all—you are not fixed on this, right? We could perhaps modify this if there is commentary and testimony in that direction.

But if the case is that we generally come up with what you are proposing, isn't the object of the navigator and the object of the program to make available to local communities services of the Federal Government which are already being paid for about which they may not be necessarily be aware? They may not be fully informed, right?

Mr. BABBITT. That is correct.

Mr. ABERCROMBIE. Along with regulation also comes services, does it not, and those things are not necessarily always understood by everybody or immediately available to them.

Would the duty of the navigator be to work something like with the base closures? I want to draw a parallel there.

We have a base closure coordinator in my area that has been invaluable in terms of running interference between Federal, local, State agencies and groups acting in terms of good offices and as an honest broker.

Would you see the navigator in that kind of a context?

Mr. BABBITT. Someone used the phrase facilitator——

Mr. ABERCROMBIE. Excellent, facilitator.

Mr. BABBITT. [continuing] which I thought was equally descriptive.

Mr. ABERCROMBIE. Maybe that is even a good job description for the navigator.

Last question, and perhaps you could answer it more in writing to the chairman.

I am still not fully resolved on the question of the reprogramming of funds. I think the chairman has, over and above the policy

question, the chairman has a key point to make, it seems, with respect to the question of reprogramming.

I am very ill at ease with the idea that there are funds that could be reprogrammed if it is going to come at the expense of that which we have already authorized and appropriated for.

I will say that Mr. Hansen and Mr. Young, as well as hopefully with the assistance of the minority, have worked very hard to see to it that dollars and positions are held to exactly where they should be, that there is not excess in them.

I think Mr. Hansen prides himself on that, and I think that we need to have more information as to whether reprogramming is something that would be in order as opposed to additional funding if we decided to go ahead.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. I appreciate the gentleman's comments, and hope to followup on your last question.

Mrs. SMITH. Mr. Chairman.

Mr. HANSEN. The gentleman from Utah, Mr. Cannon, is recognized for 5 minutes.

Mr. CANNON. Thank you, Mr. Chairman. It has been a long hearing, but there are a couple of things that I would actually like to focus on just for a moment.

From the background documents that you were so kind to provide, Ms. McGinty, to the Committee, it is clear that you expect many applications for these river projects. Therefore, one of the tasks you have is setting up criteria for how those would be selected.

One of the documents you provided refers to the selection process and says the selection committee will recommend more American Heritage Rivers than can actually be designated, giving someone else [the President?] a further choice. This could ensure that designated American Heritage Rivers, and then you have three starred items, or your staff developed three items, and those were either to serve political purposes are located where agencies can staff them are diverse [river, landscape, community, geography, et cetera].

Now, politics of course, a political purpose is broadly stated. Having mayors involved, of course, is certainly important, but would you also see this as being a forum of where you would consider how the President appears to segments of the population as being important politically as a consideration?

Ms. MCGINTY. Well, that is not our intention, and again, this effort has been from in every——

Mr. CANNON. Pardon me. The question is, would that be a consideration that would be reasonable in the White House? How does the selection of this river as opposed to that river affect the President?

Ms. MCGINTY. That would not be a consideration that would influence our view as to which river should or should not be designated an American Heritage river.

Mr. CANNON. You would not consider the implications of Presidential politics in choosing a river?

Ms. MCGINTY. These applications are being derived from the bottom up.

Mr. CANNON. Right, but they are going to come and you will be able to choose them, and you are telling me that you wouldn't consider the implications of a choice of a river in Presidential politics, even though politics is clearly a consideration according to your staff.

Ms. MCGINTY. We will consider whether there is a broad basis of support——

Mr. CANNON. I don't want the hierarchy. I only want to know, will you consider the implications of a choice——

Ms. MCGINTY. We have no intention of making this decision on the basis of politics, and I personally have spent, I think, more time with Republican mayors——

Mr. CANNON. If I may, the question is not——

Ms. MCGINTY. [continuing] on this very——

Mr. CANNON. [continuing] a question of uniqueness. Are you telling this Committee that you will not consider Presidential politics in a choice of rivers when you have a choice between two that are very close?

Ms. MCGINTY. I will answer again, I have no intention of considering politics in making the decision. This is a program that will recognize——

Mr. CANNON. Wait a minute. I am not suggesting that politics is not an appropriate consideration. It clearly is, and that is how we live in America.

Clearly, your staff has already considered politics an appropriate consideration. I am only trying to figure out whether you are saying what levels and what kind of consideration you are going to give to this.

Are you telling this Committee that you will not consider Presidential politics in the process of picking one river as opposed to another where they may be close?

Ms. MCGINTY. Our eloquent Secretary helps me with a single word answer. Yes, that is what I am telling you, we will not consider Presidential politics.

Mr. CANNON. And yes means no, you will not?

Ms. MCGINTY. Exactly right.

Mr. CANNON. Does that mean you will also not consider congressional politics, how the choice of a river will affect a congressional candidate?

Ms. MCGINTY. We will consider the views of the elected representatives of the people in question, but I want to——

Mr. CANNON. Please. I have a short time, and I want to cut to the chase here.

The President just a week or so ago talked about how he can advance the interests of his presidency by gaining control of this House.

Are you telling me that you will not consider in the process of choosing between river designations the difference between the effect on congressional races?

Ms. MCGINTY. Yes, I am telling you I will not.

Mr. CANNON. Well, that absolutely strains credibility. You also told the Governor and the delegation of Utah that you had no plans, no imminent plans, to designate 1,700,000 acres in southern

Utah, and that was clearly political and clearly intended to enhance the position of the President.

Let me just close by saying that Mr. Glickman has pointed out that this facilitator, which I think is a better term, will have a tendency to be able to focus the resources that already exist and enlist the agencies, the Forest Service, the Conservation Service, the Extension Service, on these kinds of programs. I think that you used the term using a spotlight or highlighting these kinds of things.

What you do when you do that is distort the process. You can't take resources unless we have overfunded you, Mr. Glickman, out of the system and put them into this kind of a program without changing the nature and usage of those resources. You can't spotlight without distorting.

I was pleased as I finished my opening statement my colleague from Washington leaned over and said, do you have an opinion on this matter, Mr. Cannon? The fact is, I have opinions.

I was pleased that the Secretary made his position clear when he said that the Congress was taking a wrecking ball to the environmental laws of this country. Let me say, I believe in process, and I believe in the rule of law, and I believe that if we do that, we will be fine in America, whether we are Democrat or Republican.

On the other hand, the bald statement that Presidential politics will not be considered in this reallocation of resources around America I don't think is credible, and therefore, I think you should reconsider. Thank you.

Mr. GLICKMAN. May I just make one quick comment?

Mr. HANSEN. Mr. Secretary, go ahead.

Mr. GLICKMAN. Thank you. I think it is important to recognize again from USDA's role, we are out there spending a lot of taxpayer resources on important things, and I want to go back.

We have a model—we have a couple models. One is called our RC&D model; it is resource, conservation, and development model where we help and facilitate community involvement in conservation projects. That has been going on for a very long time.

The other model is the empowerment zone enterprise community model, where communities come together, come up with a program, use existing resources.

If you go to these empowerment zones, enterprise communities, it is extraordinary what they have done themselves with already appropriated assets out there deciding for themselves how best to allocate them, and using our help, to facilitate working through bureaucratic roadblocks, and it works very well.

That is basically what we are talking about here.

Mr. CANNON. May I respond to that, Mr. Chairman?

Mr. HANSEN. Yes.

Mr. CANNON. The Secretary has said he cannot understand why conservatives and Republicans are opposed to this kind of grass roots activity.

We are not. We believe in grassroots activity. I think that Mr. Crapo went to great lengths to describe how a project like this on the grass roots is working in Idaho.

What we are concerned about is the distortion of the political system through diverting resources one way or another for facilitators or choosing parts of the Nation as opposed to other parts in a very broad program that has virtually no controls.

That is the problem. We believe in grass roots, and we also believe that if programs are so bureaucratic they need a facilitator or a navigator to get through them, that maybe those programs ought to be eliminated and give the money back to people at the grassroots level so they can choose how they wish to use those resources.

Mr. HANSEN. Thank you. I will yield in 1 minute, Chris.

This has been an interesting debate, and probably a very intriguing and interesting idea, but we don't know the details, and frankly, I think it comes down to process.

I am not sure how the process works, and you will have to excuse us for being just a little suspicious, but some of us, when you talk about all of the people that you have talked to, we didn't see that happen.

As Mr. Cannon brought up about the monument, we were specifically excluded, especially when we are starting to subpoena the records on this and find out that it was done strictly for political reasons, and we find out that we extinguish protection, and we have 1,700,000 acres of rolling sagebrush surrounded by beautiful parks. It makes a lot of us wonder.

I honestly think when you just said a minute ago, Kathleen McGinty, that you would consider the views of the representative, a few months ago, we were not only not considered, we were specifically excluded. Therefore, possibly you can't blame us for being a wee bit suspicious.

We would hope that we see a little more openness from the Administration this time. I don't think we intend to dismiss this proposal out of hand, but we would like to put out the hand of fellowship and work with you, if we could. If we can't, then we will go to the mat as we have done in the past, and you know, we have our tricks in the bag just like you folks do, too, and please don't take it personally. I have great respect for all three of you, but I would hope that we could work together and we can work something out. If we can't, of course, we will try to put moratoriums and we will try to block you with money and we will try to block you with legislation, but please, I would hope that we could somehow remove the suspicion, but right now, I don't think there is a good feeling toward some of our members as has been illustrated today predicated on past performance.

I have used my entire minute almost, and thank you for listening to me.

The gentleman from American Samoa. Now, do you think Mr. Kildee is next or do you want to argue about this?

Mr. FALEOMAVAEGA. I am not going to argue, Mr. Chairman.

Mr. HANSEN. I will recognize you for 5 minutes.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. HANSEN. The ranking member of the Subcommittee of Lands and National Parks.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. It is not very often that this Committee has the privilege of having the presence of two distinguished members of the President's cabinet, Secretary

Babbitt, and certainly, our former colleague, Secretary Glickman. I am very, very happy to have them both here with us this morning, and certainly, Ms. McGinty also, representing the Council on Environmental Quality.

Mr. Chairman, I think it was about a month ago that I saw a full-page article, believe it or not, in the Denver Post outlining the recent development or establishment of a 9,000 acre national park in my district. I want to personally commend Secretary Babbitt for taking the time to go to American Samoa to dedicate this national park. His presence at this event meant a lot to the Samoan people.

This national park includes a very rare rainforest in our nation. It has about 55 species of rare birds. It also contains over 200 plants of medicinal value that are now being studied at the National Institute of Health for cancer research.

Secretary Babbitt, I can't thank you enough for coming to our little island territory. The coral formations that we have in this island territory are among the rarest in the world. These coral formations are about as big as this chamber, this room. I want you to know that on behalf of the people of American Samoa, we are very appreciative of your work and your being with us.

I need clarification Ms. McGinty, based on information provided by you, Secretary Glickman, and Secretary Babbitt, would you say that as far as the Administration is concerned, the Administration has not exceeded its authority in any statutory sense, and that you are acting strictly within the confines of current law. Am I correct on that?

