HEARING ON H.R. 3963, H.R. 2125, H.R. 3950, H.R. 4144, H.R. 4211, H.R. 4230, AND H.R. 4287

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

ON

H.R. 3963: TO ESTABLISH TERMS AND CONDITIONS UNDER WHICH THE SECRETARY OF THE INTERIOR SHALL CONVEY LEASEHOLDS IN CERTAIN PROPERTIES AROUND CANYON FERRY RESERVOIR, MONTANA

H.R. 2125: TO AUTHORIZE APPROPRIATIONS FOR THE COASTAL HERITAGE TRAIL ROUTE IN NEW JERSEY, AND FOR OTHER PURPOSES

H.R. 3950: TO DESIGNATE A PORTION OF THE OTAY MOUNTAIN REGION OF CALIFORNIA AS WILDERNESS

H.R. 4144: TO ENSURE THE PROTECTION OF NATURAL, CULTURAL, AND HISTORICAL RESOURCES IN CUMBERLAND ISLAND NATIONAL SEASHORE AND CUMBERLAND ISLAND WILDERNESS IN THE STATE OF GEORGIA

H.R. 4211: TO ESTABLISH THE TUSKEGEE AIRMEN NATIONAL HISTORIC SITE, IN ASSOCIATION WITH THE TUSKEGEE UNIVERSITY, IN THE STATE OF ALABAMA, AND FOR OTHER PURPOSES

H.R. 4230: TO PROVIDE FOR A LAND EXCHANGE INVOLVING THE EL PORTAL ADMINISTRATIVE SITE OF THE DEPARTMENT OF THE INTERIOR IN THE STATE OF CALIFORNIA

H.R. 4287: TO MAKE TECHNICAL CORRECTIONS AND MINOR ADJUSTMENTS TO THE BOUNDARIES OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT IN THE STATE OF UTAH

JULY 28, 1998, WASHINGTON, DC

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HEARING ON: H.R. 3963, TO ESTABLISH TERMS AND CONDITIONS UNDER WHICH THE SECRETARY OF THE INTERIOR SHALL CONVEY LEASEHOLDS IN CERTAIN PROPERTIES AROUND CANYON FERRY RESERVOIR, MONTANA

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H.R. 4287, TO MAKE TECHNICAL CORRECTIONS AND MINOR ADJUSTMENTS TO THE BOUNDARIES OF THE GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT IN THE STATE OF UTAH

TUESDAY, JULY 28, 1998

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON THE RESOURCES, *Washington, DC.*

The Subcommittee met, pursuant to notice, at 10 a.m., in room 1324, Longworth House Office Building, Hon. James Hansen (chairman of the Subcommittee) presiding.

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

Mr. HANSEN. [presiding] The committee will come to order.

Good morning, everyone, and welcome to the hearing. Today we will hear testimony on seven bills—H.R. 3963, H.R. 2125, H.R. 3950, H.R. 4144, H.R. 4211, H.R. 4230, and H.R. 4287.

Mr. HANSEN. The first bill for consideration is H.R. 3963, introduced by Congressman Hill, to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana. This bill would lead to the private ownership of 265 cabin sites that are presently owned by the Bureau of Reclamation.

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

Mr. HANSEN. The next bill we will hear is H.R. 2125, introduced by Congressman LoBiondo of New Jersey, would authorize appropriations for the Coastal Heritage Trail Route in New Jersey. The bill would also extend the authorities provided to the Secretary of the Interior when the route was established in 1988.

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

Mr. HANSEN. The next bill, H.R. 3950, introduced by Congressman Bilbray of California, would create the Otay Mountain Wilderness Area in southern California. We realize that concerns have been expressed, and there have been ongoing negotiations over language in the bill that would allow the Border Patrol and the DEA to continue to conduct their operations in this area. This Subcommittee intends to work with the concerned parties, and I hope we can find an appropriate solution.

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

Mr. HANSEN. The next bill is H.R. 4144, introduced by Congressman Kingston of Georgia, would ensure protection of the natural, cultural, and historical resources of Cumberland Island National Seashore and Cumberland Island Wilderness Area in Georgia. This bill would enable a land exchange to occur between the Federal Government and private entities of Cumberland Island. This bill also directs the restoration of the Plum Orchard Mansion by using public and private funds. Additionally, H.R. 4144 directs the Secretary of the Interior to identify, document, and protect archaeological sites located within the Seashore, as well as prepare and implement a plan to preserve designated national historic sites within the Seashore and also to designate the southern tip of the island as wilderness.

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

Mr. HANSEN. The next bill, H.R. 4211, introduced by Congressman Riley of Alabama, would establish the Tuskegee Airmen Na-

tional Historic Site as a unit of the National Park Service, in association with the Tuskegee University, in the State of Alabama. This site will help commemorate and interpret the historic efforts made by the Tuskegee Airmen during World War II.

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

Mr. HANSEN. The next bill, H.R. 4230, introduced by Congressman Radanovich, would provide for a land exchange involving the El Portal Administrative Site to allow Yosemite National Park to replace the Arch Rock Entrance Station with a much safer and larger entrance. Yosemite National Park would acquire the needed parcel from a private company known as Yosemite Motels, who would receive in exchange a parcel of land elsewhere.

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

Mr. HANSEN. The final bill, H.R. 4287, introduced by Congressman Cannon of Utah, would make technical corrections and minor adjustments to the boundary of the Grand Staircase-Escalante National Monument in the State of Utah. As many of you know, the monument was created and its boundaries were drawn in the dark, in the secret of the night, without any public input. As a result, the monument included certain areas that should have been excluded, including a pending school site.

[Laughter.]

I don't know who wrote this.

[Laughter.]

I'm merely reading it.

[Laughter.]

This bill makes changes to the boundaries to correct some of these heinous problems that were created.

[Laughter.]

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

Mr. HANSEN. We are very pleased to have the sponsors of these bills here with us today. I also thank all of the witnesses here today and look forward to their testimony.

As you can see, we are hearing several bills and have several witnesses. I would ask our witnesses to please keep their testimonies to the allotted 5 minutes. And today, I really have to say that because, as you know, a tragedy occurred in the Capitol on Friday, and Members of Congress are supposed to be over in the House at 11:45, so because of this very unusual and tragic thing that occurred, we want to get out of here as soon as we can.

How that thing works for you—the members all know—but you folks, when you come up, we'll give you all 5 minutes. It's just like a green light; when you see that the light's green, go ahead; yellow, wrap it up, and red, I'll have to bang the gavel. So, talk fast, and we'll read all your stuff. All these bills look good to us, and I think we can handle it.

[The statement of Mr. Hansen follows:]

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

Good morning everyone and welcome to the hearing. Today we will hear testimony on seven bills, H.R. 3963, H.R. 2125, H.R 3950, H.R. 4144, H.R. 4211, H.R. 4230 and H.R. 4287.

The first bill for consideration is H.R. 4141, introduced by Congressman Hill, to establish terms and conditions under which the Secretary of the Interior shall con-

vey leaseholds in certain properties around Canyon Ferry Reservoir, Montana. This bill would lead to the private ownership of 265 cabin sites that are presently owned by the Bureau of Reclamation.

The next bill we will hear is H.R. 2125, introduced by Congressman LoBiondo of New Jersey, would authorize appropriations for the Coastal Heritage Trail Route in New Jersey. The bill would also extend the authorities provided to the Secretary of the Interior when the route was initially established in 1988.

The next bill, H.R. 4109, introduced by Congressman Bilbray of California, would create the Otay (O Tie) Mountain Wilderness Area in southern California. We realize that concerns have been expressed, and that there have been ongoing negotiations over language in the bill that would allow the Border Patrol and the DEA to continue to conduct their operations in this area. This Subcommittee intends to work with the concerned parties and I hope we can find an appropriate solution.

The next bill is H.R. 4144, introduced by Congressman Kingston of Georgia would ensure protection of the natural, cultural and historical resources on Cumberland Island National Seashore and Cumberland Island Wilderness Area in Georgia. This bill would enable a land exchange to occur between the Federal Government and private entities on Cumberland Island. This bill also directs the restoration of the Plum Orchard Mansion by using public and private funds. Additionally, H.R. 4144 directs the Secretary of the Interior to identify, document, and protect archaeological sites located within the Seashore, as well as prepare and implement a plan to preserve designated national historic sites within the Seashore and also to designate the southern tip of the island as wilderness.

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The final bill, H.R. 4287, introduced by Congressman Cannon of Utah, would make technical corrections and minor adjustments to the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah. As many of you know, the monument was created, and its boundaries were drawn, in secret, without any public input as a result, the monument included certain areas that should have been excluded, including a pending school site. This bill makes changes to the boundaries to correct some of these problems.

We are very pleased to have the sponsors of these bills here with us today. I also thank all the other witnesses here today and look forward to their testimony. As you can see, we are hearing several bills and have several witnesses. I would ask our witnesses to please keep their testimonies to the allotted 5 minutes. When the light you see on the table turns yellow you should start wrapping your testimony up. When it turns red you should end.

Mr. HANSEN. The gentleman from American Samoa, Mr. Faleomavaega.

STATEMENT OF HON. ENI F. H. FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM AMERICAN SAMOA

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank you for calling this hearing this morning. I had hoped that, at least out of the seven pieces of legislation, that maybe one or two would be representative of this side of aisle. But I notice that all pieces of legislation do represent the majority party.

Quite a variety of issues that we're going to be discussing through these pieces of legislation. Some do have the support of the administration, and some have the complete opposition or objection by the administration. Mr. Chairman, we're getting to the last moment of the hour on the eve of the 24th hour before adjournment this year in October, and I sincerely hope that we will do justice

to these pieces of legislation in examining them closely and making sure that, not only they protect the public interest, but certainly that our friends who are sponsors of this legislations will have an understanding and certainly our purpose and consideration the provisions of each of these pieces of legislation.

I want to offer my personal welcome to our colleagues who are sponsors of these pieces of legislation and look forward to their testimonies this morning.

Mr. HANSEN. Thank you.

We'll start with Frank LoBiondo of New Jersey. We'll go to Brian Bilbray and then George Radanovich, in that order. But, Frank, we'll start with you.

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

Mr. LOBIONDO. Thank you very much, Mr. Chairman, for agreeing to schedule this hearing today. I have a New Jersey State Senate Resolution which I'd like to submit for the record, if that's OK with you, Mr. Chairman.

Mr. HANSEN. Without objection.

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

Mr. LOBIONDO. It's supporting this legislation. And also further into proceedings, I'd like to thank Jane Galetto from my district, 2nd District of New Jersey, for being here today to give the citizens' testimony on this bill.

Today I'll be saying a few words about H.R. 2125, the bill I've introduced along with Senator Frank Lautenberg, to extend the authorization of the New Jersey Coastal Heritage Trail. I'd like to explain to you briefly why this legislation is deserving of Congress' attention by describing the many benefits the trail has and will continue to have in southern New Jersey.

H.R. 2125 would extend the authorization of the Coastal Heritage Trail until 2004 and provide an additional $2.75 million to complete work begun with its establishment in 1988. This extension is needed to complete a number of projects such as interpretive exhibits, wayside signs, related onsite information, and other services. Simply put, inaction of H.R. 2125 will prevent the trail from being caught in an unfinished work-in-progress condition.

First, let me provide a short history. The legislation establishing the New Jersey Coastal Heritage Trail was passed by Congress in 1988, thanks to the leadership of Senator Bill Bradley. Its original intent was to unify New Jersey's many scenic points of interest along the State's Atlantic Ocean, Delaware River, and Delaware Bay shorelines. By using the term, "scenic points of interests," I'm referring to the wealth of environmental, historical, maritime, and recreational sites that can be found along New Jersey's coastlines. These sites range from Perth Amboy to the north, Deepwater to the west, Cape May to the extreme southern tip of the State. The trail's areas include two national wildlife refuges, four tributaries of wild and scenic river system, a Civil War fort and national cemetery, several lighthouses, historic homes, and several other sites tied to southern New Jersey's maritime history.

In short, the Coastal Heritage Trail incorporates the best of what New Jersey has to offer to the rest of the Nation. In highlighting

the scenic points of interest mentioned above, it is important to emphasize that the completed trail will stimulate the local economy in southern New Jersey by attracting tourists from northern New Jersey and the entire Delaware Valley region.

Although the 2nd Congressional District is known for its resort communities along the Atlantic coast, there are a number of treasures that the Coastal Heritage Trail will bring to the attention of the public. It is no exaggeration to say the potential for tourism in the counties along the Delaware Bay—Salem, Cumberland, and Cape May—has only begun to be tapped.

One exciting aspect of the Coastal Heritage Trail is the focus on maritime history. There's a rich history to be told about the industries once sustained by the Delaware Bay, such as whaling, seaborne trade, shipbuilding, oystering, crabbing, and the harvest of caviar and menhaden. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors to the Delaware Bay coast that maritime-dependent commerce was, and at one time, a major factor in the growth of the United States.

Similarly, eco-tourism along the Coastal Heritage Trail has proved to be a big success. There is an abundant variety of natural habitat and species to be found on the coast. During the springtime, for instance, visitors can watch the annual spectacle of thousands of horseshoe crabs returning to lay their eggs on the beach. Whale and dolphin watching have become extremely popular. In addition, bird lovers from out of the State and around the world are realizing what southern New Jersey residents have known for a long time, that the region is unmatched for observing migratory birds, ospreys, bald eagles, and shore birds. Mr. Chairman, having recently traveled up the Maurice River, a central feature of the Coastal Heritage Trail route, in an oyster boat, I can proudly attest to what an inspiration it is to see ospreys thriving in their natural habitat.

Let me also tell the members of the Subcommittee that if you ever have the opportunity to take a drive along the Trail route, open the car window and take a deep breath of the air specially flavored by the salt marshes and wetlands. It is an aroma of tidal region made up in equal parts of plant, fish, insect, and bird life that make it distinctive.

Finally, let me point out to the members of the Subcommittee that the New Jersey Coastal Heritage Trail is a partnership between the Federal Government and several sources that works. The Trail has been supported by the State of New Jersey, Division of Travel and Tourism, local community groups, several nonprofit societies, and corporate sources. Far from any costly government project, the Coastal Heritage Trail represents the kind of program we should be encouraging—preservation-minded, with a potential for positive economic impact on the local community.

Mr. Chairman, thank you again for allowing me to come before your Subcommittee and testify on this bill, H.R. 2125. This is simple legislation that, if enacted, is sure to have a resounding and long-lasting influence on southern New Jersey for many years to come.

Thank you very much.

[The prepared statement of Mr. LoBiondo follows:]

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

Mr. Chairman and members of the Subcommittee, I would like to thank you for scheduling this hearing. Today I will be saying a few words about H.R. 2125, a bill I have introduced along with Senator Frank Lautenberg, to extend the authorization of the New Jersey Coastal Heritage Trail. I would like to explain to you why this legislation is deserving of Congress' attention by describing the many benefits the Trail has, and will continue to have, in Southern New Jersey.

H.R. 2125 would extend the authorization of the Coastal Heritage Trail until 2004, and provide an additional $2.75 million to complete work begun with its establishment in 1988. This extension is needed to complete a number of projects, such to interpretive exhibits, wayside signs and related on-site information, and other services. Simply put, enaction of H.R. 2125 will prevent the Trail from being caught in an unfinished, "work in progress" condition.

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In short, the Coastal Heritage Trail incorporates the best of what New Jersey has to offer to the rest of the nation. In highlighting the scenic points of interest mentioned above, it is important to emphasize that the completed Trail will stimulate the local economy in Southern New Jersey by attracting tourists from Northern New Jersey and the entire Delaware Valley region.

Although the Second Congressional District is known for its resort communities along the Atlantic coast, there are a number of treasures that the Coastal Heritage Trail will bring to the attention of the public. It is no exaggeration to say the potential for tourism in the counties along the Delaware Bay—Salem, Cumberland, and Cape May—has only begun to be tapped.

One exciting aspect of the Coastal Heritage Trail is the focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay—such as whaling, seaborne trade, shipbuilding, oystering, crabbing, and the harvest of caviar and menhaden. While we often define our nation's history through military or political milestones, the Trail will serve to remind visitors to the Delaware Bay coast that maritime-dependent commerce was, at one time, a major factor in the growth of the United States.

Similarly, "eco-tourism" along the Coastal Heritage Trail route has proved to be a big success. There is an abundant variety of natural habitats and species to be found on the coast. During the springtime, for instance, visitors can watch the annual spectacle of thousands of horseshoe crabs returning to lay their eggs on the beach. Whale and dolphin watching have become extremely popular. In addition, bird lovers from out of the state are realizing what Southern New Jersey residents have known for a while: that the region is unmatched for observing migratory birds, ospreys, bald eagles, and shore birds.

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Heritage Trail represents the kind of program we should be encouraging: preservation-minded with a potential for positive economic impact on the local community.

Mr. Chairman, thank you again for allowing me to come before your Subcommittee to testify on H.R. 2125. This is simple legislation that, if enacted, is sure to have a resounding and long-lasting influence on Southern New Jersey for many years to come.

Mr. HANSEN. Thank you.

Mr. Bilbray.

STATEMENT OF HON. BRIAN BILBRAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BILBRAY. Thank you, Mr. Chairman. Mr. Chairman, I want to thank you for holding this hearing, and I'll try to brief. I understand that our circumstances are, regretfully, quite unusual, but I appreciate you allowing us to address our items.

Mr. Chairman, I do not serve on this Committee, but I have served for 20 years at working on environmental preservation strategies along the border. One thing that's become obvious to those of us that worked along the frontier is that there is a unique situation there that doesn't always fit within existing policy parameters as we originally conceived them. But on this item, H.R. 3950, which is the bill to preserve Otay Mountain as wilderness—Otay being a local Indian name referring to the abundance of water in an area that does not necessarily have an abundance of fresh water. This bill has actually been able to develop an unusually high degree of consensus. I think you're aware that past wilderness designations in other areas have been a little controversial, to say the least. But we really believe that on this bill, we're developing the ability to take honest differences and approaches, put them together, and build a consensus that actually fulfills the intentions of the Wilderness Act.

Now, I think that we've tried to be sensitive to the concerns expressed by all parties involved. And, in fact, let me just say that I think that we've worked out some very unique and effective terminology to be able to satisfy all stakeholders that the real intent of the Act is going to be executed, without setting unnecessary and unforeseen and unwanted precedents. I think the precedent issue is a legitimate concern, but for those of us that have long worked on environmental issues along our Nation's borders, we find that we need to look at the big picture and be outcome-based, in order to really be able to fulfill the intention of the Wilderness Act or any of our other environmental strategies. The fact is we have worked out the ability with this bill to have not only the Wilderness Act served, and not only the Border Patrol and the Customs missions served, but actually both of them to be enhanced because of the cooperation between the two.

Now, I'm not implying that this bill is supported universally and embraced by everyone. But let me just say that I think that we've seen that when you can have the Justice Department, when you can have this Administration, when you can have the local environmental community, when you can have the local county and State, when you can see the kind of consensus that we have here, this is one of the unique opportunities for us to move forward in a bipartisan and a multi-agency approach.

Now, one of the things on which I think that we will all agree is that this very rugged, unique area along the border needs to be preserved and needs to be enhanced. And one of the things that we've really tried to see is understanding that border security is not a threat to wildlife preservation in the border region, but rather it's an essential part of that strategy. We've seen areas where we've worked at habitat preservation, but where the lack of border security has caused the destruction of the habitat because of the illegal activity in the area—massive burn-offs, set to create diversions for Immigration and Custom agents; massive destruction and trashing of the area resulting from illegal immigration and the activity of drug smuggling; even the existence of "meth" labs in areas that were supposed to be wildlife preserve areas, basically, because there was not sufficient control in the area.

Now, I'd like to say that there are some precedents I'd like to set with this bill, Mr. Chairman. I'd like to set the precedent that diverse groups can work together to build a consensus for preservation; that the local community can take a lead and have the Federal Government come in under their request to participate with the local community in the formation of a wilderness strategy.

I also would like to set the precedent that law enforcement does not have be at odds with habitat preservation, that the two can be essentially dovetailed together to benefit both.

I'd like to set the precedent set that Democrats and Republicans, Brian Bilbray and Bob Filner, can actually work for the betterment of not only our constituency but also the habitats of the entire United States.

This bill gives us that opportunity, Mr. Chairman. It's a strategy that is consistent in environmental law and law enforcement overall, and it's consistent with our stated purpose of the Wilderness Act and the stated purpose of your chairmanship in this new term.

Thank you, Mr. Chairman. I'll look forward to working with you on this bill.

[The prepared statement of Mr. Bilbray follows:]

STATEMENT OF HON. BRIAN P. BILBRAY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, thank you very much for holding this hearing today. I understand how busy the Subcommittee's schedule is, especially in such a somber time for this Congress, and greatly appreciate this opportunity to testify, and to hear the testimony of the other witnesses on H.R. 3950, the Otay Mountain Wilderness Act of 1998. I will be as brief as possible, and would ask that my full statement appear in the record, along with supporting documents.

Mr. Chairman, as a lifelong resident of San Diego, I am very aware of the unique natural resource assets of Otay Mountain, much of which is currently managed as a wilderness study area (WSA). This management has in large part focused on conservation of the area's wildlife and plant life, as well as cultural, geologic, and scenic values, in addition to the wilderness values it possesses, as outlined in the 1964 Wilderness Act. Otay Mountain's proximity to our border with Mexico has also made it a flashpoint for the ongoing immigration control and drug interdiction efforts of the Border Patrol and Drug Enforcement Administration (DEA).

My motive for introducing this legislation in the first place was very simple—it was clear that an unusually high degree of consensus existed among involved stakeholders in favor of wilderness designation and that this window of opportunity needed to be pursued in a relatively expeditious fashion. Mr. Chairman, while I do not serve on the Resources Committee, I am aware that it is rare to find a wilderness designation proposal which is supported by the public, environmental community, and local, state and Federal agencies of jurisdiction. I am not implying that we have total consensus on H.R. 3950 in its entirety; as recently as yesterday afternoon,

stakeholders were meeting to continue their good faith discussions on compromise language for one particular section of the bill. However, in the case of Otay Mountain, there is agreement that wilderness designation would be the most effective land management tool for the area, from both a natural resource *and* a law enforcement perspective. Let me just clarify for the record that H.R. 3950 as introduced is a product of much detailed dialogue and careful consultation with legislative counsel, as it was and is my intent to narrowly craft this bill to reflect the unique resource and management needs of Otay Mountain, while remaining true to and consistent with the underlying Wilderness Act. H.R. 3950 is a reflection of this effort, and of my desire to try and capitalize on this consensus that exists, recognizing that continued discussion and consultation on the bill would be necessary, and I am pleased that this dialogue has continued in good faith.

Members of my staff toured the Otay Mountain area on April 14 of this year with one of BLM's regional foresters (Jim Francis), who I might add provided an excellent tour of the area's resources. Based on the understanding of the general consensus which existed at the time among the BLM, the Border Patrol, and local and national environmentalists, and on information derived from this field outing, I decided to pursue legislation and consulted with you on this process. Your counsel, given the limited number of days left in this legislative session, was to introduce a narrowly drafted bill which reflected that consensus, and continue to dialogue with your Subcommittee, the environmental community, the Border Patrol, the CDF and BLM to finetune a final legislative product to properly designate Otay Mountain as wilderness.

As I stated previously, while that dialogue continues in good faith with other interested stakeholders, this has proven to be sound advice, as we are here today to discuss H.R. 3950 and how to best proceed with it, and are near an understanding as to the mechanics of legislative language which will maintain the integrity of the original 1964 Wilderness Act, while providing needed assurances to the Border Patrol and the Department of Justice that their essential missions of immigration control and drug interdiction at our borders will continue unhampered.

I'd like to expand on this last point. Most of my colleagues, particularly those from California, have heard me speak on any number of occasions about the law enforcement challenges we face at the border, whether they be environmental and criminal. As I've told you, Mr. Chairman, I would not be pursuing this legislation in the first place if I did not have faith that we would be able, at the end of the day, to protect this wonderful and rugged place for future generations of San Diegans to enjoy as wilderness, while maintaining the uncompromised interdiction capabilities of the Border Patrol which are absolutely critical to our national security.

Interestingly, Mr. Chairman, and I might ask you or other members of the Subcommittee to ask for further elaboration on this at the appropriate point in this hearing, or perhaps for the record, the Border Patrol believes that wilderness designation for Otay Mountain will not only be *compatible* with, but will actually *improve* its ability to deter illegal immigration, and apprehend the smugglers of narcotics and humans that still taint our border regions. I am sure that the Administration will elaborate on this further in BLM Deputy Director Fry's testimony. The Border Patrol had previously expressed concerns about the potential designation of Otay Mountain as wilderness, due to its rugged terrain and general inaccessibility, which had served as a magnet for smuggling and illegal immigration activity. However, by working with the BLM and CDF to create new access roads to the area, and repair and improve existing roads, the Border Patrol has improved its ability to operate in the region, with noticeable reductions in illegal immigration and drug traffic as a direct result.

It is my understanding now that due to this increased access, the Border Patrol believes that wilderness designation for Otay Mountain will not interfere with its ability to operate in the region, so long as it retains the explicit authority to carry out its mission in the area. It is my further understanding that the BLM believes that compromise language to Section 6(b) of H.R. 3950, which it has discussed with other stakeholders as a part of our ongoing dialogue, can give the Border Patrol the discretion and authority it needs while ensuring consistency with the landmark Wilderness Act of 1964, which is the foundation of this effort.

BLM has further indicated that this consensus language will be compatible with the flexibility already contained within Section 4(c) of the Wilderness Act, which will help to further ensure that the interdiction operations of the Border Patrol and other agencies in the Otay region will be unhampered.

Mr. Chairman, I appreciate the Administration's willingness to work with me, this Subcommittee, and the other stakeholdersto develop compromise language which will satisfactorily address these important concerns. Let me again clarify that I share the concerns expressed about "setting precedent" which might be detrimental

to the Wilderness Act, and I am confident that we will be able to identify and agree on language which will address these legitimate concerns. We all want the same thing—we want to protect the natural resource of Otay Mountain, we want to maintain vigilant border security, and we want to maintain sound wildfire management practices.

I would like to conclude by talking about the kind of precedent which I *am* interested in setting with this bill—too often, discussion of wilderness proposals consist largely of conflict between different stakeholders. I am appreciative of the fact that while there have been differences of opinion as to how to best refine H.R. 3950 to achieve the result which we all want, they have been expressed openly and in good faith, and the results are in the kind of consensus which is being discussed today. I think that the best legacy we could leave with this bill, H.R. 3950, is beyond that of a simple wilderness designation, as important as that is.

I have to believe that there are other areas of extraordinary beauty and majesty elsewhere in our country, perhaps even in other border regions, where the important missions of other agencies or departments have been perceived to be at cross-purposes with resource conservation, or environmental protection. We have already seen the positive environmental results of the Border Patrol's increased access to Otay Mountain and adjoining areas, in that less illegal immigration and drug smuggling there has translated to less impact on Otay itself—fewer illicit trails beaten through delicate and fragile habitat, less trash and human waste, and, elsewhere in the vicinity, fewer sensitive animal and bird species or their eggs being consumed for food, and less toxic chemical residue from makeshift drug labs, to name but a few benefits. It would be my hope that if we continue to be successful in our efforts to designate wilderness at Otay Mountain, we will further shore up this precedent that wilderness designation, or other land and resource management practices, are not incompatible with the critical work being done in the same region by other agencies.

We should emphasize and support these opportunities where Federal operating strategies can and should complement one another, rather than be allowed to run completely independent of one another, and at cross purposes. In this instance, there is clear benefit to be derived to both our natural environment and to our law enforcement strategies. Because both of these assets are of such significant importance to us, and to the people whom we represent and who benefit from them, I hope we will be able to see this project through to completion, and use it to build future successes in which we can all share and benefit.

Thank you for your consideration of H.R. 3950, Mr. Chairman. I look forward to working with you and your staff to refine the compromise language we've discussed here today. I and my own staff are at your disposal should you have any questions or require additional information about Otay Mountain.

Mr. HANSEN. Thank you; we appreciate your testimony.

Mr. Radanovich.

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

Mr. RADANOVICH. Thank you, Mr. Chairman, for holding the hearing on H.R. 4230, which exchanges Federal land with private land to allow Yosemite National Park to place an entrance station at El Portal, at the most desirable location.

Over one million visitors enter through the current administrative site at the Arch Rock entrance, and this exchange would be done in the interest of safety and efficiency to both the park and its visitors.

The current site of the station is on a small curving road that becomes incredibly congested with traffic during peak visitor months, and also floods during spring runoff, I might add. The new site would give the park the ability to better manage bus and car traffic entering through highway 140.

Officials at Yosemite National Park have been working with Mr. Jerry Fischer, who will be testifying a little bit later this morning, who also owns a parcel of private land to accomplish this exchange.

However, congressional approval is necessary to achieve the minor adjustments to the lands.

All parties involved are seeking an exchange that is in full compliance with NEPA standards, the Department of Interior guidelines, and all other Federal statutes.

I look forward to working with the Park Service to successfully exchange these lands, and I am willing to address any issues or concerns that are brought to my attention.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Radanovich follows:]

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

Thank you, Mr. Chairman, for holding this hearing on H.R. 4230, which exchanges Federal land with private land to allow Yosemite National Park to place an entrance station in a more desirable location. Over one million visitors enter through this administrative site at Arch Rock and this exchange would be done in the interest of safety and efficiency to both the Park and its visitors.

The current site of the station is on a small curving road that becomes incredibly congested with traffic during the peak visitor months. The new site would give the Park the ability to better manage bus and car traffic entering through Highway 140. Officials at Yosemite National Park has been working with Mr. Jerry Fischer, who owns the parcel of private land, to accomplish this exchange. However, Congressional approval is necessary to achieve the minor adjustments to the lands.

All parties involved are seeking an exchange that is in full compliance with National Environmental Policy Act (NEPA) standards, Department of Interior guidelines and all other Federal statutes.

I look forward to working with the Park Service to successfully exchange these lands, and I am willing to address any issues or concerns that are brought to my attention.

Thank you, again, Mr. Chairman.

Mr. HANSEN. Thank you.

Mr. Riley.

STATEMENT OF HON. BOB RILEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Mr. RILEY. Thank you, Mr. Chairman, and members of the Subcommittee, for inviting me here today to testify on behalf on H.R. 4211, a bill to designate the Tuskegee Airmen National Historic Site.

I have with me today, Dr. Benjamin F. Payton, Jr., president of Tuskegee University, who will also speak on the merits of this project and the role that Tuskegee University will play. I'd like to specifically thank him and his staff for all the hard work that they've put into this project.

First, Mr. Chairman, let me begin by saying, by any standard, the Tuskegee Airmen were and are American heroes. Despite a widespread belief that they, as African-Americans, did not possess the abilities to be effective war fighters, the famed Tuskegee Airmen of World War II proved that they were among the best pilots in the North African, Sicilian, and European campaigns.

Affectionately known as the "Red Tails," for the red paint on the tails of their aircraft—by the bomber crews they protected, the pilots of Tuskegee did not lose a single bomber in their care to enemy fighters—not one. Because of their heroic service, the Tuskegee Airmen were one of America's most highly decorated fighter groups of World War II. Upon returning home, the Tuskegee Airmen had

won 150 Distinguished Flying Crosses, 1 Legion of Merit, 1 Silver Star, 14 Bronze Stars, and 744 Air Medals. But the price was high. Of the 450 pilots that saw combat during World War II, 66 were killed in action, and another 32 were taken prisoner of war.

However, Mr. Chairman, the contributions of the Tuskegee Airmen didn't end with the war. Because of their demonstrated ability as an effective fighting force and their individual heroism, the Tuskegee Airmen gave President Harry S. Truman all the proof he needed to justify his decision in 1948 to desegregate the United States military.

And in the following decades, the Airmen's accomplishments during the war served as an inspiration for the civil rights movement as a whole.

Last August, I asked the National Park Service to conduct a feasibility study for developing Moton Field at Tuskegee University, Alabama, as a National Historic Site. Mr. Chairman, I want to commend the Park Service for their fine work on this undertaking, and it is because of this study that I decided to move forward with H.R. 4211.

This legislation will allow the National Park Service to tell the American people the most accurate and comprehensive story of the Tuskegee Airmen—a story about individuals who overcame racism and intolerance in their own country, so they could fight racism and intolerance in Europe.

The Tuskegee Airman National Historic Site will focus on life at Moton Field and the accomplishments of the Airmen, themselves. Specifically, the park will highlight the impact of the Tuskegee Airmen during World War II; the training process for the Tuskegee Airmen and the strategic role that Tuskegee Institute, now Tuskegee University, played in that training. It will also focus on the American-African struggle for greater participation in the U.S. military and more significant roles in defending their country; the significance of success of the Tuskegee Airmen in leading to the desegregation of the U.S. military shortly after World War II; and the impact of Tuskegee Airmen's accomplishments on subsequent civil rights advances of the 1950's and the 1960's.

Mr. Chairman, we should neither discount nor forget the influence of the Tuskegee Airmen on the "American experience." The Tuskegee Airmen, in my view, should be immortalized, honored, and thanked for their courageous and selfless efforts to preserve and protect the freedoms that every American enjoys today. I believe that the Tuskegee Airmen National Historic Site will be a fitting and worthy tribute to these American heroes.

Unfortunately, time has begun to take its toll on the Tuskegee Airmen; many are no longer with us. That is why I would like to move forward with this legislation as quickly as possible so that the remaining Airmen will have the opportunity to see their legacy enshrined at the Tuskegee Airmen National Historic Site.

Mr. Chairman, I look forward to working with the Subcommittee, the National Park Service, Tuskegee University, and the Airmen themselves, to make this project a reality. Again, the story of the Tuskegee Airmen is one that I believe must be told. Passage of this legislation this year will be an important first step in telling this historic story.

Thank you.

[The prepared statement of Mr. Riley follows:]

STATEMENT OF HON. BOB RILEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Thank you, Mr. Chairman and members of the Subcommittee for inviting me here today to testify on behalf H.R. 4211, a bill to designate the *Tuskegee Airmen National Historic Site.*

I have with me today, Dr. Benjamin F. Payton, Jr., President of Tuskegee University, who will also speak on the merits of this project and the role that Tuskegee University will play. I would like to specifically thank him and his staff for all of their hard work on this project.

First, Mr. Chairman, let me begin by saying: By any standard, the Tuskegee Airmen were and are American heroes.

Despite a widespread belief that they, as African-Americans, did not possess the abilities to be effective war fighters, the famed Tuskegee Airmen of World War II proved that they were among the best pilots in the North African, Sicilian, and European Campaigns.

Affectionately known as the "Red Tails" (for the red paint on the tails of their aircraft) by the bomber crews they protected, the pilots of Tuskegee did not lose a single bomber in their care to enemy fighters. Because of the heroic service, the Tuskegee Airmen were one of America's most highly decorated fighter groups of World War II. Upon returning home, the Tuskegee Airmen had won 150 Distinguished Flying Crosses, one Legion of Merit, one Silver Star, 14 Bronze Stars, and 744 Air Medals. But the price was high. Of the 450 pilots that saw combat during World War II, 66 were killed in action and another 32 were taken prisoners of war.

However, Mr. Chairman, the contributions of the Tuskegee Airmen did not end with the war. Because of their demonstrated ability as an effective fighting force and their individual heroism, the Tuskegee Airmen gave President Harry S. Truman all the proof he needed to justify his decision in 1948 to desegregate the United States military.