Ms. MCGINTY. Absolutely, and we feel not only do we have the authority but the absolute responsibility and obligation to manage the programs that this Congress has directed us to manage in the most efficient, effective, and responsible way possible.

Mr. FALEOMAVAEGA. Maybe I wasn't very clear. We keep throwing around ten rivers, and I am sure of the fact that we have hundreds of rivers in our Nation.

Can you explain a little more specifically. You have not selected the ten rivers. You are in the process of receiving applications from all sectors of our country. Is ten the magic number or is this just the beginning, at least for you to consider seriously, in terms of the President's initiative on this?

Ms. MCGINTY. It is just the beginning to see if it works and to take some steps forward and see how that all plays out.

We have not yet begun to receive applications because we have been going the extra mile to make sure citizens are involved in the design of the program, even down to the application form and what it should look like. We are receiving extensive comment on that, and so we won't actually even begin to receive applications until sometime in September.

Mr. FALEOMAVAEGA. Maybe this is probably the bottom line of the concern, not only, I am sure, for our colleagues on the other side of the aisle, but on this side as well: cost factor potentials.

You are talking about the idea, and I am sure that most Americans support the idea that we need to clean up our rivers. We are talking about rivers that are connected to chemical plants, rivers that are connected to nuclear power plants, sawmills, the kind of situation where, obviously, environmental issues are very, very se-

rious, and I am making a similar analogy to the fact that we need to also clean up America's nuclear waste.

You are talking about a program that could potentially cost hundreds of billions of dollars. I want to ask our friends, has there been any cost estimate taken by the Administration on the potential cost, not just for cleaning up ten rivers, but for other rivers that are just as important. Rivers, not just to the eastern side of our country, but all over the country? Do you see this as a foreseeable problem?

I see that we are kicking around $2,000,000, but I am sure that this is just the tip of the iceberg. Are you looking seriously at the cost of this program to the American taxpayer?

Ms. MCGINTY. Not through this program and that is—I appreciate the question because it enables us, I think, to address the question that has been asked about reprogramming and new programs.

This is only about the better execution of current programs. We don't envision new funds of any kind or new programs or new initiatives of any kind. This is just reinventing the delivery service of current programs.

Mr. FALEOMAVAEGA. So basically, somewhere down the line, the Administration, if it feels that there will be a necessity for asking for funds, then it will at that appropriate time come and ask the Congress for further legislation that will not only enhance the initiative but clarify even more the cost factors?

Ms. MCGINTY. Yes, but again this initiative only seeks to coordinate current authorities and appropriations. There is no intention to buildup a new initiative or a wholly new program here and seek new moneys. There is no intention to do that at all.

Mr. FALEOMAVAEGA. Thank you. Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from Colorado, Mr. Schaffer.

Mr. SCHAFFER. Thank you, Mr. Chairman. Ms. McGinty, you mentioned, and I am quoting that this is a historic opportunity to coordinate—I guess this is where the quote ends, a historic opportunity to coordinate the services and efforts of several agencies and so on.

I would like to ask you what makes it impossible for this kind of coordination to occur today?

Ms. MCGINTY. It does occur today, and in every instance, it is a different set of agencies that necessarily need to be brought together, et cetera, but what we have found is that there are communities across the country specifically trying to organize themselves around rivers and specifically asking in that instance, we would like to help more easily access the Federal resources that we pay for.

Mr. SCHAFFER. But what is preventing that to occur to make it more easily accessible today?

Ms. MCGINTY. Well, this is evidence that it is happening and we are furthering it along. That is the purpose of——

Mr. SCHAFFER. When you mentioned the word historic, what was it you were referring to?

Ms. MCGINTY. I could refer back, I guess, to the actual quote. I said this is a historic opportunity to support efforts of our communities to revitalize their riverfronts.

Mr. SCHAFFER. Secretary Babbitt, as I recall, you were present when the President was in Nevada and signed the executive order on the Grand Staircase-Escalante National Monument.

Mr. BABBITT. Yes, in Arizona.

Mr. SCHAFFER. Arizona, I am sorry, I thought it was Nevada.

Since that time, the entire Utah delegation has gone on record as opposing that particular measure. The Utah State legislature has, the Governor has. Virtually every elected official representing that State has gone on record in an official capacity opposing it.

My question to you is, are you supporting or promoting any effort to repeal that designation in Utah?

Mr. BABBITT. Absolutely not. I support the President's action.

Mr. SCHAFFER. Let me move up to Idaho for a moment. The grizzly bear reintroduction in that area is opposed by the Governor, opposed by the Idaho legislature, opposed by the Idaho delegation. Are you supporting any effort to repeal the grizzly bear reintroduction in Idaho?

Mr. BABBITT. I am supporting, Congressman, an ongoing effort, I think of considerable promise, to structure a local advisory committee for the first time under the Endangered Species Act which is going to pioneer an entirely new way of working these reintroduction issues. Now——

Mr. SCHAFFER. I don't want to spend too much time as far as the details of the program. I am just asking whether there is any effort that you are supporting to repeal the initiative.

Mr. BABBITT. Absolutely not.

Mr. SCHAFFER. This is for Secretary Glickman, I suppose. The biosphere program was one that was defended and explained in front of the Resources Committee recently, and one of the executives and directors in your agency was confronted with the question of the Kentucky State legislature has in fact opposed that initiative, and I am curious as to whether you or your department is supporting the repeal of the biosphere initiatives in Kentucky.

Mr. GLICKMAN. I do not believe we have been actively involved in that issue. I will check on that for you. Not in Kentucky.

Mr. SCHAFFER. Let me ask Ms. McGinty a related question. Let us suppose that a city within a State secures the American Heritage designation under this Act, and then a State legislature through a resolution or the Governor or the delegation from that State requests that the designation be repealed. Will that program be repealed, that designation be repealed?

Ms. MCGINTY. Well, we certainly would take that extremely seriously, and I would think that that could prove fatal to the initiative, yes.

Mr. SCHAFFER. Do you understand how many of us from western States may not take great comfort from that assurance here today, given the explanations you just heard on other programs that have been initiated in other States where the official opinion stated by elected officials, Governors, State delegations, has gone ignored?

Ms. MCGINTY. I respect your views, certainly, but the whole point here is to be responsive actually to other principles this Congress has laid out in terms of locally——

Mr. SCHAFFER. I am trying to beat this light here. On May 19, you submitted to the **Federal Register** the details of the plan and gave 21 days for public comment.

Now, the Administrative Procedures Act suggests 60 to 90 days. Why was 21 days suggested and why May 19?

Ms. MCGINTY. That was on the heels of an intensive 4-month process that involved public meetings in every region of the country with hundreds of people participating; 31,000 people accessing and using the home page that was set up for this; a hotline set up.

It was at the heels of a much longer public process, and again, it has been extended.

Mr. SCHAFFER. Let me ask, there are many of us who are concerned about private property. In fact, in Colorado and many western States, water rights are allocated as a property right within our State constitutions.

Let me ask, if the program is truly voluntary as you say and nonregulatory, would the Administration be willing to write into the program a mandatory and explicit opt-in provision whereby private landowners along a designated heritage river or holders of water rights on a river in question could only be included if they gave their written permission to be included?

Ms. MCGINTY. Well, we are in the middle of receiving broad public comment, and that is something we certainly will consider and give top priority to as well.

Mr. SCHAFFER. Do you have any plans to include that at the moment?

Ms. MCGINTY. I just don't want to prejudge the ability of the public to comment at this point. I think it would be inappropriate to prejudge the conclusion of a public comment process.

Mr. SCHAFFER. My time has run out apparently, Mr. Chairman.

Mr. HANSEN. Thank you. The gentleman from Michigan, Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman. Mr. Secretary, both Mr. Secretaries and the rest of the panel, coming from a Great Lakes State, Michigan, where Dan, you studied, I understand better than many the importance of rivers, lakes, and streams to our society.

In 1992, I wrote the law that protected 1,000 miles of rivers throughout the State of Michigan under a different Act, the Wild and Scenic Rivers Act, and at that time, my bill was really opposed by a great number of people. I can recall going to hearings in the Upper Peninsula. There were signs out, "kill the Kildee bill," but what has happened since then is that my legislation is being lauded by local governments. I get thanks for what I did back then. Local citizens are lauding it. I think sometimes there is a certain period of the unknown, and I think that is why we have hearings like this.

Really, in 1992, I was kind of a bum up there, and now, I am kind of a hero for helping to help preserve those rivers which do refresh and refurbish the Great Lakes every day as they pour into them.

I have been very interested in this bill. I know that Mayor Dennis Archer, who you know very well from the city of Detroit, is thinking of having Detroit apply for one of the rivers to be des-

ignated as such. There would really be an example of the mixed use which I know you are concerned about.

In some areas, rivers such as the Saba River should be used for only certain things, not for the commercial ships that come in from Germany or Sweden as we see on the Detroit River. In the Detroit River, you can see a Swedish ship coming down, and a German ship coming down through the Great Lakes and the St. Lawrence Seaway. You can find recreational use on that river, you can find fishing on the river, even speedboat racing on the river, but multiple use, and the city of Detroit is interested in using and upgrading that great waterway, the Detroit River, which is the boundary between the United States and Canada at that point. To really upgrade its economy with mixed uses. These mixed uses certainly would fit well into the Heritage bill, would they not?

Ms. McGINTY. In fact, the mayor has spoken to me about his interest in this, and in his mind, just to pick up what Secretary Glickman has said, with the wonderful experience that Detroit has had with the empowerment zone, General Motors coming back into Renaissance Center, the Ren Cen, he sees this as a very logical extension of that progress.

Mr. KILDEE. Exactly right. The new General Motors building is right in that renaissance zone. I just drove by it yesterday as I was coming back from Michigan, and although it is not part of my district, some wonderful things are happening in the enterprise zone down there.

This would be a great addition to Detroit. I would certainly hope that it would be a river that would be considered, but I think that those who think that this going to take a river and negate something in the economy are wrong. The mayor of Detroit recognized this as something that would be very positive to the economy, this multiple, mixed use, which that river certainly lends itself to. I certainly would hope that he does apply, and that consideration will be given to Detroit, because Detroit is making an enormous comeback, and that would be a great thing.

Let me ask a question of Mr. Wayland from the EPA. Can you cite an example of watershed projects that have achieved environmental results and enjoyed broad community support, such as industry, local government, farmers, ranchers? Can you give us some examples of some watershed projects that have that support?

Mr. WAYLAND. I would be delighted, Congressman, and there are so many to choose from that it is difficult to know where to go, Secretary Babbitt earlier spoke about Henry's Fork, which meets all the criteria you specified.

I think we are very proud of our involvement in the Clear Creek watershed above Denver. It is a municipal water supply source for the city of Denver affected by many abandoned hard rock mining operations. It had lost its ability to support aquatic life. It is a recreational river which presented some hazard to those who were looking to shoot its rapids.