And in the following decades, the Airmen's accomplishments during the war served as an inspiration for the civil rights movement as a whole.

Last August, I asked the National Park Service to conduct a feasibility study for developing Moton Field at Tuskegee University, Alabama, as a National Historic Site. Mr. Chairman, I want to commend the Park Service for their fine work on this undertaking. It is because of this study that I decided to move forward with H.R. 4211.

This legislation will allow the National Park Service to tell the American people the most accurate and comprehensive story of Tuskegee Airmen—a story about individuals who overcame racism and intolerance in their own country, so that they could fight racism and intolerance in Europe.

The *Tuskegee Airmen National Historic Site* will focus on life at Moton Field and the accomplishments of the Airmen themselves. Specifically, the park will highlight:

1. the impact of the Tuskegee Airmen during World War II;
2. the training process for the Tuskegee Airmen and the strategic role that Tuskegee Institute (now Tuskegee University) played in that training;
3. the African-American struggle for greater participation in the U.S. military and more significant roles in defending their country;
4. the significance of successes of the Tuskegee Airmen in leading to desegregation of the U.S. military shortly after World War II;
5. and the impact of Tuskegee Airmen accomplishments on subsequent civil rights advances of the 1950s and 1960s.

Mr. Chairman, we should neither discount nor forget the influence of the Tuskegee Airmen on the "American Experience." The Tuskegee Airmen, in my view, should be immortalized, honored and thanked for their courageous and selfless efforts to preserve and protect the freedom that every American enjoys today. I believe that the *Tuskegee Airmen National Historic Site* will be a fitting and worthy tribute to these American heroes.

Unfortunately, time has begun to take its toll on the Tuskegee Airmen. Many are no longer with us. That is why I would like to move forward with this legislation as quickly as possible so that the remaining Airmen will have the opportunity to see their legacy enshrined in the *Tuskegee Airmen National Historic Site*.

Mr. Chairman, my staff and I look forward to working with the Subcommittee, the National Park Service, Tuskegee University, and the Airmen themselves to make this project a reality. Again, the story of the Tuskegee Airmen is one that I

believe must be told. Passage of this legislation, this year, will be an important first step to telling this important story.

Thank you.

Mr. HANSEN. Thank you.

Mr. Kingston.

STATEMENT OF HON. JACK KINGSTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. KINGSTON. Thank you, Mr. Chairman. I'm here to testify on H.R. 4144, the Cumberland Island Preservation Act.

Just a quick word on the Act itself: What it does is seek to preserve the history of this island. It's an island that dates back to pre-Revolutionary War. It was owned partially by General Nathanael Greene, and Eli Whitney had worked there. "Lighthorse" Harry Lee was originally buried there. Thomas Carnegie, who was, of course, part of the U.S. Steel Corporation, actually lived on it and developed it, and his heirs still do. It has the settlements of freed slaves; there is very rich African-American history, a rich Spanish and American history, and we want to preserve that history and open it up to the public who is actually locked out of it now because of certain wilderness laws and regulations.

We, in this Act, enable a land swap which will actually add to the acreage of the wilderness. And we try to protect and preserve the environment through it.

The legislation has four basic parts. First, it authorizes funds for historic preservation. Cumberland Island contains five historic districts and many other historic sites, structures, and archaeological districts cited on the National Register of Historic Places. Unfortunately, several of these sites have not been properly maintained. Some have already been lost due to the lack of needed maintenance. Others, though, while in serious need of stabilization and restoration, are certainly not beyond the point where preservation is no longer feasible.

Plum Orchard is one such site. This house has deteriorated badly since the Park Service took responsibility for its maintenance. The pictures in your packets show the mansion's decline over the last four decades. As you can see, the structure has deteriorated significantly. The inside of the house is equally alarming in many places. And I believe, Mr. Chairman, you do have these pictures in your packet that I will submit for the record.

[The information referred to follows:]

Mr. KINGSTON. I've seen the problems—the water damage, the growing fissures through the floor in the east wing, the separation of the floor is being monitoring with sensor devices. This bill authorizes the appropriation of funds to repair this important historic structure.

The second main provision of the bill deals with the treatment of the Main Road, also known as Grand Avenue. The length of the Main Road, as it is specified on the National Register of Historic Places, was designated partially as wilderness and partly as potential wilderness by the 1982 Act which established wilderness on Cumberland Island. H.R. 4144 would cherry stem or remove from the wilderness overlay, the main road.

Designating the main road as wilderness created several problems on Cumberland. For one, besides the fact that a road itself is not usually considered wilderness, it sets up a conflict in directive on the National Park Service to, on one hand, preserve it as a historic resource, but on the other hand, to manage it as a wilderness area which should revert back to the natural state. These competing mandates were recognized and criticized at the time by both the Department of Interior and President Reagan. The problem, however, was not resolved in the legislation.

Secondly, the continued existence and use of the main road is certainly important, if not vital, to the administration of the island, particularly for the purpose of repairing and maintaining the historic sites along the road.

Finally, this provision gives the National Park Service the flexibility to allow greater public access to the historic sites on the road, such as Plum Orchard, Rayfield, and Half Moon Bluff.

The bill does include a specific provision which retains the Parks Service's authority to place reasonable restrictions on the road's use in recognition of the adjacent wilderness. Nonetheless, I believe it is entirely reasonable that the public be able to use some type of unobtrusive people-mover, tram, bicycles, or whatever to see sites that they have purchased.

Currently, Plum Orchard and these historic sites are really only accessible to 18-year-olds with backpacks, and not to seniors and not to parents with young children in tow, since you have to walk to get to them. Historic sites lose their value, as you know, if they cannot be viewed and studied and enjoyed by the general public.

This kind of access was clearly part of the original intent for the island, both when it was established as a national seashore and a decade later when wilderness was added. In fact, page 38, of the Park's General Management Plan, written in 1984 after the wilderness designation, states that, "transportation will be needed to carry visitors between Sea Camp Dock and Plum Orchard Mansion. A motorized vehicle with a capacity of 12 persons will be adequate." which is in the submission.

It is unfortunate that the settlements at Rayfield and Half Moon Bluff, which include the African-American settlements, were not similarly provided for. In all, the cherry stem of the main road amounts to a deletion of about 34 acres from the wilderness or potential wilderness.

Also at this point, Mr. Chairman, I would like to recognize the presence of former Representative Bill Stuckey of Georgia. He is the sponsor of the original Cumberland Island legislation and has presented a letter today which addresses the original Congressional intent for the island. I'll submit that for the record.

The third major provision adds approximately 200 acres to the Cumberland Island Wilderness Area. The proposed addition located on the high grounds south of Dungeness would extend the protection of the Wilderness Act to an important habitat for migratory birds and other wildlifes. We are unaware of any significant, nonconforming uses of the area. It excludes the Army Corps of Engineers dredge spoil areas, recognizes primitive wilderness character and its particular value as wildlife habitat, and believe it is appropriate to be added to the wilderness area.

Finally, the bill enables another expansion of the wilderness on the island via a potential land exchange. About 1,100 acres of private land across the center of the island known as the Greyfield Tract is being sold. A private family which currently lives on the north end of Cumberland has offered to purchase the Greyfield Tract, then donate it to the Federal Government in order to add it to the wilderness area. In return, they want to regain ownership of a smaller piece of land at the north end, a part of the High Point Historic District. Their houses are located here, and the family has resided in this location since 1929. It is partly due to their good stewardship, generosity, and vision that a part of Cumberland Island at High Point was included in the Seashore to begin with.

The exact terms of this purchase have been under negotiation between the purchasers and the Park Service for several months. This bill does not order an agreement; it does not even encourage it. It simply says that if the purchasers and the Park Service come to a written agreement, then it may be executed under the terms of the agreement. It is certain that the agreement would contain clear restrictions on the use of the land at the north end.

For example, they would not be able to develop it or harm the environment in any way, or sell it to somebody who might do the same. The public gains the assurance that the Greyfield Tract will not be bought by individuals seeking to develop it. The High Point Historic Area would enter into a kind of public-private partnership, ensuring its preservation at no cost to the taxpayers, and the government would assume ownership of the tract and would add it to the wilderness area, and save in the process over $17 million to the taxpayers.

I have been very pleased over the last year or so that a productive dialogue has been developed by all parties interested in Cumberland Island. Because of this, much of this dialogue has been focused on making recommendations to the National Parks Service as it begins to draft its Wilderness Management Plan for the island. But it has become apparent that some of the administrative challenges and problems are beyond the scope and the authority of the Wilderness Management Plan to fix. In fact, I would venture to say that these problems were among the biggest reasons for the 16-year delay in beginning the Wilderness Management Plan.

Most of the ideas embodied in this bill were inspired by these meetings. I've visited the island three different times and talked to countless groups. Our door has been wide open to try to get a consensus on this. Unfortunately, it's very difficult with so many dynamic people with so many strong opinions on what should happen.

The Wilderness Designation of 1982 forced wilderness beyond the areas where it was appropriate on the island. The first page of the Senate report to Senate Bill 2569 in 1982, admits that Congress did not even have a copy of the National Park Service study or report to determine which areas were appropriate for wilderness.

Mr. HANSEN. Would the gentleman wind this up pretty fast, if you would, please? We're really under tight——

Mr. KINGSTON. Excuse me?

Mr. HANSEN. [continuing] time constraints this morning.

Mr. KINGSTON. Mr. Chairman, I'm about finished.

Mr. HANSEN. Thank you very much.

[Laughter.]

Mr. KINGSTON. If the chairman says the time is expired, then I notice, with coincidence, that that is the end of my testimony——

[Laughter.]

[continuing] at this point.

[The prepared statement of Mr. Kingston follows:]

STATEMENT OF HON. JACK KINGSTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

I would like to thank Chairman Hansen, Ranking Minority Member Faleomavaega, and all the members of the Subcommittee for inviting me to testify today on the Cumberland Island Preservation Act.

The legislation has four main parts. First, it authorizes funds for historic preservation. Cumberland Island contains five historic districts and many other historic sites, structures, and archeological districts cited on the National Register of Historic Places. Unfortunately, several of these sites have no been properly maintained. Some have already been lost due to lack of needed maintenance. Others, though, while in serious need of stabilization and restoration, are certainly not beyond the point where preservation is no longer feasible. Plum Orchard is one such site. This house has deteriorated badly since the Park Service took responsibility for its maintenance. The pictures in your packets show the mansion's decline over the last four decades. As you can see, the structure has deteriorated significantly. This inside of the house is equally alarming in places. I have seen problems such as substantial water damage and growing fissures through the floor in the east wing. The separation of the floor here is being monitored with sensor devices. This bill authorizes the appropriation of funds to repair this house.

The second main provision of the bill deals with the treatment of the Main Road, also known as "Grand Avenue." The length of the Main Road as it is specified on the National Register of Historic Places was designated partly as wilderness and partly as "potential wilderness" by the 1982 Act which established wilderness on Cumberland. H.R. 4144 would "cherry stem" (or remove the wilderness overlay from) the Main Road.

Designating the Main Road as wilderness created several problems on Cumberland. For one—besides the fact that a road itself is not usually considered a site where the imprint of man's work is substantially unnoticeable (wilderness)—it sets up a conflicting directive on the National Park Service (NPS) to, on one hand, presence it as a historic resource but on the other hand manage it as a wilderness area which should revert back to a natural state. These competing mandates were recognized and criticized at the time by both the Department of Interior and President Reagan. The problem, however, was not resolved in the legislation. Secondly, the continued existence and use of the Main Road is certainly important if not vital to the administration of the island—particularly for the purposes of repairing and maintaining the historic sites along the road. Finally, this provision gives the NPS the flexibility to allow greater public access to the historic sites along the road, such as Plum Orchard, Rayfield, and Half Moon Bluff. The bill does include a specific provision which retains the Park Service's authority to place reasonable restrictions on the road's use in recognition of the adjacent wilderness. Nonetheless, I believe it is entirely reasonable that the public be able to use some type of unobtrusive people-mover, tram, bicycles, etc. to see these sites that they have purchased. Historic sites lose some of their value if they cannot be viewed, studied, and enjoyed.

This kind of access was clearly a part of the original intent for the island both when it was established as a National Seashore and a decade later when wilderness was added. In fact, page 38 of the park's General Management Plan (written in 1984 after the designation of wilderness) states that, "Transportation will be needed to carry visitors between Sea Camp dock and Plum Orchard Mansion. . . . a motorized vehicle with a capacity of 12 persons will be adequate." It is unfortunate that the settlements at Rayfield and Half Moon Bluff were not similarly provided for. In all, the cherry stem of the ain Road amounts to a deletion of about 34 acres from wilderness or potential wilderness.

The third major provision adds approximately 200 acres to the Cumberland Island Wilderness Area. The proposed addition, located on the high ground south of Dungeness, would extend the protection of the Wilderness Act to an important habitat for migratory birds and other wildlife. We are unaware of any significant, non-conforming uses of the area (it excludes the Army Corps of Engineers dredge spoils areas), recognize its primitive wilderness character and its particular value as wildlife habi-

tat, and believe it is appropriate to add the protection of the Wilderness Act to this area.

Finally, the bill enables another expansion of wilderness on the island via a potential land exchange. About 1100 acres of private land across the center of the island, known as the Greyfield Tract, is being sold. A second private family, which currently lives on the north end of Cumberland, has offered to purchase the Greyfield Tract and then donate it to the Federal Government in order to add it to the Wilderness Area. In return, they want to regain ownership of the smaller piece of land at the north end, a part of the High Point historic district. Their houses are located here, and the family has resided in this location since the 1920's. It is partly due to their good stewardship, generosity, and vision of a protected Cumberland Island that High Point was included in the Seashore to begin with.

The exact terms of this purchase have been under negotiation between the purchasers and the Park Service for several months. This bill does not order an agreement; it does not even encourage it. It simply says that if the purchasers and the Park Service come to a written agreement, then it may be executed per the terms of the agreement. It is certain that the agreement would contain clear restrictions of the use of the land at the north end. It is also my understanding that the purchasing family has a significant charitable intent, meaning that they are willing to receive less than the value of the money they put toward the purchase of the Greyfield Tract. The public gains the assurance that Greyfield will not be bought by individuals seeking to develop it (presuming that were possible), the High Point historic area would enter into a kind of private-public partnership ensuring its preservation at no cost to the taxpayers, the government would assume ownership of the tract and would add it to the wilderness area, and over $17 million tax dollars would be saved.

I have been very pleased over the last year or so as a productive dialogue has developed among all of the parties interested in Cumberland Island. Because much of this dialogue has been focused on making recommendations to the NPS as it begins to draft its Wilderness Management Plan (WMP) for the island, it has become apparent that some of the administrative challenges and problems are beyond the scope or authority of the WMP to fix. In fact, I would venture to say that these problems were among the biggest reasons for the 16 year delay in beginning a WMP for the island. Most of the ideas embodied in this bill were inspired by the meetings, the forums, and the conversations I have taken part in with these groups as an effort to "clean up the stage" so to speak for the WMP. The wilderness legislation of 1982 forced wilderness beyond the areas where it was appropriate on the island. The first page of Senate report to accompany S. 2569 in 1982 admits that Congress did not even yet have a copy of the National Park Service's study and report which was to determine what areas were appropriate for wilderness designation when the wilderness legislation was written. As it stands, the NPS is faced with daunting administrative challenges.

Cumberland Island is full of important resources: wilderness, national historic sites, cultural resources, wildlife habitat, prehistoric sites, and educational and recreational opportunity. The protection and enjoyment of the various types of resources do not have to be at odds with one another. Unfortunately, as I have explained, current law directly pits these resources and values against each other. This has been the root of much of the controversy on Cumberland Island over the years. This bill is intended to restore a balance—to recognize that environmental protection, historic preservation, and public appreciation can coexist if the law does not so directly encourage their competition.

July 27, 1998

Honorable James Hansen
Chairman, House Resources Subcommittee on Parks and Public Lands
1324 Longworth House Office Building
Washington, DC 20515

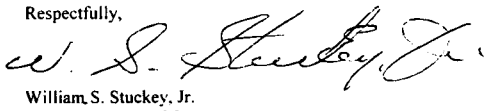
Dear Mr. Hansen:

I understand your subcommittee will soon consider H.R. 4144, the Cumberland Island Preservation Act. I wanted to take this opportunity to share my views on the bill and on the island as a whole. Cumberland is rich in historic, natural, and cultural resources. This combination is one of the things that makes Cumberland such a treasure, but it has also presented problems. Because each of these values is cherished, we must be sure to protect them all. This legislation embodies that balance.

I was the author and sponsor of the original Cumberland Island legislation in the House of Representatives. At the time, I too recognized the importance of protecting all of these resources in addition to the public's ability to fully enjoy them. This intent is readily evident in the record of the time. Since then, of course, Congress placed a wilderness overlay over much of the island. While I am pleased with the additional recognition of the island's natural value and support its purpose, I am dismayed with some of its result. I believe the wilderness designation was carelessly drawn. Historic areas, buildings, and roads were included, jeopardizing not only the ability to preserve them, but also the public's ability to see, enjoy and learn from them. The overly broad wilderness designation set up a direct confrontation between protection of natural and historic resources, a confrontation that is counterproductive and unnecessary. Mr. Kingston's legislation takes a very positive -- though possibly modest -- step in correcting the problems created in 1982 and exacerbated by the National Park Service's unbalanced implementation.

I strongly support Congress' original intent of protecting the natural, historic, and cultural resources of the island and the public's full access to them. I also support the designation of wilderness on Cumberland to provide additional protection to appropriate areas. However, because the wilderness boundaries were drawn too widely -- a problem identified and criticized at the time by the President and the Department of Interior -- I sincerely hope the Congress will readily adopt this effort by Mr. Kingston to restore balance on the island and protect all of the island's resources in a responsible manner.

Respectfully,



William S. Stuckey, Jr.
Former Member of Congress

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July 16, 1998

Office of Congressman Jack Kingston
Attention: Adam Sullivan
1507 Longworth Building
Washington, D.C. 20515

Dear Congressman Kingston:

I am writing in support of preserving the African American Half Moon Bluff district known as the "Settlement" on Cumberland Island. At the invitation of the U.S. Park Service I have visited the island on several occasions and am aware of the plight facing this community. One visit was co-sponsored by the World Monument Fund and the Howard Gilman Foundation to establish means of improving collaboration among natural and cultural heritage constituents. I hope therefore, that this letter will offer some insight to the importance of the Settlement and the need for its protection.

I am an African American and for most of my professional career have been about the task of assuring that our contributions are also including in the heritage of this great country. As director of the Center for the Conservation of Architectural and Cultural Heritage (CCACH) and an officer of the National Association of African American Heritage Preservation (NAAAHP), I am dedicated to this mission and entreat your support when it comes time to recognize the contributions of the men, women and children whose lives are every bit a part of Cumberland Island. The Settlement is a testament to their struggle and triumph in the process of this island's rich heritage.

I bring to your attention the Mission Statement of the U.S. Park Service because it is clear that within its mission, this former African American community is protected. It states that the "Cumberland Island National Seashore is dedicated to preserve the island's primitive character, natural processes, and the **resources that remain from its cultural heritage**, while offering visitors a feeling of isolation and wonder, and an opportunity to understand and appreciate this island paradise." The Half Moon Bluff historic district as it is referred to in U.S. Park Service literature today contains four wooden historic structures. These structures were built from the 1930's to 1940"s. Three of them are residences and one, a church. There is also a cemetery associated with the Historic District that contains the remains of former slaves, people who died after the Civil War, and their descendants.

The significance of Half Moon Bluff to the history of Cumber land Island lies in the traditional account that after the Civil War, the former slaves of Stafford, Nightingale, and other plantation owners of the island settled in the area. These freedman acquired squatters rights and built simple huts for shelter, eking out a poor existence. These former slaves and their descendants, started working for the Carnegies as they purchased land and for the hotels that were being established. This area has been associated historically with a resident of the island know as Luther Martin and in land records known alternately as Martin's Half Moon Bluff Tract and Martin's Fishing Bluff Tract. The Tract is depicted in an 1887 plat and contained a Church and cemetery.

In 1890, Martin sold 5 acres to Mason Burbank who divided the land into small lots of 50 by 100 feet and sold them to Negroes, some of whom were either former slaves or their descendants. Some purchased more than one lot. By setting aside five acres for the freed blacks, Burbank and the other owners of the High Point Hotel, was providing the business with some assurance that the blacks would remain long and loyal employees. In return, by acquiring property, the blacks were given a permanent stake in the land.

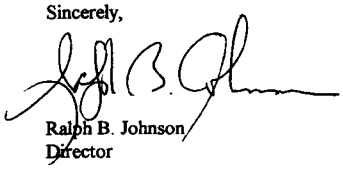
In addition, and perhaps the most important of them is the First African Baptist Church which is unique to the area not because of its architecture but because, as a religious institution, it provided the post Civil War Negro of Cumberland Island with the solace needed from the burden of poverty and suffering in addition to the sense of community. In 1893, the Church as founded by the reverend T. Lockett and Deacons William Alberty, Charles Trimmings and Primus Mitchell, all who became property owners at Half Moon Bluff. The original structure may have consisted of a one-room log cabin. It was also used as a school house. In 1937, the log cabin was replaced by the existing structure and built by the Church members themselves. Charles Candler, who purchased the Hotel, provided the lumber from an abandoned house on his property.

These buildings are worthy of protection - as worthy as Plum Orchid or the Stafford House or any other structure on the island. They are the memory of our collective heritage. They need to be seen by our children and utilized as a lesson in human value and cultural significance. I am making plans with the assistance of the U.S. Park Service in Washington to develop a course this fall at Florida Atlantic University where I teach centered around Cumberland Island and the documentation of the Settlement. The product will be measured drawings which will become part of the Historic American Buildings Survey (HABS) in the Library of Congress.

Congressman Kingston, there has to be room for the Settlement's continued presence on Cumberland Island; even in light of the tremendous onslaught of support by some who seek its return to wilderness. If this is allowed to happen, we will lose a crucial chapter,

not only in your state's history but our country's heritage. It must not be forgotten. Please save the Settlement.

Sincerely,



Ralph B. Johnson
Director

CUMBERLAND ISLAND HISTORIC FOUNDATION, INC.

Citizens Working for Historic Preservation in Conjunction with the National Park Service.

July 23, 1998

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The Honorable James V. Hansen
Chairman
National Parks, Forests and Lands Subcommittee
1324 Longworth House Office Building
Washington, DC 20515

Dear Congressman Hansen:

As president of the Cumberland Island Historic Foundation, I want to express my support, and the support of this foundation for Congressman Jack Kingston's Cumberland Island Preservation Act.

Passage of this bill is essential to Cumberland's future. It allows for more wilderness area to be set aside, for the main road to be cherry-stemmed to meet the access needs of historic places such as Plum Orchard and the nationally registered Black Settlement known as Half Moon Bluff, and for desperately needed funds to be allocated to the National Park Service for the restoration of Plum Orchard and for protection of the island's archeological sites.

I would like to share with you an experience I had last year on the beach at Cumberland to illustrate why we think cherry-stemming the main road on Cumberland is so necessary. That road, and the historic places that it leads to, belong to the American taxpayers. I met two particular taxpayers last summer. They were both veterans of World War II. Together they had fought their way through Europe after landing at Normandy and had struck up a friendship. Now, every summer, these two fine Americans who fought for freedom, visit some of this nation's National Parks.

Last summer, they chose to visit the Cumberland Island National Seashore. When I met them on the beach, slogging their way over the dunes, we stopped to have a conversation during which they expressed keen disappointment that the NPS prevented them from visiting historic sites like Plum Orchard and the Black Settlement during the day visit.

The Park Service runs one ferry trip a month to Plum Orchard and doesn't provide any transportation to the Black Settlement. The only feasible way to get to the settlement is by the main road. By having the road included in a Wilderness Area, which was created long after the creation of the road,

155 E. Main Street • Lexington, Kentucky 40507-1332 • (606) 233-3972

the Settlement and the mansion are choked off from the rest of the island and from more frequent visits by park visitors.

I strongly urge you to pass the Cumberland Island Preservation Act which will cherry-stem the main road. Then, park visitors can at least have the option of riding bikes to these sites, or, in the case of disabled visitors, have the chance to use appropriate transportation to see the sites that belong to all Americans and which should be shared with them equally.

Finally, we support this legislation because it allocates money for the restoration of Plum Orchard which is now deteriorating rapidly because of the negligent stewardship of the National Park Service.

Please restore our faith in the government's ability to act quickly, honestly and justly and call upon this Foundation if we can be helpful.

Very Respectfully,

Joe Graves
President

JG/nr

Stacia Hendricks
105 Stewart Street
St. Simons Island, Georgia 31522
Home Phone 912-634-9065
Email staciah@compuserve.com
July 28, 1998

Congressman Jack Kingston
1507 Longworth House Office Building
Washington, DC 20515

Honorable Kingston,
I am writing in reference to the bill which you have introduced to the legislature entitled "Cumberland Island Preservation Act". I would like to voice my support to the consideration of the said bill in the current legislature.
The 1982 legislature inacting the Cumberland Wilderness (S. 1119) notes that , " the CINS was designated to protect outstanding natural, historical, cultural and recreational values." President Reagan recognized the gray area of including such cultural treasures in the wilderness boundary and I believe that your proposed bill defines the issues that are not served by S.1119
I lived on Cumberland Island, Georgia from 1984 until 1997 and worked with the Ferguson family's Greyfield Inn as a naturalist. In the 13 years of permanent residency, I learned the significance of the marriage of the cultural and natural history. For many, the first visit to the island often conjures a sense of vernal wilderness, yet with closer inspection, the fragments, foundations and evidence of previous lives becomes quite visible. Whether it is a centuries old overturned red cedar whose exposed roots hold pottery shards and oyster shells of a Native American Timucuan midden mound or a tabby and brick chimney from slave quarters standing alone under the canopy - all speak of the lives before us.
In the recent Wilderness Management Forums held on Cumberland, we clearly agreed that the main road within Wilderness Boundary creates serious cultural resource management problems- resources entrusted to the NPS to protect and preserve for future generations. To list a few:

*The Settlement
*High Point- Half Moon Bluff
*Rayfield Plantation Chimneys
*Plum Orchard

By cherrystemming the Main Road (which also is listed on the National Register of Historic Places) many current obstacles to continued stewardship of Cumberlands' cultural resources can be overcome.
I sincerely support your proposed bill to:

* require the Secretary of the Interior to identify, document and protect archaeological sites and to preserve and protect designated historic sites.
*add to the existing Wilderness an area on the south end of Cumberland -resulting in no net loss of designated Wilderness and the changes described will serve to strengthen the Wilderness by removing those areas which are not compatible with the description of Wilderness.
*Restore Plum Orchard and enter into a public/private partnership which insures the use and maintenance of the structure.

Thank you for your consideration.

Most sincerely,

Stacia Hendricks

July 23, 1998

The Honorable James V. Hansen
Chairman
National Parks, Forests and Lands Subcommittee
Room 1324 Longworth House Office Building
House Resources Committee
Washington, D.C. 20515

Dear Chairman Hansen and respected Members of the Subcommittee:

I am writing to express my strong support for the proposed Cumberland Island Preservation Act and respectfully request that my letter be added to the Subcommittee hearing record. As a board member of the Cumberland Island Preservation Society and a member of the Johnston family, which donated Plum Orchard mansion to the National Park Service, I support Congressman Jack Kingston's bill because it will ensure the protection of Cumberland Island's natural, cultural and historic resources.

I especially support the provisions in the bill relating to the protection and preservation of Cumberland Island's historic sites, particularly Plum Orchard. The National Park Service has demonstrated very poor stewardship of Cumberland Island's historic resources, especially Plum Orchard and the African-American settlement at Half Moon Bluff. In 1970, members of my family donated Plum Orchard, twelve acres of land and $50,000 to the National Park Foundation to be held in trust for the National Park Service, pending the establishment of a national seashore. This gift was made because of our love for Cumberland Island and our desire to help create Cumberland Island National Seashore. See Attachment 1. I have enclosed for your reference family photographs from the 1960's and 1970's of Plum Orchard and the small church at Half Moon Bluff showing the excellent condition of these historic resources before the Seashore was established. See Attachment 2. Plum Orchard was donated by my family with the understanding that the well loved house would be maintained and protected by the National Park Service. After the Seashore was established, the National Park Foundation conveyed the house to the National Park Service subject to the terms and conditions agreed upon by the National Park Foundation. In 1977, the condition of Plum Orchard was assessed as good to excellent. Currently, Plum Orchard is in a sad state of serious disrepair as shown in the enclosed photographs. Likewise, the small church, where John F. Kennedy, Jr. was married, is in fragile condition. See Attachment 3. Plum Orchard and the church are only two examples of the National Park Service's failure to preserve and protect Cumberland Island's historic resources. Other examples include the Dungeness Pool House and the Plum Orchard carriage house. The proposed bill properly requires the National Park Service to restore Plum Orchard and preserve Cumberland Island's many historic resources.

The proposed bill supports the original intent of Congress in creating Cumberland Island National Seashore. The Seashore was established in 1972 to preserve, not only nature, but also history. Cumberland Island National Seashore was established on October 23, 1972 "to provide for public outdoor recreation use and enjoyment of significant shoreline lands and waters ... and to preserve

related scenic, scientific and historical values." P.L. 92-536. Cumberland Island was preserved because it offered "a rich mixture of natural, cultural and historic resources" which offer a "multitude of recreational and educational opportunities." House of Representatives Report 92-1405. In 1972, Congress intended for the Island to be enjoyed by those interested in walking on the beach, swimming, fishing, hiking or touring the historic places on the island. Congress envisioned that archaeologists and ecologists alike would enjoy the historic and scientific values of the Island. Cumberland would offer "a place ... where people can refresh their spirit and revive their appreciation of our natural and cultural heritage."

The unique historical values of Cumberland Island were recognized by the National Park Service. In a report to the Committee on Interior and Insular Affairs, the Department of Interior advised that in addition to the natural beauty of Cumberland Island, "the archeology and history of Cumberland Island warrant special attention." House Report 92-1405, p. 11. In particular, the historic value of Plum Orchard was recognized by Congress during the hearings concerning the establishment of the Seashore. Discussions about the historic mansion focused on its potential use as a museum, a study-research center or an environmental conference center. See Statement of Hon. W.S. Stuckey, U.S. Representative from the State of Georgia, p. 21, p.23; Statement of George Hartzog, Jr. Director, National Park Service, Department of Interior. p. 27. Congress clearly intended for Plum Orchard and other historic sites to be preserved and serve as an integral part of visitors' experience. House of Representative Aspinall explained "there are some extraordinary fine old mansions from previous eras which, with proper restoration, can add to the visitor enjoyment of the area." See Congressional Record, October 10, 1972. In addition, funds approved to establish the Seashore included amounts to be used for the restoration of Plum Orchard. The Cumberland Island Preservation Act ensures the continued preservation of the Island's natural resources and enhances the opportunity to preserve its historic resources.

To date, the National Park Service has been a very poor steward of Cumberland Island's historic resources. Since 1972, at least two important structures listed on the National Register for Historic Places have fallen to the ground. See Attachment 3. Currently, Plum Orchard is also threatened by National Park Service neglect. The restoration of Plum Orchard has been hindered by limited funding and restricted access. In January 1984, the Cumberland Island Historic Foundation, Inc. was established by interested preservationists at the suggestion of the Honorable Robert Baker, Atlanta Regional Director of the National Park Service. The Foundation was established to work with the National Park Service to preserve Cumberland Island's historic resources. Since its establishment, the Foundation has worked with the National Park Service to raise much needed funds. Despite these efforts, Cumberland Island's historic resources are rapidly deteriorating in the hands of the National Park Service. In contrast, the private stewards of Cumberland Island continue to cherish and preserve the historic structures they retain or own.

The bill would require the National Park Service to restore Plum Orchard and then pursue an agreement with an appropriate private organization such as the Cumberland Island Historic Foundation to provide for ongoing maintenance. A public-private partnership will only work if the National Park Service first receives, and then wisely spends, the necessary public funds to restore Plum Orchard. I urge the Committee to take all possible actions to support the restoration of Plum Orchard. The National Park Service must bear its fair share of the responsibility and

In 1982, certain land within the Seashore was designated as a wilderness area despite the Department of Interior's serious reservations at the time as to whether the land met the legal criteria under the Wilderness Act. See Letter dated July 12, 1982 from Under Secretary of Interior Donald Hodel to the Hon. James A. McGlure, Chairman of the Senate Committee on Energy and Natural Resources. Although the wilderness designation provided additional protection for Cumberland Island's natural resources, it created a serious dilemma for Cumberland's historic resources located adjacent to or within the wilderness area. The Plum Orchard Historic District listed on the National Register of Historic Places was specifically excluded from the wilderness area in recognition of the need to restore, maintain and provide public access to Plum Orchard. See Senate Report 97-531, p. 4; House of Representatives Report No. 97-383, p.5; The Congressional Record, August 19, 1982. However, reasonable access to Plum Orchard, through the surrounding wilderness, for maintenance and public visitation purposes has been tightly restricted. These restrictions have hampered National Park Service efforts to preserve Plum Orchard and share it with the public. Currently, Park Service visitors generally are given only one opportunity a month to visit Plum Orchard and tour its interior. In addition, they must travel to Plum Orchard by boat, which requires an additional outlay of public funds. There is no public transportation to the Settlement at Half Moon Bluff. Cherry stemming the Main Road and the spur road to Plum Orchard will give the public greater access to Cumberland Island's historic resources and provide the National Park Service less costly access to Cumberland's historic sites. National Park Service maintenance vehicles need a less expensive route to access historic structures. Cherry stemming these roads will not destroy Cumberland Island's wilderness area as some opponents have alleged. In fact, Section (c) (3) of the bill permits the Secretary of Interior to impose reasonable restrictions on the use of these two roads to minimize any adverse impacts on the wilderness. Furthermore, it should be noted by the Committee that there are numerous retained rights holders residing on Cumberland Island who have the right to drive on these roads for the next 75-80 years. Any restrictions on vehicle use are subject to these valid existing rights.

Historic resources like Plum Orchard, which belong to the American public, should be preserved and accessible to the general public. These resources should not be allowed to deteriorate beyond repair due to National Park Service neglect. The restoration of Plum Orchard and the preservation of Cumberland Island's other historic sites will not endanger the natural beauty or impair the wilderness resources of the Island. The preservation of these historic assets will only enhance the opportunities for the public to enjoy the rich mixture of natural, cultural and historic resources on Cumberland Island. I strongly urge you to pass the proposed Cumberland Island Preservation Act and help preserve our nation's heritage for future generations. As the poet James Montgomery so eloquently explained "What we preserve, can perish never. What we forego is lost forever."

Respectfully,

Margaret M. Graves

Margaret M. Graves

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Honorable Jack Kingston
1507 Longworth House Office Building
Washington, DC 20515

RE: Cumberland Island Preservation Act
Statement of Support

Dear Congressman Kingston,

By way of this letter I wish to express my family's support of the Cumberland Island Preservation Act, as drafted by your office. Please submit this letter to the House committee considering the Act as testimony in support of the Act.

For the past ninety years my family, as a landowner and retained right holder on Cumberland Island has worked to prevent the inappropriate use or development of the Island. I believe we are uniquely qualified to comment on the pending legislation.

The Act is a balanced solution to the competing directives Congress has imposed on the National Park Service. Currently the National Park Service (NPS) is in the difficult position of being required to manage a portion of the Cumberland Island National Seashore as a Wilderness under the guidelines of the Wilderness Act and at the same time the NPS is required to maintain the historic structures in the Wilderness. (Two historic districts are contained in the Wilderness: the Plum Orchard Historic District and the Half Moon Bluff Historic District.) The maintenance of the various structures requires vehicular access on a regular basis. The only practical access to these structures is via the Main Road that lies within the designated Wilderness boundaries.

Excluding or "cherry stemming" the Main Road from the Wilderness as provided by the Act will provide the NPS an economic route of travel for the maintenance of the buildings in the Plum Orchard and Half Moon Bluff Historic Districts. While it is possible to reach the Plum Orchard Historic District by water, providing maintenance service by water access would be cost prohibitive. The Half Moon Historic District does not have any water access. Cherry stemming the Main Road to these historic districts is essential if the districts and all of the history found there is to be preserved for future generations.

The Act wisely provides that the Secretary of Interior can impose reasonable restrictions on the use of the Main Road for access to the historic districts. Therefore, any claims that cherry stemming the Main Road would adversely impact the Wilderness Area are disingenuous. Those parties that oppose the cherry stemming of the Main Road simply do not want the historic structures to be preserved and available for the public.

The proposed land exchange between the Nature Conservancy, Secretary of Interior and High Point, Inc. is an excellent method for the National Park Service to acquire private lands on Cumberland located within the Wilderness in exchange for Federal land on the north end of the Island, all at no expense to the taxpayer or with any expenditure of Federal funds. Since easements and restrictions on its use will protect the exchanged land, the pristine character of Cumberland will be assured. This is an excellent example of the public and private sector working together for their mutual benefit. The Federal government does not necessarily have to own land to preserve it.

As an aside, my family does not benefit in any way from the land exchange other than as citizens who do not want Federal funds expended unnecessarily but do want to see the land protected from development.

The provision of the Act requiring the NPS to restore Plum Orchard to the condition it was in when it was donated to the NPS by the Johnston family is only remarkable in that Congress has to legislatively direct the Park Service to fulfill its obligations. The donation of the structure and land was made to assist the NPS in the creation of the Cumberland Island National Seashore with the clear understanding that the NPS wanted, indeed required, the property as part of the new Seashore's interpretive fabric. It is disheartening to see this magnificent home neglected by the NPS. Please provide the NPS adequate funding to restore and maintain this incredible structure.

Finally, the designation of the acreage at the South end of the Island as Wilderness is worthwhile in its own right, as the area is a prime nesting and resting area for shorebirds. However, I believe a better, more flexible method of protecting that area, as well as all of Cumberland Island from excessive human impact, would be to impose a limit on the number of visitors allowed on the Island. The current number of visitors on the Island is limited to a daily average of three hundred visitors per the General Management Plan. I believe a maximum of three hundred visitors would do more to preserve the pristine unspoiled nature of the Island than the further designation of Wilderness areas on the Island.

In support of a Congressionally mandated visitor limit, allow me to explain that the original Wilderness designation was championed by various environmental groups wanting to protect the Island's incredible natural resources from the National Park Service's mismanagement of those resources. In 1984 the NPS general management plan proposed to increase the visitor level to ten thousand daily visitors and pave over fifty miles of roads and trails with soil cement. To the extent that the Wilderness designation protected the island from the NPS plan, I wholeheartedly endorse the Wilderness designation and its attendant protection. Cumberland Island's beauty would have unquestionably been destroyed by the NPS proposed management plan

The 1984 General Management Plan was rejected, the visitor cap remained in place and the Wilderness designation was placed on a portion of the Seashore to prevent any future indiscretions by the NPS.

I would respectfully suggest that Cumberland Island has maintained its reputation as one of the great unspoiled barrier islands on the Atlantic Coast, not because of the designation of a portion of the Island as a Wilderness, but because the NPS has adhered to an average daily visitor limit of three hundred.

Many other National parks have visitor limits so that the beauty of the park is not spoiled by excessive use, e.g. the Colorado River in the Grand Canyon. Please consider including a visitor limit in the Act.

The Act is a balanced approach to several management issues on Cumberland Island that have paralyzed the National Park Service in their management of this incredibly beautiful and historic barrier island. Thank you in advance for your careful consideration of this testimony. I would be delighted to provide further information or testimony to the Committee if it would be of assistance.

Sincerely,

Whit Foster,
On behalf of the entire Foster Family

CUMBERLAND ISLAND HISTORIC FOUNDATION, INC.

Citizens Working for Historic Preservation in Conjunction with the National Park Service.

July 23, 1998

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The Honorable James V. Hansen
Chairman
National Parks, Forests and Lands Subcommittee
1324 Longworth House Office Building
Washington, DC 20515

Dear Congressman Hansen:

As president of the Cumberland Island Historic Foundation, I want to express my support, and the support of this foundation for Congressman Jack Kingston's Cumberland Island Preservation Act.

Passage of this bill is essential to Cumberland's future. It allows for more wilderness area to be set aside, for the main road to be cherry-stemmed to meet the access needs of historic places such as Plum Orchard and the nationally registered Black Settlement known as Half Moon Bluff, and for desperately needed funds to be allocated to the National Park Service for the restoration of Plum Orchard and for protection of the island's archeological sites.

I would like to share with you an experience I had last year on the beach at Cumberland to illustrate why we think cherry-stemming the main road on Cumberland is so necessary. That road, and the historic places that it leads to, belong to the American taxpayers. I met two particular taxpayers last summer. They were both veterans of World War II. Together they had fought their way through Europe after landing at Normandy and had struck up a friendship. Now, every summer, these two fine Americans who fought for freedom, visit some of this nation's National Parks.

Last summer, they chose to visit the Cumberland Island National Seashore. When I met them on the beach, slogging their way over the dunes, we stopped to have a conversation during which they expressed keen disappointment that the NPS prevented them from visiting historic sites like Plum Orchard and the Black Settlement during the day visit.

The Park Service runs one ferry trip a month to Plum Orchard and doesn't provide any transportation to the Black Settlement. The only feasible way to get to the settlement is by the main road. By having the road included in a Wilderness Area, which was created long after the creation of the road,

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the Settlement and the mansion are choked off from the rest of the island and from more frequent visits by park visitors.

I strongly urge you to pass the Cumberland Island Preservation Act which will cherry-stem the main road. Then, park visitors can at least have the option of riding bikes to these sites, or, in the case of disabled visitors, have the chance to use appropriate transportation to see the sites that belong to all Americans and which should be shared with them equally.

Finally, we support this legislation because it allocates money for the restoration of Plum Orchard which is now deteriorating rapidly because of the negligent stewardship of the National Park Service.

Please restore our faith in the government's ability to act quickly, honestly and justly and call upon this Foundation if we can be helpful.

Very Respectfully,

Joe Graves
President

JG/nr

GoGo Ferguson's Statement in Support of H.R. 4144

Chairman Hanson:

It is with great sadness that again my family stands before Congress very concerned with the well being and preservation of Cumberland's cultural and natural heritage. My family gave a great deal of work, time, money, and land to create the Cumberland Island National Seashore. The original intent, clearly evident in the legislative history, was to preserve the island's cultural and natural resources for future use and enjoyment of all. The 1982 re-designation of a large portion as wilderness undermined the original intent and created a managerial nightmare for the National Park Service. (Please refer to President Reagan's statement concerned with Cumberland not meeting the criteria in the legislative history) It is an ill-perceived wilderness, somewhat reclaimed by pine, scrub, and oak. Most of the old growth was lumbered for shipbuilding; the Constitution is an example of this. There are many other obvious imprints of 4,000 years of human occupation. It now remains in a very well preserved and protected state with the least amount of inhabitants in a long time – but it does not meet the definition of a true wilderness given retained rights, power lines running the length of the island on the historic road, and houses throughout.

My grandmother, Ms. Lucy Ferguson, matriarch of the island for many years, died two days before her 90th birthday on Cumberland. She taught us at an early age to study our surroundings in a slightly different light. We were not visitors; we were an integral part of our surroundings. Coexistent with nature, we were able to observe with a great deal of respect the evidence of our predecessors. Pottery shards scattered along the marsh banks, the indentations of Indian middens throughout the woods, the old rice canals running through the swamp fields bearing the history of Robert Stafford, a plantation owner who had 500 slaves and grew the finest Georgia Sea Island Cotton as well as rice and indigo. Sassafras still grows throughout the wilderness planted by the Timucuan Indians. The chimneys from the slave cabins are crumbling, soon to fall from neglect. The settlement called Half Moon Bluff on the north end of Cumberland is listed as a historic district on the National Register. Three houses, a church, the cemetery and

many foundations are included. The settlement has a wealth of history, some passed down to my family from Uncle Primus Mitchell born a slave to Robert Stafford, died a free man with a home on the north end. He and his two son-in-laws established the first African Baptist Church in 1892, still sturdy and still used by us all. We have participated in many weddings, funerals, and services in our lives at this church.

Dellie and Bobby Risharde were adored by the Cumberland community and surrounding communities. Very good friends of then Governor Carter and Mrs. Carter, there is a photograph of Dellie Risharde with her sharks tooth tiara on her forehead at the White House on a visit while Carter was President. Dellie was an accomplished painter of Japanese watercolors and a poet, and for many years we were graced with her cards and poems all inspired by her life of simplicity. They traveled the world and we would spend our childhood gathered in their houses listening to their wisdom. They were by far the most elegant couple I have ever known. Bobby's house has lost its roof in the front. It could be contained, by wrapping it until funding could be found – this was suggested at the resource management meeting I attended recently. Nothing has been done. Dellie's house also in the district was torn down a few years ago – the National Park Service reported it to the State Historic Preservation Organization as an insignificant brick structure. As if their contributions to the settlement, to the Black History on Cumberland, and their very rich contribution to our lives never existed – all of which are provisions in Section 106 of the Historic Preservation Act and yet Dellie and Bobby Risharde's presence on Cumberland has almost been erased. They were both buried, by all of us, at the High Point Cemetery. The Sierra Club issues leader apologized for assisting with the National Park Service in the demolition – they did not know who Bobby and Dellie were, nor was there time taken by anyone to find out. The same lack of regard was reflected in their recent statement that we are merely temporary annoyances. Our heritage could be the next to be erased. Congressman Kingston's proposed bill would finally assure and allow the proper preservation of the structures by cherry-stemming a historic road, already listed on the National Register – as well as to allow more people to visit their heritage through interpretive history tours. The National Park Service Wilderness Management Plan will diminish human visitation further and only those who are young, healthy, and willing to walk 18 miles each way will be able to enjoy what remains.

I became very active in 1995 in an effort to form a public/private partnership with the National Park Service to lease the Plum Orchard Mansion. The concept of adaptive use was met with great resistance from the environmental community. All of this history is given in Nancy Parrish's statement. It resulted in a huge loss of time, money and effort by myself and my board of directors and sadly the house remains closed, unused except for an occasional tour and in a state of benign neglect. The Carriage house and the Dungeness pool house, both on the National Register, are no longer standing as a result of the National Park Service's policy of demolition by neglect. With the National Park Service's maintenance buildings being the exception, the stewardship of historic structures remains in private hands. Plum Orchard Mansion needs to be saved and an appropriate adaptive use found. This house was given with the intention of public use in an educational way. It is an architectural treasure and a significant part of the Carnegie era.

I urge the National Park Service to recognize their obligation to our heritage and to realign their stewardship to protect both with equal importance. The millenium is upon us – let us make this bill our first step towards a more holistic approach in preserving our resources and the interest of Cumberland Island.

GoGo Ferguson

GoGo Ferguson

Cc: Congressman Jack Kingston

STATEMENT IN SUPPORT OF H.R. 4144
by Nancy Parrish, Plum Orchard Center for the Arts
Board member and lead negotiator (1/95 - 8/96).

I am an active democrat, environmentalist and concerned citizen. I co-authored the state of Georgia's clean lakes legislation. I served as vice-chair to Congressman Buddy Darden's Clean Lake Allatoona Committee. My husband, Chuck Parrish served in the Carter Administration as Secretary of Interior, Cecil Andrus' executive secretary (chief of staff). He also served as a board member of the Georgia Conservancy.

For 26 years, conflict has existed between and among Congress, The National Park Service and elements of the organized wilderness community on how to manage both the cultural and natural resources of Cumberland Island. Although not intended by Congress or the National Park, the cultural resources are rapidly losing this conflict.

Since the establishment of Cumberland Island National Seashore, the wilderness community has had one mission - to see Cumberland Island revert back to its natural untouched state prior to human habitation (4000 years ago).

Clearly, this country needs unspoiled wilderness - a place where one can experience the serenity and isolation of the true "wilderness" experience. A place where a small number of well equipped, fit, youthful naturalist can roam. Cumberland Island, in its entirety, is not that place. It would no longer be for the enjoyment of the general public. It would, however, be a violation of trust with the families that donated the land and cultural resources, if this mission were to continue to be carried out. In addition, the unique cultural resources that currently exist from African American Half Moon Bluff district to the Plum Orchard estate, will be forever lost.

A very effective tactic used by those that support this mission was to work to see that Grand Avenue, an historic road, (known as the main road) be included in the Wilderness Area. Initially, they were not successful. The legislation that established the national seashore and the only environmental impact statement (1980) prepared for Cumberland, made it clear that the cultural and natural resources of Cumberland Island must be equally protected. The map included in the 1980 EIS shows Grand Avenue (south of Plum) outside of the designated wilderness area. In 1982, unknown to the Historic Preservation Community and the family that gifted the land and Plum Orchard to the Public, the wilderness community moved (through *S. 1119 "to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes."*) to include Grand Avenue into the wilderness and under the protection of The Wilderness Act - making it virtually impossible to manage, maintain or permit adaptive reuse (lease) of Plum Orchard.

Bob Kerr (formerly staff member of the Georgia Conservancy, currently serving on the board of the National Parks Foundation) explained to me that the wilderness

organizations knew the implications of changing the boundaries. They understood full well its negative impact on the cultural resources of the island, especially Plum Orchard.

Although President Reagan signed the legislation he understood the damage it could possibly do to the protection of the cultural resources on Cumberland, On September 9, 1982 he took the unusual step to clarify his view by issuing the following statement.

> "*...Finally on Cumberland Island, I would like to state that, although there have been some areas included in the National Wilderness Preservation System previously which did not meet the statutory definition of wilderness, I am reluctant to support this practice in the future. Wilderness legislation should designate only those areas which are truly pristine, in order to prevent the type of management conflicts in wilderness areas as are evident with Cumberland Island. Nevertheless, Cumberland Island is an important resource which should be given the added protection management that the Wilderness Act provides.*"

The President's elegant statement foretold the future for Cumberland. Designating Grand Avenue as wilderness violates the statutory definition of wilderness and effectively prevents protection of the Cultural Resources on the Island. Not to mention that Grand Avenue (according to the 1980 EIS) is "an historic road, mapped as long ago as 1860 and has been nominated to the National Register of Historic Places."

In addition to the difficulties of protecting the Island's cultural resources due to issues stated above, the NPS clearly no longer had the funds to care for these resources. It has apparently long been desired by the NPS to develop an arrangement whereby a private entity would maintain and preserve Plum Orchard and other cultural resources on the Island through a lease for adaptive reuse. However, the restrictions placed by NPS on any potential lease (due to an extreme interpretation of the wilderness management restrictions) are so severe as to practically prevent any agreement from ever taken place.

In April 1996, recognizing that the NPS no longer had the financial resources to maintain or restore our nation's cultural resources President Clinton issued a directive to the Secretary of the Interior, he stated:

> " *1. The Secretary of the Interior is to provide to me, within 30 days, a specific proposal for ways in which the National Parks Foundation's role in fostering public-private partnerships on behalf of the parks can be invigorated...*"
>
> *2. ....provide me a legislative proposal that would make permanently available to the National Park System the authority to enter into cooperative agreements on behalf of the parks....*
>
> *3.....provide me a report for preserving historic structures within National*

Parks....should consider possibilities for partnerships with businesses, associations, and individuals in the private sector.

4...In addition, to the extent permitted by law and within existing budget authority, the Secretary shall exercise his existing authority to make a minor boundary adjustment.....to add property to Point Reyes."

Clearly President Clinton in directing Secretary Babbit to be proactive in protecting our nation's cultural resources would be dismayed to learn that the NPS has been unwilling or unable to protect Cumberland Islands Cultural Resources. He would be disappointed to learn that for over 2 years, the family that gifted Plum Orchard and adjacent land to the national park system, support and have worked with a respected group of nationally recognized artists, environmentalists and community activists (The Plum Orchard Center for the Arts) to create the very public-private partnership the President supports.

I would be most appreciative if you would take the time to review the attached timeline to see the effort made by the Plum Orchard Center for the Arts, to save this historic resource known as Plum Orchard. If after reviewing this document, I am sure you will see that nothing short of taking this historic road, Grand Avenue, (known as the main road) out of the wilderness designation, will save these precious and historic resources.

I urge your passage of H.R. 4144. This will put, what has been sorely lacking into the management of Cumberland Island National Seashore - some common sense.

PLUM ORCHARD CENTER FOR THE ARTS
TIMELINE OF ACTIVITIES WITH NPS AND WILDERNESS GROUPS TO DEVELOP A PUBLIC-PRIVATE PARTNERSHIP

This is not meant to be a complete document, there were countless more letters, meetings, phone calls, emails, faxes, etc. than are indicated here. This timeline was prepared from the files and calendar of Nancy Parrish and in no way covers the detailed activities of Gogo Ferguson and other Center board members. Nancy served as Center spokesperson and lead negotiator from Jan, 1995 - August 1996.

1994

Jan. Gogo Ferguson (resident of C.I. and Carnegie family member speaks with Park Superintendent Rolland Swain about the progressive deterioration of the Plum Orchard estate. They talk about developing a public private partnership.

Feb. Gogo incorporates an organization that was to become the Plum Orchard Center for the Arts (Center).

Rolland sends letter to the Center requesting more information about our group. He explains he will be exploring the appropriate administrative mechanisms for entering into an agreement. He sends along a copy of the 1984 Development Concept Plan/Environmental Assessment (DCP/EA) for the purposes of developing more detailed proposals.

Rolland sends the first draft of a Memorandum of Understanding (MOU)to the Center for review. The Center was to review the structure of the agreement as well as the content. The MOU describes the Parks responsibilities to preserve and manage Plum Orchard and explains that the Park will work closely with the Center as it undertakes the responsibilities heretofore handled by the park service. Rolland explains there will be no negative environmental impact to the Island since the Center is undertaking current Park responsibilities and activities. In addition, the Centers inhabitants will be included in the daily park count so no increase in visitors to the Island will take place.

March- Gogo and others work to build an organization of nationally recognized artists,
Nov. environmentalist and community leaders.

11/26 Draft MOA was discussed at a meeting of Cumberland Island residents.

11/28 Draft MOA was mailed to conservation groups. Comments were received during the next three weeks.

Oct.-Dec. Discussions with Park Service Regional Solicitor General, John Herrington regarding the appropriate administrative mechanisms. He explains an MOA (Memorandum of Agreement) rather than an MOU is the appropriate. He explains that he has discussed this with his superiors and that "Washington" has approved this process.

Nov. The Center receives the first draft of a Memorandum of Agreement.

Dec. December 20th, Joe Graves (Cumberland Island Historic Foundation) calls to inform us that he has received a call from Norman Owen (The Sierra Club) voicing alarm about the possible MOA. He explains he has reviewed the document.

DEC. (cont) December 21st Joe Graves sent a memo to Rolland Swain and the Center clarifying his position of support and explaining the phone call from Norman Owen.

1995

JAN.

1/24 Bob Baker, Field Director Southeast Area and Park Service staff conduct an extensive meeting with representatives of certain wilderness groups (Georgia Conservancy, The Sierra Club, The Wilderness Society, National Parks and Conservation Association, other interested individuals and the Center. Many representatives of the Wilderness Groups were very upset. They claimed that a management plan for the island must be done before any agreement could take place. They claimed that the Center was a front for a group of elitist who wanted to use the island as their playground, etc. They said if the property owners and retained right holders would give up some of their rights then they could support this agreement. The meeting ended with Bob Baker stating that the Park Service no longer had the funds to protect our nation's historic resources and that this type of an agreement was in the best interest of the public.

The Center had lunch with Rolland Swain (Park Superintendent), and Don Barger (National Parks and Conservation Association). Don stated "the" issue for him is the unlimited vehicle usage on Grand Avenue by the Center. We said we could reach a compromise with him on this. We agreed to keep talking. He said he would lead the team of wilderness groups in our discussions.

The Park determined, because of the issues raised at the meeting, that the Park would not rely on a revision of the 1984 DCP/EA, but rather to repeat the EA process based on the specific provisions of the draft MOA.

1/19 Rolland Swain sends an "issues summary" relating to the MOA. It is a compilation of concerns raised by representatives of certain wilderness groups.

1/24 Meeting at Park Service regional office in Atlanta.

JAN-FEB. Through a number of early MOA drafts we began to work through these issues.

2/1 Rolland Swain(C.I. Park Superintendent) sends note and map to the Center suggesting an alternative to working out the road issue would be to *"amend the (wilderness) boundary as indicated on the map. This would leave the bulk of the wilderness area intact but would allow access (to Plum) through a non-wilderness corridor."*

2/7 Rolland explains to Center that Director Baker must send a letter to the US House Committee on Energy and Natural Resources - notification of agreement. (The letter was sent on March 24)

2/27 Letter from Brian Rosborough, President Earthwatch to Gogo Ferguson joining the Center's efforts... *"to invite one or two dozen of the country's promising artists to spend their sabbatical creating new works in concert with nature and the natural resources of Cumberland Island, is an ingenious solution to saving one form of heritage, while promoting another. Please count on support from Earthwatch to attract artists and scientists to Cumberland Island to assist this important preservation effort.*

2/28 Brian Rosborough writes Roger Kennedy, Director, National Park Service regarding the concern by representatives of the Sierra Club and Wilderness Society.

??? Conference call amongl Don Barger, Gogo and Nancy to discuss MOA.

3/4 Representatives of Wilderness groups send a 9 page letter to Rolland Swain outlining their concern for the project.

3/6 The Center receives a letter from James Biddle, former President of the National Trust for Historical Preservation. He toured Cumberland in the 70's and supports the Center's efforts.

3/8 Norman Owen (Sierra Club) calls Nancy Parrish (Center spokesperson and chief negotiator) to discuss his concerns. Norman is invited to come to Nancy's house to discuss concerns.

3/8 Meeting with Rolland Swain

3/10 Norman Owen (Sierra Club) sends Nancy Parrish a 50 page fax outlining concerns and supporting documents. The supporting documents are selectively pulled from legislative history.

3/14 Nancy Parrish and Norman Owen talk at length.

MAR-APR. Several more MOA drafts are prepared and sent to all concerned by Rolland Swain as efforts are made to address the concerns of the Wilderness groups involved with the process.

3/15 Conversation with Rolland Swain re: latest MOA concerns.

3/17 News release by Park Service on EA: general overview and can phone for copy and make comments in writing.

MAR Gogo spoke with Don Barger about his concerns. His major concern is that "Plum Orchard sits in the middle of the wilderness and there can be no compromising or it will become nationally precedent setting." There is little discussion about specifics related directly to the MOA.

Several more conversations with Norman Owen. He now wants Center personnel to wear uniforms and wants Center vehicles identified as well so the Center's movements can be tracked.

3/20 Receive copy of latest MOA draft.

3/29 Brian Rosborough notifies GoGo Ferguson that he has briefed Director Kennedy and Deputy Denis Galvin on the status of the Center's negotiations with regional organizations interested in Cumberland. Brian explained the Director said he is very much in favor of proceeding when the Center and Bob Baker reach agreement

APRIL

Newsletter issued by Georgia Conservancy informing its membership of the project.

4/5 Letter to Park from National Parks and Conservation Association and other wilderness organizations commenting on the MOA and EA.

4/7 Letter to Nancy Parrish from Georgia Conservancy regarding their official response to the MOA and EA.

4/9 Reviews list of 10 (some new) issues from Norman Owen of the Sierra Club. Center agrees to all 10.

4/12 Park Service holds a "public work session" with the Center, Wilderness groups and interested parties.

4/13 Meeting with Nancy Parrish and Carolyn Hatcher (President Georgia Conservancy) and Conservancy staff. Nancy asks for meeting with full Conservancy Board. Carolyn explains that this is not the way they do business. Parrish is disappointed. Chuck Parrish is a former board member of the Conservancy and Nancy is a former member. During the meeting Wesley Wolff (Conservancy staff) speaks about the need to restrict retained right holders & property owners rights. We explain this issue has nothing to do with the MOA. Discusses their position on limited use of vehicles.

4/16 Dinner with Plum Orchard Center for the Arts Board and Bob Baker. Members fly in from around the country to attend. Bob assures us all is on track

4/17 Georgia Trust for Historic Preservation announces its support for the project.

4/19 Park Service issues press release seeking more public comment on proposal. and announces two public meetings to be held.

4/20 Park issues public notice and extends public comment period to May 19th and sends MOA and EA to mailing list.

4/24 Original close of public comment period

4/24 Director Baker sends letter informing Senator Murkowski (Committee on Energy and Natural Resources) of agreement. The letter states, "*implementation of this agreement will cause some increase in traffic on the portion of Grand Avenue from Plum Orchard south to the southernmost wilderness boundary. Most of the traffic on the portion of Grand Avenue within the wilderness boundary is generated by holders of preexisting access rights. Park management does not believe that operation of Plum Orchard as a residential artists retreat will produce a significant change in overall traffic volume.*"

4/25 Park Service will review and revise MOA, finalize, EA has to go to a FONSE

MAY

5/2 Official Information Session held by Park Service in Atlanta. Wilderness groups, The Center, Park Service Staff (John Herrington, Tom Brown, Rolland Swain, Bob Baker, etc.) attend. John Herrington discusses why the Park Service has the authority to proceed through the MOA process under the Historic Sites Act.

5/8 Date given to Center by Park Service for FONSE to be issued by Baker and MOA signing.

5/8 Governor of Georgia, Zell Miller sends letter to Bob Baker expressing support

for the project and urges the Park to proceed.

5/19 Conversations with Georgia Conservancy President Carolyn Hatcher to correct misinformation she was given by Wesley Wolff regarding the MOA.

5/22 Atlanta Journal Constitution supports the project with reservation, calling it a necessary evil. There are several factual inaccuracies in the editorial.

5/23 Rolland Swain sends a letter to the Atlanta Constitution correcting the misstatement of facts.

5/30 Jerry McCollum, President Georgia Wildlife Federation sends letter to Rolland Swain supporting the Center's project.

JUNE Evaluation of public comments from June 20 - Mid July.

6/11 Nancy Parrish meets with Georgia Conservancy Board Chairman Clay Long.

JULY

7/5 Delays cause concern of the Cumberland Island Historic Foundation. A letter is sent by its President, Joe Graves (family who gave Plum to the Park). to Bob Baker

7/24 Baker responds to Graves reiterating his support for the project and his commitment to seeing the project through successfully.

7/31 Joe Graves indicates (by memo) he has spoken with Bob Baker recently and that Baker told him the MOA would be signed very, very soon.

AUGUST

Don Barger expresses opinion to Gogo Ferguson and Nancy Parrish that the current agreement will not happen according to a conversation he has had with Deputy Denis Galvin.

8/15 Allison Wagner, Center Project Director calls to speak with Tom Brown (Desk Officer, National Park Service). He is not available, she speaks with Stuart Johnson of the Planning Office. Johnson describes the new timeline, which is as follows:

8/15/95 Rolland has assessed the public comments and has prepared a revised draft of the MOA # 17.

8/21-8/25 Park will hold an internal meeting to discuss the final draft in accordance with legal advice.

8/28-9/8 Park will meet with Center negotiator, Nancy Parrish to review final draft. During this period environmentalists

will also have a chance to look over the final draft.

Brown states that there may be an additional 30 day delay to allow for public action to stop the project.

8/17 Nancy Parrish sends letter to Bob Baker requesting a meeting. Request politely denied.

8/28 MOA #18 so called final draft is sent to all for last comments.

SEPT

9/7 Conversation with Gogo and Norman Owen (Sierra Club)

9/20 Meeting with Park Service (Brown, Swain, Herrington).

OCT.

10/4 Nancy Parrish talks with Bob Kerr (former Georgia Conservancy staff, currently on the National Parks Foundation). Bob talks through legislative history and explains that the reason Grand Avenue is part of the wilderness is because conservation groups realized that it was the most effective means of prohibiting adaptive reuse of Plum Orchard. It would also go a long way in reaching their long term goal of Cumberland Island reverting back to pre-human conditions - a truly wild barrier island.

10/5 Review MOA # 20

10/10 Meeting with Rolland Swain and others at Park Service (Atlanta) Talk with solicitor, John Herrington seeking assurance that the MOA is the proper process. Some in the wilderness community claim that it is not. Herrington assures us again that this process has been thoroughly reviewed and approved.

10/12 Review MOA # 21

10/21 Meeting with Nancy Parrish and Don Barger (National Parks and Conservation Association)

Georgia Conservancy newsletter congratulating their members on a job well done. They explain that the MOA has been changed "significantly" thanks to their efforts. They explain to their members that previous commentors will receive the latest MOA for another opportunity to comment. The Center was not aware of this and asked the Park Service for clarification.

10/22 Call with Nancy Parrish and Don Barger. Barger says he speaks for wilderness groups.

10/28 Call with Rolland and Nancy Parrish.

NOV We are told by Tom Brown (Park Service) to be prepared for a signing.

11/1 Review MOA #24

11/3 Letter to Rolland from Gogo Ferguson and Nancy Parrish after being informed that a signing will take place. We were asked for a preferable date and we set 11/10.

11/10 Tentative date for signing.

11/14 Letter from Nancy Parrish to Tom Brown explaining that it is the Center's understanding that the agreement will now "move on a fast track toward an official signing." She asks if it is accurate (as explained to her by Rolland Swain) that this final stage should take somewhere between five to ten days.

11/20 Receive notice of new organization formed by Carol Ruckdeschel, Hal Wright in an attempt to stop the project. They plan to sue. Carol Ruckdeschel is a naturalist who runs a museum in the wilderness on Cumberland (not authorized by the Park). She has six personal vehicles she uses in the wilderness.

11/28 (not sure of exact date) Meeting with Nancy Parrish and Carolyn Hatcher (Georgia Conservancy). Carolyn was not aware of how restrictive the MOA had become and was quite surprised about the vehicle use limitation.

Nov. Tom Brown is negotiating with Don Barger (excluding the Center) in hopes of getting a final agreement from the wilderness groups.

DEC.

12/95 Review MOA #31. Very restrictive - the Center is discouraged.

12/1 Nancy Parrish writes to Carolyn Hatcher clarifying two points they discussed at their recent meeting. Misinformation battles are still a major problem.

12/13 Joe Graves (C.I. Historic Foundation) sends letter to Bob Baker voicing concerns for the delays and changes. He asks Bob for personal intervention.

1996

JAN

Georgia Conservancy newsletter telling members their input has made its way into the MOA.

1/17 Conference call with Park Service and some members of the Centers board.

1/22 Review MOA # 33

1/26 Meeting with Park Service (Tom Brown and Rich Sussman) and Nancy Parrish, and Allison Wagner.

FEB

Tom Brown sends mailing to commentors of FONSI and EA. Asks for comments or questions.

2/7 Park Service issues press release (PARK SERVICE NEARING AGREEMENT ON USE OF PLUM ORCHARD MANSION). It describes the public-private partnership between the NPS and the Center. It states that, *" NPS Southeast Field Director, Baker has approved a "finding of No Significant Impact," statement, required by federal environmental law, on the proposal from the arts center. It says the agreement has been modified to meet objections voiced by some environmentalists when the offer was first announced over a year ago.*

2/13 News article in the Jacksonville Times Union by Gordon Jackson. The article was titled OK LIKELY FOR ARTIST RETREAT, CUMBERLAND MANSION READY FOR RENOVATION - *"National Park Service officials say the only possible obstacle would be if someone raises new concerns. But they say they wouldn't have announced the 30 day comment period if they anticipated further changes."*

2/18 Review MOA # 38. (this was not the last)

MAR.

3/8 Phone conversations with Nancy Parrish and Wesley Wolff (Georgia Conservancy) regarding letter to Park Service from the Conservancy.

3/10 Unsure of exact date. Meeting with Russ Sussman (Park Service) - more details.

3/11 Tom Brown sends letter to Nancy Parrish (Center) explaining that an error was made and not all of those who should have received the mailing requesting comments have, so an extension of 30 days to solicit comments will take place.

MAR Don Barger has conversations and emails with Deputy Park Director, Denny Galvin.

The Defenders of Wild Cumberland sue.

4/9 Letter to Tom Brown from Roger Babb, current regional solicitor NPS. Babb claims the *"Park Service erred when they concluded that the occupancy authorized in the MOA will have no significant impact on the environment of Cumberland Island.* They go on to say, *We earlier advised you that authority for the agreement could be found in the Historic Sites Act...We have learned that this provision is rarely used, if at all, as authority to transfer long term rights....We do not say that under no circumstances may the Historic Sites Act be applied....however, we believe there is some doubt...therefore, it should not be executed at this time... Unlike the Historic Sites Act, the National Historic Preservation Act contains language that can be applied across the board....We are confident that a reformulation of the project as an historic lease will eliminate much of the criticism."*

4/22 President Clinton issues public-private partnership initiative and directs Secretary Babbit to explore options outside the traditional appropriations process for preserving historic park structures.

MAY

5/7 Brian Rosborough sends letter to Roger Kennedy asking him to reiterate his support for this project.

?? Gogo Ferguson receives letter from Director Roger Kennedy stating 100% support for the project and suggesting Gogo come to Washington D.C. for signing of a letter of intent and a photo op.

mid-May Gogo meets with Kennedy. No photo op, no letter of intent.

Peter Kirby (Wilderness Society) tells Gogo he thinks the MOA is OK now.

JUNE The Committee on Appropriations submits a report explaining the accompanying bill making appropriations for the Department of Interior. The report states the committee supports the MOA. Its only concern is the length of time provision.

6/14 Bob Baker sends letter to Nancy Parrish and Gogo Ferguson (Center). He states the Park Service will discontinue the MOA proposal. That the process must start again through the National Historic Preservation Act as a lease initiative. The Service must begin by publishing a notice of lease opportunity at least 60 days prior to receiving any proposals. Additionally, he announces the Service is also considering commencing a wilderness planning effort that may have impacts on any lease arrangement.

6/17 Park Service issues press release PROPOSED ARTISTS' RETREAT AT PLUM ORCHARD HITS SNAG.

6/19 Nancy Butler (family member donating Plum to the Park) writes a strong letter to Bob Baker chastising him and the Service for their actions over the past two years and their failure to consummate a deal with the Center.

6/21 Park Service notifies interested parties of new process.

7/1 Gogo Ferguson sends a letter to the Center's Board notifying them of this difficult turn in the road. She asks everyone to remain patient and enthusiastic. She says, "we will succeed at this."

AUGUST Tom Brown, Denny Galvin (Park Service) meet with Brian Rosborough, Rose Styron and Gogo Ferguson apologizing for the screw ups and promise to utilize Park Service resources to reconfigure the MOA into a historic lease agreement. Gogo explains that the Center has spent over $50,000 over the past two years and asks if the Park Service is planning to reimburse the Center.