The local governments, the State of Colorado, EPA, other Federal agencies, Coors Brewing Company, many private sector interests have been working for over 3 years collaboratively to identify an action plan to undertake the cleanup and protection of that river.

It is a very inspiring story and one that we are very pleased to be associated with. We have a facilitator. She is a Superfund remedial project officer. Holly Flinio is the EPA person who works with that community and our resources have helped to fund a local facilitator, Carl Norbeck, who is on the ground. I visited this watershed many times, and I have seen tremendous progress as we look at people pulling together, and they have enlarged their circle of interest as they have seen progress build in steady and slow stages from addressing the most serious problems of ecological contamination to other opportunities that they have a shared vision for.

Mr. KILDEE. Thank you. Before I finish, I would like to commend Secretary Babbitt for not only your interest in the environment, but I will take this time to commend you for your interest in the rights of Native Americans, including your latest statement on the Interior appropriations bill. Thank you, Mr. Secretary.

Mr. HANSEN. The gentleman from Pennsylvania, Mr. Peterson.

Mr. PETERSON. Thank you very much for coming before us. I consider it a real pleasure as a freshman Member of Congress to have a chance to visit with two Cabinet people and a top advisor to the President simultaneously, but time will not allow me to ask you the questions I would like to.

I would like to share a couple thoughts with you first. As a freshman Member of Congress, I guess I am a little surprised at your sensitivity to being questioned so hard about this program, and showing some annoyance that, "How dare they question this grassroots program?"

I come from rural northwestern Pennsylvania, the largest rural district east of the Mississippi. It is mostly timber and mostly rural. Three beautiful rivers of Pennsylvania flow through my district; so I represent rural America at its best.

When I look at what has happened in rural Pennsylvania and in the rural west, I would like to share with you, and all of you are veterans of public policy. You have been around the mill. I guess that was why I was surprised at your sensitivity to being questioned so severely, because we live by perception.

The perception in rural America, and I don't mean this in any personal way, because you are nice people, but people fear Katie McGinty in rural America. People fear Mr. Babbitt. Because of the first 4 years of this Administration, rural America is struggling, and I think the issue that bothers me is the bigger issue. The rural economy is far more fragile.

We just heard from Mr. Kildee that Detroit loves these ideas and they are ready to embrace them, but that is a city and urban area.

The rural economy is so narrow, when you lose a portion of it, you don't recover the same as an urban-suburban area does. Rural America is struggling and kind of hanging on by its fingernails in many parts of this country and in parts of my district, and that is why there is sensitivety from rural legislators that I think you need to think seriously about.

We are struggling. The worst policy is a policy that takes away a person's job and the right to earn a living and feed their family. When economies go down, the question of the national monument had big impacts. Your enforcement of the Endangered Species Act, some of your property rights policies or insensitivities there, timber

issues, recreational policies. All of those, whether we have hydro power in the future or not, those are all questions that are fearful in the hearts of rural people.

I guess I would like to share with you why there are a lot of questions from rural legislators; people in rural America who are scared of their economic future. What you have to deal with, whether this is the most perfect program in the world, is history, and history has been that you have not been as sensitive to how things have impacted the rural economy as you should have been. At least that is how people in the fifth district feel.

Mr. GLICKMAN. May I comment, if possible? Mr. Peterson, I understand it. I live with it. I am Secretary of the rural department. I view myself as an advocate for people who live in underserved areas that often don't benefit by population and by industrial development and who often lose access because of banks closing or highways not as good or air service is not there or electric rates are higher.

This is a big part of what I do, and we spend billions of dollars a year on water systems, sewer systems, rural development projects generally.

I guess what I am saying is that rural America needs a spark to expand, to develop, to create this economic growth that we have often seen in areas of urban America, and we have to look at different options rather than just all of the traditional options.

One of the great things we have is our advocates up here on Capitol Hill for rural America. It has made a massive difference, but I go back to this idea.

I went down to the Rio Grande Valley in south Texas, one of the poorest areas of the country, heavily rural, heavily fresh fruit and vegetable, in bad shape economically, one of the highest unemployment rates in the United States. They sat down and they said we got to jump-start rural America. We are going to die unless we do something different, so they became an empowerment zone.

This is this concept where they got together collaboratively and they decided what they needed to do to marshall their resources. Through that, they had been able to do a lot of things on economic development and new jobs, enhancing their educational opportunities, and in fact, attracting industry from urban America as well.

I want you to know that from my perspective, and I think Secretary Babbitt and Katie McGinty agree, we view this as a way to facilitate rural America, not hurt it, but help it.

Mr. PETERSON. I guess I could comment that the Agriculture Department was not included in that fear, and this isn't personal, but I am serious about the Department of the Interior and some of your policies.

Rural America is frightened by them, because in the big picture, they don't feel that you feel their pain and the fragility of the rural economy.

Rural America is hurting, and I think that is why you have problems with this proposal, although it may be perfect, is history. They don't think you have been sensitive enough to how these proposals in the last 4 years have affected people, not the Agriculture Department, but the Department of the Interior.

Do you have any comment to that, Mr. Babbitt?

Mr. BABBITT. Congressman, I appreciate the intensity of your concern and your remarks. I indeed believe that there is a substantial amount of real fact and perception out there that needs to be dealt with, and I guess what I would say is that I think the way to do that is to try to step away from the broad generalizations and move toward specifics out on the landscape. I would only say to you without prolonging this unnecessarily that we have tried very hard to be site-specific, to get down on the ground, to engage and to kind of step away from a rhetorical debate which I think simply isolates us all from each other. I appreciate very much the context and the insights that you offer. I think they are fair, and I think it is our obligation to be responsive.

Mr. PETERSON. Ms. McGinty, do you have anything to say?

Ms. MCGINTY. Just a second, to recognize and just to offer at any time that we can be personally and immediately available to constituents of yours who have concerns. That is our obligation and responsibility, and we will do it immediately.

Mr. PETERSON. In conclusion, I would just like to say that I think sometimes what is looked at, we get into a political debate and we shouldn't because rural America is rural America. Whether it is Republican or Democrat doesn't really matter, but rural America is in trouble economically.

I don't think that many people will argue with that, and I think we need to look in the multitude of programs and changes that are happening simultaneously. A number of them have impacted rural America, and not positively, and that is the concern we have, and I will be critical of Congress.

I don't think this Congress is as sensitive as I would like it to be to rural issues. I think as I am here a while, people will realize that I will be outspoken about rural. I was in Pennsylvania State government and I will be here, because it is where I come from and it is who I represent.

Mr. HANSEN. Thank you. Do any of the members have any further questions for this panel?

We will go back over to this side. The gentleman is recognized for 5 minutes.

Mr. FALEOMAVAEGA. I have no further questions, and I certainly would like to associate myself with the gentleman from Michigan's earlier statement in thanking Secretary Babbitt for his sensitivity and support of Native American issues, which is part of this Committee's jurisdiction.

We have a saying where I come from when the chiefs meet in council. After sitting cross-legged for four or more hours, one of the chiefs will complain that the mat is hot, and so I think with that statement, Mr. Chairman, I want to thank our two distinguished members of the President's Cabinet, Ms. McGinty, our friends from EPA and the Department of the Army for being here. The mat is hot, and I think it is time to go home.

Mr. HANSEN. Thank you. I recognize the gentlelady from Idaho for 5 minutes.

Mrs. CHENOWETH. Thank you, Mr. Chairman. I want to followup on the President's executive order where he cites NEPA and I will direct this question to Mr. Babbitt.

Since the President has cited NEPA as the tool for his authority to engage in this program, has the White House planned or have they completed an environmental impact statement which definitely is clearly required in NEPA for any major Federal action as has been interpreted by numerous Supreme Court decisions?

Mr. BABBITT. Congresswoman, it is not—I am a recovering lawyer. I am now in a different line of work, but it is not at all clear to me that this is the kind of situation where an environmental impact statement is desirable or required, but I obviously defer to the lawyers. The reason, I think, is it is really important to see this as an enhancement of a whole series of ongoing issues.

I told Congresswoman Smith, for example, that out in Oregon, I could effectively turn to Katie McGinty and say, there is already a facilitator out there; we will give them a new title.

This isn't so much a new program as it is the President of the United States exercising his power to say to 13 Federal agencies, I see some good things out there, and I would like to put the weight of my office on behalf of all Americans behind what you are doing, and I would like to showcase successful efforts. I would like to admonish agencies to learn from those efforts, to step up their efforts, and to be certain that they are facilitating.

Mrs. CHENOWETH. I would be interested in another legal analysis based on whether this constitutes a major Federal action as defined.

Mr. BABBITT. I will happily direct Ms. McGinty to respond to that.

Mrs. CHENOWETH. And your budget, right? And whether this constitutes a major Federal action, and based on previous Supreme Court decisions with regard to that triggering the need for an environmental impact statement.

Ms. MCGINTY. Would you like that comment now? This program derives from the National Environmental Policy Act, and in fact, it is an example of what the National Environmental Policy Act requires.

Every agency in every policy, every program, every action they undertake is directed by the National Environmental Policy Act to achieve an integration and coherence among environmental, economic, and social considerations.

That has not been, as some of your constituents, I think, would probably tell you, very effectively exercised in the past. Yes, we have had some environmental decisionmaking. Has it effectively incorporated economic and social considerations? Not always.

This program is about saying you have got to achieve that integration that NEPA directs you to achieve.

Mrs. CHENOWETH. I think that there is a term that I have heard the Secretary use. It is called cumulative impact, and this coming together of 12 or 13 different agencies for a new single purpose, I believe, would constitute a major Federal action, and that is my concern. That is how I am framing the question.

I do understand your answer, but I have a concern along this line.

I have a couple of questions I would like to ask you also, if you don't mind. On April 16, 1997, a memo from CEQ about this pro-

gram lists the AmeriCorps as one Federal agency that was helping draft the Heritage Rivers budget proposal.

AmeriCorps is largely an agency that deals with social issues, such as poverty and education. Does this indicate that the rivers program will go beyond the environment and engage in social action issues like poverty and hunger?

Ms. MCGINTY. Precisely. Integrating social, historical, cultural, and economic opportunities into environmental issues to achieve that integration, yes.

Mrs. CHENOWETH. And what organizations representing private property owners, if any, did the Administration consult with before the President announced this program?

Ms. MCGINTY. Well, we have consulted with many organizations who have private property rights concerns. I personally have had the representatives of the property rights groups who visited Washington in June in my office.

On Saturday, as I mentioned, the Western States Coalition to whom you spoke on Friday night, I also visited and spoke with them on Saturday. We have visited with the American Farm Bureau. They have been part of this. We have accepted every invitation they have sent to us.

Any organization that has raised a concern, we have responded to it immediately.

Mrs. CHENOWETH. I won't go on, but just one simple statement. Most of those people met with you after this was published on May 19, so I think the course was already set. Thank you very much.

Mr. HANSEN. The gentleman from Colorado is recognized for 5 minutes.

Mr. SCHAFFER. Thank you, Mr. Chairman. This question that you answered about social and historical and environmental considerations being given great weight with respect to how we manage rivers is of great concern to people in the west, I can assure you.

Again, our Constitution, which is the primary definitive document as to how we allocate and distribute water rights in our State and other States like it places great weight on the economic aspect of water allocation and appropriation.

Water rights in Colorado and most western States is a property right, plain and simple.

I guess my question is, do you believe that it is possible that this initiative could change the allocation or the distribution of water rights within a State?

Ms. MCGINTY. No.

Mr. SCHAFFER. Very good. Many people are concerned again along the lines of the property rights issues that you had described. They are concerned about the erosion of these rights, and they are concerned about their tax dollars going to hire Federal bureaucrats which in fact lobby against them before some county commission or water board or water court and so on.

I would like to ask, in order to allay those concerns and in fact reaffirm the statements that you made today that this has no impact on property rights, would the Administration be willing to incorporate a provision prohibiting these river navigators and all other Federal employees involved in this program from intervening

in local zoning and land management decisions involving private property?

Ms. MCGINTY. We will reiterate and direct in the strongest possible terms, and in fact the terms that we will adopt are President Reagan's terms admonishing the agencies about the sanctity of private property rights. Yes.

Mr. SCHAFFER. So having said that, that sounds pretty strenuous, the way you state that, so is there anything that you can see that would prevent you from prohibiting river navigators and all other Federal employees involved in this program from intervening in local zoning and land management decisions involving private property?

Ms. MCGINTY. The river navigator, facilitator, or whatever we wind up ultimately calling this person will do only those things that the local community call on them, ask, request of them to do.

Mr. SCHAFFER. What prevents you from making a commitment to this Committee today that these river navigators and other Federal employees associated with this program will be prohibited from being involved in local zoning and land management decisions?

Ms. MCGINTY. I am just trying to be very clear that there is no part of this program which is about encouraging or fomenting or setting up a situation——

Mr. SCHAFFER. Having said that, is there anything that prevents you from making a commitment to this Committee today that you will prohibit these river navigators and other Federal employees associated with this program from intervening in local zoning and land management decisions?

Ms. MCGINTY. I just believe that I would need to understand the situation that you are pointing to and the problem that occasions your question more, and I would be happy to visit with you about it before——

Mr. SCHAFFER. Let me say that your reluctance to essentially promise this Committee that what you had said earlier about the sanctity of property rights is very troubling. I went through a whole litany of examples, and it doesn't stop with the ones that I ticked off in this Committee.

Time after time after time, this Administration has ignored the stated and official policy positions taken by Governors, State legislatures, delegation members. Again, you have stated most emphatically that this will have no impact on private property.

All I want to know is if you can promise this Committee that these new Federal bureaucrats associated with this program, who you say will have no impact on local zoning, no impact on land management decisions, will be prohibited, flat out prohibited from participating in a county commission meeting or where zoning is concerned.

Now, there is nothing inconsistent with that request, and what you have stated on the record here today, yet you are still not willing to make that commitment formally to this Committee. I just want to know what prohibits you or anybody here from making the commitment that essentially the statements that you have made are something that warrant backing them up in the proposal and making the commitment to the Committee.

Mr. BABBITT. Congressman, let me, if I may, give you an example that occurs to me.

It may well be possible out there somewhere that a Department of Agriculture official will be involved in a facilitator role. The way you phrase this, you would be asking the Department of Agriculture to refrain from enrolling private property in the conservation reserve program.

Now, that is in fact a decision that relates to the management of private property.

Mr. SCHAFFER. No.

Mr. BABBITT. I would suggest——

Mr. SCHAFFER. Mr. Secretary, I asked it related to this program. This is a new program that you have proposed.

Mr. BABBITT. Congressman, the whole point is that we have spent the last 3 hours describing how the purpose of what we are doing is to facilitate and put together existing programs of which the Conservation Reserve Program is one.

Mr. SCHAFFER. But with respect to this program and local zoning and local management decisions involving property rights, your CRP agents, your other agents in the Federal Government can make all the testimony they want under current law.

I am narrowing this discussion to the issue that is before us today and being discussed today, not CRP, not——

Mr. BABBITT. But this program, Congressman, don't you see, talks about facilitating a whole series of existing programs, many of which provide enormous specific benefits to private property owners and it is your——

Mr. SCHAFFER. So the local zoning and property rights issues and land management issues are then a part of this. This is maybe—does this explain the reluctance to make the commitment to the Committee?

Mr. BABBITT. If it is your desire to prohibit the use of the Conservation Reserve Program of all of the various NRCS programs, of the grants that are made to private property owners by the Fish and Wildlife Service, if it is your intention to prohibit private property owners from receiving the benefits of those programs, your question appears to be to be designed to do that.

I can't understand why it is that you would choose to do that.

Mr. SCHAFFER. That is an interesting strategy you are trying to employ here, but it is not going to work and I will tell you why.

It is because the programs that you mentioned, CRP and others, are specifically authorized in statute. This one is not.

Ms. MCGINTY. This is only going to coordinate programs, each one of which is authorized and appropriated by this Congress. That is specifically why there is no request for additional employees. There is no request for additional moneys or reprogramming of moneys. This is about efficiently and effectively doing our jobs faithfully to execute the law.

Mr. SCHAFFER. Mr. Chairman, I realize that I have tested the patience of the clock here in limiting my time and I am out of it, but I would merely say that for those who had some question as to why there is great reluctance among western States to see this program go through unchallenged and without any oversight, I hope their eyes were opened today.

Example after example after example has been cited not only by me but other members of this Committee where this Administration has in fact betrayed the trust of western States, western legislators, western Governors, western elected officials, western delegations of all sorts where the stated official opinion of those States has been ignored on grand scales time after time after time.

I would just merely say that the Department of the Interior in particular is an agency that we have tried to trust as often as we possibly can, but that patience has just been tested far too frequently. The words of the Department of the Interior just ring hollow on western ears, and I think it is unfortunate.

This could have been a good program, I believe, but the attitude toward western States, the reluctance to essentially make the commitments in front of this Committee to back up the words that have been expressed I find very troubling and are precisely the reason we are so skeptical about this program in the west.

Mr. HANSEN. Thank you. I appreciate the gentleman's comments. I appreciate the patience of all of you in being with us. It is very kind of you to spend your time with us today, and we spend a lot of ours here discussing this issue.

I think we are going to keep coming back down to the idea of process. I think it is going to come down to the idea of how do you step through it. Many of the things that come out of the Administration are very laudatory, and I agree with many of them.

The other side of the coin is that it is the process that bothers us. Many of us spend a lot of time going into our home States of Idaho, Wyoming, Nevada, Utah, and there is a very tremendous skepticism predicated on some of these areas.

As the gentleman from Colorado pointed out, possibly at the time that you could make some definite commitments, it would make life a lot easier for us. I can tell you that many of the Governors out there both R&Ds do not want to have things happen in their State without consent.

As past speaker of the House of Utah, I know I would be offended if in that position if we didn't have at least some people tell us about it.

It is going to take a while to overcome this last hit of September 1996, believe me. It is going to take a long time for people to get over it.

I would hope that when we get into these things, we could keep in mind that we would like to work together. I think political divisions aren't as important as what is good for the country, and I would hope that would be the case with all of us.

I appreciate all three of you being here, and the two other folks who joined us. It has been kind of you to be here. This hearing stands adjourned.

[Whereupon, at 1:10 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF HON. OWEN B. PICKETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Thank you, Mr. Chairman. I welcome this oversight hearing into The American Heritage Rivers Initiative announced by the President in his State of the Union address earlier this year and look forward to hearing from the witnesses who will be testifying before the Committee today.

On May 21, 1997, the Administration announced in the *Federal Register* its initiative to "Restore and protect America's Rivers." In an unusual move, a 3-week, public comment period was set aside ending on June 9, 1997. Under normal circumstances, public comment periods are held open for a minimum of thirty days in order to provide adequate time for interested citizens to file their views. The abridged public comment period was of concern to me because of the unusual nature of the arrangement being proposed where the executive branch of the U. S. Government, through its agencies, was undertaking the implementation of a new Federal program that has not been authorized by Congress and for which no moneys have been appropriated by the Congress to these agencies to be expended for this purpose. This strikes me as being quite unusual and if successful, reason for alarm. Federal agencies are generally considered to be creatures of Congress but this will no longer be true if they can, by unilateral action of their own, extend their reach and usurp moneys appropriated to them for other purposes to pay for their unauthorized activities.

There have already been a number of instances where excessive and unauthorized action taken by Federal agencies has resulted in private property owners being denied the full use of their property. To provide some additional time to try and properly evaluate this proposal, I sent a letter to Ms. Karen Hobbs, Council on Environmental Quality, Executive Office of the President, requesting a sixty day extension to the public comment period. I hope our witnesses today will be able to clear up some of the concerns about the process being used to implement The American Heritage Rivers initiative and assure us that ample due process safeguards are in place to protect our citizens against unwarranted and unauthorized actions by Federal Government agencies. There is a good measure of enthusiastic support for the ultimate goal of the Administration's effort to preserve for future generations the rich natural and cultural legacy of our Nation's rivers. As a member of the leadership review board for the Elizabeth River Project, a non-profit organization committed to environmental preservation planning for the Elizabeth River in Hampton Roads, Virginia, I am aware of the immense local public support available to restore and preserve our Nation's waterways. There are many other willing and anxious citizens ready to join groups such as this one to ensure that our water resources are protected and enhanced in every appropriate way as quickly as possible. But as laudable as this objective is, it should not obscure or deter adherence to established constitutional principles nor diminish by Federal fiat the Constitutional protections afforded to our people.

The Administration's far-reaching initiative deserves the thoughtful and deliberate consideration of this Committee. I look forward to hearing the testimony of the distinguished panel.

BRIEFING PAPER ON
COUNCIL ON ENVIRONMENTAL QUALITY'S
AMERICAN HERITAGE RIVERS INITIATIVE

SUMMARY

On May 19, 1997, the Council on Environmental Quality published in the Federal Register a notice for public comment on the establishment of a Federal interagency task force to design criteria and make recommendations to the President for selection of ten outstanding stretches of river for designation as American Heritage Rivers. The notice was vague in detail and provided for a short comment period until June 9, 1997. The public responded to this issue by contacting Congress with concerns involving the effects of these designations on private property rights, concerns of increased Federal regulation, and Federal usurpation of local and State land-use authority.

The Congress requested that the Administration extend the comment period for this initiative, resulting in a June 20, 1997 publication of notice in the Federal Register extending the comment period until August 20, 1997.

The Committee on Resources is oversighting the American Heritage Rivers Initiative during this extended public comment period due to Congressional concerns involving the reprogramming of authorized funds for this initiative and the future reprogramming of funds for specific Federal assistance at areas not authorized by Congress.

BACKGROUND

On February 4, 1997, President Clinton announced the American Heritage Rivers Initiative in his State of the Union Address. The Council on Environmental Quality formulated all initial input into this initiative. Agencies involved in the America Heritage Rivers Initiative include the Departments of Agriculture, Commerce, Defense, Energy, Interior, Justice, and Housing and Urban Development, the Environmental Protection Agency, Advisory Council on Historic Preservation, Army Corps of Engineers, and the National Endowment for the Humanities.