SEPT -NOV Gogo works with Don Barger and others to continue to try and reach agreement on a document.

Rolland Swain, Park Superintendent leaves Cumberland Island. A new superintendent, Dennis Davis comes on board. He refuses to me with Gogo. No one understands why. Nancy calls Tom Brown. Tom assures Nancy, Dennis is just trying to get settled - no meeting takes places.

Gogo Ferguson steps in as lead negotiator.

1997

JAN- APR Park seems interested in pursuing other potential lessees. All communications are through Denis Davis and they are not productive.

MAY Gogo Ferguson sends a letter to Denis Davis on behalf of the Center letting him know that we remain active and interested. Denis never responds

JUNE- OCT Park pursues other groups and tells the Center that they are not in compliance with the historic lease process.

10/29 The Center sends a letter to the Park Service requesting a 30 day extension to confirm with NPS technical requirements. The Center reminds the Service of its earlier commitment to assist the Center in turning the MOA document into a historical lease: "*Please forgive our informal submission, but we were proceeding based on the earlier assurances given to Nancy Parrish by you during a telephone*

conversation in early August and to me by Denis Galvin and yourself in late August at a meeting of Plum Orchard directors that our prior proposal would suffice as an initial application.

NOV. Denis Davis calls Gogo and tells her the Center can just forget about a relationship with the Service. He goes on to say that Tom Brown is no longer dealing with this issues. He is in control and dealing directly with Denis Galvin.

11/7 Jerry Belson, Regional Director Southeast Region responds for Tom Brown stating that "*in the event that we decide not to accept the response currently under review, we are please to learn of your renewed interest.*" The Center was not amused with this response.

Mr. HANSEN. This is one of those days when we've got some very important bills, and we've only got a few more days left in legislation. And we'd like to act on every bill that's before us today and get them out if we could.

So, Mr. Hill, we'll recognize you for 5 minutes; please don't take it all.

[Laughter.]

STATEMENT OF HON. RICK HILL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

Mr. HILL. Thank you, Mr. Chairman, and I also want to thank the panelists that will be appearing here on my bill.

The purpose of the hearing on my bill, which is—whatever the number of it is here—is for the purpose of examining the process of selling 265 cabin sites at Canyon Ferry Reservoir; and also to examine what the potential benefits from the sale of those cabin sites would be; and also to have a discussion of what the appropriate use of the proceeds from the sale of those cabin sites would be.

There is great consensus in Montana about the need to move forward with this. Governor Marc Racicot has written to the Committee and publicly urged support for the sale of these cabin sites. All members of the Montana congressional delegation—Senator Baucus, Senator Burns, and myself—have reached consensus about the need to move forward to offer these cabin owners the opportunity to buy these sites.

Also, I think there's general belief that we need to expand the opportunities for recreation and for conservation, both at Canyon Ferry Reservoir, as well as upstream along the Missouri River and the tributaries of the Missouri River which are very valuable habitat for spawning purposes.

Also, it's time for us to address the broken promises. When Canyon Ferry Reservoir was created, there were promises to the people of Broadwater County, on the south end of the reservoir that they would have enhanced recreation and also enhanced economic opportunities as a consequence of the creation of the reservoir. Those promises have largely gone unbroken, Mr. Chairman, and we need to address those in the legislation.

Further, there are issues with regard to life safety at the south end of the lake which is very exposed to some very dramatic weather conditions at times has created a serious problem for those who would like to recreate at that end of the lake.

So, Mr. Chairman, I appreciate the opportunity for us to have a hearing, and I hope I have not consumed more than 5 minutes.

Thank you.

[The prepared statement of Mr. Hill follows:]

Mr. HANSEN. Thank you.

Do any of the members of the Committee have any questions for our colleagues? If you have, keep them brief, would you?

[No response.]

Thank you. We appreciate the statements of our colleagues. And you're more than welcome to come up on the dais, if you would like to be here while your panel speaks.

Mr. KINGSTON. Mr. Chairman?

Mr. HANSEN. Thank you—Mr. Kingston.

Mr. KINGSTON. Could I have unanimous consent to revise and extend my remarks?

Mr. HANSEN. Without objection, so ordered. And all of your full statements will be included in the record. And thank you for your excellent testimony.

[The information referred to follows:]

Mr. HANSEN. Our first panel, if they would come up: Eluid Martinez, Commissioner, Bureau of Reclamation; Tom Fry, Deputy Director, Bureau of Land Management; and Katherine Stevenson, Associate Director at Stewardship and Partnerships, National Park Service—if they'd all come up, please.

I know all these bills are important, and I know your testimony is very important, but let me just say, without objection, your full testimony will be included in the record. We want to move on as many of these bills as possible and get them through, so we would like to hear the testimony from the administration.

Mr. Martinez, it's always a pleasure to have you with us. We'll turn the time to you, sir.

STATEMENT OF ELUID MARTINEZ, COMMISSIONER, BUREAU OF RECLAMATION, UNITED STATES DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY LARRY TODD, ACTING REGIONAL DIRECTOR, GREAT PLAINS REGION, BUREAU OF RECLAMATION, UNITED STATES DEPARTMENT OF THE INTERIOR

Mr. MARTINEZ. Mr. Chairman, and members of the Subcommittee, good morning.

I'm pleased to provide the administration's views on H.R. 3963. My testimony, in detail, has been submitted for the record. I will summarize my statements.

Mr. Chairman, the Bureau of Reclamation supports efforts to improve public access to rivers and lakes throughout its projects at Westwide. However, H.R. 3963 would grant exclusive private use of lakefront property at Canyon Ferry Reservoir to a few beneficiaries. It could foreclose future use of land for project or other purposes, and could lead to the loss of future Federal receipts.

This bill also would make management of the facilities and land at Canyon Ferry more difficult for the Bureau of Reclamation and without reducing the need for future appropriations to Bureau of Reclamation for management of this project.

In addition, Mr. Chairman, H.R. 3963 is unclear on several political questions of intent and procedure.

And finally, Mr. Chairman, given that Reclamation and the Canyon Ferry Recreation Association recently agreed on a key controversial issue concerning rental fees, the administration does not believe that there is a need for this legislation at this time.

I am aware of Congressman Hill's concerns, and I believe that most of those concerns can be addressed upon completion of a Resource Management Plan that the Bureau of Reclamation is undertaking at Canyon Ferry.

For these reasons, the administration strongly opposes H.R. 3963.

This concludes my statement. I will be pleased to answer any questions, Mr. Chairman.

[The prepared statement of Mr. Martinez may be found at end of hearing.]

Mr. HANSEN. Commissioner, does that do it?

Mr. MARTINEZ. That's it—quick and short.

Mr. HANSEN. Well, thank you. I appreciate that.

[Laughter.]

Mr. Fry.

STATEMENT OF TOM FRY, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. FRY. I'll accept the Commissioner's challenge.

[Laughter.]

I'm here to testify today on two bills, Mr. Chairman, the first being the Otay Wilderness bill, H.R. 3950. First off, I'd like to acknowledge the efforts of the many organizations in the San Diego area, and Congressman Bilbray for their fine effort in bringing this bill forward. The area is an outstanding area of wilderness. The flora, the fauna, and the geologic and biological resources there are extraordinary.

We are also, though, aware of the many unique management challenges that are presented in the Otay Mountains. There is drug interdiction, border patrol, fire problems, and numerous undocumented immigrants.

And even based on these concerns, the administration, along with the Justice Department, still supports this bill if the bill will remove section 6(b) which allows for certain exclusions to the wilderness designation.

We believe that the current 1964 Wilderness Act allows for emergencies to protect public health and safety, and we would like to further acknowledge that we are already managing this area as a wilderness study area.

We will be more than happy, though, to work with the Committee if the Committee feels that additional border enforcement, drug interdiction and wildland fire protection language is necessary in order to recognize the unique nature of this area and can develop language with the Committee that we think will be acceptable to both the Committee, Congressman Bilbray, and the administration.

Very briefly, because of the unique nature of this area, we would also like for the Committee to consider designating the Otay Mountains as part of a national conservation area. The advantages of a national conservation area over wilderness, provide for a more flexible management of the tract. It might mean that we would have portions of the Otay mountains that would be wilderness and others areas where we could make sure that all the law enforcement and fire needs were accommodated.

I would like to point out that one of the things that we're most pleased about the bill—and we have a map right up here—is that it does exclude from the proposed wilderness area those areas that are now currently being used by fire and law enforcement people for drug interdiction and law enforcement. So, we're pleased about that portion of the bill, and we do support this bill, Mr. Chairman.

[The prepared statement of Mr. Fry may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Fry.

Katherine Stevenson.

Do you have additional testimony?

Mr. FRY. I have one other bill if——

Mr. HANSEN. Excuse me, I'm sorry. Go right ahead.

Mr. FRY. That's OK.

Mr. HANSEN. I apologize.

Mr. FRY. The second bill I'd like to testify on is the Grand Staircase-Escalante National Monument Boundary bill. Let's see if we can take care of some of these heinous problems, Mr. Chairman.

This year has begun a new era of cooperation on lands in Utah. In a recent hearing here with you, Mr. Chairman, the Secretary agreed to consider technical boundary changes and adjustments to the Grand Staircase-Escalante National Monument.

While we don't believe these changes are needed, in the spirit of cooperation, we are pledged to support the changes that are recommended in this bill.

I want to commend the Committee and the Committee staff, and the BLM staff for working together to come to an agreement on these possible technical changes. And I commend their efforts. These technical changes will benefit local communities, schools, and transfer Federal land to the Kodachrome State Park.

We do have one suggested change to H.R. 4287. We have noticed that the utility corridor proposed in the bill probably extends much farther than the BLM land, and would ask that the language be changed to make sure that it is clear that the utility corridor suggested in the bill will only apply to BLM land.

We are most pleased that the Upper Valley Oil Field will still be in the Grand Staircase-Escalante National Monument. This helps us fulfill the President's commitment to continuing and to supporting existing rights within the monument.

Again, I thank you, Mr. Chairman, for setting the tone of cooperation that's made it possible for us all to support H.R. 4287.

[The prepared statement of Mr. Fry may be found at end of hearing.]

Mr. HANSEN. Well, the Committee thanks the BLM for the cooperation they've shown on that legislation. We appreciate it.

Mr. FRY. Thank you, Mr. Chairman.

Mr. HANSEN. Katherine Stevenson.

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Ms. STEVENSON. Thank you, Mr. Chairman.

We appreciate the opportunity to present testimony on four bills this morning. The first one is H.R. 2125, New Jersey Coastal Heritage Trail. The bill, as you know, has two purposes—to increase the authorization for appropriations for the New Jersey Coastal Heritage Trail, and to extend the NPS authority to participate in the trail for an additional 5 years.

We support enactment in the bill. Since 1988, with the passage of the law authorizing this site, the NPS has been working cooperatively with the State of New Jersey, the Pinelands Commission, and other partners to design and implement a comprehensive plan for this reticular tour route. There are five interpretive themes that link natural and cultural resources over 300 miles of coastal New Jersey. This legislation would allow the NPS to continue the implementation of the plan in cooperation with our State partners.

[The prepared statement of Ms. Stevenson may be found at end of hearing.]

Ms. STEVENSON. H.R. 4144, Cumberland Island National Historic Site—the Department opposes this bill because it would undermine the progress already being made to develop a consensus on the Wilderness Management Plan. For the last 15 months, the Park Service has been engaged in a collaborative effort to gain a consensus with the retained rights holders, landowners, visitors, and others interested in the natural and cultural resources of the island. Much progress has been made, and we commend the commitment of all those groups to the process and to the island's preservation. And we want to continue that very successful process.

First, we oppose the provisions of the bill that remove any land or roads designated as wilderness or potential wilderness. Second, we believe that the deeds negotiated with the retained rights owners were drawn in good faith by both parties and should continue to be respected. Further, we recognize the challenges to visitor access and use at Plum Orchard within the wilderness designation. However, the Act establishing the Cumberland Island wilderness explicitly directed the Secretary to develop guidelines within these restrictions. We are preparing these guidelines and are hopeful that the Wilderness Management Plan will define some manageable solutions.

When the plan is complete, we will again explore historic property leasing for Plum Orchard within the new Wilderness Management Plan, and we anticipate a felicitous conclusion.

Mr. Chairman, we are making progress in these matters. We would like to continue the collaborative effort prior to any legislative solution.

[The prepared statement of Ms. Stevenson may be found at end of hearing.]

Ms. STEVENSON. H.R. 4211, which is a bill to establish the Tuskegee Airmen National Historic Site—we support the concept of establishing the site. We have some suggested changes to improve the language and will be pleased to work with the Committee to that end.

As you have heard, at the request of Congressman Bob Riley and the university, with funds graciously made available by the State of Alabama, the Park Service conducted a special resource study. Extensive public input was sought, received, and incorporated into the study, as were the views of the Tuskegee University and many representatives of the Tuskegee Airmen. We have completed a draft and summary of the study and expect to transmit those to the Committee soon.

Our findings indicate that the Tuskegee Airmen site at Moton Field and Tuskegee meets the criteria for inclusion into the system, and we recommend its designation.

[The prepared statement of Ms. Stevenson may be found at end of hearing.]

Ms. STEVENSON. Finally, the Department supports H.R. 4230, which would allow the El Portal Administrative Site to transfer a Federal site to a private individual, approximately eight acres of land within El Portal Administrative Site.

The NPS would, thus, be able to establish an entrance station here in El Portal and close the Arch Rock entrance station, currently part of a traffic nightmare.

Our concern with this bill is that the government should receive actual equal value for the land it exchanges rather than a statutory declaration of equal value. We understand that the owner is willing to work with the NPS to assure an equal value exchange. We would like to pursue that, and we'd be happy to work with the Committee on this language change.

This concludes our statements, and I'd be happy to answer any questions.

[The prepared statement of Ms. Stevenson may be found at end of hearing.]

Mr. HANSEN. Thank you.

Do members of the Committee or our two guests, Mr. Bilbray or Mr. Riley, have any questions for this panel?

The gentleman from American Samoa?

Mr. FALEOMAVAEGA. Mr. Chairman, with seven pieces of legislation, you get to wonder where to start.

[Laughter.]

Mr. FALEOMAVAEGA. But I would like to commend our colleagues for their testimony, and I think it's quite clear some of the suggestions that have been offered by the representatives of the administration—and I'm sure that we can work some of these pieces of legislation out for markup and for consideration by the full Committee.

My only suggestion to the gentleman from Montana, concerning the Canyon Ferry Reservoir, I just wanted to ask him if he could elaborate a little further, and maybe even from our friend from the Bureau of Land Management. There was a promise given to these people about the reservoir, and I just wanted to ask our friend from the administration, can you respond to that statement made by my friend from Montana? A promise was given about the use of this reservoir, and apparently that has not been kept? Can you elaborate on this, Mr. Martinez?

Mr. MARTINEZ. Mr. Chairman, Representative, I'm not aware of a promise, but if I may, the issue of recreation on leased sites on Bureau of Reclamation of Westwide is an issue that we're turning our attention to.

In this particular situation, we've got 265 cabin lease sites. We are now doing a resource management study that I understand is to be completed in 1999, that has on the table whether the administration should or should not divest itself of these lease lots.

My recommendation is to await that study to come to completion, because our issues that have to be resolved is to who is going to

maintain the facilities? Where is the money going to go to? How are the operations of the project going to be after conveyance, if that takes place?

Some of these issues need to be addressed; I think this bill is premature.

Mr. FALEOMAVAEGA. Mr. Martinez, I hope this study is not going to last another 100 years. You said that the study is going to be completed by next year?

Mr. MARTINEZ. I'm advised by the end of 1999.

Mr. FALEOMAVAEGA. OK. Was the understanding that the promise to be used for this reservoir was to be for public use and not for private use?

Mr. MARTINEZ. The project, as I understand, has multiple purposes including recreation. Now the Bureau of Reclamation—from my perspective, we should maintain public use. However, we have leased lots, and in some cases it might make in the best interests to divest ourselves of those lots. And this study will indicate which lots, and under what conditions.

Mr. FALEOMAVAEGA. And the land in question is federally owned?

Mr. MARTINEZ. It is federally owned.

Mr. FALEOMAVAEGA. OK.

I have no further questions, Mr. Chairman.

Mr. HANSEN. Any other members of the Committee? Mr. Hill.

Mr. HILL. Thank you, Mr. Chairman.

Mr. Martinez, you've indicated in your testimony, of course, that this legislation is not necessary. Obviously, for all these organizations that are here testifying on the other side, I don't think they would agree with you about that.

They maintain that there's an overcrowding at the lake, and the Bureau has done little to alleviate that. They will allege that the Bureau does not work in good faith with the cabin owners; that it has failed to work in good faith with the local government. In fact, the Canyon Ferry Recreation Association began their efforts with regard to these lots in 1968, with then Senator Mansfield.

Can you detail for me the relationship the Bureau has had over the life of these cabin sites and with the cabin owners?

Mr. MARTINEZ. I'll be glad to provide that for the record.

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

Mr. MARTINEZ. But let me give you from my perspective. I have read some of the material on that, and as I understand there's been one or two incidents where congressional efforts have been made to transfer these lease lots to private ownership.

Where I became involved in this was when I became Commissioner of Reclamation a couple of years ago. This land had been managed by the State of Montana under agreement with the Bureau of Reclamation. They turned it back over to the Bureau of Reclamation, and the Bureau of Reclamation is required by law——

Mr. HILL. When did they turn those back, Mr. Martinez?

Mr. MARTINEZ. 1993.

Mr. HILL. 1993, and now we're suggesting that we're going to do a management plan by 1999?

Mr. MARTINEZ. Well——

Mr. HILL. What's happened since 1993 with regard to the development of a management plan?

Mr. MARTINEZ. If I may, I have Larry Todd here, which is the Regional Director, that I think is more familiar with those issues. Assistant Acting Regional Director—I might have him respond to that particular question for me.

Mr. HANSEN. Would you identify yourself for the record, please?

Mr. TODD. Larry Todd.

The State of Montana turned the area back for management in about 1993. Since then, the Bureau of Reclamation has put a lot of money into refurbishing the recreation areas in and around the lake—changing well sites, replacing restrooms, painting, upgrading the facilities, those types of things.

Mr. HILL. But has there been any effort to upgrade the management plan? To do a new management plan?

Mr. TODD. The State had drafted a management plan, and we had worked with them on that——

Mr. HILL. My point, though, is, and what I'm leading up to is that the suggested testimony is that we should wait until the management plan is going to be completed in 1999. I believe that now the interest in developing a management plan is substantially a consequence of the fact that the congressional delegation has said, "We want to move forward with selling these lots and pressing forward with some improvements at the lake."

I guess my point simply is that this project has been here for 50 years or there about, and there's been little done on the part of BOR to develop a long-term plan to create recreational opportunities at the south end of the lake.

Eighty percent of this facility rests in Broadwater County. If you've read the testimony of the people from Broadwater County, they gave up almost all the land that went under this lake, and they were made promises about economic benefits and offsetting economic benefits. I've seen little or nothing from the BOR to indicate that they have any commitment, or at least to date of any commitment, to follow through on that commitment.

Let me just ask you another question. What's the primary mission of the Canyon Ferry Reservoir? What is its primary mission?

Mr. TODD. There's six functions—power generation, irrigation, municipal and industrial water use, recreation, fish and wildlife, flood control.

Mr. HILL. Have the cabin owners ever interfered with that mission, accomplishment of that mission?

Mr. TODD. They certainly have influence, as the rest of the public does, in the operation of those——

Mr. HILL. But have they ever interfered with accomplishment of that mission to your knowledge?

Mr. TODD. Not to my knowledge.

Mr. HILL. How many acres of shoreline does the Bureau manage at Canyon Ferry Lake?

Mr. TODD. I'm not sure about the full miles of the shoreline. Certainly, the cabins areas are about nine miles of shoreline.

Mr. HILL. But how many acres do they represent?

Mr. TODD. Probably less than 300.

Mr. HILL. And how many acres of shoreline does the public have access to now? Can you tell me?

Mr. TODD. No I can't, but it's certainly many more that nine.

Mr. HILL. Do you know that my bill doesn't convey one inch of shoreline to private use? Did you know that?

Mr. TODD. Yes, yes.

Mr. HILL. So this bill, if it passed, wouldn't deny public access to one inch of shoreline on Canyon Ferry Reservoir; is that correct?

Mr. TODD. Yes, that's true.

Mr. HILL. And would you agree that public access will not be decreased, then, as a consequence of my legislation?

Mr. TODD. Well, your legislation does give permit for docks and other access to the shoreline, and that is where we will have some problem, potentially, in the future for public access.

Mr. HILL. But it doesn't deny public use of any of the shoreline, does it?

Mr. TODD. The bill, itself, does not; no.

Mr. HILL. OK. And in the testimony of BOR, you indicated that there's overcrowded recreational facilities at Canyon Ferry, and that's certainly true. Campgrounds are overcrowded in some of the areas, particularly at the north end. Do you charge overnight camping fees on those site, do you know?

Mr. TODD. There is camping fees charged in some of these campgrounds.

Mr. HILL. And are those used for any of the overhead of the operation of the facility or any facility improvement today?

Mr. TODD. When the State of Montana managed it, they did use it for some of their management, but the Bureau of Reclamation does not——

Mr. HILL. But you do not?

Mr. TODD. That goes back to the Treasury.

Mr. HILL. What has the Bureau done since it took over in 1993 to reduce overcrowding at the lake?

Mr. TODD. Well, as I've said, we've focused on upgrading the campground facilities, and we have basically put the Resource Management Plan on hold so that we could get those things upgraded. Now we're focused back on the Resource Management Plan since we have upgraded the facilities.

Mr. HILL. One last question, if I could?

Mr. HANSEN. Last question.

Mr. HILL. Would you agree, just in general, that it would be wise for us to try to improve the safety and disperse the people that are using the lake? And enhance visitor enjoyment by improving the facilities at the south end of the lake? Would you agree with that statement in general?

Mr. TODD. Yes, I would.

Mr. HILL. Thank you, Mr. Chairman.

Thank you.

Mr. MARTINEZ. Mr. Chairman?

Mr. HANSEN. Mr. Martinez.

Mr. MARTINEZ. If I may, in just closing, there's two issues that have been raised here. An issue on how the Bureau of Reclamation manages recreation at Canyon Ferry. And it's interesting the Bureau of Reclamation is getting more and more involved in recre-

ation in these issues. But I think the point I want to leave with you is that this bill, as drafted, has some problems. One, is to whether in the fact it is really the intent of this Committee to provide a select a few beneficiaries to benefit of acquisition of those sites. And if it does, the bill has some questions that need to be answered as to who is going to pay or maintenance of roads. Who is going to—what the Federal involvement will be once it divests of these lots.

My recommendation to the Committee is that this bill is premature right now. I'm not closed to conveying selected lots, but let us finish this Resource Management Plan. I commit to you that this will be finished by 1999. We will engage with the delegation; we will engage with the State, and with the Canyon Ferry Reservoirs Association to bring this to closure.

Thank you.

Mr. FALEOMAVAEGA. Will the gentleman yield? Will the gentleman yield?

Mr. HANSEN. You're recognized your own time.

Mr. FALEOMAVAEGA. Oh. Just a quick question to Mr. Martinez. The concerns raised earlier by the gentleman from Montana, will those issues be addressed at this ongoing management study done by the Bureau of Reclamation for next year?

Mr. MARTINEZ. I commit that they will.

Mr. FALEOMAVAEGA. OK; thank you.

Mr. HANSEN. You know, this panel has got a lot of interesting questions we could ask. It's unfortunate today we can't do that.

But Mr. Fry, I've just got to ask you something about this bill of Mr. Bilbray's. I know that BLM doesn't like section 6(b), and because you like to keep a pure wilderness approach to things. But the way Mr. Bilbray has this drafted, what kind of heartburn would it give you with leaving it as is, when you know you're going to have helicopters interdicting people with drug or illegal aliens coming in? You would rather, if I read your testimony right, you would rather go to the point of turning it in to a conservation area, is that right?

Mr. FRY. I'm sorry, but the last part of your question—we didn't what?

Mr. HILL. Well, on page 4 of your testimony, you notice the potential conflict between wilderness in the conservation area and the problem that the bill would present, because this is a place where you have drug runners and you have illegal aliens coming across there. Put it in wilderness, it's kind of like the California Protection Bill. What do we do to keep adequate protection from these illegal activities when we stick something in wilderness which they don't observe, but you have to observe?

And I'm sure that there may be a simple answer to this, but I'm glad to see the BLM believes that conservation areas are another designation and wilderness isn't a big catch-all that answers everybody's question. It's kind of am ambiguous question to you, but I would hope you'd give it some thought.

Mr. MARTINEZ. We will give it some thought and very quickly respond and say that it is important that the Congressman's bill does exclude those areas where current law enforcement activities are

taking place, where sensing devices and those kinds of things take place.

We are concerned, as the Congressman mentioned, about the precedence setting nature. We do think that there is some language that both this Committee and the administration could live with, which would recognize the unique challenges in that area.

Mr. HANSEN. Using the reverse logic, as on Mr. Cannon's bill of San Raphael Swell, in this area, Mr. Cannon has agreed with the environmentalists on every issue but one; it's called Sids Mountain, and because the people of the west feel that the bighorn sheep population is very important. They want to allow helicopters to come in their roads to be there.

I would hope the administration would not just in a trivial manner pass that off, because basically the compromise has all been on the part of Mr. Cannon. He's agreed maybe 90 percent with everything the environmental community wants.

I would hope that you would come up here with resounding support for it, realizing that there's no reason why you couldn't take care of a bighorn sheep population——

Mr. FRY. Well something like that——

Mr. HANSEN. [continuing] and that a conservation area does have some worthy components to it, also.

Mr. FRY. Absolutely. We will give a very serious considerations of those suggestions.

Mr. HANSEN. Mr. Bilbray, did you want to comment on that?

Mr. BILBRAY. Mr. Chairman, what my concern is, is that we do not sort of write off the entire border region from the potential opportunity to be able to take advantage of the wilderness designation.

Now the problem is, is that we do have in parts of this country, areas where dishonest people will look for the lack of Federal law enforcement activity as an opportunity to move in and fill the vacuum. And even—you know, I don't know if people understand this, but even with the way we drove through this with the cherry stems. The fact that that trail at the bottom is actually one that's been cut through for horse trails for enforcement along our borders is a good example, that it's gotten to this point.

What we don't want to create is a strong, open signal to certain elements of our society that, look, see the areas in between those red boundaries or cherry stems? That's open season for you; nothing at all will be put there. There will be no detection; they'll be no interdiction. Don't worry, this is a safe zone.

And I think that that's what I'm trying to do with my legislation is say, for preservation and for protection, we'll have this enforcement. But, we want to send a strong message to those people that would take advantage of this type of legislation—don't think it's a safe zone for you. There will always be the ability to step in and bust you if you try to do certain illegal activities in these wilderness areas. That's what we're trying to do. If we don't, we would just in effect say the entire border area from Brownsville through Big Bend, all the way through New Mexico and Arizona, is totally devoid of being able to take advantage of the wilderness option. This shouldn't automatically be the case, so that's, I think, what we can work out with H.R. 3950.

Mr. HANSEN. That would be the redeeming feature of your bill, if I may say.

The gentlelady from Virgin Islands is next.

Ms. CHRISTIAN-GREEN. Yes; thank you, Mr. Chairman.

I just have one question, but I've heard a lot about the Grand Staircase-Escalante National Monument since coming here, and I'm glad to see that that issue is resolved. That I'm sure that if we could resolve that issue, we can resolve some of the other ones. But I'm glad to see that we've been able to resolve it.

The question that I have is for Associate Director Stevenson. There's an article that appeared in yesterday's Atlanta Journal Constitution, written by Mr. Gregory Paxton, of the Georgia Trust for Historic Preservation, who will be testifying later, at which it suggested that the Dungeness Guest House that we have pictures of in our packet is in ruins because it's in a wilderness area. And, also, it claims that the Plum Orchard is falling into despair because it's in a wilderness area, and they can't get to it to provide maintenance. And I wanted you to have an opportunity to respond to that.

Ms. STEVENSON. The National Park Service realizes that we have a commitment to preserve our historic structures. In fact, I'm the Associate Director for Cultural Resources, in addition to Partnerships. The wilderness designation causes us to have to work very closely with other groups in order to figure out solutions for being able to meet our dual-responsibilities to wilderness and to resource preservation, in terms of cultural resources.

At Plum Orchard, as soon as the Wilderness Management Plan is finished, we are hopeful that we'll be able to go out with an historic property lease. And that—assuming that we get some good responses to that, and we hope we will—we feel that we'll be able to do work on that property that will bring it back up to a maintainable standard.

Ms. CHRISTIAN-GREEN. OK, thank you. But the Dungeness House is in a wilderness area?

Ms. STEVENSON. No, it's not.

Ms. CHRISTIAN-GREEN. OK; thank you.

Thank you, Mr. Chairman.

Mr. HANSEN. The gentleman from California, Mr. Radanovich.

Mr. RADANOVICH. Thank you, Mr. Chairman, just a couple of brief—well, one brief comment and one brief question.

First, on my bill, as discussed by Ms. Stevenson, regarding transfer station or an entrance station at El Portal, and a land exchange for that, the issue was mentioned that the land exchange would occur at fair value, and just for the sake of the record, the appraisals are in process right now. It is the intent of the private property owner who is here—where Mr. Fischer will later testify the desire for equal value depending on the outcome of the appraisal, so I just wanted to mention that for the record.

But I also had a statement regarding Mr. Bilbray's bill regarding—and I thought it was Otay—excuse me, but I thought maybe Eddie Murphy would be here testifying on behalf of this wilderness.

[Laughter.]

But it's Otay, and I was a little bit disappointed. Mr. Fry, I don't have the map here, and thank you.

My question is, given the nature of the area, its proximity to the border, the problems of fire protection, drug interdiction, and border patrol concerns, is it your desire to maybe have this in wilderness with no access whatsoever to resolve these issues in the problem?

Mr. FRY. No, sir. Congressman, we think that the Wilderness Act allows for emergency situations. And certainly, we think that a fire is an emergency situation. We have lots of times when we go into wilderness areas to deal with fire. Certainly, public safety can be another emergency situation, and if there are activities that are going on in the land that are illegal, we think those constitute emergencies, and we think the Wilderness Act allows for those kinds of things to take place.

Mr. RADANOVICH. Well, then, Mr. Fry, can you elaborate, then, on what the administration is willing to compromise in order to make this thing happen? Because it seems to me that the choice is the lack of wilderness designation for the area, and that's something that nobody wants, I don't think.

Mr. FRY. Because of this concern, that's why we suggested the possibility of a national conservation area. You could take an area that is a little bit larger than this area moving to the east and to the north. You might have—if you look at the map over there, you'll see what I'll call three different sections.

In the southern section that's closest to the border, might possibly be an area that's not designated as wilderness, but have some special management features. You then might include those two top sections as areas that are wilderness. So, it would look like to us that may be a solution to this concern about how the land would be used and what would go on on the land. We could solve that with a national conservation area.

We did, though, come here today in support of the bill as a wilderness bill.

Mr. RADANOVICH. OK, thank you.

Mr. HANSEN. One further question for the administration panel, and that is Mr. Hill from Montana.

Mr. HILL. Thank you, Mr. Chairman.

Mr. Martinez, as you know, there's a Senate bill that's been introduced on turn over of these cabin sites, Senate bill 1913. Does the administration support that bill? Could you advise me?

Mr. MARTINEZ. It's my understanding we do not support that bill.

Mr. HILL. And one last point, are there any features in that—and I would just ask you to submit this for the record—any features of that bill as of contrasted with the House version that you prefer? I would appreciate having your comments about that.

Mr. MARTINEZ. We will provide that for the record, and we'll get in touch with you.

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

Mr. HILL. Thank you very much, Mr. Martinez.

Thank you, Mr. Chairman.

Mr. HANSEN. We thank the panel. We look forward to sending you some written questions. We would hope you could answer them for us.

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

Mr. HANSEN. Our second panel is Thomas A. Budewitz—if I'm saying that right—Bob Robinson, Virgil Binkley, Darrell Knuffke, and Jerry Fischer.

Mr. FALEOMAVAEGA. Will the chairman yield?

Mr. HANSEN. The gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, I ask unanimous consent that the letter from James Durrett, the chief operating officer of the Georgia Conservancy, be made part of the record with reference to H.R. 4144.

Mr. HANSEN. Without objection.

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

Mr. HILL. Mr. Chairman?

Mr. HANSEN. The gentleman from Montana.

Mr. HILL. I would just ask unanimous consent that letters from Governor Marc Racicot and Senator Conrad Burns, as well as testimony from Jim Posowitts of the Prickly Pear Sportsmen's Association be entered into the record with regard to my bill.

Mr. HANSEN. Without objection, so ordered.

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

[The prepared statement of the Prickly Pear Sportsmen's Association may be found at end of hearing.]

Mr. HILL. Thank you.

Mr. HANSEN. We appreciate you gentlemen being with us. I know you've come a long way, and your testimony is very important to us, and you know we have a few little problems there.

And we'll start with the gentleman from Montana. How do you pronounce that?

STATEMENT OF THOMAS BUDEWITZ, ATTORNEY, REPRESENTING THE BOARD OF COMMISSIONERS, BROADWATER COUNTY, MONTANA

Mr. BUDEWITZ. Budewitz.

Mr. HANSEN. Budewitz; pretty close. We'll start with you, sir. If you want to pull that mike over close to you so we can pick up everything you say, we'd appreciate it. And you know the rules.

Mr. BUDEWITZ. Thank you, Mr. Chairman, members of the Subcommittee.

My name is Tom Budewitz; I'm here representing Broadwater County, and particularly the Broadwater County commissioners. The commissioners support the concept of making the cabin sites available for purchase. Our interest is in the allocation of the proceeds of the cabin site sales and the make-up of any entity formed to control the expenditure of those funds.

The creation of Canyon Ferry Reservoir in the early 1950's resulted in the loss of 36 family farms. They're now covered with as much as 75 feet of water. The loss of those farms displaced 36 productive families, destroyed thousands of acres of the richest soil in the county, and permanently removed all of those acres from the county tax rolls.

For many years, the creation of the reservoir resulted in a literal dust bowl near the south entrance to the lake and made the city of Townsend the dustiest city in the State. That problem was finally mitigated approximately 20 years ago with a dust abatement

project and creation of a wildlife management area just outside the city of Townsend, at the south end of the lake.

Despite repeated promises, beginning even before construction of the dam and reservoir, that Broadwater County would be provided financial and other economic assistance to replace its losses. There has been virtually no help from the Federal Government to mitigate the adverse economic impacts resulting from the loss of those farms.

A quick glance at a map of the area is instructive. Nearly 80 percent of the lake lies within Broadwater County, yet less than 20 percent of the camping, boating, and other recreational areas at the lake are in the county. The other 80 percent are at the north end in Lewis and Clark County. A Townsend resident—Townsend being the county seat of Broadwater county and lying less than a mile from the south end of the lake—has to drive 30 miles to the nearest marina to tie up his boat, even though he can see the lake out his back window.

All 262 of these cabin sites are on the north end in Lewis and Clark County. If they are sold, they will return to the Lewis and Clark County tax base, and reduce the PILT funds expended annually by the Federal Government. There will be no such impact in Broadwater county. There will be no increased tax revenue, and the PILT money intended to replace property tax revenues for Federal land pays only approximately 55 percent of the revenue that would be generated by taxes if the land were privately owned.