The American Heritage Rivers Initiative has two major components: 1) enhanced services and program delivery to designated rivers, and 2) improved delivery of services and information to these designated river communities. The President will designate, by proclamation, ten rivers in calender year 1997, and others may be designated in later years. Designation of a river will be considered permanent, depending on the community's plan of action, and there will be a "River Navigator", a Federal employee, assigned to each designated river for a five year term, to serve as liaison to the community to coordinate delivery of all Federal agency resources.

The entire program design is vague, and leads one to believe that there are additional Federal resources available to these non-Congressionally authorized, Presidentially proclaimed rivers. These river designations are measured in the 100's of miles crossing multiple city, county, and State jurisdictional lines. In some instances, international boundaries are involved. Finally, there is confusion in that communities assume these rivers will receive the same opportunity for Federal funding as the Congressionally authorized National Heritage River Corridors..

Meetings were held in 15 major cities in all regions of the United States in April and May, 1997. These meetings were coordinated by the Federal Interagency Task Force, including representatives from the National Park Service, U. S. Forest Service, U.S. Natural Resources Conservation Service, and the Environmental Protection Agency. There is concern that the meetings did not comply with the Administrative Procedures Act and certainly not with the National Environmental Policy Act requiring adequate public notice and openness. Less than 1,000 individuals attended these sessions. On July 3, 1997, the Committee on Resources requested detailed information concerning these public meetings and the Council on Environmental Quality has agreed to provide it for review.

On May 19, 1997, the Council on Environmental Quality published notice in the Federal Register on the American Heritage Rivers initiative, and informed the Committee on Resources of this action, by letter dated the same day. Public reaction to the notice reached Congress during the last week of May, and as a result, on June 4, 1997, the Committee on Resources strongly advised the Council on Environmental Quality to extend the comment period for 90 days, until at least September 9, 1997. The letter also requested a briefing by the Council on Environmental Quality for Congressional staff. Subsequently, the Council on Environmental Quality briefed Congressional staff on June 6, 1997, but the results were so totally unsatisfactory that the decision was made to hold an oversight hearing. On June 11, 1997, the Council on Environmental Quality informed the Committee on Resources that the comment period would be extended until August 20, 1997, and subsequently, on June 20, 1997, the Council on Environmental Quality, published notice in the Federal Register extending the public comment by 60 days, rather than the requested 90-day period.

On June 10, 1997, Congresswoman Chenoweth, with 12 co-sponsors, introduced H.R. 1842, to terminate further development and implementation of the American Heritage Rivers Initiative. The bill was referred to the Committee on Resources on June 16, 1997.

On June 12, 1997, the Committee on Resources informed the Council on Environmental Quality that a hearing would be held on June 26, 1997, requesting testimony from all 13 Federal agencies involved in the American Heritage Rivers Initiative. On June 18, 1997, at the request of the Council on Environmental Quality, the Committee on Resources agreed to postpone the hearing until July 15, 1997.

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U.S. House of Representatives
Committee on Resources
Washington, DC 20515

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DEMOCRATIC STAFF DIRECTOR

June 4, 1997

Ms. Kathleen A. McGinty
Chair
Council on Environmental Quality
Executive Office of the President
Washington, D.C. 20503

Dear Ms. McGinty:

This letter is in response to your May 19, 1997 letter to Chairman Don Young, House Committee on Resources, concerning the Clinton Administration's American Heritage Rivers Initiative. This Committee has strong reservations about this unauthorized initiative, and we are fully aware of the public outcry occurring over the Federal Register Notice on this issue.

We strongly advise that the comment period for the Council on Environmental Quality (CEQ), American Heritage Rivers Initiative be extended for 90 days, until at least September 9, 1997, to provide sufficient time for the American public to express their concerns.

Furthermore, as the Committee with jurisdiction over the CEQ and the Department of the Interior (DOI), we request that you prepare a detailed briefing for this Committee, and other interested Members of Congress, to fully explain your undertaking of this initiative. The committee is especially interested in a full explanation of any reprogramming of authorized funds involved in conducting the public hearings throughout the United States in April and May, 1997; a full accounting of all personnel involved from the DOI; and, a comprehensive review of what budgetary reprogramming the planned Federal Interagency Team will require in Fiscal Year 1998. This briefing should be provided as soon as possible, but no later than June 27, 1997.

Finally, this Committee has serious concerns about this initiative to designate specific areas for special Federal assistance without any authorization from the Congress. Ironically, it would appear that CEQ has totally ignored the requirements of the National Environmental Policy Act of 1969 in undertaking this "major Federal action." We look forward to your immediate response to this letter and especially to our oversight responsibility concerning the short public comment period CEQ has provided the American people.

Please contact Mr. P. Dan Smith, Legislative Staff, Subcommittee on National Parks and Public Lands at (202) 226-7736, to coordinate the briefing requested by this Committee.

Sincerely,

DON YOUNG
Chairman
Committee on Resources

ROBERT F. SMITH
Chairman
Committee on Agriculture

JAMES V. HANSEN
Chairman
Subcommittee on National Parks and Public Lands

JOHN T. DOOLITTLE
Chairman
Subcommittee on Water and Power

BARBARA CUBIN
Chairman
Subcommittee on Energy and Mineral Resources

HELEN CHENOWETH
Chairman
Subcommittee on Forests and Forest Health

AMERICAN HERITAGE RIVERS INITIATIVE TESTIMONY

Statement of Kathleen A. McGinty, Chair, Council on Environmental Quality, Executive Office of the President
Bruce Babbitt, Secretary, U. S. Department of the Interior
Dan Glickman, Secretary, U. S. Department of Agriculture
And The Departments of Commerce, Defense, Energy, Justice, Transportation and Housing and Urban Development, the Environmental Protection Agency, Advisory Council on Historic Preservation, Army Corps of Engineers and the National Endowment for the Humanities
Before the
Committee on Resources
U. S. House of Representatives
July 15, 1997

The American Heritage Rivers initiative integrates the economic, environmental and historic preservation programs and services of federal agencies to benefit communities engaged in efforts to restore and revitalize America's rivers and the communities surrounding them. American Heritage Rivers is driven by the goals and needs of the communities themselves. Through American Heritage Rivers, all communities will receive better access to the information, tools and resources of various federal agencies. In addition, ten rivers will be designated as *American Heritage Rivers* and receive special recognition and focused federal support. They will serve as models of the most innovative, successful, and sustainable approaches to river restoration and community revitalization across the United States. This is a purely voluntary initiative; it will create no new regulatory requirements for property owners or state and local governments.

This approach embodies the Administration's effort to reinvent government in accordance with the National Performance Review. The National Performance Review, directed

by Vice President Gore, seeks to create a government that works better and costs less through focusing on customer service, developing partnerships and delegating power to the front lines.

BACKGROUND

In the State of the Union Address, on February 4, 1997, President Clinton announced that he was directing his Cabinet to design an initiative that would support communities in their efforts to restore and revitalize America's rivers and the communities that surround them. The White House subsequently convened an interagency task force to develop the American Heritage Rivers initiative, including the Departments of Agriculture, Commerce, Defense, Energy, Interior, Justice, Transportation and Housing and Urban Development, the Environmental Protection Agency, Advisory Council on Historic Preservation, Army Corps of Engineers and the National Endowment for the Humanities. The task force is chaired by the Council on Environmental Quality. Each of these departments oversees programs and services that can benefit citizens working to restore and revitalize their rivers and their river front communities. By engaging these departments from the inception, the Administration has tried to ensure that American Heritage Rivers will provide an integrated and well-coordinated approach to the various missions of the federal agencies and the economic development, environmental and historic preservation concerns they are charged to address.

The U. S. Conference of Mayors approved a resolution supporting the American Heritage Rivers at its recent meeting in San Francisco. Denver Mayor Wellington Webb, the sponsor of the resolution, hailed the initiative as an example of the economic, environmental and cultural benefits to be gained through locally-led river projects. A copy of the resolution is attached for your review.

AMERICAN HERITAGE RIVERS

Rivers have always been an integral part of our Nation's history. They provide opportunities for trade, commerce, and agriculture, routes for exploration and discovery, inspiration for ideas and culture, means of recreation, and focal points for community development. Rivers often define the distinctive character of communities.

As Mayor Richard Riordan observed, "More than 200 years ago, Los Angeles was established as a pueblo on the banks of the Los Angeles River . . . . [I]t still represents the heart of our city's spirit . . . . I share the vision of the dedicated Angelenos who want to revive our river's place in our city's legacy."

As in Los Angeles, communities across America are working to revitalize their waterfronts and to enhance the historic, cultural, recreational, economic, public health, and environmental values of their rivers. At the same time, many people have called for better, smarter and more coordinated ways to work with the federal government. President Clinton instructed the Cabinet to work with these communities in the design of this initiative to ensure that their local goals and objectives are met.

To solicit as much public input as possible, our outreach consists of four major components. First, after President Clinton announced the initiative during the State of the Union Address, background materials were broadly distributed.

Next, a web site was established on February 10, 1997 to share ongoing information with the public and to encourage their input on all components of the initiative (http:www.epa.gov/rivers). The site is updated on a regular basis. In addition, a hotline was established for citizen comments (1-888-40RIVERS).

Third, the interagency task force continuously seeks ideas from communities and interested parties on all aspects of the initiative. During April and May, meetings were held across the country to solicit input on the criteria and selection process and to identify the particular federal resources sought most by communities. Authorizing and appropriations committee staff, along with a varied group of stakeholders, were invited to the two Washington, D.C. meetings. Meetings have also been held in Albuquerque, New Mexico; Boston, Massachusetts; Philadelphia, Pennsylvania; Atlanta, Georgia; Chicago, Illinois; San Francisco, California; Los Angeles, California; Seattle, Washington; Asheville, North Carolina; and Denver, Colorado. The interagency task force will work to continue outreach opportunities.

Some organizations, hearing about the initiative, organized their own meetings and invited members of the interagency task force to attend. The interagency task force continues to try to accommodate all such requests. Thus some of the meetings that members of the interagency task force have attended include those at El Paso, Texas (organized by Congressman Reyes); Laredo, Texas (organized by City of Laredo Mayor Ramirez and Webb County Judge Mercurio Martinez, Jr.); Minneapolis, Minnesota (organized by the Mayor of St. Paul and attended by some 20 mayors along the Upper Mississippi River); the Fox River, Wisconsin (at the request of Congressman Jay Johnson); and the cities of Dubuque, Iowa, Jefferson City, Missouri, and Waco and Austin, Texas (at the invitation of representatives from the agriculture community).

Finally, as a result of these meetings throughout the country and comments from the web site, a draft outline of the initiative was published in the Federal Register on May 19. The

Federal Register Notice specifically asked for comments on the proposed overall design of the initiative, the qualifying and selection criteria, and the nomination and selection process and solicited advice regarding the specific types of federal assistance communities would find most helpful.