The Montana Wildlife Federation has opposed this bill and the accompanying Senate bill at several meetings that have been held in Montana. They insist that the money be used for the acquisition of other public property and to replace riparian wildlife area lost when the cabin sites become privately owned. The fact is that these cabin sites occupy a total of less than 150 acres. None of the cabin sites are actually waterfront property, and all of the waterfront—all of the shoreline, as Congressman Hill has pointed out—would remain available for use by the public. The money generated by these sales will be far more than necessary to replace these 150 acres with other public land.

Furthermore, the creation of the wildlife management area at the south end of the lake, a number of years ago, contains more created and contains more wildlife habitat than presently exists on the cabin sites—far more.

The Wildlife Federation has indicated no willingness to compromise and believe that their goals are the only properly recognized public goal; they're wrong. The public has a legitimate and recognizable interest in more than the acquisition of additional public land and access. In truth, as has been demonstrated historically, not only the government in general, but the particular agencies that are involved in the Canyon Ferry, have enough trouble managing the lands they have. The problem has always been that the government agencies involved at Canyon Ferry don't have enough money or are unwilling to spend enough money to properly maintain, improve, or operate existing facilities.

As Commissioner Martinez' statement reflects, the Canyon Ferry area is at times overcrowded. In fact, the Broadwater County plan, which would be to spend most of the money for improvement of ac-

cess at the southern end of the lake, would relieve and mitigate the overcrowding problem at the north end.

One of the issues that's been alluded to earlier, and specifically mentioned, Bureau of Reclamation now proposes that they want to do a study, a management plan, for the entire lake, I gather. In 1993, there was, in fact, a draft management plan—draft management and environmental assessment that was prepared at the instance of Bureau of Reclamation, Bureau of Land Management, and the State of Montana Department of Fish, Wildlife, and Parks. That plan died. Congressman Williams' bill in 1993, which called for a joint management by the State and the two interior agencies, died. Nothing has been able to be done in the past; we don't have any great confidence that anything will happen in the future. And we hope that the Committee will recommend the approval and passage of Congressman Hill's bill.

Thank you very much.

[The prepared statement of Mr. Budewitz may be found at end of hearing.]

Mr. HANSEN. Thank you.

Mr. Binkley.

Can we get a mike over in front of you, sir?

STATEMENT OF VIRGIL BINKLEY, PRESIDENT, BROADWATER ROD AND GUN CLUB, BOARD MEMBER, CANYON FERRY FISHING ASSOCIATION, MEMBER, BROADWATER STREAM AND LAKE COMMITTEE

Mr. BINKLEY. I'm Virgil Binkley; I represent the Canyon Ferry Fishing Association, the Broadwater Lake and Stream Committee, and the Broadwater Rod and Gun Club. We're out of Townsend, Montana.

Our membership is in agreement with the sale of the cabin sites at the north end of the lake. We very much would like to have a portion of that money spent developing safe harbors for boating—particularly boating activity—and some habitat restoration in the local streams.

At present, the amount of boater recreation in Canyon Ferry, particularly on the north end, is going up quite rapidly. Of the places where you can get into on the north end of the lake, is Goose Bay, which is about 20 miles south, and we have a small place at Silos, which is probably 8 or 10 miles north. And if the wind comes up and we have violent weather, it's extremely difficult to get boats in and out, mainly because of dock space. You can only get two in at each time. And that gets to be a real struggle. People had their boats up on the beach, the waves going over the transoms, filling them with water, and it really presents a public safety issue. And we really would like to see, either through the sale of this land, some of the moneys being channeled in for that type of development, or some other means of financing places to excavate in the south end of the lake so we do have some safe places to take boats in and out of the water.

And with that, that's our position, as far as Congressman Hill's bill.

[The prepared statement of Mr. Binkley may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Binkley; appreciate your testimony. Mr. Robinson.

STATEMENT OF BOB ROBINSON, PRESIDENT, CANYON FERRY RECREATION ASSOCIATION CABIN SITE ACQUISITION SUBCOMMITTEE

Mr. ROBINSON. Mr. Chairman, thank you for the opportunity to speak before you today. We'd like to especially thank Congressman Hill for his attention to this issue and his work over the last few months, and literally over the last year, trying to find a solution that all of us in Montana can live with, with this particular issue.

This bill attempts to address a longtime problem that's been festering with the Canyon Ferry Recreation Association and the Bureau of Reclamation. In fact, our records go back to 1968, when the Canyon Ferry Recreation Association went to Senator Mansfield trying to get him to work with us to acquire these sites because of the difficulties in dealing with the Bureau of Reclamation at that time.

To capsulize, I can tell you that the Bureau of Reclamation's policy initially was to promote these cabin sites so that they could defend the construction of Canyon Ferry Reservoir as a multiple-use facility. It wasn't very long after those cabin sites were leased that the Bureau of Reclamation, then, took a policy of maybe we ought to eliminate those cabin sites. That's the time when the Canyon Ferry Recreation Association went to Senator Mansfield.

Subsequent to that, Montana's Fish, Wildlife, and Parks Department managed the property, and there was kind of a hands-off approach by the Bureau of Reclamation. Since the Bureau of Reclamation has taken over here in the last few years, and especially since the Inspector General's report became public in 1995, when it reflected that—or asked the question, why hasn't the Bureau of Reclamation initiated its policy of removing the cabin sites from the lake, has this issue come to the surface again.

We think the Bureau of Reclamation has initiated that policy by forcing a significantly higher lease rate. Now back in the 1960's, lease rates were $25 a year, which was literally nothing, and that was done to meet the needs of Bureau of Reclamation. Those lease rates, on an annual basis, work their way up to $500, $600, $700. In the last couple of years, those lease rates have jumped up $2,500 to nearly $4,000 per year on an individual cabin site.

Basically, what's happening is that the people who own those cabins and lease those sites are being forced off the land, being forced to sell the cabin to somebody else who can afford it.

Canyon Ferry is unique in Montana in that those who own those cabins out there are generally from the southwestern Montana. They're not wealthy individuals; they are family members who have had those cabin sites for nearly 40 years. They're smelter workers; they're union electrical workers. There's teachers, there's government employees, there's a doctor, at least there's a few doctors around there. They're retired individuals, but the cross-section of the population in southwestern Montana is who owns those cabin sites. We have other lakes in Montana that are recreation facilities that you have wealthy, out-of-state owners buying up those sites and running up the prices, and running up the taxes. That's

not happening at Canyon Ferry Reservoir. It is still a literally a neighborhood lake.

We have, we think, unanimous support amongst the Montana congressional delegation for the sale of these properties. We have unanimous support amongst local and State government, the recreation groups in the communities, the property owners themselves, for the sale.

The only dispute that arises related to this bill is the allocation of the proceeds from the sale, and that's where the rub comes between the Wilderness Federation and the various other interests—Broadwater County, Bureau of Reclamation, anybody else who has an interest in this.

Let me tell you a little bit about the lessees. There's 265 lessees and is characterized as giving a bill to benefit a few people. Well, these 265 leases have grandparents, children, grandchildren, and great-grandchildren now on these sites. In the case of our family, from my parents down to my grandchild, we're going to have 40 people that have an interest in this particular cabin site, and that's the same way with cabin sites all around the lake.

In terms of a recreation facility, each one of those cabins becomes a recreation facility, in and of itself, where we entertain guests, we have office parties, we have weddings out there, we have christenings, all kinds of recreation opportunities. And I'd hazard to guess that on any weekend the cabin sites serve as a greater recreation resource than do the public campgrounds at the lake. I bet you we could prove that by the numbers at any time we want to verify that.

Mr. Chairman, this bill is desperately needed by these cabin site owners. We will shortly be forced off the land, and we think this bill would provide an opportunity to have a benefit to all the people in southwestern Montana, not only the cabin site lessees, but also the recreationists who use the Canyon Ferry Basin and all the rest of Montana, in terms of the utilization of the proceeds from the sale.

Thank you for your attention.

[The prepared statement of Mr. Robinson may be found at end of hearing.]

Mr. HILL. [presiding] Thank you, Mr. Robinson.

The next panelist will be Darrell Knuffke.

STATEMENT OF DARRELL KNUFFKE, VICE PRESIDENT OF REGIONAL CONSERVATION, THE WILDERNESS SOCIETY

Mr. KNUFFKE. Thank you, Mr. Chairman. My name is Darrell Knuffke; I'm the vice president of regional conservation for the Wilderness Society.

My statement today represents the views of the Natural Resources Defense Council, the Endangered Habitats League, and the Sierra Club, as well as my own organization. We appreciate the opportunity to provide the Committee with our views on H.R. 3950, the Otay Mountain Wilderness Act of 1998. And we also want to thank Representative Bilbray, the bill sponsor, for his interest in wilderness in the Otay, and the chairman for affording the measure a hearing.

Because of the unique mix of desert and coastal influence, Otay Mountain is internationally renowned for its diversity of unique plant species. It holds the world's largest stand of Tecate cypress, a species otherwise found only in small, isolated populations in California and Mexico. The area over time has been designated a national cooperative land and wildfire management area, and area of critical and environmental concern, a wilderness study area, and more recently, a crucial element in San Diego's Multiple Species Conservation Program. The later is a comprehensive plan to protect sensitive plants and animals in a way that eases constraints to the region's development.

Otay Mountain merits and needs the strong protection that the Wilderness Act of 1964 extends. It's because we support those protections, and because Otay Mountain deserves them, that we must oppose H.R. 3950. And we oppose it specifically because of its section 6(b). That section, in our view, essentially exempts Federal, State, and local agencies from the requirements of the Wilderness Act while they are conducting activities related to border and fire control.

Mr. Chairman, I want to make sure that the Committee understands that we strongly support border and wildfire control. We also support giving those agencies the tools they need to do their jobs. Indeed, unless they succeed in their missions, many of Otay Mountain's irreplaceable values may be lost whether the area is designated wilderness or is not.

It is also our clear understanding that the Border Patrol, the California Department of Forestry, and the Bureau of Land Management, all believe that recent changes to road access on Otay Mountain will allow them to fulfill their missions, and to fulfill them within the language of the Wilderness Act, without special management language that would dilute wilderness protection for this important area.

If Congress intends to pass H.R. 3950 and designate the Otay Mountain Area as wilderness, section 6(b) of the bill should be deleted.

Historically, Otay Mountain's rugged landscape, itself, deterred illegal border crossing, but almost 4 years ago, when Operation Gate Keeper beefed up border controls near San Diego and began to slow illegal immigration along the border between the coast and Otay Mountain, traffic of illegal immigrants and related wildfire dramatically increased on the mountain.

In the summer of 1996, San Diego County declared a state of emergency because of threats to human life from the intensity of illegal immigrant traffic and wildfires on Otay Mountain. At that point, the BLM developed a plan to provide the Border Patrol and the State Forestry Department the vehicle access they needed across the mountain range and down to the actual border while protecting most of the mountain's biological resources. The new road access along the east and west boundaries of the area essentially move the interdiction effort down to the border itself, and by all accounts, that's been successful.

In early May, several of our staff members visited Otay Mountain on a BLM-sponsored tour, and met later with the Border Patrol and State Forestry officials to see how the new system of roads

and access points is working. The agencies assured us, Congressman's Bilbray's staff, and the BLM, that the BLM's actions on Otay Mountain had given them what they need to do their jobs. Officials of both agencies indicated that fires and attempts to cross the border have decreased significantly because of the new system of roads and access points. We asked whether the agencies need any additional access or other facilities on the Otay Mountain; both said no.

With your permission, Mr. Chairman, I'd like to submit for the record, a May 20, 1998, letter from BLM California State Director Ed Hasty to Congressman Bilbray that captures the essence of that meeting and confirms the details which I mentioned.

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

Mr. KNUFFKE. In sum, the Border Patrol, the California Department of Forestry, the BLM, and we, all believe that given recent changes in road access on Otay Mountain, the agencies have what they need to protect the border and to control fire, and to do so within the language of the Wilderness Act of 1964.

Our organization does strongly support wilderness protection of Otay Mountain and its many and diverse natural values. If section 6(b) is deleted from H.R. 3950, we can support that legislation as well.

Thank you very much.

[The prepared statement of Mr. Knuffke may be found at end of hearing.]

Mr. HANSEN. [presiding] Thank you.

Mr. Fischer.

STATEMENT OF JERRY FISCHER, PRESIDENT/CEO, YOSEMITE MOTELS

Mr. FISCHER. Mr. Chairman, and members of the Subcommittee, my name is Gerald Fischer; 21 years ago my family and I purchased a 12-unit motel in El Portal, California. Since that time, we have purchased existing motels and developed new ones. We now operate 7 properties with over 800 rooms in the Gateway communities surrounding Yosemite National Park. Last year, we had over 310,000 guests who enjoyed visiting the park and used our properties as a base.

Approximately 5 years ago, former superintendent of Yosemite National Park, Michael Finley, and I met to discuss the park's acquisition of a parcel of land my family owned in El Portal that directly adjourns the park boundary. We had just cleared some antiquated buildings from this parcel, and it was apparent to the park that the current Arch Rock station was not adequate for the increased usage of that 140 entrance to Yosemite. Due to the historic nature and the limited site conditions of the Arch Rock Area, Mr. Finley felt that our location held potential for future expansion and convenience to visitors at the entrance station.

At that time, I made a commitment to Mr. Finley that our family would not replace the recently demolished buildings on this parcel of land until the Park Service had fully explored the above option. The land exchange discussion before this Subcommittee at this time is a result of my commitment to Mr. Finley.

Several years later, Yosemite National Park's successor superintendent, B.J. Griffin, continued that dialogue and defined the

terms of this exchange. At our company's expense, we had the parcel surveyed and legal descriptions drafted. The January 2, 1997, flood added additional pressure to relocate the entrance station to the El Portal site. Major roadway reconstruction within the park was funded as a part of the flood relief measure authored by Congressman Radanovich. With this work soon to be underway, the park's need for traffic control and public safety led them to proceed now with the land exchange to allow for both the temporary and then a permanent entrance station on the El Portal site.

Because the El Portal Administrative Site boundary requires an amendment that includes the parcels noted, this land exchange will require congressional approval.

My family and I have given the current superintendent, Stanley Albright, our full cooperation in assisting with the land exchange before you today. As noted in the NPS testimony earlier, we understand that the exchange must be of equal value and concur with the language that allows for additional improvements if necessary to cause a full equalization. Further, we understand that full compliance with the provision of the NEPA is a condition within the exchange.

I appreciate the opportunity to come before you today and express our support for the proposal before you, and in the mission of the National Park Service at Yosemite National Park. We are committed to working with them to provide a quality experience for all park visitors.

[The prepared statement of Mr. Fischer may be found at end of hearing.]

Mr. HANSEN. Thank you, Mr. Fischer.

Questions for this panel?

Mr. FALEOMAVAEGA. Mr. Chairman, in the interest of time, I will like to submit questions in writing to the members of the panel.

Mr. HILL. I'm assuming that if we sent you some questions in writing that you would respond to them? Would that be correct?

[All witnesses nod heads affirmatively.]

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

Mr. HILL. We would really appreciate that. Since we're a little under the gun today, we would appreciate it very much if you'd do that.

And thank the panel very much for coming, and taking the opportunity to give us this excellent testimony. And we'll dismiss you, if that's OK, and we'll now turn to the third panel.

Our last panel is Benjamin F. Payton, Office of the President, Tuskegee University; Greg Paxton, president and CEO of Georgia Trust for Historic Preservation; Don Barger, southeast regional director of National Parks and Conservation Association; and Jane Morton Galetto, president of the Citizens United to Protect the Maurice River and its Tributaries.

Now, if we've got you all coming up, we'd appreciate it.

Dr. Payton will be referring to H.R. 4211, regarding the Tuskegee Airmen. Mr. President, we're grateful you could be with us; we'll turn the time to you, sir.

STATEMENT OF BENJAMIN PAYTON, OFFICE OF THE PRESIDENT, TUSKEGEE UNIVERSITY

Dr. PAYTON. Thank you, Mr. Chairman. I want to begin by saying a special word of thanks to Congressman Riley for the outstanding job which he and his staff have done in helping us to bring forward this bill, H.R. 4211, in the interest of establishing as a unit of the National Park Service, the Tuskegee Airmen National Historic Site.

I want to thank you, Mr. Chairman, for the personal interest you have, the knowledge you've exhibited as a result of your own military experience, in the exploits of the Tuskegee Airmen. Not many Americans can say that; not many Americans have a grasp of that strand, that very important strand of American history such as you have. It is, therefore, very important that for the sake of future generations of this society, all members of this society of all races and colors, that our youth and our adults understand the roles which we've all played in preserving this great democracy and in expanding it to all people. And that really is what the Tuskegee Airmen and Tuskegee University have been about.

We very much, at the university—at Tuskegee University, where I am privileged to serve as president—we very much support H.R. 4211, as this has been presented to the Committee. We support it with enthusiasm.

It would require a number of continuing efforts on the part of the university, with respect to its handling of the resources, which it would be willing to make available and to assist the National Park Service in other ways as we can.

Tuskegee University is a place that many people know about. It was founded 117 years ago. It is a place that has a lot of interest in strength in the engineering and technical fields, in business, in the biomedical profession, in the liberal arts, as well. We are the institution that created the first African-American Four-Star General in this country, General Daniel Chappejane, also an Airman.

And I'm pleased, Mr. Chairman, that I have with me today the president of the Tuskegee Airmen, one of the original Airmen, Mr. Charles Magee, from Washington, DC. And may I ask him to just stand so that you may recognize him if that's all right?

Magee.

Mr. HANSEN. Thank you, sir. Can we have your name for the record that you're here?

Mr. MAGEE. Charles E. Magee.

Mr. HANSEN. Well, thank you. Thank you; we appreciate you being with us.

Dr. PAYTON. I appreciate that, Mr. Chairman. Not many of the Tuskegee Airmen remain, and we're delighted that he could be here this morning with us.

I also want to thank the Park Service for the really outstanding work it has done in cooperating with us in bringing this bill forward. We do have a few things yet to be tweaked in order to move it from concept to reality. But I think that we should be able to do that, and I want you, Mr. Chairman, and the Committee to know that Tuskegee University would be very pleased to work with you, as we continue to cooperate with the Park Service, in doing what is necessary in order to bring this bill to complete fruition.

What this bill would do would be to establish the Tuskegee Airmen National Historic Site as a component of the National Parks Service System in association with Tuskegee University.

The story of the Tuskegee Airmen is one which, without a doubt, is of national significance, and that is not just my own conclusion, that is the conclusion of a special study that was done by the National Park Service at the request of Congressman Riley and myself, as president of Tuskegee University. Overcoming many difficulties in order to become the heroes they did, the Tuskegee Airmen present us with a role model that our society badly needs today. Our young people need to know about these men who gave their lives and who did it with such heroism and with such courage under enormous difficulty, including the difficulty of being rejected by their own Nation and placed under special discriminatory penalties by their own military services that they tried so hard to serve.

As Congressman Riley has already said, they served gallantly. And he's given you some of these details; I won't go over them again. I do want to say that I will append to my testimony a list of all of the actions that the Tuskegee Airmen were in, because I think that it's important that the Committee and others know.

Telling the story of the Tuskegee Airmen is one that needs to be done in a kind of living history format. That is to say, we need to build upon the lives of these men, and women by the way, there were over 10,000 people involved in the formation and development of the Tuskegee Airmen. Many of these were maintenance workers; many of them were cooks; many of them were technical field people, maintenance engineers, power frame mechanics, all kinds of people. But it is important to note that a large proportion of these were African-American women working along with African-American men and with white Americans who made this possible. And, thus, made it possible those heros whom we have heard so much about today, like General Benjamin O. Davis, the astronaut, Guion Bluford. And I would say, that were it not for the Tuskegee Airmen, there would not be a General Colin Powell, the first African-American to serve as Chairman of the Joint Chief of Staff, and to do it in such an enormously competent way.

We feel that there is a great role that the university can play with the Park Service as a partner in this venture. The Tuskegee Airmen didn't emerge full-blown from the head of the United States military. They grew out of the vision of Tuskegee University. They grew out of the hopes and aspirations and dreams of the civil rights groups in this country who were determined that at long last African-Americans would be permitted to participate fully in the defense of our country.

And so, Tuskegee University went out and raised the money to acquire and build an airfield that was constructed by its students and its faculty. We went to foundations and other private sources and got the money. As the result, Tuskegee was able to develop such an extensive civilian pilot training program that when the ears of the military finally were open to this enormous potential there waiting to join the American forces, Tuskegee was far out in front of the competition. And so it was everybody's choice that the Tuskegee Airmen be created at Tuskegee University.

What this would do would be to create a national historic center, a National Historic Site. It was also develop the potential for young people today to learn, not only from that experience, but to build tools for a successful career for themselves. So many of our young African-American men, particularly, have been turned off by science, by math; these are the basic tools of success in a modern economy. We propose at the university, that we will work along with the National Park Service, create a division of the Department of Aviation Science that would work with both pre-college as well as college youth in order to continue the tradition of the Tuskegee Airmen.

We also face a tremendous challenge in this society as we seek to move people from welfare to work. There are many adults who have great talent but in whom not enough people have sufficient confidence. The Tuskegee Airmen are people in whom these folk have placed great trust. The tradition that they have built is one that we can utilize in developing power mechanics, airport maintenance people, that are now required in today's airports.

Mr. Chairman, we will work with the National Park Service; we are willing to work with the Committee to do whatever is necessary that is fully consistent with this bill in order to bring it to pass.

I want to thank you for holding this hearing, for inviting me to testify, and I want to say that Tuskegee University is willing to move forward, along with this Committee, given your personal appreciation of the impact of the Tuskegee Airmen and given the quality of that impact on encouraging equality in the military and helping to develop outstanding leaders from every branch of military service, Mr. Chairman. I thank you and your colleagues for providing your full support of this legislation.

I would like to ask that the full text of my testimony be permitted to enter the record, since I did have to summarize it rather quickly in order to try and meet your time constraints, which I understand that and appreciate it very, very much.

Thank you so very much.

[The prepared statement of Mr. Payton may be found at end of hearing.]

Mr. HANSEN. Dr. Payton, without objection, your entire testimony will be included in the record, as will all members of the panel. Thank you for your very interesting testimony. And I have to say, I did look at the film which my colleague, Mr. Riley, gave me, which I thought was very, very interesting. As an old pilot, I really enjoyed that. That was very good. These gentlemen and ladies should be commended for the great work that they did.

Mr. Paxton.

STATEMENT OF GREGORY PAXTON, PRESIDENT/CEO, GEORGIA TRUST FOR HISTORIC PRESERVATION

Mr. PAXTON. Chairman Hansen, Ranking Member Faleomavaega, and members of the Committee, thank you for the opportunity to testify today.

I'm Gregory B. Paxton, president and CEO, of the Georgia Trust for Historic Preservation, a 10,000-member group and one of the two largest statewide, non-profit preservation organizations in the country. I've served on the Board of the Cumberland Island His-

toric Foundation since it was formed in 1982, created at the suggestion of Regional Director of the National Park Service, Robert Baker.

Cumberland Island contains an indelible 5,000-year history of human habitation written on the island's landscape, and the evidence is everywhere—from the Native American burial grounds and shell middens to slave cabin chimneys and tabby ruins, from the 1870 freed slave settlement to the large estates with numerous outbuildings. These tangible traces of America's and Georgia's history warrant protection, along with the areas that have regrown wild around them. Historic resources and natural resources are both important elements of Cumberland Island's present, past, and future.

The original legislation establishing Cumberland's wilderness set up a conflict between protecting the Island's historic resources and its natural resources. The Wilderness Act prohibits any use of historic buildings within a wilderness area. Before Congress passed the original legislation, the then Under Secretary of Interior, Donald Hodel, wrote to Congress to urge this conflict be rectified stating, quote, "We have serious reservations as to whether the Cumberland Island lands should be designated as wilderness meet the criteria set forth in the Wilderness Act. However, we support enactment of this bill, if it is amended to reflect the concerns noted below. The requirements of the National Historic Preservation Act may well conflict with the designation of these lands as wilderness, since the Wilderness Act defines wilderness as natural and undeveloped in character, and devoid of permanent improvements or human habitation. Maintaining the structures in perpetuity would seem to frustrate the intention of Congress that these lands eventually be designated as wilderness. At the same time, designating this acreage as wilderness would seem to frustrate Congress' intent that historic structures be preserved. We believe this apparent internal conflict should be resolved before the bill is enacted into law." unquote.

Secretary Hodel's serious reservations about whether the land met wilderness criteria, is due to the fact that most of Cumberland Island has been heavily farmed throughout the last two centuries. So it is not untrammeled by man and is far from a typical wilderness. The wilderness designation was initially intended to help protect the island, but as the Secretary noted, the fact that the island contains hundreds of significant historic and prehistoric sites is not adequately addressed in the legislation.

With the conflict unresolved, three important historic structures listed on the National Register of Historic Places have recently fallen to the ground from neglect—and you have photos of those in your materials. Strict limitations on driving on the historic road through the wilderness area to the historic sites make it nearly impossible to maintain historic buildings that need substantial and consistent upkeep on a subtropical sea island.

The Cumberland Island Preservation Act provides a blueprint for a management plan that balances the need to protect historic and cultural resources, as well as the island's wilderness areas. It's key provisions include preservation of the National Register listed Plum Orchard, an outstanding 35-room late 19th century, neoclas-

sical house donated with 12 acres and $50,000 to the National Park Service in 1971 by the Johnston branch of the Carnegie family. In 1977, the house was assessed by the Park Service to be in good to excellent condition. Today, it is threatened.

The bill also urges prompt preparation of a preservation plan for all archeological and historic sites on the island which has still not been prepared after 25 years of Park Service ownership.

The bill proposes that the 200-year-old historic road also listed on the National Register be itself removed from the wilderness in order to allow limited public access to the north end of the island where Plum Orchard and other important historic sites are located. It would also allow the historic road, itself, to be preserved. Running along the western and northern edge of the island, the road would enable Park visitors to see more of the island's history, while leaving eight miles of eastern shoreline and nearly all the width of the wilderness undisturbed. The addition of about 200 acres on the south tip of the island as wilderness is also proposed in this bill.

The bill authorizes a proposed exchange of land between the National Park Service and the Candler family that includes the 1875 High Point Hotel and numerous other historic buildings on the National Register currently maintained by the family under their retained rights. This provision authorizes the Candlers to buy a large tract of land on the south end of the potential wilderness and swap it for ownership of a small tract of the Candlers historic land on the north end of the island. The National Park Service will put in place measures to limit this area to family use only. And this small parcel would then be removed from the potential wilderness, allowing for the buildings to be preserved. If the swap does not occur after the life estate ends, the buildings cannot be used by anyone, and would inevitably also be demolished by neglect.

When Cumberland was all privately owned, the owners hired lobbyists to defeat a proposed causeway, and led the effort to have it first declared a national seashore and then a wilderness to protect it from development. Many private owners donated or sold land to the government at bargain prices. Those owners and former owners who retain life estates on the island are not interlopers in the wilderness; they are its creators, yet they are very frustrated. Private owners have preserved and continue to preserve the historic structures of Cumberland Island, sadly, substantially better than the National Park Service.

The Georgia Trust believes that the legislation can be improved by also removing from the wilderness designation, three other small areas on the north end of the island for the purposes of maintenance and limited visitation. These are the Cumberland Wharf, the island's cemeteries, and the village at Half Moon Bluff, dating from its settlement in 1870 by freed slaves.

The Committee report should make clear that all these changes to the wilderness designation are not to set a national precedent concerning the designation of wilderness, but to recognize an unresolved conflict that has existed on Cumberland since the wilderness designation was first considered.

The vision for Cumberland that emerges from this Act is one in which the historic resources along the western and northern edges of the island become more accessible from the historic road for

maintenance and limited visitation. The 90 percent of the visitors who never leave the southern end gain access to an additional wilderness area. Limited and restricted use and visitation of historic sites allows accessibility to the elderly, young, and handicapped, and others to experience the edge of the wilderness, while allowing the current wilderness areas and additional new areas in the central and eastern side of the island to further advance to a wild state.

The Park Service would have a clear path for a management plan for both the cultural and historic resources and for the wilderness. And, of course, the Wilderness Plan has not been developed, despite the fact the Park Service has owned it for 15 years because of the timeframe.

Finally, Congressman Kingston's legislation serves as a wake-up call for the entire country. The problems on Cumberland Island reflect more serious problems in our national parks nationwide. While during the past two decades the private sector has funded more than $17 billion in preservation projects, meeting the Secretary of Interior standards, the Secretary's National Park Service has fallen behind on the maintenance of historic buildings and objects under the Federal Government's care by an amount conservatively estimated at $1.7 billion.

Many of the United States' most important historic resources are threatened and national historic sites and artifacts throughout the country are seriously deteriorating from neglect due to insufficient funds. This condition undermines our national self-esteem and the esteem for our country in the eyes of the world. As we approach the millennium, a renewed national commitment of the monetary resources to preserve our most valuable national and cultural historic resources is desperately needed to help the National Park Service.

The Cumberland Island Preservation Act takes steps in the direction of preserving our national historic treasures and proposes a more balanced approach to protecting all of the Cumberland Island's natural and historic resources.

Thank you very much.

[The prepared statement of Mr. Paxton may be found at end of hearing.]

Mr. HILL. [presiding] Thank you, Mr. Paxton.

I would urge all the witnesses to try to stay within the 5-minute timeframe, and our next panelist is Mr. Barger.

STATEMENT OF DON BARGER, SOUTHEAST REGIONAL DIRECTOR, NATIONAL PARKS AND CONSERVATION ASSOCIATION

Mr. BARGER. Mr. Chairman, members of the Subcommittee, I'm Don Barger, southeast regional director of the National Parks and Conservation Association. Since 1919, NPCA has been committed to the protection of all of the resources of the National Park System, both natural and cultural. We appreciate the opportunity to present our views.

NPCA opposes H.R. 4144 because we believe that it would radically alter the vision for Cumberland Island National Seashore and undermine the ongoing process of this developing crown jewel. We oppose this bill because it essentially dismantles the wilderness on

Cumberland Island to solve a problem that is not caused by wilderness.

This bill is based on the notion that the presence of a wilderness area within the national seashore is responsible for the collapse of these historic structures. It is not. Wilderness is not the problem, and slicing it into fragments is not the solution.

In 1982, Congress fully recognized the potential conflicts inherent with the creation of a wilderness area on the north end of Cumberland Island. The record is replete with statements that demonstrate that the current situation on the island was anticipated, and that a system of—for lack of a better term—"evolving wilderness" was put into place to accommodate valid existing rights of residency and vehicular access while those uses diminish over time.

There's a lot of misinformation that has been put forward by proponents of this bill that others have assumed to be fact. I appreciate the very thoughtful article that was written by Mr. Paxton, which appeared in yesterday's Atlanta Constitution Journal, that Delegate Christian-Green referred to earlier, as it raises many of the central issues underlying this bill and provides the opportunity to clarify the record on some of these matters. I'd like to touch on just two of those.

Central to the justification of this legislation is the belief that the buildings on Cumberland that have collapsed have done so because of the presence of wilderness. That is not the case. In fact, one of the principal examples used in the article to make that connection, the Dungeness-Pool House, is, in fact, many miles outside the wilderness area. More than anything else, the collapse of this building demonstrates that other forces than wilderness designation are obviously at play. A harsh marine environment and a lack of adequate funding are the culprits.

Of the total special project funding received by Cumberland Island National Seashore since 1991, 80 percent has been spent on cultural resource projects. I do not believe that that constitutes neglect.

The second misconception that is brought out by the article is the belief that, and I would quote, "the maintenance problem is compounded by the fact that the National Park Service can't use its service vehicles on the Cumberland Island road to the historic sites." end quote. This is simply not so. Congress specifically authorized the Park Service to use vehicles for necessary maintenance, and they do so regularly. In fact, Mr. Paxton and I are two of a group of people comprised of island residents and others who have worked together to come up with an agreement in principle for vehicular access to Plum Orchard mansion so that it could be occupied and cared for in a public/private partnership. We were trying to move that concept forward when this bill was introduced and everybody went to their corners.

H.R. 4144 would permanently remove from wilderness the Candler compound within the wilderness area as part of the proposed land exchange. The National Park Service has been looking at the possibilities of this exchange for the last several months. However, far from assisting that process, this legislation would make such a land exchange untenable by linking it to the removal of the road

from wilderness designation and making the long-term impacts on the remaining wilderness unacceptable.

NPCA supports the restoration of Plum Orchard, but the authority already exists to do that. We also support the lofty goal to inventory, identify, document, and preserve every archeological and historic site on the island. However, without the necessary funds to do the job, this provision, as written, constitutes an enormous unfunded mandate on the National Park Service and should probably be examined for its fiscal impact.

Finally, NPCA cannot support the inclusion of the south end of the island in the wilderness system. In order to provide the visitor with a wilderness experience, wilderness should be as large as possible, contiguous, and unfragmented. While there are certainly natural and cultural resources on the south end of the island worthy of preservation, this can be accomplished under existing authority.

In addition, while the legislation is being justified based on the inherent conflicts that were supposedly created by designing or designating wilderness with nonconforming uses in it, the proposal for the south wilderness area creates exactly the same situation that the remainder of the bill is allegedly designed to correct. Given this provision, we would question the effectiveness of a wilderness designation for the area.

H.R. 4144 raises many important issues that do need to be dealt with at Cumberland Island, however, as currently written, this bill constitutes an attack on wilderness, and wilderness is not the problem.

I appreciate your precious time this morning.

[The prepared statement of Mr. Barger may be found at end of hearing.]

Mr. HILL. Thank you, Mr. Barger.

And our last panelist is Ms. Galetto, Galetto?

STATEMENT OF JANE MORTON GALETTO, PRESIDENT, CITIZENS UNITED TO PROTECT THE MAURICE RIVER AND ITS TRIBUTARIES, INC.

Ms. GALETTO. My name is Galetto.

Mr. HILL. Galetto; I apologize.

Ms. GALETTO. Oh, you're fine.

Mr. HILL. Ms. Galetto.

Ms. GALETTO. Well, I hate to have to say this, but good afternoon.

[Laughter.]

I would like to thank the chairman and the members of the Subcommittee for allowing me this opportunity to speak to you today about a great proposal, H.R. 2125, a bill to reauthorize the New Jersey Coastal Heritage Trail. And I hope to beat that orange light to give you more time to vote in the affirmative for H.R. 2125.

I'm the president of a watershed association in South Jersey, and I belong to a bunch of other boards and councils and you can read that in my written testimony.

I would like to say that our group has been helped very much by the technical assistance which has been given to us by the National Park Service. As a matter of fact, our organization has been responsible for the designation of the wild and scenic rivers in the

Maurice River Watershed, with the help of the U.S. Congress, of course.

We have recently completed a film with the New Jersey Public Television, and that's called New Jersey Network. And we did that film with the technical assistance of the Park Service. The film was a montage of the images that make our area, the Delaware Bay Shore, so special—the natural history, the maritime history, agriculture, and architectural history. The staff's expertise kept this film grounded in fact and focused on the elements that they concluded to be of the greatest significance. This film received excellent support from media ranging from the Philadelphia Enquirer to the New York Times. The overwhelmingly positive response to "Down Jersey" demonstrates an interest by the general public in the cultural and natural arts and the coastal heritage of New Jersey.

The National Park Service New Jersey Coastal Heritage Trail office served as a technical advisor on the film. It's going to be used in the Trail welcome centers.

The kind of expertise that the National Park Service offers lends substance, depth, and immediacy to projects such as this one. Our organization can claim that something is special, but the Park Service's seal of approval shows the national significance of these types of projects.

Other partnerships have also been productive with the Coastal Heritage Trail. Their offices lent their expertise to statewide ecotourism workshops which we coordinated, and they have provided information on economic implications of visitors.

Currently, we are joining with the State Historic Preservation office in the Trail to document the maritime heritage of the Bay Shore region. Most importantly, Trail office staff make themselves available to a wide array of private/public entities increasing each one's effectiveness individually while supporting the overall Heritage Trail route goals.

The New Jersey Coastal Heritage Trail has played a major role in the interpretation and preservation of the wide range of significant cultural and natural resources in New Jersey while bringing national and regional attention to the State's important coastal resources. The Trail office coordinates interpretive projects, designs, produces wayside exhibits, provides technical assistance and training, and they're responsible for designating trail sites. They have assisted the New Jersey State Park System, the New Jersey Division of Fish, Game, and Wildlife, as well as several county park systems and numerous non-profits like ourselves.

This site in New Jersey gives their support to the New Jersey Coastal Heritage Trail, as does a group called the Stockton Alliance, which is a group of corporate and conservation and environmental CEO's from all over the State. Some names that may be familiar to you at the national level would be New Jersey Audubon, DuPont, Mobil Oil, Jersey Conservation Foundation, Mannington Mills, and many others that are listed in the written testimony. So it's not just us butterfly netters that like the New Jersey Coastal Heritage Trail, it's everybody in New Jersey.

Since 1994, they've multiplied their dollars that have been given to them using grants and in-kind contributions to carry out their

mission. There is still a lot of work to be done and there are two more theme trails to complete.

We hope your endorsement will propel this legislation forth to a speedy adoption. The reauthorization and funding of the New Jersey Coastal Heritage Trail established by H.R. 2125 are imperative if the National Parks Service is to maintain the momentum of the projects established to date.

When it comes to telling the story, no one does it better than our National Park Service. The Coastal Heritage Trail route thoroughly and accurately interprets each destination, giving it meaning and establishing pride of place. By identifying the uniqueness of the New Jersey coastal line, they have truly helped to define our heritage. The Parks Service's Trail office has been of invaluable assistance to our organization and many others in heightening awareness about natural and cultural resources of New Jersey's coast.

While Citizens United can state that our resources are nationally significant, it takes an agency like the National Park Service to substantiate these claims and make them part of the Federal record. Through the Park Service's validations citizens can more fully recognize and appreciate the role of their own special place in the overall fabric of America.

[Laughter.]

[The prepared statement of Ms. Galetto may be found at end of hearing.]

Mr. HILL. Thank you, Ms. Galetto. Close.

[Laughter.]

Are there any questions from the members for these panelists?

Mr. FALEOMAVAEGA. Yes.

Mr. HILL. The gentleman is recognized.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to thank Dr. Payton for his statement and remarks this morning. I am sure and certain that Mr. Riley and the members of the staff will work very closely with our Committee staff to make sure that we iron out some of the provisions of the proposed bill concerning the Tuskegee historical landmark as you have eloquently stated earlier.

Not wanting to take away from the subject, but to Dr. Payton, I also have another hero that probably many Americans may not realize that one of the greatest scientists ever to come out of Tuskegee University was none other than George Washington Carver—self-educated, never went to Harvard or any of the fancy universities, but from the peanut, as I recall, developed some very excellent by-products just from this plant or this peanut. George Washington Carver—and if you'll correct me, Dr. Payton—how many by-products or materials was he able to have gotten from this? And which really, in many instances, saved a lot of the economic hardships of the south because of what George Washington Carver did.

Dr. PAYTON. Thank you very much. Please feel free to mention any other examples out of——

[Laughter.]

[continuing] Tuskegee you would like to. But you are absolutely right.

George Washington Carver discovered over 300 products out of the peanut alone. He was truly a great man; he was, himself, born

in slavery. He did, however, manage to find his way, through the assistance of sympathetic whites in the Midwest, to college. And he did graduate from Iowa State, and then went on to graduate school at Iowa State, became the first African-American faculty member at Iowa State University. And I'm pleased to say that that university—which is a great one, too—also, along with Tuskegee, we are now developing for next year for a special centennial, a special celebration of the life of George Washington Carver.

So I very much appreciate that reference.

Mr. FALEOMAVAEGA. Dr. Payton, I sure hope that we might do something at the National Park Service of some kind of historic preservation of the life of this great American.

Dr. PAYTON. I'd neglected to say that as a part of the—Tuskegee is not only a great education institution, but it also is a treasure house of national gems. And one of those is the George Washington Carver Museum which, by the way, is run by the National Park Service.

This will not be the first initiative on the part of the university and the Park Service. Tuskegee happens to be the only university campus in the country that's been designated by Congress as a National Historic Site with a unit of the Park Service actually administering it. So, the George Washington Carver Museum, along with the home that was built for the first president, Booker T. Washington, those were resources that the university gave to the government. The government renovates them; they maintain them.

And one of the most interesting things is that last year, according to the Alabama Bureau of Tourism, the site that had the largest number of visitors in the State of Alabama was the Tuskegee Institute National Historic District and, particularly, the George Washington Carver Museum.

Mr. FALEOMAVAEGA. Thank you, Dr. Payton. And, please, I don't want to make our other panelists feel that——

Dr. PAYTON. Oh, please, you're doing fine.

[Laughter.]

Mr. FALEOMAVAEGA. [continuing] their testimony was any less important, but I just wanted to note that and certainly not taking anything away from the proposed legislation.

And, Mr. Chairman, I really want to thank the members of the panel for their testimony, and hopefully we might be able to help some of the problems that we're faced with in the proposed bills.

Thank you very much.

Mr. HILL. Thank you.

Ms. Christian-Green, do you have any questions for the panelists?

Ms. CHRISTIAN-GREEN. Just a comment, Mr. Chairman. Thank you for recognizing me. And I want to thank all the panelists for coming, and for Mr. Paxton and Mr. Barger, who spoke on behalf of H.R. 4144.

As I said earlier, if we could resolve some of the issues that we've had before this Committee before, I'm sure that, at some point, we'll be able to resolve some of the issues with your bill as well.

I want to, also, take this opportunity to welcome Dr. Payton and Mr. Magee, and I think this bill is an important one that represents a great history and a great legacy to this country. We've

just celebrated the integration of the Armed Forces in this country. And the Tuskegee Airmen, as you've said in your remarks, had a great deal to do with that. And, additionally, it's a great way for us to continue to support one of our historically black colleges and universities which continue to educate and inspire our young people, many of whom come from my district, the United States Virgin Islands.

Dr. PAYTON. Yes.

Ms. CHRISTIAN-GREEN. And I particularly want to point out, with great pride, that we have one of the Tuskegee Airmen was from the Virgin Islands, Henry Wilson, and our airport is named after him.

Dr. PAYTON. Yes.

Ms. CHRISTIAN-GREEN. It has been recently renamed in his honor in St. Croix, which is the island on which I reside. So I want to thank you all for being here, and also thank the other panelists.

Thank you, Mr. Chair.

Mr. HILL. Thank you.

If there are no other questions for this panel, then this panel will be excused.

Dr. PAYTON. Thank you, Mr. Chairman.

Mr. HILL. I would like to ask three members of panel two to return if they would. I apologize for not being here to ask questions of Mr. Budewitz and Mr. Robinson and Mr. Binkley.

I want to thank the three of you for traveling all the way from Montana to get here. I thought it was a little unfair that you travel 18 hours, 9 hours each way, and then not have an opportunity to answer some questions.

I just want to put on the record two points, and I asked Mr. Martinez about these, and I have since got the numbers. There are 76 miles of shoreline. The cabin sites face 6.37 of those miles, and there are 9,100 acres under management by the BOR there, and 150 of those acres comprise of the cabin sites. So, it's an incidental amount of land.

Mr. Budewitz, one of the points that was raised by the Bureau of Reclamation in their testimony had to do with their effort to update the management plan for Canyon Ferry. And in your testimony you made reference to kind of a litany of history with regard to management plan. My question—and you might want to just comment on where we are with that management plan now—but has Broadwater County been consulted with regard to this management plan? Are you engaged in any active discussion with them about this management plan at this point in time?

Mr. BUDEWITZ. Not to my knowledge, Mr. Chairman.

Mr. HILL. And in your testimony and earlier discussions we've had, you've indicated an interest on the part of Broadwater County to enter into some sort of a cooperative agreement with regard to the management of the White Cliffs Area and the Silos Area. Is that correct?

Mr. BUDEWITZ. Yes. The Broadwater County commissioners have historically been interested in doing that. They've made a number of inquires of the involved government agencies. At one time, fairly recently, within the last 2 years, the Broadwater County commissioners initiated an inquiry in cooperation with the Lewis and

Clark County commissioners to take over management of the entire lake.

They'll do almost anything within reason to accomplish what they've set out to accomplish, which is some economic development and some positive economic impact in Broadwater County, to the extent that they would be willing to take over at least portions of the management of the facility.

Mr. HILL. So, in the testimony from BOR, they say they're actively looking for a non-Federal partner to manage resources at the lake. Broadwater County, evidently, doesn't fit the category of non-Federal partner, at least in terms of their engagement of you at this point.

Mr. BUDEWITZ. Apparently not. Mr. Chairman, my understanding of what has happened—and I've been involved in some of these discussion, not all of them—is that all of the inquires regarding management partnerships were initiated, at least within the last few years, by Broadwater County. A number of contacts have been made with both BOR and BLM, and while the local representatives of those agencies have indicated that they would be willing to discuss the matter further, the discussions always seem to end at some point because government agencies have no authority to make any commitments. And it gets to a certain level and simply stops.

Mr. HILL. And Broadwater County is prepared and interested in actually putting some resources to this effort? I mean it's offered to make equipment available and those sorts of things to deal with some of the goals and objectives that you have?

Mr. BUDEWITZ. Yes, they are.

Mr. HILL. The BOR justifiably criticized certain elements of my bill because I didn't designate how property would be sold, or rather what the proceeds might go for and that sort of thing.

I have since made recommendations that 10 percent of the proceeds of the sale will go to pay down the Pick-Sloan debt; 45 percent of the proceeds held in a trust fund for acquisition of lands in Montana, and also 45 percent to be retained for the purposes of investing in the fishery and the shoreline, investment in conservation upstream from the reservoir, as well as to provide access, with one-third of that 45 percent or 15 percent being designated to deal with the objectives of Broadwater County here with respect to access.

Would that distribution of funds be consistent with what the goals and objectives of Broadwater County are?

Mr. BUDEWITZ. I've only had a brief opportunity to review that proposal in your draft, but it appears to come very close to what the Broadwater County commissioners have been talking about in the past. And I suspect that this sort of a proposal would probably be satisfactory.

Mr. HILL. With respect to this management plan, am I correct that BOR has been fiddling with this since 1993 when they regained responsibility to manage the reservoir?

Mr. BUDEWITZ. At least that far back. I don't know the history prior to 1993; that's when I first became involved in it. But I recall in early 1993, attending a number of hearings on a study that had

been commissioned by BOR, BLM, and the State of Montana Department of Fish, Wildlife, and Parks at some time prior to that.

The study was completed in early 1993. It was a draft management and environmental assessment. There were about $10 million worth of improvements that were proposed in that plan over a 10-year period of time. The plan itself wasn't necessarily the—it wasn't exactly what the Broadwater County representatives were looking at, but it was close, and certainly it was enough to begin to form a good discussion starting point.

Nothing ever happened, and that plan—which was about an inch and a half thick, as I recall, and I have a copy of it—is undoubtedly gathering dust somewhere. And that's what we fear when we hear about additional studies. These agencies are famous for studying things, but they're not very famous for getting things done. And that's the difficulty that we see when we look at this sort of proposal. I'm sure that Commissioner Martinez is sincere in saying that they would make sure that the study is completed by 1999, but we've heard that before. And even the completion of the study, itself, does not guarantee any results.

Mr. HILL. Thank you, Mr. Budewitz.

Mr. FALEOMAVAEGA.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I have just a couple of questions.

Does the Canyon Ferry Recreation Association represent all the existing lessees at the reservoir area?

Mr. ROBINSON. Mr. Chairman, do you want me to answer that?

Mr. FALEOMAVAEGA. Well, whoever can respond.

Mr. ROBINSON. As a representative of the Canyon Ferry Recreation Association——

Mr. FALEOMAVAEGA. Mr. Robinson, for the record?

Mr. ROBINSON. Yes.

Mr. FALEOMAVAEGA. OK.

Mr. ROBINSON. We represent probably 96 percent; they are a handful of people who do not, or are unable to pay their dues. But of the 265 lessees, approximately 260 to 261 are active, so that's, you know, nearly 99 percent.

Mr. FALEOMAVAEGA. You indicated earlier, also, Mr. Robinson, about the 265 lessees come from all different walks of life?

Mr. ROBINSON. Absolutely.

Mr. FALEOMAVAEGA. The make-up of the 265 lessees—can you elaborate a little more on that?

Mr. ROBINSON. I sure can. In terms of where they come from——

Mr. FALEOMAVAEGA. I mean they're not all wealthy landowners?

[Laughter.]

Mr. ROBINSON. Absolutely not, in fact, if it wasn't for my brothers and I, my mother couldn't afford to keep the lease.

If you look around the lake, these are people who are Helena, Montana residents, Butte, Anaconda, Bozeman, Deer Lodge, some from Havre, some from Billings. These are literally a cross-section of the people of Montana that they're not wealthy. They're not bankers; they're not all doctors, and I have personal perspective for that in that my wife's family has some property on Flat Head Lake, up in the northwest corner of the State, and we've seen an influx of people from California, Arizona, Canada, have come in. Price is

absolutely no object up there, and the types of houses that are built up there are astronomical, where down at Canyon Ferry, we're talking about weekend retreats, weekend cabins that are family holdings that are not fancy at all.

Mr. FALEOMAVAEGA. Among the 265 lessees, what is the price value of these cabins or these homes that are built?

Mr. ROBINSON. I would say that probably on the low end, there's a few cabins out there that might be valued at $15,000, $20,000. I think at the upper end, there are a few people that might have a house that—and I think there's very darn few of them—that might be in the $80,000's to $90,000's. Maybe something might get up around $100,000, but I bet you there's less than a half a dozen of those. Most of them are probably $35,000 to $50,000.

Mr. FALEOMAVAEGA. One of the concerns that was mentioned in Mr. Martinez' statement with the Bureau of—BOR, was the restrictive nature of the ability—let's say, for example, if I was from California and I want to buy into one of the leases. My understanding is that you have to have the agreement of the association before that individual or party can purchase that lease?

Mr. ROBINSON. In terms of the bill, and also in terms of the Senate bill, what we tried to do originally was to ensure that the current cabin owners have the opportunity to purchase these cabins at fair market value, to make sure that the U.S. Government got their market value, and there was no sweetheart deal here.

This was proposed in the Senate that there had to be a bid process, and in that process, as it got manipulated in the various bills, it was a bid process for the entire parcel. And we were proposing that, if that's the case, Canyon Ferry Recreation Association would bid on the entire parcel; individuals would then, subsequently, purchase from the Canyon Ferry Recreation Association.

Mr. FALEOMAVAEGA. If the association were to bid, do you mean, then, the lease is going to be owned by the association?

Mr. ROBINSON. The lease would be—the provision of the bill indicates that if the individual, the lessee, does not want to purchase, the Recreation Association, or the trust—the property would go to the trust, and that the individual would continue leasing from the trust for the duration of the current lease.

Mr. FALEOMAVAEGA. So, it's strictly an economic—I mean whoever can afford it can go there and make an offer, but then the association also matches the offer for whatever reasons. It just strikes me that it's somewhat very restrictive.

Mr. ROBINSON. Well, we originally proposed the bill with the idea that the people who are currently on the land wouldn't be forced off the land.

Mr. FALEOMAVAEGA. Sure.

Mr. ROBINSON. And that they had the right of first refusal so that they could—if they could afford it—stay on the land.

Mr. FALEOMAVAEGA. I see. And how many people, approximately, are involved in this whole lease arrangement? The 265 homes tells me families, but how many people are involved in this?

Mr. ROBINSON. Well, I suspect that if you——

Mr. FALEOMAVAEGA. Men, women, and children.

[Laughter.]

Mr. ROBINSON. Men, women, and children—I'll bet you could fairly multiply the 265 by maybe an average of 20 to 25 per cabin site; 265 times 25, that's how many people have direct interest in these cabins.

But then you can start talking about cousins——

[Laughter.]

[continuing] uncles, aunts, and that number starts expanding geometrically.

But in the Helena community, the Canyon Ferry cabins are, in fact, a resource in and of themselves. I worked for State government all over the place; we had office parties there. My brother worked at Carroll College; Carroll College would have their annual picnic out there.

Mr. FALEOMAVAEGA. Well, let me—I know you mentioned that earlier, Mr. Robinson, but I was curious, also—the Canyon Ferry—I call it "reservoir," you call it "recreation area."

Mr. ROBINSON. It's a reservoir.

Mr. FALEOMAVAEGA. The reservoir is owned by the Federal Government?

Mr. ROBINSON. Absolutely.

Mr. FALEOMAVAEGA. And it's on a lease basis by these 265 families?

Mr. ROBINSON. We're currently leasing those——

Mr. FALEOMAVAEGA. Lessees; OK. Is it possible that these number of lessees could expand beyond the 265?

Mr. ROBINSON. Not with this bill. But if the Bureau of Reclamation or Congress directed that it could——

Mr. FALEOMAVAEGA. Can the BOR allow more—other families to buy leases and be part of the area?

Mr. ROBINSON. Open up more lease land?

Mr. FALEOMAVAEGA. Yes.

Mr. ROBINSON. I think so. If I'd refer you to the map, Congressman, if you look at that dark shaded area, then, on the north end——

Mr. FALEOMAVAEGA. Yes.

Mr. ROBINSON. That is the only land that we're talking about. The Bureau of Reclamation owns the entire shoreline. The rest of the 76 miles around that lake, and all of the rest of that lake, is just like the part that has the cabins on it. So if the Bureau of Reclamation decided they wanted to do that, they certainly could.

Can I have Mark—can you show you the other map? I think this is a——

Mr. FALEOMAVAEGA. So, you're only talking about maybe, what, one-fifth of the entire lake, reservoir?

Mr. ROBINSON. We're talking about 154 acres versus 9,000 acres of——

Mr. FALEOMAVAEGA. This is a very large reservoir. What's the total acreage of the reservoir, if I may ask?

Mr. ROBINSON. Oh, boy. I can't tell you the total acreage. It's 26 miles long.

Mr. FALEOMAVAEGA. Oh, OK.

Mr. ROBINSON. Then at the wide spot down on the other end, it's about five miles across. At this end, it's about a mile across.

Mr. FALEOMAVAEGA. What's the deepest portion of the——

Mr. ROBINSON. Right down by the dam, approximately 230 feet.

Mr. FALEOMAVAEGA. Deep?

Mr. ROBINSON. Deep.

Mr. FALEOMAVAEGA. My, gosh.

Mr. ROBINSON. Yes. If you'd look at this map, the purple—one of the points I wanted to make—there was earlier testimony that these are scattered parcels. That earlier picture showed that they were pretty much bunched up in one area. OK. The first three miles from the dam is public—I mean there aren't cabin sites there; those are loaded with public recreation opportunities there. And then the cabin sites pick up, and this larger maps shows the cabin sites. And if you notice, the purple is the cabin site area, and the green is the shoreline, and the rest of the Bureau of Reclamation land in that area. You notice, none of these cabin sites are lakeshore cabin sites. They're all lake access sites. And as part of the lease, it's guaranteed that the public has access to the lakeshore.

Mr. FALEOMAVAEGA. How long has the BOR been making this study that's supposed to be completed by next year?

[Laughter.]

Mr. ROBINSON. I think it's been—in fact, in exhibit E of our packet, I've got a copy of the 1993 management plan. And they were working on it back in the 1980's sometimes. Here you've got 1993, and it's not done yet.

Mr. FALEOMAVAEGA. So, this is almost a what? A 10-year study of——

Mr. ROBINSON. At least.

Mr. FALEOMAVAEGA. Or was it the State was managing it before that?

Mr. ROBINSON. The State managed the property, I think, from about the mid-1960's through 1993 when——

Mr. FALEOMAVAEGA. Oh, 1993?

Mr. ROBINSON. [continuing] when they couldn't——

Mr. FALEOMAVAEGA. So, just now the Federal Government has gotten into the management aspects?

Mr. ROBINSON. Again.

Mr. FALEOMAVAEGA. Since 1993?

Mr. ROBINSON. Yes. They have——

Mr. FALEOMAVAEGA. But before that the State has been managing it for some 20 years before that?

Mr. ROBINSON. That's correct.

Mr. FALEOMAVAEGA. Oh, OK.

Mr. ROBINSON. And one of the reasons why we're here today is problems have magnified since the re-takeover and Inspector General's report and some of the positions that Bureau of Reclamation has taken.

Mr. FALEOMAVAEGA. Can you bring out that other map again? Again, real quickly, Mr. Chairman?

You have stated that, Mr. Robinson, that you're talking only about that portion which is darkened? Yes, that's what we're discussing.

Mr. ROBINSON. That's all the——

Mr. FALEOMAVAEGA. The 265 lessees are in that darkened portion?

Mr. ROBINSON. That's correct.

Mr. FALEOMAVAEGA. OK. And there's been no plans whatsoever to say that, say, other lessees or leases could also be worked up along the banks of the reservoir?

Mr. ROBINSON. No; we haven't proposed that, and that's really a prerogative of the Bureau of the Reclamation and Parks.

Mr. FALEOMAVAEGA. Will there be any objection on the part of your association if—and I'm only speculating—if the BOR decided that maybe they want to add more leases along the reservoir?

Mr. ROBINSON. I don't think Canyon Ferry Recreation Association would have any problem with that.

Mr. FALEOMAVAEGA. I'm just being hypothetical. I don't know what they'll do.

Mr. Chairman, thank you very much.

Mr. HILL. Thank you. Good set of questions.

Let me just respond. I think there would be great controversy among some recreation users and some conservation groups if BOR decided to expand the number of leaseholders——

[Laughter.]

[continuing] on the land. And I want to make clear, it's not our intention to do that.

I would also draw the gentleman's attention—you know, this map doesn't actually show how the lake is distributed. The dark area is the north end of the lake, and the large area at the bottom is the south end of the lake. But 80 percent of that lake is in Broadwater County. And Townsend rests—which would be to the right over here off the map—Townsend, which is the county seat of Broadwater County rests there, and the residents of that community have to drive 30 miles or more to moor a boat. And yet they can see the lake from the community. And that's part of what this is about.

That south end of the lake—or on the right down there—is very, very exposed to wind. And you can get three, four-foot waves down there, and they come up instantly——

Mr. FALEOMAVAEGA. You could even surf on three-foot——

[Laughter.]

Mr. HILL. There's a lot of wind surfing there. I can tell you, it's a very popular area for that.

Mr. FALEOMAVAEGA. Where is that—and I'm sorry, Mr. Chairman. I didn't mean to—but where is the Sloans Dam, the Sloans-Pick Dam? Is it anywhere near?

Mr. HILL. Yes, right down—right in that section there at the left end.

Mr. FALEOMAVAEGA. And what have we done with the poor Indian tribes that were promised, also, a lot of things after the construction of that Sloan Dam? What are we, in the situation with Native American tribes, along that reservoir? Is there any problem? Is their reservation quite a distance from the reservoir?

Mr. HILL. Yes. There are no reservation boundaries close to this dam at all.

Mr. FALEOMAVAEGA. But the only thing remaining is the fact that what was promised to the Native tribes in that Sloan Dam has never been—they've been restitutioned, if that's a proper way to——

Mr. HILL. If the gentleman would yield—I have two other bills to deal with, reservoirs on the Missouri River that will deal with water rights, compacts, and distribution of water. And I certainly welcome the support of the gentleman on that legislation.

There is no problem here with regard to water rights or conflict with regard to water rights with respect to any of our Montana Native American groups.

Mr. FALEOMAVAEGA. I appreciate the gentleman's statement. I was just concerned. I was up there some time some couple of years ago, and the only thing that was very sharp in my mind was the fact that the Federal Government, it was not the State, the Federal Government built this Sloan Dam with the promise that these Indian tribes would give up some of the most precious agricultural lands for the sake of the Federal Government building the dam. We built the dam, and the poor Indians really got stuck with nothing.

Mr. HILL. Well, substantially that's what happened to Broadwater County in this instance. They gave up 36 extraordinarily valuable ranches and farms. The area that's below this reservoir was some of the most productive farmland in that county. And those families, of course, were displaced, but also that tax base was displaced, and income was displaced. And over all these years, there's never been an opportunity for the people on that end of the lake to get any economic benefit from this. As a matter of fact, the water goes to the city of Helena. In Lewis and Clark County, it is part of the source of the water supply. And there has been some benefit on the Lewis and Clark side. And interestingly, when these lots are sold, Lewis and Clark will put these lots back onto the tax base of Lewis and Clark County—which is incidentally my home county. But Broadwater County, again, will not be beneficiary.

That's why I am with the bill that I've proposed; I've suggested that about 15 percent of the proceeds here be set aside for fulfilling the promise that was made to Broadwater county that will give them some access down there—usable access. And Broadwater County is prepared to enter into a cooperative agreement with the government to manage it. It just seems like that's a win-win proposition for all.

Mr. FALEOMAVAEGA. Well, I would say, Mr. Chairman, I would be the last person to second-guess the integrity and the character of my good friend from Montana, since he certainly is a lot more of the expert than I or any of the other members of the Committee would have, especially specifically on the proposed bill that the gentleman now has before the Subcommittee. But I sincerely hope that his staff and our Committee staff will be able to go through some of the problems that we're faced with. And like I say, there's a problem and we've got to find the solution, and that's always the way I feel. And I sincerely hope that we should be able to work this thing out.

Mr. HILL. I thank the gentleman.

Mr. FALEOMAVAEGA. Thank you. I thank the gentleman, and I want to thank our good friends who have traveled all the way from Montana to come and testify this afternoon.

Mr. HILL. And I, too, want to thank the panelists whose excellent testimony will be very valuable to the Committee. And thank you

for making this trip. And I apologize, again, for the inconvenience of having to sit twice——

[Laughter.]

[continuing] before the Committee. I thank my Ranking Member, and the panel is excused.

[Whereupon, at 12:33 p.m., the Subcommittee adjourned subject to the call of the Chair.]

[Additional material submitted for the record follows.]

STATEMENT OF ELUID L. MARTINEZ, COMMISSIONER, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to provide the Administration's views on H.R. 3963, legislation to establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around the Canyon Ferry Reservoir in Montana. The Bureau of Reclamation supports efforts to improve public access to rivers and lakes throughout the west. However, H.R. 3963 would grant exclusive private use of lake front property at Canyon Ferry Reservoir to a few beneficiaries, would foreclose future use of the land for project or other purposes, and could lead to a loss in future Federal receipts. The bill also would make management of the land at Canyon Ferry more difficult, without reducing the need for future Federal expenditures. In addition, H.R. 3963 is unclear on several critical questions of intent and procedure. Moreover, we do not believe there is a need for this legislation given that Reclamation and the Canyon Ferry Recreation Association (CFRA) recently agreed on a key issue concerning rental fees. For these reasons, the Administration strongly opposes H.R. 3963.

H.R. 3963 would direct the Secretary of the Interior to sell at fair market value all right, title and interest of the United States to leaseholds for the 265 cabin sites at Canyon Ferry Reservoir in Montana, along with easements for vehicular access to the leaseholds, docks, and boathouses. The leaseholds and easements would be sold by auction, with the minimum bid established by the Secretary and based on a fair market appraisal, excluding the value of improvements made to a site. As drafted, it is unclear whether H.R. 3963 contemplates individual auctions for each leasehold or intends that all 265 be sold to a single purchaser.

Under H.R. 3963, the Canyon Ferry Recreation Association, a Montana corporation, would have the right to match any bid received and purchase the leaseholds. Any purchaser would be required to offer to sell to existing leaseholders the leasehold for fair market value. It is important for the Committee to understand that CFRA is a relatively small group of beneficiaries of this project that does not represent all taxpayers, all beneficiaries of the project, or even all existing lessees at Canyon Ferry Reservoir.

Mr. Chairman, the Canyon Ferry Unit was authorized and constructed by the Bureau of Reclamation as a part of the Pick-Sloan Missouri Basin Program as a multiple purpose project for irrigation, recreation, and hydroelectric power and it is Reclamation's role to balance these competing demands for the resources. Canyon Ferry Reservoir was formed when the Canyon Ferry Dam was completed in 1954. Reclamation and the State of Montana were land managing partners for 37 years until 1994, when the State terminated its role. Most of the cabin site permits were originally issued in the late 1950's, and lessees were given the option to renew the leases every 10 years.

Reclamation and the Bureau of Land Management now share the land management responsibility, except for the task of administering the cabin site leasing program which is exclusively Reclamation's responsibility. The 265 cabin sites occupy scenic lakeshore areas around the northern end of the reservoir. The lot sizes vary from .2 acre to 1.4 acres, with the average size about ½ acre. These sites are unconsolidated scattered tracts within the reservoir lands. There is no large block of consolidated sites.

In the last few years, there has been controversy surrounding the rental fees at Canyon Ferry. The controversy centers on attempts to determine and charge fair market value for rental fees. Under 43 CFR Part 429.6(f), Reclamation is required to collect fair market value for the right to use Reclamation project lands. In 1986, the State raised the rental fees to approximately 1/3 of the then fair market value. The fees remained unchanged until 1995 when Reclamation raised the fees based on an increase in the Consumer Price Index. Reclamation also initiated an independent appraisal in 1995 to determine a new fair market value. Presently the cabin lessees are paying an average of about $1,000 per site per year, significantly less than the fair market value of $2,701 determined in the 1995 appraisal.

Reclamation committed to phase in a rate increase over a five year period beginning in 1997. However, the CFRA challenged the 1995 appraisal through the Department of the Interior's Office of Hearing and Appeals. CFRA had conducted a second appraisal which showed the value of the leases to be about 60 percent of that indicated in Reclamation's appraisal. That appraisal amount is still about 1.5 times the amount which had been collected prior to 1997. While Reclamation believes that the 1995 appraisal was properly conducted and accurately reflected the current market price, Reclamation, for the sake of goodwill and improving relations, recently agreed to a settlement with CFRA whereby Reclamation and CFRA would collabo-

rate and conduct a third appraisal. It was agreed that the findings in the third appraisal will be the new basis for the fee increase. With this settlement, Reclamation and the cabin site lessees are working together to set fair and acceptable rental fees. As such, no current controversy exists that requires legislation.

Not only is the legislation unnecessary, it is not clearly drafted. As mentioned above, the bill is ambiguous as to whether the sites will be sold individually or in one bundle. In addition, H.R. 3963 is very unclear as to exactly what the Secretary is directed to sell and what, if anything, might remain in the hands of Reclamation. H.R. 3963 provides for the sale of the "leasehold" for these sites. While the bill fails to provide a definition of leasehold, it appears to be something less than fee simple title.

Canyon Ferry Reservoir, one of the most scenic and popular flat water recreation areas in Montana, is located within two hours of the four largest cities in Montana. The area is already overcrowded during peak visitation periods at several campgrounds and day-use areas. This legislation could exacerbate this situation by reducing the public access to additional areas of this reservoir in the future.

We are concerned that if the intent of H.R. 3963 is to sell the leaseholds only, Reclamation's role would shift from that of a public agency managing public land, to that of a public agency managing *private* leaseholdings. If it is the intent of H.R. 3963 to sell the cabin sites on a fee simple basis, then Reclamation's role changes to that of a public agency managing private inholdings in public lands.

Further, actual or effective private fee simple ownership of these lands would complicate administration and management of the Canyon Ferry Project. The legislation would likely exacerbate existing difficulties around such issues as lake fluctuations, land use, and water quality concerns related to septic systems. In the past, lessees of cabin sites have complained about degradation of scenic qualities when the lake level declined due to operational constraints. Given that Canyon Ferry is a multipurpose project, we are concerned that this legislation could lead to an increase in disputes and hamper Reclamation's ability to balance operations at Canyon Ferry reservoir for all the authorized project purposes, especially in dry years.

The bidding process proposed in H.R. 3963 is inequitable and is unlikely to result in a bid that is higher than the minimum required. Section 4(c)(3) would give to the Canyon Ferry Recreation Association a preference over anyone else. If someone other than the CFRA is the highest bidder, CFRA would have the right to match the highest bidder and purchase the leasehold, thereby providing little incentive for anyone but CFRA to submit a bid.

In addition, Section 4(d)(1)(A) would reduce any incentive to bid up the price above the minimum appraised price by requiring the successful bidder if it is other than CFRA to offer each of the existing lessees an option to purchase their leaseholds at the fair market value, which is the minimum bid required under this Section. Any bidder offering more than the minimum would lose money if the individual lessees take the option to purchase the leasehold.

Furthermore, Section 4(c)(2) provides that a minimum bid will be set "in consultation with interested bidders." It is unclear why interested parties should be invited into the process of making an objective determination of fair market value by a third party appraiser. This appears designed to skew the process.

Reclamation plans to seek a non-Federal managing partner to manage the recreation opportunities and lands at Canyon Ferry. Reclamation law provides for such managing partners to be able to utilize user fees and other receipts from the use of the public lands that they manage to operate and maintain existing facilities, and to enhance public recreation or fish and wildlife benefits. Without the revenues generated by the cabin site leases, the ability to attract a managing partner would be significantly diminished. This will result in the need for continued Federal appropriations for recreational management.

In addition to those issues raised above, Reclamation has a number of technical concerns I would like to briefly highlight:

(1) The legislation fails to address who will pay for maintenance activities that Reclamation is currently paying for such as road maintenance and law enforcement once the leaseholds are granted or the fee simple titles to the lands are sold. The County should bear some responsibility for these costs, especially if the County is able to secure tax revenues as the result of the lands becoming subject to local taxes. It is unclear how local tax revenues would be generated from the leaseholds if the United States will continue to own the lands at Canyon Ferry.

(2) Under the existing arrangement at Canyon Ferry, licenses for boat docks are currently issued to cabin site lessees, but not to private landholders on other areas of the lake. If the cabin sites were sold, the question of whether to issue licenses would have to be addressed. H.R.3963 is silent on the issue of boat dock licenses.

(3) Section 1(1) presents as a finding that it is in the interest of the Secretary to reduce the Pick Sloan project debt for the Canyon Ferry Unit. Yet, the bill does not provide for any debt reduction.

(4) Section 1(3) says the sale of leaseholds will reduce Federal payments in lieu of taxes. If fee simple title is not granted to the purchasers, payments in lieu of taxes (PILT) may continue to be required. If it is fee simple title that is to be auctioned, then the legislation should explicitly state that PILT payments will be discontinued. If it is only the leases that are to be sold, then absent legislative language, PILT payments would likely continue to be paid by the United States. In either case, it is not clear why PILT should continue.

(5) Section 1(2) presents a finding that the legislation would "provide a permanent source of funding for projects that develop and maintain public recreation and that conserve and enhance fish and wildlife opportunities in the State of Montana." As drafted, H.R. 3963 includes no such provisions.