The Administration believes that a vital component of American Heritage Rivers initiative is that priorities should be driven by local communities. In the Federal Register Notice of May 19, the Administration proposed that communities nominate their river or stretch of river and that communities define the area covered by the nomination. To be considered for designation, communities must meet basic criteria and complete an application form. Final decisions regarding selections for designation ultimately will be made by the President.

Aspects of the initiative, including the criteria, will be refined to reflect the comments received. The following criteria were proposed in the Federal Register:

1. broad support for the designation from individuals and organizations along the river, such as landowners, businesses, educational and arts organizations, community leaders, economic developers, non-profit organizations, public and private institutions, state and local government agencies, Indian tribes, and elected officials;
2. a range of natural, economic, scenic, historic, cultural and/or recreational features that demonstrate the distinctive qualities of America's river heritage;
3. the willingness and capability of the parties nominating the river to enter into cooperative partnerships on behalf of their river;

4. a broad plan of action for the river; and

5. measurable benefits to the river community.

Further, the Administration believes the nomination process should be controlled, discussed and organized completely at the local level and the concerns of all members of a community should be aired as the nomination is prepared. Communities are fully expected to engage their elected officials in the nomination process.

The 10 designated rivers will receive focused support in the form of programs and enhanced services in four areas.

1. Each designated river will be assigned a "River Navigator" to work with the community to provide access to the federal agencies and existing programs and to simplify the delivery of these programs. It is likely each "River Navigator" will be an existing federal employee already engaged in community-based restoration and revitalization activities who will then become the primary point of contact for designated rivers and their communities.

2. The federal agencies will act as "Good Neighbors" by considering the plans of communities in making federal decisions. This was one of the key elements cited by the U. S. Conference of Mayors in their resolution supporting American Heritage Rivers.

3. The Administration proposes to use designated rivers as laboratories for reinvention of federal programs, since learning from our customers is the best way to improve the delivery of services for all communities. The interagency task force will work with each community, as it is designated, to help them

identify their needs. Field staff will provide technical assistance, education and help in accessing existing funding programs. This could take many forms, depending on the specific requests and desires of each community. For example, at a community's request, existing computerized inventory information and computer map programs could be made available to help identify and evaluate historic, environmental and economic resources. Planning assistance and community outreach could be offered to ensure a well-defined action strategy and a broad base of support for the initiative from the community as a whole. Training in soil and water quality testing could be appropriate for some communities to help them create a baseline against which to measure progress and to report on river conditions and trends. If needed, training and assistance with economic modeling could help communities in assessing the benefits and costs of proposed river projects. Finally, technical advice could help communities research and interpret the historic aspects of the unique settlement and development of the community.

4. The President will encourage the private sector to provide additional support for these communities. A number of corporations and foundations have already expressed interest in making substantial contributions to local efforts through this initiative. The creativity, innovation and vision, not to mention the technical and financial resources, possesed by the private sector make it a critical partner in efforts to improve and restore river resources.

But the benefits of American Heritage Rivers will extend beyond the 10 designated

rivers. All communities will be able to take advantage of improved delivery of existing federal agency services and greater access to information. Federal agencies will use existing staff, resources and programs to assist **all** communities in their river restoration and community revitalization efforts in two ways. First, federal agencies will work to improve and streamline their own efforts within and between agencies and to encourage their representatives in the field to rely more on partnerships with other units of government.

Second, communities will gain greater access to information through a "State of the Rivers" home page, that will provide information via the Internet on river conditions and demographics of river communities; a "talent bank" that will share knowledge and techniques about river-related community efforts; and a compilation of relevant federal programs and offices.

The Speaker of the Connecticut House of Representatives, Thomas D. Ritter, observed, "the [Connecticut] river has become the centerpiece for the push for economic revitalization in downtown Hartford . . . the American Heritage Rivers initiative would . . . complement our efforts and help the many programs already underway, as well as giving us insight into where our efforts could be stronger."

The Federal Register Notice generated numerous comments from mayors, congressional offices, business groups, farm bureaus, ranchers, national conservation associations, health associations and individuals. Many of the comments enthusiastically supported the goals of American Heritage Rivers and offered substantive suggestions on improving specific aspects of the initiative.

However, a number of the responses we received expressed concerns about the

initiative and requested an extension of time to comment. Some of the specific comments we received from these members of the public included a concern that the United Nations would be involved in this effort, and that the initiative would impose new regulatory controls on private lands. A number of Members of Congress also asked for an extension of the comment period to allow the public more time to study the proposal and provide additional comments.

In response to these requests and to encourage public input, the Administration on June 20 extended the comment period to August 20, for a total period exceeding 90 days. The notice extending the comment period also clarified for the record certain points, including that community nominations will be strictly voluntary, that the initiative will impose no new regulations, that a community will be able to choose to have its designation terminated, and that foreign governments and their international organizations will have no role in the program.

During this extension of the comment period, the Administration is working with members of the public through the interagency task force to help them better understand the initiative. There are currently standing offers to meet with any organization or group who would like to learn more about American Heritage Rivers. For example, on June 10, the Council on Environmental Quality Chair McGinty met in Washington, D.C. with Land Commissioners and organizations concerned with property rights issues. On July 12, 1997, she addressed members of the Western States Coalition.

The Administration has been asked how this initiative will relate to the National Environmental Policy Act (NEPA) of 1969. The American Heritage Rivers initiative in fact is based on the policies articulated by Congress in NEPA, namely:

- o creating and maintaining conditions under which man and nature can exist in productive harmony;
- o fulfilling the social, economic, and other requirements of present and future generations of Americans;
- o using all practicable means and measures, including financial and technical assistance, to attain these goals;
- o preserving important historic, cultural and natural aspects of our national heritage;
- o maintaining an environment which supports diversity and variety of individual choice; and
- o improving and coordinating Federal plans, functions, programs and resources to better achieve these goals (42 USC Section 431).

Of course, once the President makes the decision to designate an America Heritage River, federal agencies will comply with NEPA's procedural requirements when considering proposed federal actions in support of the designation.

After comments from the Federal Register notice close on August 20, the Cabinet will incorporate changes and suggestions into the design of the American Heritage Rivers initiative before forwarding it to the President for approval. The nomination process is anticipated to open in mid-September and final applications will be due in early December. The designations should be announced early in 1998.

First and foremost, the American Heritage Rivers initiative will recognize outstanding local efforts on behalf of the river heritage of this country. This cannot be underestimated.

Volunteers, nonprofit organizations, state and local governments and many others expend enormous resources and efforts to improve their communities. These efforts deserve recognition.

All communities will benefit from improved information, especially the experiences of designated communities that can be used as models. By accessing one web site, communities will learn about the federal resources concerning the environment, economic development, community revitalization and historic and cultural preservation. Hard copies of this information will also be available by calling a toll-free number.

American Heritage Rivers will improve interagency cooperation. While the federal agencies have substantially enhanced their coordination efforts and streamlined their respective processes, there are always improvements to be made. Using the example provided by the 10 designated rivers, the agencies will further enhance the efficiency and effectiveness of their operations to the benefit all river communities, and indeed, all citizens. Through better coordination, agencies will ensure resources authorized and appropriated by Congress are used most wisely.

In closing, the American Heritage Rivers initiative is a historic opportunity to expand our commitment to revitalize the communities that surround the 3.5 million miles of rivers and streams that flow throughout our nation. American Heritage Rivers focuses on the powerful link between healthy rivers and healthy communities. The initiative embodies the conviction that environmental, cultural, and economic goals are interdependent.

The Administration looks forward to working more closely with Congress. As Victor Ashe, the Mayor of Knoxville, Tennessee and a past president of the U.S. Conference of

Mayors said, "Working toward clean and healthy rivers is a goal that Republicans and Democrats should work together on."

Thank you for the opportunity to speak on this important initiative. We are happy to respond to any questions you might have.

Resolution No. 51

Submitted By:

The Honorable Wellington E. Webb
Mayor of Denver

AMERICAN HERITAGE RIVERS INITIATIVE

1. **WHEREAS**, President Clinton announced during his State of the Union speech creation of the American Heritage Rivers Initiative; and

2. **WHEREAS**, the American Heritage Rivers Initiative's objective is to enhance our citizens' enjoyment of the historic, cultural, recreational, economic and environmental value of our rivers and to protect the health of our communities; and

3. **WHEREAS**, the American Heritage Rivers Initiative will recognize outstanding stretches of America's rivers by selecting them to be American Heritage Rivers; and

4. **WHEREAS**, the American Heritage Rivers Initiative will be a partnership between the federal government and the people who enjoy the many values of our rivers; and

5. **WHEREAS**, President Clinton has directed federal agencies to take into consideration the effects upon American Heritage Rivers of federal government actions; and

6. **WHEREAS**, President Clinton has directed his Cabinet to refocus programs, grants and technical assistance in a number of departments to provide special support to American Heritage Rivers and each community supporting an American Heritage River will be given resources to catalyze their community's work on behalf of a restored, revitalized river; and

7. **WHEREAS**, communities will be able to nominate outstanding stretches of river for consideration as American Heritage Rivers and include information on the importance of the stretch of river to the nation's culture and history, to

past and future economic development and to public health and environmental quality,

8. NOW, THEREFORE, BE IT RESOLVED that The U.S. Conference of Mayors supports the President's new American Heritage Rivers Initiative and will deliver this resolution to the White House and to members of the U.S. Senate and the U.S. House of Representatives; and

9. BE IT FURTHER RESOLVED that The U.S. Conference of Mayors applauds the President for bringing national attention and resources to the creation of preserved environments in urban areas as well as in the remote wildernesses of our nation -- and redirect resources to help make American Heritage Rivers a reality.

Projected Cost: Unknown

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

June 20, 1997

The Honorable Don Young
Chairman
Committee on Resources
United States House of Representatives
Washington, D.C. 20515-6201

Dear Mr. Chairman:

I am writing regarding the American Heritage Rivers initiative. You will find enclosed a copy of the Federal Register Notice extending the comment period for this initiative by 60 days. All comments that are received from May 19 until August 20 will be fully considered as part of our review. You will also find enclosed answers to the most commonly asked questions regarding the American Heritage Rivers initiative.

The American Heritage Rivers initiative is designed to support community efforts on behalf of their own river resources. This initiative is an important example of the reinvention of government: it will allow communities to partner voluntarily with the Federal government so that existing resources can be used more effectively. The initiative will not mandate any new regulations, will not be imposed on any unwilling communities, and will not involve any foreign governments or international governmental organizations.

I hope you find this information helpful. If you have any questions, please feel free to contact my office.

Sincerely,

Kathleen A. McGinty
Chair

KAM/pgu

Attachments

3125-01

COUNCIL ON ENVIRONMENTAL QUALITY
American Heritage Rivers Initiative

AGENCY: Council on Environmental Quality

ACTION: Proposal with Request for Comments -- Re-Issue of May 19, 1997 Notice with Clarification Section and Revised Schedule

SUMMARY: In the State of the Union Address, President Clinton announced that he had directed his Cabinet to design an initiative to support communities in their efforts to restore and protect America's rivers. The White House subsequently convened an interagency task force to develop what has come to be known as the American Heritage Rivers initiative. The charter of the interagency task force is to integrate the environmental, historic and economic programs and services of federal agencies to benefit communities. The agencies designing this initiative include the Departments of Agriculture, Commerce, Defense, Energy, Interior, Justice, and Housing and Urban Development, the Environmental Protection Agency, Advisory Council on Historic Preservation, Army Corps of Engineers and the National Endowment for the Humanities.