(6) Section 3(2) would extend the benefits of the legislation to parties who do not hold a current lease and may not have legal claim to the use of the cabins.

(7) Section 3(4) exclude the CFRA from the provisions applying to the "Purchaser." However H.R. 2963 otherwise considers the CFRA as the entity that is most likely to purchase the leaseholds. This creates significant ambiguities and needs clarification.

(8) The issue of liability is not addressed. If H.R. 3963 proposes that it is fee simple title that is to be auctioned, then all liability for this land should be conveyed to the purchasers. If only the lease is to be auctioned, as we believe the bill to currently read, then unless otherwise stated, the liability remains with the United States—thereby eroding whatever benefit is to be gained for the United States in this legislation.

(9) Section 4(c)(2) requires an appraisal in order to establish the minimum bid. However, it does not state whether it would appraise the properties as a block or separately; nor whether it would include contiguous parcels.

(10) Section 4(b)(1)(B) calls for small parcels contiguous to the leaseholds to be conveyed in order to eliminate inholdings and facilitate administration of surrounding land remaining in Federal ownership. The bill assumes that the Secretary and the purchasers will be able to agree on each of these parcels. A public process should be undertaken to determine the size and shape of these parcels. Also, the fair market value of these areas should be determined.

(11) Section 4(d)(1)(B)(ii) says that the purchaser shall compensate the lessee for the "full" market value of the improvements. It is not apparent whether the term "fair" should be substituted for "full" as occurs throughout the bill.

(12) H.R. 3963 should be clarified to ensure that it does not intend to convey the subsurface (mineral) rights.

Again, Mr. Chairman, while we appreciate the interest of this Subcommittee and the Montana delegation, we strongly oppose H.R. 3963 and do not believe this legislation is necessary.

STATEMENT OF TOM FRY, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT CONCERNING H.R. 3950

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to testify on H.R. 3950, the Otay Mountain Wilderness Act of 1998. First of all, I want to commend the bill's sponsor, Congressman Brian Bilbray (R-CA) for introducing this legislation and for recognizing the uniqueness of the area and its many outstanding natural resources. I also want to acknowledge his efforts and the efforts of the many organizations in San Diego who are jointly working to try to resolve the future land management of the Otay Mountains.

The bill would designate 18,500 acres of the Otay Mountain area in eastern San Diego County, adjacent to the U.S.-Mexico International Border, as Bureau of Land Management (BLM) wilderness. The Otay Mountains are located in an extremely unique and diverse area of the country. The area is important to the San Diego area's ongoing habitat conservation initiatives which the Department strongly supports. BLM's current management role in this area, however, is a delicate balancing act and routinely faces unusual challenges. We are fully committed to appropriate, long-term protection for the magnificent lands currently in Wilderness Study Area (WSA) status in the Otay Mountains. We also, however, are confronted with the reality presented by the challenges of drug interdiction, border patrol enforcement, undocumented immigrants and wildland fire protection issues prevalent in the area.

BLM currently manages the Otay WSAs to preserve and maintain their wilderness character. We support their continued protection and would support wilderness

designation if the exemption for certain management activities within the wilderness in Section 6(b) is eliminated. As written, the current language in Section 6(b) of H.R. 3950 would allow all law enforcement and fire management actions to occur without regard to the wilderness designation or the 1964 Wilderness Act. Other non-conforming activities would also be permitted. We would strongly oppose any language which would in any way undermine the integrity of the 1964 Wilderness Act. Accordingly, we recommend revising Section 6(b) to recognize the ongoing drug interdiction, border operations and the need to allow these activities to continue as long as they are in accordance with the provisions of the 1964 Wilderness Act and subject to appropriate conditions as determined by the Secretary of the Interior. We believe this will allow the Drug Enforcement Agency and other law enforcement agencies working along the Southwest border to continue their efforts in the area. The area designated as wilderness by this bill does not include any of the roads or motorized access routes currently used by the Department of Justice (DOJ) in its current border operations. In addition, section 4(c) of the Wilderness Act allows us to manage wilderness areas so as to protect the health and safety of visitors. Certainly we view drug interdiction and law enforcement operations as falling under that authority. We are currently managing this area as a WSA, with management restrictions very similar to those required of a wilderness area. We have worked closely with DOJ to enable it to carry out its important mission while still protecting the natural resources of the area. We fully expect this inter-agency cooperation to continue after wilderness designation. We would be pleased to work with the Committee to develop appropriate language in this regard.

In order to better understand the vast array of public land management issues in this beautiful, yet arid area, a discussion of certain aspects of its history and resources is useful. The Otay Mountains has long been recognized by the public as a unique ecosystem. As early as 1962, the Secretary of the Interior created the Otay Mountain National Cooperative Land and Wildlife Management Area. Management direction for the area has focused on conservation of the area's flora, fauna, ecologic, geologic, cultural and scenic values as well as the protection of wilderness values. In the 1980's, BLM established the Western and Southern Otay Mountain WSAs and, with strong public support (including a 1982 resolution from the San Diego Board of Supervisors), ultimately recommended a large portion of the WSAs as wilderness.

In addition to its natural attributes, the area has opportunities for solitude, open space and primitive recreation, and possesses nationally signifcant biological values. These include stands of rare Tecate Cypress and 15-20 other sensitive vegetative species. The proposed wilderness contains an Area of Critical Environmental Concern which was established by BLM with strong public support for the protection of the only known population of the Mexican flannel bush, for pristine stands of riparian woodlands, and for the only known stand of Tecate Cypress in the U.S. In addition, the City of San Diego has identified the region as a "core reserve" in open-space planning and the California Department of Fish and Game, and local universities have had a long interest in studying and monitoring the Otay Mountains' flora and fauna. Wilderness designation would secure a unique ecosystem in the National Wilderness Preservation System.

In the last few years, however, the area has experienced extensive resource damage as a result of undocumented immigrants attempting to cross through the region. In addition, an October 1996 wildfire inflicted considerable short-term damage. However, with close coordination and onsite work among the BLM, California Department of Forestry and Fire Protection, the Border Patrol, the City, County, and other interests, a dramatic reduction in illegal traffic has occurred and the area appears to be rehabilitating itself.

Although I have noted the potential benefits of wilderness designation, I now want to discuss an alternative approach for the long-term future of the Otay Mountains. We suggest the Committee explore designating the area and certain other public lands located to the East and North as a National Conservation Area (NCA). This approach would need further review and development between the BLM and the public to identify those lands suitable for inclusion within the NCA. However, it may be the best long-term solution to address both the unique management challenges within the broader regional area and the need to protect its valuable resources. Such an NCA designation could provide management flexibility for a much broader expanse of public land than the narrowly focused wilderness designations addressed in H.R. 3950. Also, an NCA designation for a larger region could include specific management prescriptions including mineral and land withdrawals, which would be designed to protect significant resources, and specific management directives for drug interdiction, border operations, and fire management. Wilderness designations within the NCA boundary could still occur in conjunction with the NCA

designation. As such, the NCA designation could prove a more viable long-term approach to management of the Otay Mountains as it would address a broader region than the current bill while also providing a more comprehensive array of tools for dealing with the area's unique resources and management challenges.

This concludes my statement and I would be glad to answer any questions.

STATEMENT OF TOM FRY, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT CONCERNING H.R. 4287

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to testify on H.R. 4287, the Grand Staircase-Escalante National Monument Boundary Adjustments Act. Representative Cannon's bill would make relatively minor boundary adjustments in the vicinity of four Utah communities which are adjacent to the Grand Staircase-Escalante National Monument. The bill also would convey Bureau of Land Management (BLM) lands outside the Monument to the State of Utah for the purposes of enlarging the Kodachrome Basin State Park and designate a utility corridor along U.S. Route 89 in Kane County, inside the Monument.

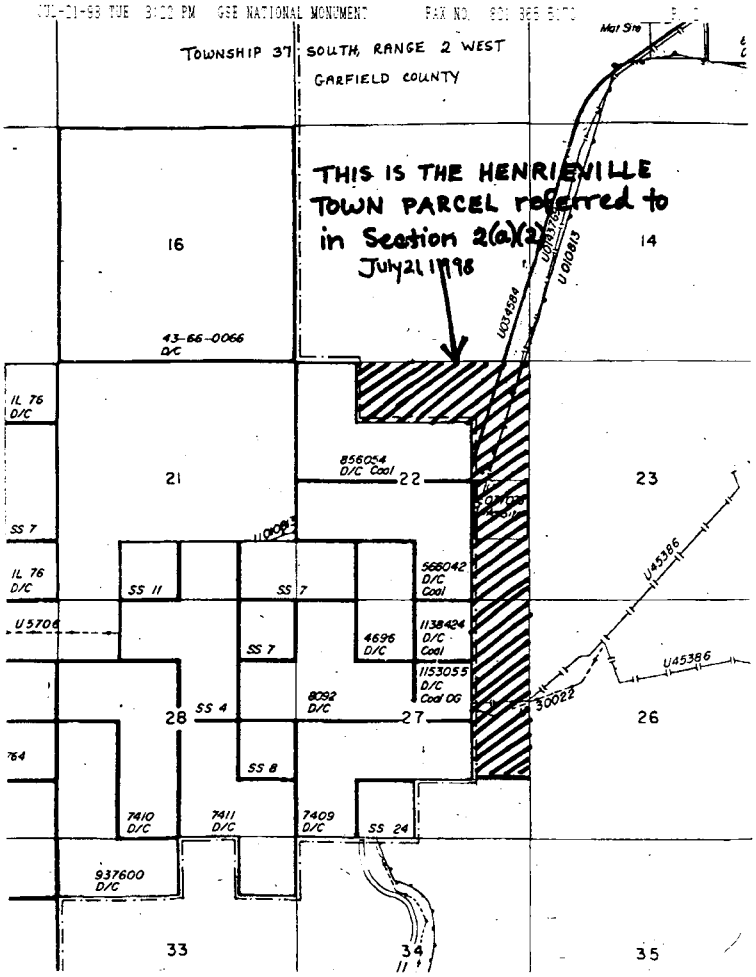
Attached to our testimony is a set of maps illustrating what we believe reflects the boundary adjustments depicted by the larger detailed map referenced in this bill. It was our mistaken impression that the utility corridor designation in Section 4 of the bill only applied to BLM-managed public lands and/or lands within the Monument. Upon further, more comprehensive review, it is clear that the language as written would affect lands within the Glen Canyon National Recreation Area and Forest Service lands. The utility corridor designation language should be modified to specify that it applies only to BLM-managed public lands. Assuming that the attached maps do reflect the boundary adjustments and conveyances proposed in H.R. 4287, and the modification to the language designating the utility corridor is made, we support enactment of the legislation.

While the Administration does not believe a boundary adjustment is necessary, Secretary Babbitt, during a recent hearing on the State of Utah Land Exchange bill, agreed to consider technical boundary adjustments to the Monument. I would like to commend the Subcommittee staff for their cooperative spirit in working with the Department to revise H.R. 4287 in a manner which is acceptable to the Administration. The benefits of working together, which we saw beginning in May with the signing of the Utah Land Exchange Agreement by the Secretary and the Governor of Utah, continues today and is embodied in this bill. The bill would modify the boundary of the Monument in a good faith attempt to resolve a number of issues of concern to local citizens and their representatives. The bill takes a common sense approach to making boundary adjustments and conveying public lands for worthy public purposes consistent with the Recreation and Public Purposes Act.

The parcel known as Henrieville Town Exclusion in Garfield County, Utah, would provide additional public land to the town for growth and development purposes and excludes utility lines and a highway from the Monument. Removal of the parcel known as Cannonville Town Exclusion, in Garfield County, Utah, would exclude the town's water supply system and water lines from the boundaries of the Monument. The parcel known as Tropic Town Exclusion provides some additional land for the Tropic Valley School. The parcel known as Boulder Town Exclusion removes a minor trespass from the Monument. The conveyance of public land to the Kodachrome Basin State Park, Utah, would expand the park by 875 acres and would be done in accordance with the Recreation and Public Purposes Act. The bill would also modify the boundary to add BLM land to the south of the Monument in the Big Water area.

I commend the Subcommittee for its willingness to work with the Department and BLM to address these minor changes to the Grand Staircase-Escalante National Monument boundary. We are pleased, for example, that the bill has been revised to allow the parcel known as the Upper Valley Oil Field to remain in the Monument. The BLM remains committed to the mandate of the Presidential Proclamation which recognizes valid existing rights within the Monument. The operation of these oil wells can be successfully managed by BLM on public lands in the Monument and we look forward to demonstrating that as we plan for the future management of this valuable national treasure.

Thank you for allowing me to testify regarding this legislation and I would be happy to answer any questions you may have.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GARFIELD COUNTY
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July 21, 1998
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SS 11
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568042 D/C Coal
U5706
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4696 D/C
1138424 D/C Coal
1153055 D/C Coal OG
28
SS 4
8092 D/C
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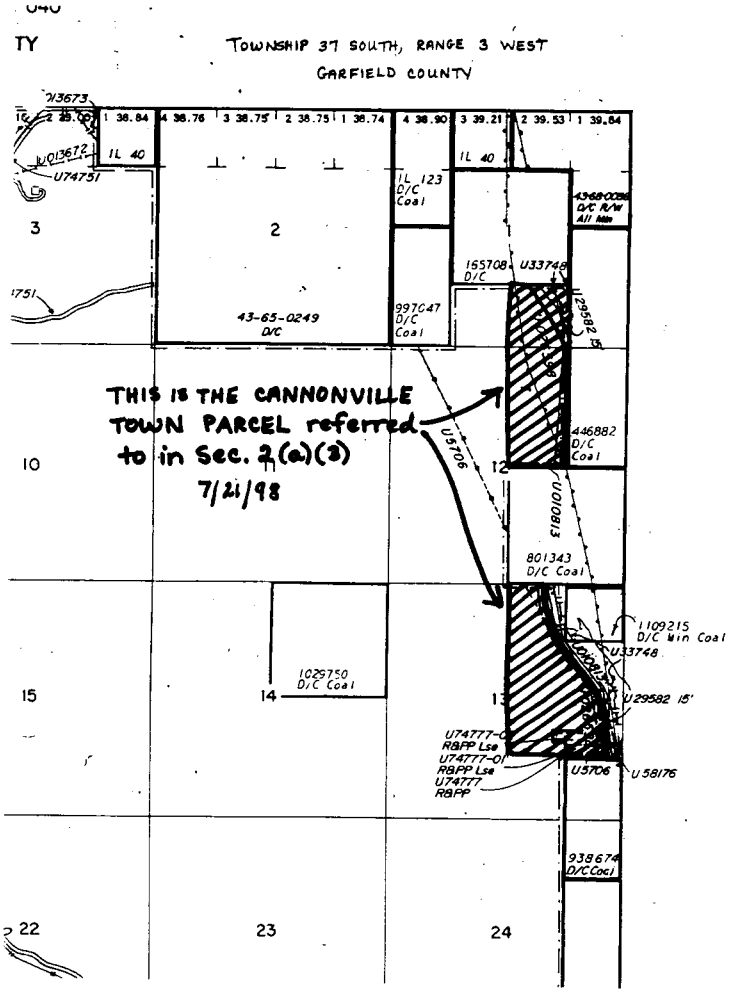
TOWNSHIP 37 SOUTH, RANGE 3 WEST
GARFIELD COUNTY
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Coal
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GARFIELD COUNTY

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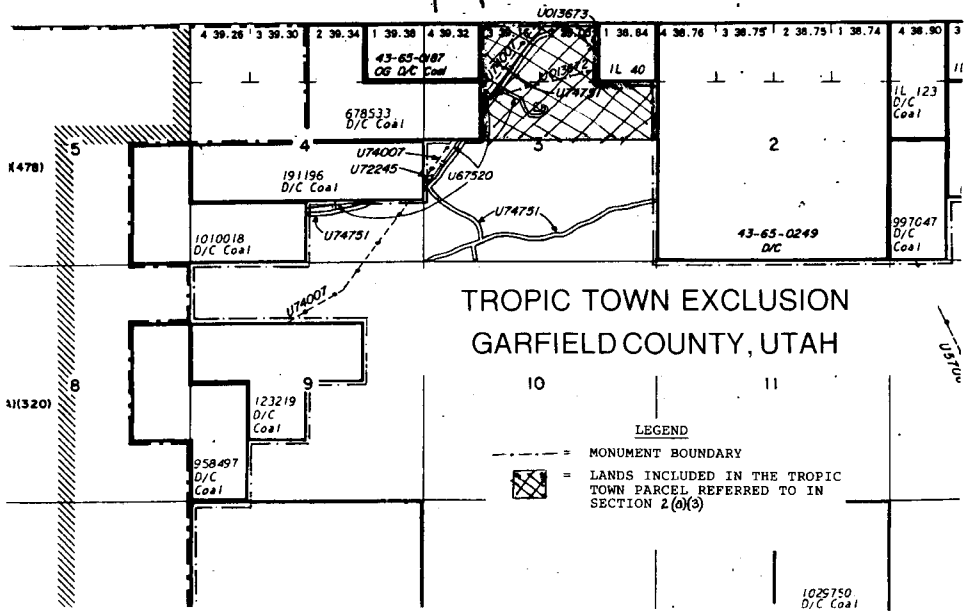

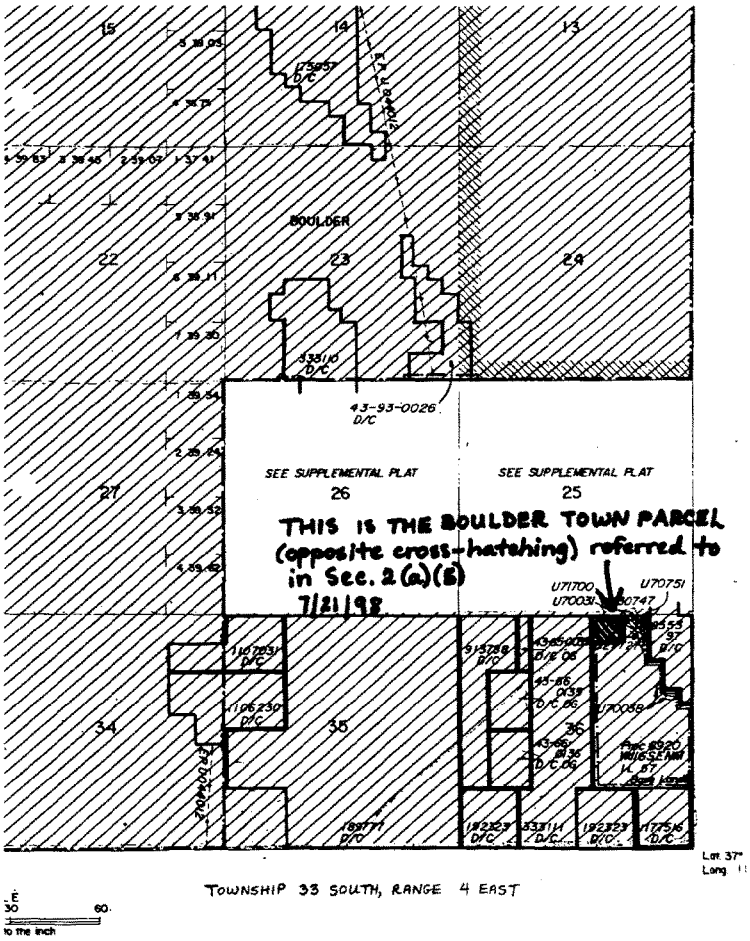
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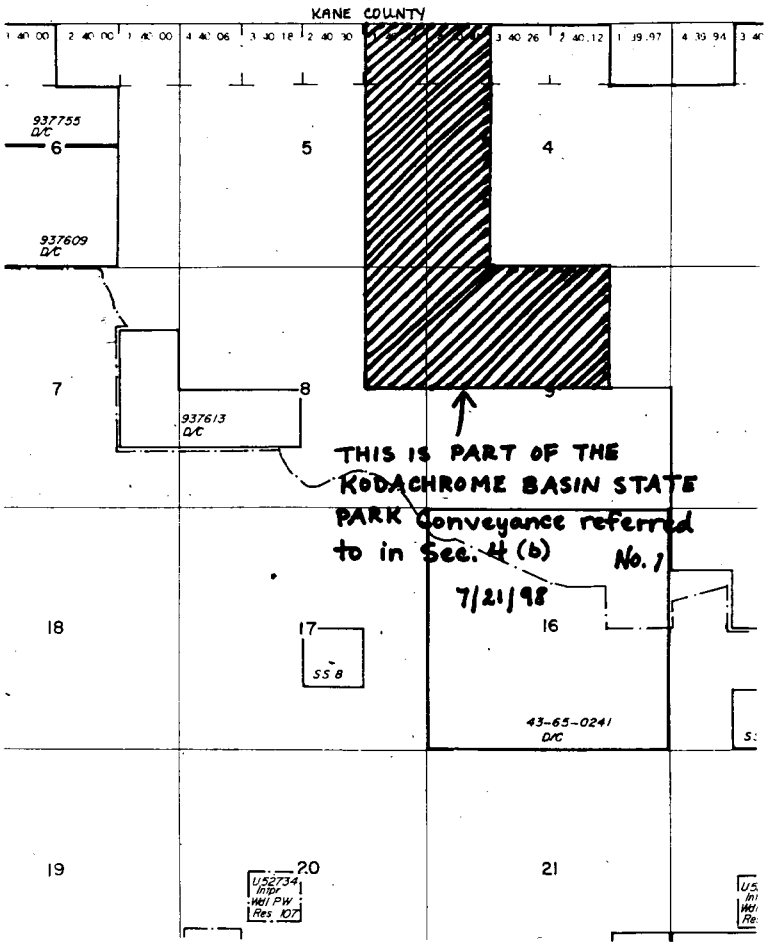
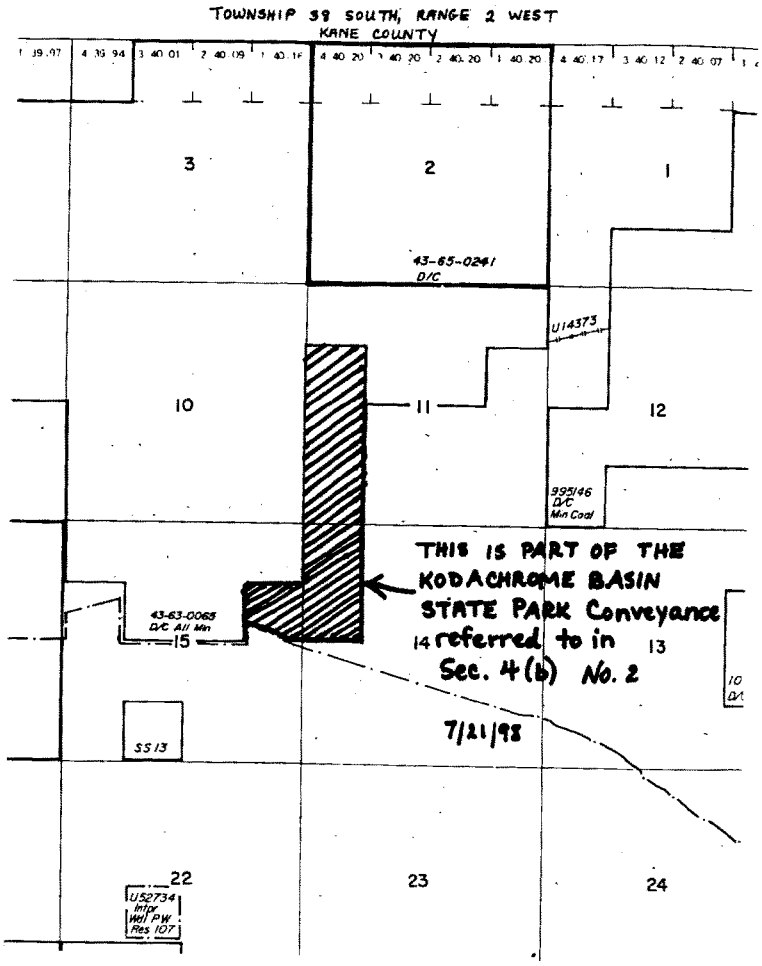
KANE COUNTY

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STATE PARK Conveyance
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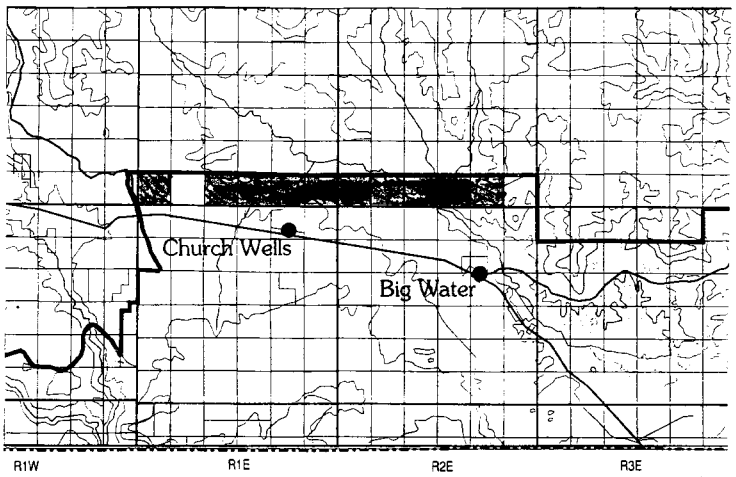
TOWNSHIP 42 SOUTH, RANGE 1 EAST, SECTIONS 31, 33, 34, 35, 36
TOWNSHIP 42 SOUTH, RANGE 2 EAST, SECTIONS 31, 32, 33, 34, 36

KANE COUNTY

EAST CLARK BENCH INCLUSION

KANE COUNTY, UTAH

July 21, 1998



LEGEND

= MONUMENT BOUNDARY
= LANDS INCLUDED IN THE EAST CLARK BENCH PARCEL REFERRED TO IN SEC. 2(b)

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR CONCERNING H.R. 2125

Mr. Chairman I appreciate the opportunity to provide your Subcommittee with the views of the Department of the Interior on H.R. 2125, to authorize appropriations for the New Jersey Coastal Heritage Trail Route.

This bill would increase the appropriations authorized for the New Jersey Coastal Heritage Trail Route from $1,000,000 to $4,000,000, and extend the authority for National Park Service participation in the trail for five years, from May 1999 to May 2004. We support enactment of this bill.

The Act of October 20, 1988, as amended in 1994, authorized the Secretary of the Interior to designate a vehicular tour route and to prepare an inventory of sites along the route. In addition the Secretary was authorized to prepare a coordinated interpretive program for the trail in order to provide for public appreciation, education, understanding and enjoyment of the nationally significant sites in coastal New Jersey.

The National Park Service, in partnership with the State, local governments, and other public and private entities, has prepared and is implementing a comprehensive plan based on five interpretive themes that link natural and cultural resources spread over 300 miles of coastal New Jersey. The trail is demonstrating the potential of public/private partnerships, allowing the NPS to assist in resource preservation, interpretation and public education in a cost-efficient manner, primarily through the development of exhibits, audio-visual programs, and other technical assistance. Every Federal dollar spent is matched by contributions from the partners. No Federal funds are used for operation, maintenance, or repair of any road or related structure.

The New Jersey Coastal Heritage Trail celebrated its opening on September 27th, 1993, with the introduction of the Maritime History theme trail. Other trail themes and sites relate to Coastal Habitats, Historic Settlements, Wildlife Migration, and Relaxation and Inspiration. It is projected that, when completed, the trail will include over 100 wayside exhibits, various local information centers, and five regional welcome centers all owned and operated by someone other than the National Park Service.

This legislation would enable the National Park Service to continue implementation of the trail plan, as supported by the public and our partners in the Implementation Guide, a blueprint for overall trail development. Without additional time and funding, the New Jersey Coastal Heritage Trail Route will be left incomplete. The National Park Service supports this legislation, its passage would allow us to finish implementing the trail's plan.

This concludes my prepared remarks. I would be happy to answer any questions you may have.

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR, CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR CONCERNING H.R 4230

I appreciate the opportunity to appear before you to present the position of the Department of the Interior on H.R. 4230, a bill to provide for a land exchange involving the El Portal Administrative Site for Yosemite National Park. The Department of the Interior supports this bill if amended in conformance with this testimony.

H.R. 4230 would authorize the Secretary of the Interior to transfer to a private individual approximately 8 acres of land within the El Portal Administrative Site, in exchange for land that is adjacent to the El Portal Administrative Site. The transfer would enable the National Park Service to establish an entrance station for Yosemite National Park on the land received through this transfer, and to close the present Arch Rock entrance station.

This land exchange would enable the National Park Service to more effectively protect park resources and serve park visitors. Nearly 1.5 million visitors enter Yosemite each year through the Arch Rock Entrance station. During peak visitation periods these visitors often experience traffic gridlock of up to a half mile in length, due to the winding and narrow nature of the road leading to the Arch Rock Station. This gridlock often leads to vehicles overheating, minor accidents, and frustrated visitors.

These problems would be solved by this bill, as it would allow the National Park Service to construct an entrance station on the land received through this transfer. The new entrance station would be located in El Portal, on a portion of State Highway 140 that can accommodate traffic coming into the park fairly easily.

We cannot, however, support Section 2(c) of H.R. 4230, which would statutorily deem the land exchange to be of equal value. We could only support an exchange in which the government received equal value for the land it transfers. The land we are to transfer in this exchange may be appraised at a value that is greater than the value of the land we are to receive. However, we understand that the owner of this land is willing to work with the Park Service to assure an equal value exchange. We would be happy to work with the Committee in developing language to guarantee an exchange of equal value, and to develop language that would adjust the boundary of the El Portal Administrative Site to reflect this land exchange.

This concludes my statement. I would be happy to answer any of your questions.

STATEMENT OF THOMAS A. BUDEWITZ, ATTORNEY FOR THE BOARD OF COUNTY COMMISSIONERS, BROADWATER COUNTY, MONTANA

Mr. Chairman and Members of the Subcommittee, my name is Tom Budetwitz. I am an attorney representing the Board of Commissioners of Broadwater County, Montana.

The commissioners support the concept of making the cabin sites available for purchase. Our interest is in the allocation of the proceeds of the cabin site sales and the make-up of any entity formed to control the expenditure of those funds.

The creation of Canyon Ferry Reservoir in the early 1950's resulted in the loss of 36 family farms covered with as much as 75 feet of water. The loss of those farms displaced 36 productive families, destroyed thousands of acres of the richest soil in the county and permanently removed all of those acres from the county tax rolls. For many years the creation of the reservoir resulted in a literal dust bowl near the south entrance to the lake and made the City of Townsend the dustiest city in the state until the problem was mitigated by a dust abatement project in the late 1970's which created a large wildlife management area. That area is now inhabited by literally hundreds of different species of wildlife within a mile of the Townsend city limits.

Despite repeated promises beginning even before construction was completed that Broadwater County would be provided financial and other economic assistance to replace its losses, there has been virtually no help from the Federal Government to mitigate the adverse economic impacts resulting from the loss of that acreage.

A quick glance at a map of the area is instructive. While nearly 80 percent of the lake lies within Broadwater County, less than 20 percent of the camping, boating and other recreational areas at the lake are in Broadwater County. The other 80 percent are at the north end in Lewis and Clark County. A Townsend resident who lives within site of the lake has to drive over 30 miles to the nearest marina to tie up his boat.

All 262 of these cabin sites are on the north end in Lewis and Clark County. If they are sold they will return to the Lewis and Clark County tax base and reduce the PILT funds expended annually by the Federal Government. There will be no such impact in Broadwater County. There will be no increased tax revenue and the PILT money intended to replace property tax revenues for Federal land pays only approximately 55 percent of the revenue that would be generated by taxes where the land is privately owned.

The Wildlife Federation insists that all of the proceeds from the cabin site sales be used to acquire access to other public lands and to the Missouri River and to replace riparian wildlife areas lost when the cabin sites became privately owned. The cabin sites occupy a total of less than 150 acres. They are not actually water front property. The sale of those sites would still leave 100 percent of the shoreline in public ownership and available for public use. The money generated by these sales will be far more than necessary to replace these 150 acres with other public land. Furthermore, the creation of the wildlife management area at the south end of the lake through the dust abatement program contains far more wildlife habitat than presently exists on the cabin sites.

The federation has indicated no willingness to compromise and believes that its goals are the only properly recognizable public goals. They are wrong. The public has a legitimate and recognizable interest in more than the acquisition of additional public land and access. In truth, the government, all governments—Federal, state and local, have enough trouble managing the lands they have. The problem has al-

ways been that the government agencies don't have enough money or are unwilling to spend enough money to properly maintain, improve or operate existing facilities much less to construct new facilities.

As Commissioner Martinez' statement reflects, the Canyon Ferry area is at times overcrowded during peak visitations at several campgrounds in day use areas. His concern about a potential reduction in public access is, we believe, misplaced. He ought instead be interested in expanding and improving access at the lake by supporting this sale and advocating the use of the proceeds for improving and expanding existing facilities. Alternatively, the Bureau of Reclamation ought to be willing to allocate additional money from its budget for those purposes. Since the Bureau has been unwilling to do so in the past we presume that it will be likewise unwilling to do so in the future. For that reason, we in Broadwater County have been exploring ways to do just that for many years and without any meaningful help from the Bureau.

The Commissioner states that the Bureau of Reclamation plans to seek a non-Federal managing partner to manage the recreation opportunities and land at Canyon Ferry. Previous efforts to do that have been unsuccessful largely because the Bureau has not been willing to increase its expenditures at the lake.

The Bureau of Reclamation opposed Congressman Williams' attempt in 1993 through H.R. 1477 to provide for cooperative agreements with both Federal and non-Federal partners primarily because the bill provided for the expenditure of all income derived from the facility for use at the facility.

The State of Montana Department of Fish, Wildlife and Parks withdrew its support for a cooperative agreement with the Bureau of Reclamation and Bureau of Land Management out of frustration over the lack of future planning and the Department of Interior's unwillingness to increase the money to be spent at Canyon Ferry.

A draft management plan and environmental assessment commissioned by the Bureau of Reclamation, BLM and FW&P earlier in 1993 which called for $10 million of improvements over a ten-year period died as so many government plans do from lack of interest in seeking the necessary funds.

There has been large scale acquisition and creation of riparian wildlife habitat at the south end of the lake but all economic development has been at the north end. The dust abatement project created a large and wonderful habitat for wildlife at a cost of over $14 million. That project was not, however, an economic development project but was rather in mitigation of the dust problem resulting from the creation of the lake.

Recently, the state Department of Fish, Wildlife & Parks acquired additional riparian ground along the southwest side of the lake, less than four miles from Townsend through a land exchange with a local rancher. We applaud those acquisitions but repeat that there has been one broken promise after another that funds would be found to finance improvements to the recreational assets on the south end.

Specifically, we would use the money to improve facilities at the Silos recreation area located approximately one mile off of U.S. Hwy 12, approximately seven miles north of Townsend. There are no deep bays located at the Silos and consequently no boat docks even though the area serves thousands of Montanans and non-Montanans every summer. Broadwater Bay located at the Silos can be deepened to make it suitable as a protected harbor for boats. Additional roads, picnic, camping and sanitary facilities should be constructed. A road should be built across Bureau of Reclamation land providing access to the lake at the north end of the Silos area. A road should be built connecting the Silos with the White Earth recreational area approximately six miles to the north.