There are many citizens, nongovernmental organizations and local, state and tribal governments working to restore and revitalize their river communities. The Administration is creating the American Heritage Rivers initiative to help these communities restore and protect their river resources in a way that integrates natural resource protection, economic development, and the preservation of historical and cultural values. This initiative proposes to assist these communities through better use of existing programs and resources and coordinating the delivery of those services in a manner designed by the community, or "bottom-up."

Under this program, the President will designate ten rivers as *American Heritage Rivers* in calendar year 1997. These designated rivers will receive special recognition and focused federal support and will serve as models of the most innovative, economically successful and ecologically sustainable approaches to river restoration and protection for communities across the United States. In addition to the ten rivers receiving designation, the initiative will provide improved information and services for all river communities. The initiative will create no new regulatory requirements for individuals or state and local governments.

DATE: Comments must be received by 5:00 p.m., EST, August 20, 1997. Written comments are required.

ADDRESS: Comments should be addressed to: Executive Office of the President, Council on Environmental Quality, Old Executive Office Building, Room 360, Washington, D.C. 20501. Fax: 202-456-6546. E-mail address: AHRivers@epamail.epa.gov.

FOR FURTHER INFORMATION CONTACT: Karen Hobbs, Agency Representative,

Council on Environmental Quality, Old Executive Office Building, Room 360, Washington, D.C. 20501. Phone: 202-395-7417; Fax: 202-456-6546.

SUPPLEMENTARY INFORMATION: This notice is available on the American Heritage Rivers Internet Homepage at: http://www.epa.gov/OWOW/heritage/rivers.html.
This document is divided into four sections: background on the American Heritage Rivers initiative; overall program design; benefits of designation and the designation process; and services available to all river communities. Comments are sought on the usefulness of the initiative, its design, and ways in which the federal government can support communities.

CLARIFICATION TO THE FEDERAL REGISTER NOTICE OF MAY 19, 1997
The proposal outlining the American Heritage Rivers initiative first appeared in the Federal Register Notice on May 19, 1997. The following points are intended to clarify issues raised over the last month.

- The American Heritage Rivers nomination is a voluntary, community-defined effort.
- The American Heritage Rivers initiative imposes no new federal regulations for individuals or state, tribal and local governments.
- Nominations for designation as an American Heritage River must demonstrate broad support of the local community.
- Foreign governments and their international organizations will not have a role in sponsoring a nomination to be an American Heritage River nor will they have any authority granted to them as a result of an American Heritage Rivers designation.
- Any community which nominates a river for designation and has its river designated, may have this designation terminated at its request at any point in the future.
- A local mechanism will be required that allows members of a community to comment on the nomination of a river or river stretch by their community.

All comments received between May 19, 1997 and August 19, 1997 will be considered.

BACKGROUND
Rivers have always been an integral part of our Nation's history -- providing opportunities for trade and commerce, routes for exploration and discovery, inspiration for ideas and culture, means of recreation, and focal points for community development. Rivers often define the distinctive character of communities. To capture or restore that distinctive character, communities across America are working to revitalize their waterfronts, and to enhance the historic, cultural, recreational, economic, public health, and environmental values of their rivers. Federal and state governments enact laws and impose regulations to clean up pollution and improve water quality. The goal of the American Heritage Rivers initiative is to support communities (hereafter referred to as River Communities), within existing laws and regulations, by providing them with better access to information, tools and resources, and encouraging private funding of local efforts deserving of special recognition.
The development of this initiative has been guided by six principles. The Administration believes that a successful initiative will be community-led, flexible, coordinated, broad,

partnership-based, and action-oriented. These principles embody the Administration's effort to reinvent government in accordance with the National Performance Review. The National Performance Review, directed by Vice President Gore, seeks to create a government that works better and costs less through focusing on customer service, developing partnerships and delegating power to the front lines. The Administration believes that a successful initiative will be community-led, flexible, coordinated, broad, partnership-based, and action-oriented.

OVERALL PROGRAM DESIGN

The initiative will be driven by the needs and desires of communities that wish to participate in the program. Communities already work with the federal government in numerous ways that effect rivers, and this work will continue. The initiative will make national expertise available to community-based restoration, protection and revitalization efforts, and will simplify community access to existing federal resources. The initiative will actively promote successful models that demonstrate private and public collaboration to preserve the special heritage associated with our rivers, and share this information through a clearinghouse.

The American Heritage Rivers initiative will have two components:

* enhanced services and program delivery to designated rivers; and
* improved delivery of services and information.

PART I:
BENEFITS OF DESIGNATION AND THE DESIGNATION PROCESS

The President will designate, by proclamation, ten rivers. These designated rivers will receive focused support in the form of programs and enhanced services, including a "River Navigator" (formerly referred to as a "caseworker" in public meetings and earlier documents) to work with the community to provide access to the federal agencies and existing programs and to simplify the delivery of these programs. Designated rivers and their communities will also receive a commitment from federal agencies to act as "Good Neighbors" in making decisions that effect communities. Each river will become a laboratory for reinvention of federal programs and delivery of services that will support each Community's revitalization efforts.

1. **Presidential Proclamation**
   Communities designated as American Heritage Rivers will receive recognition by proclamation of the President of the United States.
2. **"River Navigator"**
   Each designated river will be assigned a "River Navigator" to help implement the community's vision and provide a single contact/liaison for all federal resources.
3. **Coordinated Delivery of Federal Services**
   Programs exist in numerous federal agencies, including the Departments of Agriculture, Interior, Army, Housing and Urban Development, the Environmental Protection Agency and others to support rivers. An interagency task force, established to oversee the development of the initiative in Washington, D.C., will reduce duplication in and of programs, coordinate and leverage streamlined resources, and pay

particular attention to designated rivers.

The interagency task force will work with each River Community as it is designated to identify technical and funding needs. First, a team of planning and technical assistance experts will help each designated River Community assess its strategy and implementation plan to identify technical assistance and funding needs. Then, federal agencies will commit field staff and resources to the teams, which will also include non-federal partners, such as state, local, tribal governments and nongovernmental organizations, as well as other partners. Technical assistance, education, funding and high quality aerial photography and maps will help identify and evaluate historic, environmental and economic resources. Planning assistance and community outreach will ensure a well-defined action strategy and a broad base of support. Training in soil and water quality testing will help communities develop a baseline against which to measure progress and environmental monitoring will help communities develop a report card on river conditions and trends. Economic modeling will help communities assess benefits and costs of proposed river projects. Interpretative techniques will identify the unique aspects of the American settlement of the community. The teams will help to implement the "Good Neighbor Policy" (discussed below). Through the establishment of these teams, federal agencies will seek stronger intergovernmental partnerships with state, local and tribal governments to streamline and speed the delivery of services and programs. Individual program services will be simplified and expedited, within existing laws and mandates. For some River Communities, Performance-Based Organizations will be established. A Performance-Based Organization, an idea championed by Vice President Gore and the National Performance Review, is granted flexibility from certain bureaucratic requirements in exchange for a commitment to achieve ambitious performance-based goals. In addition, regional and state personnel of federal agencies will assess their successes and implementation problems associated with the initiative, and make recommendations for improving delivery and accessibility of services and programs.

4. **"Good Neighbor Policy"**

Federal agencies will commit to a "Good Neighbor Policy" under which they will help ensure that their actions have a positive effect on the natural, historical, economic and cultural resources of American Heritage River communities.

The interagency task force will develop ways to inform communities and federal agencies about American Heritage Rivers goals and objectives to ensure that federal actions are complementary to these goals. The "Good Neighbor Policy" will require the federal agencies to identify ways to inform local groups regarding federal actions and will require agencies to consult with American Heritage River communities early in the planning stages of federal actions and take into account the community's goals and objectives.

5. **Private Sector Opportunities**

The Administration will encourage nongovernmental organizations, businesses and other partners to work with state, tribal and local governments to restore, protect, and revitalize American Heritage Rivers that run through their communities.

How do River Communities Nominate a River?
Communities wishing to nominate their river must meet basic criteria and complete a nomination form. The nomination will require information from the nominating River Community, such as:

1. A brief description of the proposed American Heritage River area;
2. A brief description of how the proposed American Heritage River meets the qualifying criteria;
3. The names, addresses and phone numbers of sponsors listed separately. Letters of endorsement and support are highly recommended.

Nominations must be no more than 15 pages, 10 point type sizes or larger with one inch margins. Letters of endorsement and support and maps describing the proposed designated area will not count toward the 15 page limit. Due to the constraints of the review and selection process, additional materials, such as videos, photographs and/or plans, will not be considered. E-mail transmissions of the applications will be accepted.
Information about the American Heritage Rivers initiative is readily available to all River Communities through personal contacts, Internet access, a toll-free phone line and written materials. Federal agency field staff will receive special orientation on the initiative to enable them to answer river community questions. Special emphasis is given to outreach methods for minority and low income communities.
Information about qualifying and selection criteria and the selection process is available to the public and clearly explained in the application package as well as in other information media (such as those listed above).

Who May Put Forward Nominations?
Any River Community working to improve, protect or revitalize a river is eligible to nominate a river area. A River Community is self-defined by the members of the community. It can include private citizens, landowners, educational and arts organizations, community leaders, economic developers, businesses, nonprofit organizations, public and private institutions, local and state government agencies, Indian tribes, elected officials, and/or other parties within and adjacent to the proposed area or areas that support the designation and the goals of American Heritage Rivers.

Scope of Area Covered by Nomination
A River Community will define the area covered by the nomination and should reflect the River Community's capability to implement its plan of action. The length of the area, whether it is an entire watershed, the length of an entire river, or a short stretch of a river, may cross jurisdictional boundaries (if supported by that government and community through letters of support and endorsement).

What are the Qualifying Criteria?
The qualifying criteria are intended to be broad, flexible and credible. Designation is available both to community-led efforts that are well underway and to communities just beginning. In making a nomination, sponsoring communities or organizations must

demonstrate broad community support; notable resource qualities; local and regional partnership agreements; strategies that lead to action; and an ability to achieve measurable results.

1. **Broad Community Support**
   A broad spectrum of private citizens, such as landowners, businesses, educational and arts organizations, community leaders, economic developers, nonprofit organizations, public and private institutions, local and state government agencies, Indian tribes, elected officials, and/or other parties within and adjacent to the proposed area or areas support the designation and the goals of American Heritage Rivers.
2. **Notable Resource Qualities**
   There is within the proposed river area (as defined by the community or organization) a range of natural, economic, scenic, historic, cultural, and/or recreational features that demonstrate distinctive qualities of America's river heritage.
3. **Local and Regional Partnership Agreements**
   The principal party or parties nominating the river and local or regional governmental entities show their willingness and capability to enter into new, or to continue and expand existing, partnership agreements with each other as well as with federal and state agencies, Indian tribes, and/or other parties to implement a plan for the river area.
4. **Strategies That Lead to Actions**
   The principal local sponsoring party, or parties, has in hand, or is developing, a broad plan of action for the river area. Any actions planned on the designated area should not impact downstream communities. At a minimum, the strategy includes the following components:
   * Community vision;
   * Operating procedures and policies;
   * Description of how the proposal takes into account existing plans for the area;
   * Public participation and public education;
   * Projects and products (including any anticipated impacts beyond the designated river area);
   * Resources committed and anticipated (including means for generating additional and matching support from both public and private sources);
   * Schedule of actions;
   * What the community expects the federal role to be;
   * Obstacles to community action, including those the community believes can be resolved by joint federal, state and local support;
   * Measures of success.
5. **Measurable Results**
   Implementation of the community's vision must result in measurable benefits to the river community reflecting the community's goals, including, but not limited to, protection of water resources and/or public health, restoration of rivers, protection and highlighting historic and cultural resources, revitalization of local and regional economies, and/or implementing sustainable development within the river area.

What are the Selection Criteria?
A selection council, convened by the President and discussed below, will, for those nominations meeting the qualifying criteria, also seek to ensure that, individually or as a group, American Heritage Rivers will exemplify America's river heritage at its best, in all its natural, historic, cultural, social, economic, and ecological diversity. The selection council will judge whether the designated rivers will showcase a variety of stream sizes and situations, in urban, rural, and mixed contexts. They will also assess the potential for an American Heritage River to showcase one or more innovative programs in such areas as watershed planning, historic preservation, wildlife management, fisheries' restoration, community revitalization, floodplain management and recreation. Applicants should keep in mind the selection criteria in their responses to the qualifying criteria.
In addition, designated rivers will be able to benefit significantly from a broad range of refocused or retargeted federal programs or other assistance and help generate broader public support for the goals and guiding principles of American Heritage Rivers as excellent examples and models for emulation throughout the Nation.

Evidence of Support
The ability of a River Community to achieve its goals of river quality improvement and economic and community revitalization will depend on the cooperation of state, tribal and/or local officials, as well as strong partnerships with nongovernmental and community organizations. If a state, tribal and/or local government(s) nominates a watershed, river or river stretch, letters of support from nongovernmental organizations and community groups are highly recommended. If a nongovernmental organization(s) nominates a watershed, river or river stretch, letters of support from state, tribal and/or local units of government are highly recommended.

Number of Designations
The President will designate ten rivers in calendar year 1997. The experience gained from the designated rivers and the level of community support for the initiative will guide future river designations.

Terms of Designation
Designation will generally be considered permanent, subject to implementation of the community's plan of action. The "River Navigator," however, will be for a term not to exceed five years.

Selection Council
An interagency task force, composed of the heads of federal agencies, will make recommendations to the President regarding designations. The Administration is considering options on how to include the opinions of the public and experts from a variety of fields in this decision-making process.

PART II:
SERVICES AVAILABLE TO ALL RIVER COMMUNITIES

All River Communities will be able to take advantage of improved delivery of existing federal agency services and greater access to information. Federal agencies will use existing staff, resources and programs to assist all River Communities in their river restoration and community revitalization efforts.

1. **Improved Delivery of Existing Services and Programs**

   During the first year, federal agencies will focus on improving service and program delivery *to the designated river communities*, but will also implement methods to improve information access and service delivery to *all* river communities. There will be an emphasis on establishing stronger intra-and inter-agency communications systems and incentives and performance measures for field staff to rely more on partnerships with other federal agencies. Special emphasis will be given for outreach to minority and low income communities.

2. Information

   A. **Internet Services**

   A "State of the Rivers" Home Page will provide information via the Internet on river conditions and demographics of river communities. Visitors to the American Heritage Rivers initiative Home Page will also be able to access Web Pages devoted to the "State of Your River," (modeled on EPA's *Surf Your Watershed* program) which will in turn link to various sources of information. For example, a person might use a zip code or county name to locate a particular river, and then "point and click" for information about that river, such as drinking water sources, land use, or population. From the American Heritage Rivers initiative Home Page, a user will be able to link to the Home Pages of all participating federal agencies to access information on such topics as economic modeling, available grants, teaching guides and where to get aerial photographs and advice from experts.

   An American Heritage Rivers Riverfront Internet Page will present users with a broad array of goods and services from which to choose. This electronic tool kit will be customer-driven, so that users can easily scan the tools available and quickly find and obtain those that best fit their community's interests. The Riverfront Internet Page will be divided into the following categories: facts and maps; getting started; assistance yellow pages; local action; building partnerships; and knowing your assets.

   B. **"Talent Bank"**

   A "talent bank" will share knowledge and techniques about community river restoration and revitalization efforts. The "talent bank" will build on existing expertise and provide access to creative ideas for addressing river goals and needs; real world experience in translating those ideas into practical, workable action; and expertise (professional, technical, organizational, financial or other skills) for helping carry out particular projects or other aspects of community plans. It will be available on both the Internet and in hard copy.

C. **Catalog of Federal Support**
A catalog of federal support will be developed and made available via the Internet, as well as in hard copy. Whether on the Internet or in hard copy, this information is intended to provide hands-on, step-by-step help to communities that are just beginning to restore and revitalize their rivers. The information will consist of brochures, "how-to" pamphlets, a bibliography, and videos.

NEXT STEPS:

Specific input is sought on the following:

a. Overall design of the American Heritage Rivers initiative.
b. Qualifying and selection criteria.
c. Nomination and selection process.
d. Types of assistance needed by communities working on rivers, including comments on existing or needed federal programs and services.

During April and May, the interagency team sought ideas from communities and interested parties to establish criteria for river selection, to determine how rivers will be designated, and to propose how the initiative will be implemented. The following cities hosted meetings, with the approximate number of attendees in parentheses:

April 7	Washington, D.C. (100 attendees)
April 14	Washington, D.C. (40 attendees)
April 16	Albuquerque, New Mexico (60 attendees)
April 22	Boston, Massachusetts (40 attendees)
April 25	Philadelphia, Pennsylvania (80 attendees)
April 28	Atlanta, Georgia (40 attendees)
	Chicago, Illinois (120 attendees)
	San Francisco, California (30 attendees)
April 29	Los Angeles, California (30 attendees)
April 30	Seattle, Washington (40 attendees)
May 1	Asheville, North Carolina (60 attendees)
May 7	Denver, Colorado (50 attendees)

The schedule for subsequent action is as follows:

May-August:	Federal Register Notice of Draft Program Design, with Comment Period
August:	Cabinet Recommends Initiative Design to President
September:	Federal Register Notice of Final Program, Open Nominations
December:	Applications Due
January:	Designated Rivers Announcements

After comments from the Federal Register notice have closed, the Cabinet will incorporate changes and suggestions into the design of the American Heritage Rivers initiative before

forwarding it to the President for approval. If the President approves the initiative design, it is expected that the President will direct his Cabinet to implement the American Heritage Rivers initiative.

Kathleen A. McGinty
Chair
Council on Environmental Quality

6/18/97
Date

AMERICAN HERITAGE RIVERS INITIATIVE
FREQUENTLY ASKED QUESTIONS AND ANSWERS
(June 19, 1997)

Q. What is the American Heritage Rivers initiative?

A. President Clinton announced the American Heritage Rivers initiative in the State of the Union Address on February 4, 1997. In the first year, the President intends to designate 10 rivers for special recognition as American Heritage Rivers. In addition, improved Federal services will be made available to all U.S. river communities who seek assistance.

Q. What is the purpose of the American Heritage Rivers initiative?

A. Rivers have always been an integral part of our Nation's history -- providing opportunities for trade and commerce, routes for exploration and discovery, inspiration for ideas and culture, means of recreation, and focal points for community development. The goal of the American Heritage Rivers initiative is to use existing resources and authorities to support local community efforts by providing them with better information, streamlining procedures, and recognizing local efforts deserving of special attention.

Q. How does an area become an American Heritage River?

A. Communities themselves will nominate their rivers or stretch of river to the President. They must meet basic criteria, complete an application form and be selected by an interagency committee. Communities must show that their nomination meets the following criteria:

1. broad support for the designation from individuals and organizations along the river, such as elected officials, landowners, farmers, businesses, educational and arts organizations, community leaders, economic developers, state and local governments;
2. a range of natural, economic, scenic, historic, cultural and/or recreational features that demonstrate the distinctive qualities of America's river heritage;
3. the willingness and capability of the parties nominating the river to enter into cooperative partnerships on behalf of their river;
4. a broad plan of action for the river; and
5. measurable benefits for the river community.

Q. Why should a community seek designation?

A. The designated rivers will receive focused support to access existing federal programs and services. Communities may enlist the aid of a "River Navigator" to ensure efficient access to federal agencies and to simplify and streamline the delivery of these

programs. Designated rivers and their communities will also receive a commitment from federal agencies to act as "Good Neighbors" in making decisions that affect those communities. Each designation will offer opportunities for the community to reinvent delivery of Federal services by trying out new approaches that support that community's needs.

Q. By what authority does the President name American Heritage Rivers?

A. The federal government has the authority and responsibility to coordinate the use of its limited resources in the best possible manner. Many federal agencies already have programs authorized and appropriated by Congress that are relevant to preserving and revitalizing our rivers. With the American Heritage Rivers initiative, services provided by these programs will be delivered more effectively.

Q. How can members of a community present their views about a potential nomination?

A. The nomination process will be fully controlled, discussed and organized at the local level. The concerns of all members of a community should be aired as the nomination is prepared. Communities submitting applications should make opportunities available for members of the local public to comment on the nomination. The Administration will also allow members of the public to comment on nominations that it receives. Elected officials are expected to participate in the nomination process.

Q. What is the role of the River Navigator?

A. Communities may use the River Navigator to work with the federal agencies to help cut red tape and match priorities identified by the community with services of one or more of the participating Federal agencies. We expect the River Navigator to be a federal employee, but the community will have a role in choosing the River Navigator. The River Navigator will not have any power over local decision making.

Q. What about communities that are not designated?

A. All river communities will receive improved access to Federal government programs and services via greater coordination among Federal agencies, the American Heritage Rivers Internet web page (which will list river related Federal programs and services), and hard copies of all information in an easy-to-use format.

Q. Is this a Federal "land grab" for rivers?

A. Quite the contrary. This is an effort to increase local access to Federal programs that affect rivers, not to increase federal management or regulation of rivers. People in communities come together and nominate their stretch of river. This initiative supports community plans -- which might include economic development, revitalization, environmental and public health protection, recreation and job creation. To accomplish

these goals, the Administration will better coordinate federal environmental, economic and cultural programs with the communities themselves to give people better access to existing federal resources. Most important, the federal government will respond directly to community needs.

Q: Is it true that foreign governments or their international organizations could be involved in determining these designations and controlling the river resources?

A. Absolutely not. The American Heritage Rivers will be nominated by American communities to celebrate their own historical and cultural values. Foreign governments or their governmental organizations will not be involved.

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