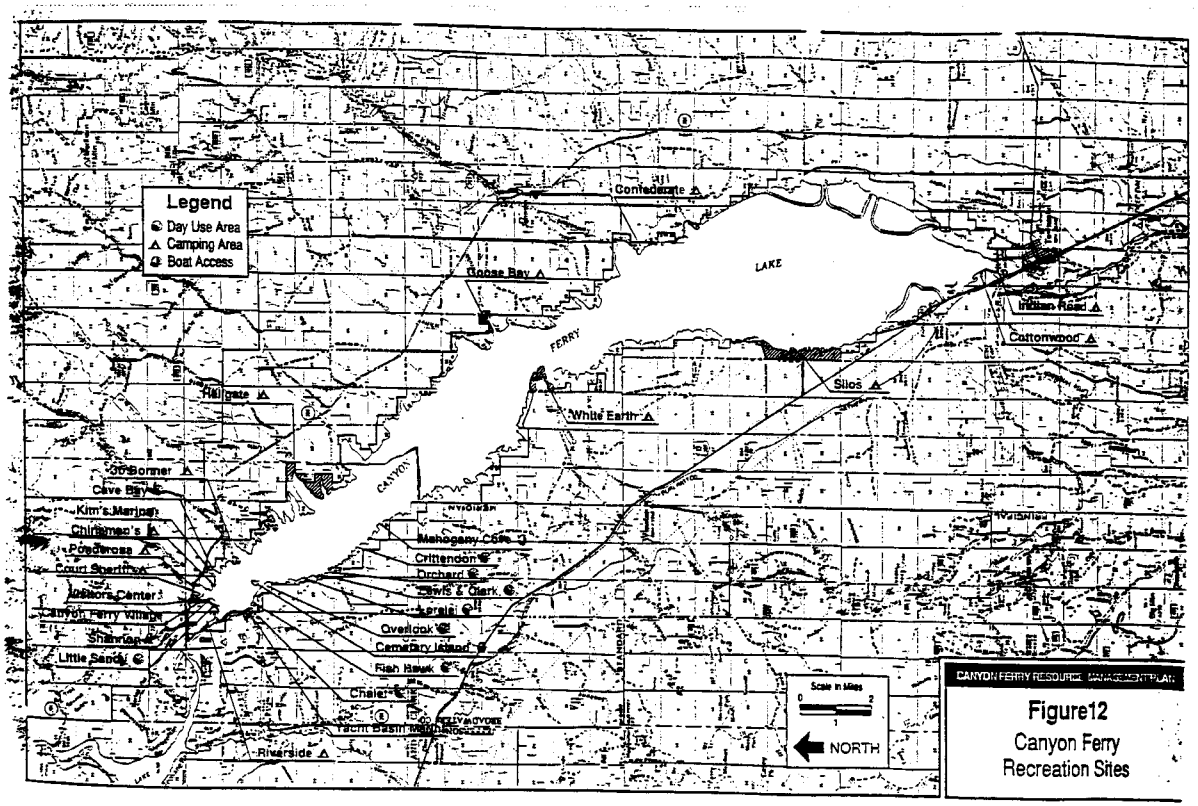
The expansion and improvement of these facilities would have a direct and immediate impact on county businesses—the grocery stores, gas stations, boat dealers, hardware stores that make up the retail economy in the county and a resulting positive impact on taxpayers. These improvements would cater to both resident and non-resident without creating adverse impacts on existing infrastructures such as local schools. These improvements would do what has not previously been done—they would help to mitigate the adverse economic impact caused by the loss of those 36 family farms.

This legislation is a one time opportunity to do positive things for a community adversely impacted by government action.

Unlike the Wildlife Federation, we are willing to compromise. We are willing to commit community resources to matching government funds. We are willing to share the proceeds of the cabin site sales with the federation and help accomplish

both their goal and ours. We are not willing to watch this opportunity to slip away as have so many opportunities in the past.

We propose that a substantial portion of the proceeds from the sale of these cabin sites be committed to the construction and expansion of improvements to the recreational facilities located in the Broadwater County portion of Canyon Ferry and that any board or entity created to oversee the expenditure of that money include representation by local government representatives or designees.



CANYON FERRY RESOURCE MANAGEMENT PLAN

Figure12
Canyon Ferry
Recreation Sites

STATEMENT OF VIRGIL BINKLEY, ACTING CHAIR PERSON, CANYON BERRY FISHING ASSOCIATION, BROADWATER COUNTY, TOWNSEND, MONTANA

The Canyon Ferry Fishing Association was started a year ago and now has 485 members in Broadwater County and surrounding areas.

Our Membership is aware of the legislation that will allow the sale of public land, home sites, on the North end of Canyon Ferry Lake.

The Canyon Ferry Fishing Association membership is supporting the enabling legislation to allow the sale of this public property.

We also believe that a portion of these funds should be used to provide safe moorages on the South end of Canyon Ferry lake and other development work to provide a place for safe water sports.

The objectives of The Canyon Ferry Fishing Association is to promote fishing and related water sports on Canyon Ferry Lake. The Association also is active working with the local Montana Fish Wild Life and Parks in promoting habitat for both fish and related wildlife.

During summer months boat fishing is the major recreation activity on Canyon Ferry Lake. Safe moorage space is limited and at low pool there are no safe moorages to run for in the event of a sudden severe weather. Violent thunder storms with winds up to 60 miles per hour resulting in waves up three or four feet are not uncommon.

We urge the committee when preparing legislation to allow the sale of home site lots that a major portion of these fund be allocated to improving safe moorage space for water craft and needed work to enhance habitat for fish and other creatures that use lake.

Our membership is pleased that we have been invited to testify at this hearing.

STATEMENT OF JACK SAUTTER, CHAIRPERSON, BROADWATER LAKE AND STREAM COMMITTEE, TOWNSEND, MONTANA

The Broadwater Lake and Stream Committee is a group of citizens who work with the Montana Fish Wildlife and Parks to improve trout spawning habitat in streams that feed into the Canyon Ferry Lake complex. During the past 8 years various projects have been partial funded by the Committee through fund raising banquets. These funds are then matched by the Montana Fish Wildlife and Parks. These projects are now providing natural spawning habitat for all trout species in Canyon Ferry Lake.

Our membership is aware of the bill to allow the sale public property for sale as home sites. We are supportive of this legislation. We, however, feel that some of these funds be identified for the enhancement of trout spawning habitat on streams feeding into the lake.

Currently the Committee is working on developing a youth and handicap fishing area near the Indian Creek camping area. Funds from the Committee, Montana Fish Wildlife and Parks will be used for the development. However, additional funds will move this project forward with a much shorter completion period.

The Committee believes that a portion of the funds from the sale of public land on the North end of Canyon Ferry should remain on the lake to provide a safe boating environment and enhance the natural spawning in streams feeding Canyon Ferry Lake.

STATEMENT OF VIRGIL BINKLEY, PRESIDENT, BROADWATER ROD & GUN CLUB, TOWNSEND, MONTANA

Our membership is pleased that we have been invited to testify at this hearing.

The Broadwater Rod and Gun Club was started in 1902 and has been an advocate of wise use of the Natural Resources in Broadwater County.

The Club has ninety active members. The membership has been active in developing safe shooting ranges and works with the Montana Fish Wildlife and Parks department on various habitat enhancement for both fish and wildlife. The club also provides the instructor and facilities for hunter education courses.

The membership of the Broadwater Rod and Gun Club is aware bill that will allow the sale of public land in the North end of Canyon Ferry Lake. Our membership is supporting this legislation.

We believe that a portion of these funds be allocated for the development of facilities on Canyon Ferry Lake.

Currently there are no safe haven moorage places on Canyon Ferry Lake South of Goose Bay. During the summer boating season sudden and sever storms move

across the lake with winds up to 60 miles per hour and waves up to three feet or more. When these storms occur fishermen and other pleasure boaters are at the mercy of the weather on the South end of the lake. At low water there no sheltered mooring places.

There is a desperate need for four moorages on the West side of the lake and three on the East side of the South end of Canyon Ferry Lake.

The moorage development work could be accomplished in several phases.

We urge the committee to include in the writing of this bill that a major portion of these funds be used to improve water an other recreation areas on Canyon Ferry Lake with a significant amount to the South end to improve boat moorage.

STATEMENT OF BOB ROBINSON, CANYON FERRY RECREATION ASSOCIATION

Mr. Chairman, my name is Bob Robinson. I am appearing here today on behalf of the Canyon Ferry Recreation Association (CFRA), a membership organization of cabin site permitees at Canyon Ferry Reservoir near Helena, Montana. I am the volunteer chair of CFRA's Cabin Site Acquisition Subcommittee. I am accompanied today by Mark Etchart.

I would like to begin my testimony by thanking Congressman Hill for his diligent efforts on H.R. 3963. Almost one year ago today, I met with Congressman Hill in his Helena office for two purposes: first, to outline the problems that the cabin site lessees were experiencing at Canyon Ferry, and second, to offer a proposed solution to our problems—a solution that would create some significant opportunities for the public. While I plan to devote most of my testimony to the what might be called the "cabin site purchase solution," suffice it to say Congressman Hill listened patiently to our initial presentation, and when we finished, his response was reassuring. He told us that he was committed to working with us to solve our problems. He also reassured us that Montana's Congressional Delegation would put their collective minds together to fashion a common solution to meet public needs.

Congressman Hill has worked hard since our initial meeting to master the facts at Canyon Ferry. Two months ago, he introduced H.R. 3963. In this bill, Congressman Hill seeks to address the cabin owners' problems by allowing us to purchase our cabin sites. Congressman Hill believes that he has only half a bill with H.R. 3963 in its current form. He chose, initially, not to include in his introduced bill a detailed procedure for distributing the public benefits that would be generated by the private funds from the sale of the cabin sites. Rather, he has used these past two months to collect additional public comment on how those benefits might best be distributed. Thus, we are participating today in a hearing to examine, among other things, whether Congressman Hill's bill, H.R. 3963, might be expanded to meet the test of the common solution he talked with us about last year. Congressman Hill has told us that it is the responsibility of Congress to make sure that proposed legislative solutions meet the test of the public good; that is, to determine whether his proposal provides to the public the greatest good to the greatest number. In that regard, CFRA has chosen not to play a leadership role in suggesting how the proposed sale proceeds be spent. Later in this testimony, I will say more about these public benefits that can be purchased with the sale proceeds. However, I believe we can be of far greater assistance to this deliberative process by telling you why we believe it is a good idea to enact legislation authorizing sale of the cabin sites. This matter is addressed in part in the "findings" provisions of H.R. 3963 (Section 1).

S. 1913 is a companion measure to H.R. 3963 that is pending in the Senate. S. 1913 is cosponsored by the other two members of the Montana congressional delegation. S. 1913 is a somewhat longer bill than H.R. 3963, because the Senate bill proposes, in a detailed way, how to distribute the private funds raised by the exchange of Federal land. I am submitting for the Subcommittee's hearing record a side-by-side comparison of the two bills. As noted earlier, I am concentrating my testimony today on the threshold policy question of why Congress should enact legislation authorizing the sale of the Canyon Ferry cabin sites. The procedure for the sale, which appears in Section 4 of both bills, is drafted quite similarly, and either would be acceptable to CFRA, although we prefer the language of H.R. 3963 on this particular matter. In either case, they both propose rigorous procedures to govern the sale of the cabin sites at Canyon Ferry Reservoir.

I would also emphasize to the Subcommittee that when Congressman Hill submitted his own testimony on S. 1913 last month, he observed that:

> The Montana Congressional Delegation has *agreed on the value* of selling 265 leases on Canyon Ferry. This sale would allow current householders the oppor-

tunity for permanent ownership, while paying fair market value to the benefit of the taxpayer.

(Emphasis added.) It is true that there is *common agreement* on the value of selling the land. And CFRA contends that this common agreement is far broader than that which exists today within the Montana Congressional Delegation. Wide support exists within Montana for this common agreement from a broad range of public opinion, including positive editorial comment, as well as favorable comments from top public officials, including Montana's Governor, who I believe may be submitting his own testimony in support of the value of selling Canyon Ferry's 265 leaseholds.

My testimony today is pretty straightforward. I have tried to be factual and balanced. My remarks are based in large measure upon the experience of a family that has held a permit at Canyon Ferry for nearly four decades. The Robinsons are part of a recreational community at Canyon Ferry lake. We are a community of 265 lessees, who all have kids and grandkids and great grandkids, and who all know each other. Many of us go to a church we built near the lake, and all of us shop at the same little stores. Nearly all of us engage regularly in common recreational activities at the lake. In short, we really *are* a community.

I want to comment briefly about the cabin site lessees. We are not a group of wealthy individuals or out-of-state owners, like you see at Flathead Lake or Seeley Lake or at Whitefish Lake. Cabin owners at Canyon Ferry are people who hale primarily from neighboring towns: Helena, Butte, Boulder, Bozeman, White Sulphur Springs, some of us even come from as far away as Billings and Missoula, but primarily from southwestern Montana. We are teachers, smelter workers, craftsmen, dentists, telephone company employees, lawyers, government workers and social security retirees. We are people who are not considered wealthy, even here in Montana. We are people who have raised their kids here, and we are people who pay taxes out there, in addition to paying taxes to our wintertime communities, as well.

The permitees are not just 265 individuals. Let me use my family as a brief example. My mother and father had seven kids. We all use that cabin. We're all married, we've all got a bunch more kids. And this summer, we'll have had the fourth generation of Robinsons at our cabin. Those kind of congregations are happening today all the way up and down the Northern end of Canyon Ferry Reservoir. Those are not just happening on Cabin Site 8, which is where we live. You can go up and down the shoreline and find dozens and dozens of families whose grandparents and parents and brothers and sisters and kids are now using those sites.

The other thing that happens at Canyon Ferry is that those sites become a magnet for a whole bunch of other people in the community who aren't lessees: friends, office picnics, retirement parties, graduation celebrations, weddings, christenings, etc. Our cabins are a recreation resource in and of themselves.

We are facing a serious problem, which I will describe more fully in a moment. But we think we have a solution, and we believe that some extraordinary benefits could be generated with the adoption of our proposed solution. There can be winners and no losers with this legislation. For thirty years, CFRA has been working to resolve the problems addressed by H.R. 3963. In the past, every time we proposed a solution, we learn about some "loss" that might result from our proposal. In those cases, the process was stymied and stopped. However, that's history. Now, with H.R. 3963 and S. 1913, we believe that there aren't losers; only gainers on all sides.

I want to really make it clear that this bill is desperately needed by these 265 permitees and their families, and equally important, this legislation is needed by many, many other people in southwestern Montana who rely on the natural resources around Canyon Ferry Lake. Some of these people have been dealing with this issue since 1968. The first record that we were able to discover is that CFRA was in touch with Senator Mansfield, trying to address this issue in 1968.

The real driving issue behind this bill is that the Bureau of Reclamation (BOR) has a policy to eliminate the leased cabin sites at Canyon Ferry. One manifestation of that policy in the last 10 to 15 years, is that we have experienced a continuous upward spiral in our lease rates. These increases are pushing people, literally, off their leased land.

Exhibits

In preparing this testimony, CFRA's Cabin Site Acquisition Committee drew upon numerous historical documents that we are now providing to the Committee for the public record. Listed below are the following documents that have been supplied to the Committee staff for inclusion in the hearing the record:

Exhibit A: A masters thesis entitled "Private Use of Public Lands: Canyon Ferry Lake Cabin Lease Sites," by Steven Ray Clark professional paper in partial fulfillment of the requirements for the degree of Masters of Public Administration at Montana State University in Bozeman, Montana, August 1987.

Exhibit B: "Canyon Ferry Lake—Recreation and Conservation Management Reserve," a proposal presented to United States Bureau of Reclamation and Montana Department of Fish, Wildlife & Parks. The proposal was prepared by American Public Land Exchange Company Inc. of Missoula, MT and was presented in May 1985. Attached to the report is a document entitled "Helena Valley Canyon Ferry Land Exchange Background Information," prepared at the request of Canyon Ferry Recreation Users Association by American Public Land Exchange Company Inc., dated September 12, 1984.
Exhibit C: Canyon Ferry State Park "Proposed" Management Plan by the Canyon Ferry Master Advisory Committee, the Montana Department of Fish, Wildlife & Parks, and the U.S. Bureau of Reclamation. 1993.
Exhibit D: United States Department of the Interior Office of Inspector General Final Audit Report on Reclamation Management Activities at selected sites, May 17, 1995.
Exhibit E: List of cabin site owners at Canyon Ferry Reservoir.
Exhibit F: Rock Creek Trust Fund Agreement and related documents.
Exhibit G: Missouri-Madison Rivers Comprehensive Recreation Management Plan and related Revolving Trust Fund documents.
Exhibit H: A side-by-side analysis of H.R. 3963 and S. 1913
Exhibit I: Opportunity Spectrum at Canyon Ferry: Funding, Management, Recreation, Wildlife, Research, produced by CFRA, 1995

Background Facts Regarding Canyon Ferry Legislation

Here is some background information about the Canyon Ferry Reservoir and the 265 cabin sites that are the subject of this legislation. The reservoir is 26 miles long with a shoreline of 76 miles. (Mr. Etchart is pointing to the relatively small portion of the lake devoted to the cabins.) Please note that *none of the 265 cabin site lots contain shoreline*, but all are near the shoreline. The 265 cabin site lots, with a total area of less than 150 acres, sit on land that is adjacent to less than 8.2 percent of the reservoir shoreline or 6.37 miles. All of the cabin lots, which average about one half acre per site, are located at the north end of the reservoir, and *all are situated in Lewis and Clark County*. The sites start about three miles from the dam and extend about three miles on each side, with numerous public facilities developed at the appropriate sites best suited for public use.

Here are a few facts about Broadwater County as they relate to Canyon Ferry. *Roughly 80 percent of the shoreline of Canyon Ferry is in Broadwater County*, but as noted earlier, no cabin site lots are in Broadwater County. The reservoir is shallower at the south end of the lake, which is near Townsend. This fact will be discussed later in my testimony when we get to the subject of environmental impacts. However, I do want to note at this point that the high water level of the reservoir is 3,800 feet, which is the height of the dam's spillway. All cabin sites are above 3,810 feet, and, for comparison, the Broadwater County courthouse steps are reported to be 3,820 feet. Raising the level of the dam would create quite a problem for Townsend, the county seat of Broadwater County.

When the land at the North end of Canyon Ferry was leased to private permit holders (a process that began more than forty years ago), the current 265 lots that are now developed were raw and completely undeveloped land. When BOR began leasing these lots, permit holders legally obligated themselves to build cabins on their lots as a written condition of BOR's permit. Tents or trailers did not satisfy BOR's condition. Instead, the minimum BOR requirement was for the permit holders to build a permanent foundation for a structure of at least 600 square feet.

Many permit holders, who met the conditions of their lease requirements, have continued to improve their properties at their own expense, including drilling wells, installing septic systems, constructing access roads and the like. Further, it is not uncommon to see dozens of trees planted by the permit holders, along with other valuable landscaping and erosion control activities all at their own expense.

History of Canyon Ferry Reservoir

I would like to present to the Committee a brief history of the Canyon Ferry Reservoir. In preparing this history, CFRA relied extensively upon the 1987 thesis of Steven Ray Clark, a BOR employee at the Canyon Ferry project. Mr. Clark prepared this thesis for a Masters Degree in Public Administration from Montana State University. He is still working for the BOR.

Canyon Ferry Lake was formed when Canyon Ferry Dam was completed in 1954 as a part of the Pick-Sloan Missouri Basin Program. Recreation homesite leases at Canyon Ferry were first issued in 1958 as a result of a direct promotion by BOR. The BOR supplied to the Montana Highway Commission drafts of recommended lease agreements, boat permits and licenses for docks. The State of Montana issued

these permits pursuant to a state-Federal management agreement. Newspaper articles at the time noted that, prior to the identification of potential cabin sites, BOR first reserved the preferred public recreation sites around the Reservoir's shoreline. According to Mr. Clark's thesis, an important reason for leasing summer home sites was the "multi-purpose authorization of the Canyon Ferry project and other BOR projects built at that time." Clark then observed:

> What better way to demonstrate the multi-purpose implementation and development than to lease 265 cabin or summer home sites and rapidly develop their recreational aspects of the multi-purpose authorization?

The first of what would become 265 leased sites were authorized by lottery. And they were not all leased at once. My recollection is that, initially, there were two or three lottery cycles. And the requirement in the Federal lease, was that if somebody received a cabin site by lottery, they had two years in which to build a permanent structure on that site. The policy was established so that it could be reported to Congress that BOR had established the multipurpose use of the reservoir.

Initial leases for the cabin sites were for a period of ten years with an option to extend for an additional ten years. A practice began to occur where the ten year renewals were provided on a virtually automatic basis. Additionally, improvements were allowed to be sold by lessees to different persons, and new leases were drawn up to begin a new ten year lease term for cabin owners.

According to Mr. Clark's thesis, the following changes have evolved in BOR's leasing policy:

> The leasing policy in the Department of the Interior for private use of recreational lands has vacillated during the past thirty years. The policy has gone from one of open encouragement, to open discouragement, to *status-quo,* to support of a phase-out.

These precipitous changes in policy by the Federal Government, which continue to this day, have prompted CFRA members to seek ownership of their leased properties. According to Mr. Clark, the Canyon Ferry Recreation Association first asked the Montana Congressional Delegation more than thirty years ago for authorization to purchase the land upon which their cabins are located.

What has happened since the mid-1960's, then, is that the Federal cabin site policy has vacillated. It's gone from one of overt and open promotion of cabin sites, to discouragement of cabin sites, to kind of leaving the cabin sites alone for a while, when it was managed by the Department of Fish, Wildlife and Parks, and now, to a proposed phase-out. I would refer the Subcommittee to the Inspector General (IG) Report dated May of 1995—which we submitted for the record—on pages 10 and 11, where the IG refers specifically to why hasn't BOR activated its plan to phase out cabin sites. The IG concluded that BOR staff didn't activate their plan, because they could not prove that the sites were needed for public use.

None of the cabin sites at Canyon Ferry have lakeshore. (Mr. Etchart is pointing to a BOR map of the North end of Canyon Ferry Lake. The cabin sites are in purple. The shoreline and related public open space is in green.) To repeat, while all of the cabin site permitees have lakeshore access, *we don't have lakeshore.* Most of the lessees property lines are at least ten vertical feet above high water level at the lake, which pushes us back quite a bit from the shoreline. Thus, if our cabin sites are purchased, the lakeshore and the related recreational opportunities from the lakeshore will not be lost to the public. Indeed, with the sale, not only will there be no loss of the current recreation opportunities, likely there will be new recreation opportunities generated from the sale proceeds.

We have referred to this legislation as a proposed land exchange. Actually, it's not quite that, since the permitees don't have land to transfer. In reality, it will be an exchange of money, as much as $20 million, that would be available for public benefit. In times of tight Federal money, this legislation creates new public use dollars that can provide significant opportunities for recreation and habitat enhancement in the area. In short, we believe that the purchase of the sites will eliminate contentiousness with BOR, *and* give the public a whole lot of other benefits.

It is also important to recognize that the first three miles from the dam back to the first cabin sites is public land, and lots of public recreational opportunities occur there. Interspersed within the cabin sites, as you can see on both sides of the lake, prime land was earmarked for public recreation sites. And those parks do exist, and they are used by the public. There are much fewer developed recreation areas on the south end of the lake. The bottom line for this legislation is that the sale of the lots will not reduce the current recreation opportunities for the public. To the contrary, depending upon how the sale proceeds are used, CFRA believes that there will be many new recreation opportunities that will result from the sale.

It should also be noted that most of the adverse impact from the dam occurred to the original landowners, to the riparian habitat, and to the county governments in terms of lost tax base. Now, if the sale is permitted, Lewis and Clark County would receive increased tax base. East Helena schools and the Helena high schools benefit from such increased valuation. For Broadwater County, the benefits are less clear, but I expect that matter will be covered in detail by the testimony of the witness from Broadwater County.

In addition to the problems faced by the cabin owners, there have been a variety of other problems confronted by the public at Canyon Ferry. From the 1950's to the early 1980's, considerable dust was generated at the south end of the reservoir particularly, when the lake reached low levels. This dust caused considerable problems for Townsend area residents. In response, BOR spent roughly $14 million to abate the dust by retaining more water at the southern end of the lake and providing more habitat for wildlife.

The dust abatement project is noteworthy, because the original design of the dam and the resulting reservoir ignored the negative impacts on wildlife and the environment. This was so, because Federal environmental laws did not then require any assessment of the environmental impact of federally financed projects, such as Canyon Ferry Dam. Further, the primary purpose of the Canyon Ferry project was to generate electricity, improve irrigation and provide flood control. While recreation was later described by BOR as one of the multiple purposes of the project, it was then a relatively minor purpose.

Beginning in May 1958, once permits were issued to private parties, who agreed to build cabins on BOR lands, certain additional requirements were established. First, it was required that a permit fee be paid each year for the lease. Further, the cabin owners were required to provide unobstructed public access to the lake. Over the years, because of changes in BOR policy, there have been numerous modifications in the lease documents. Cabin site leases have become increasingly restrictive and for shorter terms. Initially, these leases were for ten year periods with ten year renewal periods. In 1994, new leases were issued for ten years with the potential for two, five-year renewals. The associated rent payments charged for the leases increased on an accelerated basis due to a combination of factors, including a change in BOR policy, and the recognition of increased values of the underlying land where the lease holders had built their cabins. The current leases for the cabin site properties expire in 2004, but they may be renewed for up to two consecutive five-year terms, or until the year 2014.

It should also be noted that, while the lease holders do not pay property tax on the land (since that land is owned by BOR), they *do* pay state and local property taxes for the value of all their improvements. Additionally, BOR pays to Lewis and Clark and Broadwater Counties payments in lieu of taxes.

ZMost of the cabins on the leased sites can only be used in the summer, as they lack heat and insulation needed to protect against colder weather. Most lessees are not inclined to make substantial improvements due to the potential termination of their leases, including the requirement that the lessee must remove all improvements upon termination. However, private land ownership should generate substantial capital improvements, thereby increasing associated property tax revenue, which is yet another public benefit.

Further, it should be noted that CFRA and its members have been working with Lewis and Clark County in recent years to insure that waste water disposal systems (i.e. septic tanks and/or holding tanks) are in place and in conformance with applicable environmental requirements.

CFRA and BOR

CFRA's dealings with BOR over the years have generally been amicable and productive. While disputes have arisen in a few instances, much of that controversy has been associated with the increased annual lease payments for the permits for the 265 leased properties. Some of the cabin owners have experienced as much as eightfold increases in their annual lease payments over the past ten years. Such increases have caused CFRA to dispute BOR on the valuation of the underlying properties. Fortunately, the most recent dispute on the BOR's appraisal procedure was recently settled by CFRA and BOR. The new settlement procedure comes at a propitious time for several reasons. First, it may provide a basis for determining the fair market value of the cabin site lots to be transferred under this legislation. Second, the settlement minimizes the uncertainty that might otherwise constrain the transfer of lands associated with disputed property values. The phasing-out of leased land has greatly concerned the leaseholders and threatens their investment, work, time and memories that have been built up over almost four generations for many leaseholders.

A Brief Analysis of H.R. 3963

In its simplest form, H.R. 3963 authorizes the Department of the Interior to sell all of the cabin sites, as a group, to the highest bidder under a sealed bid process. The legislation also requires the successful bid to equal or exceed the appraised fair market value of the 265 lots combined. In the event that CFRA bids on the sites, and its bid is exceeded by another bidder, CFRA has the right to match the highest bid. Whoever the high bidder is, it must sell the specific site at market value to the then permitter, assuming the permitter elects to purchase its lot. If the permittee does not want to buy the land on which their cabin sits, the permitter can continue to lease the cabin site for a period not to exceed the current terms allowed under it's permit with BOR. In the event that the cabin owner chooses not to buy their lot, and doesn't want to keep leasing, the high bidder must buy the cabin improvements at a market value price set by appraisal.

CFRA is generally pleased with the current form of this bill. Our association has carefully avoided taking positions on exactly how the proceeds of the transfer are to be used, except we believe that much of the public benefits to be generated by the exchange should stay within the Canyon Ferry/Missouri River area. Further, we are seeking to avoid any appearance that these monies would be used in any way to benefit the cabin owners directly.

CFRA has worked closely with the county commissioners of the two counties encompassing the Reservoir, as well as the local and statewide wildlife organizations. Broadwater County contains approximately 80 percent of the shoreline of Canyon Ferry Reservoir, and Lewis and Clark County contains the balance. While all the cabins are located in Lewis and Clark County, CFRA is concerned that the proceeds of the sale generated by the transfer of the cabin-site lots should in some way provide benefit to the residents of Broadwater County who have arguably not received from BOR as many financial and recreational benefits from the lake as have Lewis and Clark County residents. Likewise, we also think that a substantial share of the proceeds should be allocated to enhance recreational opportunities and habitat protection and access in the Canyon Ferry/Missouri River drainage.

There are scheduled to be witnesses at this hearing representing various wildlife, hunting and fishing organizations. No doubt those witnesses will provide a full and compelling explanation of the various benefits that will occur to wildlife and fish habitat and associated recreational access and activities.

The experience of CFRA over the past four decades in working on the problems associated with leased lands at Canyon Ferry suggest to us that perceptions of public benefit are as varied as the members of the public who express their views about public needs and benefits. More than three years ago, CFRA produced a concept paper, entitled "Opportunity Spectrum," which was submitted to this Subcommittee as Exhibit H. Our paper identified a wide range of public opportunities that could be created with funds generated from the sale of the 265 cabin sites. Nearly twenty types of possible public benefits were identified.

As I reflected on those opportunities while preparing this testimony, I was reminded of a statement recently communicated to CFRA by the President of the Montana Wildlife Federation (MWF), who said:

> Canyon Ferry public lands have lost historic public wildlife value as a result of habitat alterations and destruction. . . . If those lands are to be permanently taken out of the public domain, then we believe that they must be replaced by lands that aim to provide the public with wildlife and recreational opportunities that once existed.

We generally agree with the theme of the MWF statement, but we would also observe that the distribution of public benefits is best accomplished by representative legislative bodies, such as Congress. These bodies follow proven procedures for involving the public at all levels. Further, if experience is any guide, additional changes will likely be made to this legislation, as it advances through the legislative process. We hope that all parties now supporting this important legislation will continue to be able to support it.

In times of limited public budgets, it is a welcome sight to see another important source of funding that will allow greater public benefits to be bestowed. We at CFRA hope that we are given the opportunity to provide that funding through legislation.

Thank you, Mr. Chairman, for giving us the opportunity to present this testimony and we look forward to answering any questions you might have about the proposal from the standpoint of the 265 site owners at Canyon Ferry.

STATEMENT OF DARRELL KNUFFKE, VICE PRESIDENT, REGIONAL CONSERVATION, THE WILDERNESS SOCIETY ON BEHALF OF THE WILDERNESS SOCIETY, NATURAL RESOURCES DEFENSE COUNCIL, THE ENDANGERED HABITATS LEAGUE, AND THE SIERRA CLUB

Mr. Chairman and Members of the Subcommittee, I am Darrell Knuffke, Vice President of Regional Conservation for The Wilderness Society. My prepared remarks today represent the views of the Natural Resources Defense Council, the Endangered Habitats League, and the Sierra Club, as well as The Wilderness Society. We appreciate the opportunity to provide this Committee with our views on the need for protecting Otay Mountain and on H.R. 3950, The Otay Mountains Wilderness Act of 1998.

Otay Mountain, rising three thousand feet above the surrounding mesa, is a unique range in southwestern California only minutes away from downtown San Diego. Not only does it provide the people of the region exceptional vistas, it also provides essential habitat for an incredible array of plant species.

Otay Mountain deserves and needs the strong protection for its many and diverse natural and scenic values that Congressional designation as wilderness under the terms of The Wilderness Act of 1964 would provide. Because we support true wilderness protection for Otay Mountain, we oppose H.R. 3950 and specifically its section 6(b). Section 6(b) essentially removes the assurances of wilderness protection suggested by the legislation's title by exempting Federal, state, and local agencies from the requirements of the Wilderness Act while they are conducting activities related to border and fire control. Control of the border and wildfires in this area is essential and we support providing the responsible agencies with what they need to do their jobs. However, it is our understanding that the Border Patrol, the California Department of Forestry (CDF), and the Bureau of Land Management (BLM) all believe that recent changes to road access on Otay Mountain will allow them to fulfill their missions within the confines of the Wilderness Act.

Based on our conversations with the Border Patrol and others, it is our position that no special wilderness management language is necessary or appropriate to address border related issues on the Otay Mountain. If Congress intends to pass H.R. 3950 and designate the Otay Mountain area as wilderness, Section 6(b) of this bill must be deleted.

In addition to being inconsistent with the difficult and successful changes made in road access in the Otay Mountain area over the last two years, Section 6(b) also ignores the recent effort undertaken by a number of parties, including those represented by this testimony, Congressman Bilbray's staff, and the San Diego Association of Governments to work cooperatively to develop legislation that would reflect the success of the earlier management actions to protect this unique area while providing for the needs of the Border Patrol and CDF.

If Congress determines that the Otay Mountain area cannot receive additional Congressionally mandated protection without the inclusion of "special management language" to address border and related issues, then we must encourage you to consider other protective—non-wilderness—options for this unique area.

BACKGROUND

Otay Mountain possesses an extraordinary diversity of plant species, many unique to this mountain range. Deeply dissected by numerous ephemeral streams, the range is dominated by narrow canyons, making it extremely rugged terrain. Due to the unique intermixture of desert and coastal influences, this area is an outstanding botanical site, and is internationally renowned for its diversity of unique plant species. It is listed in the Directory of Federal Natural Areas as supporting at least 15 plant species which are candidates for Federal listing, including the world's largest stand of Tecate cypress, a species found only in small, isolated populations in California and Mexico. The area also contains several unusual vegetative associations, including true chaparral, coastal sage scrub, and oak woodlands.

Because of the area's special values, it was designated as the Otay National Cooperative Land and Wildlife Management Area in 1962. In 1980, with the strong support of the public, including the San Diego County Board of Supervisors, BLM recognized this unusual habitat and its outstanding miles-long vistas of Mexico along the Tijuana River and into the mountainous spine of northern Baja by designating two Wilderness Study Areas in the area. A portion of the mountain was designated an Area of Critical Environmental Concern to protect the only known population of the Mexican flannel bush, pristine stands of riparian woodlands, and the Tecate Cypress stands. More recently, local governments in the San Diego area and state and Federal agencies have identified Otay Mountain as an essential part of the Multiple Species Conservation Program, a comprehensive plan to protect sensitive plant and

animal species in an interconnected habitat preserve in a manner that reduces constraints to the region's development.

We fully recognize the important and dangerous job that the Border Patrol and CDF are doing on the Otay Mountain to protect our country's border and to fight wildfires, respectively. We respect the needs of the Border Patrol to have the tools and resources to carry out the immigration and drug interdiction activities the agency has been assigned. The same is true of CDF and its job. However, based on meetings and discussions with the Border Patrol and CDF agents working on Otay Mountain, and numerous discussions with the BLM, we believe these agencies can fulfill their obligations in a manner that is consistent with management of Otay Mountain as wilderness. To understand this, we must review what has happened over the past several years in the Otay area.

Historically, Otay Mountain's rugged landscape served as a significant deterrent to illegal border crossing. Almost four years ago, when Operation Gatekeeper beefed up border operations near San Diego and began to stifle illegal immigration along the border between the coast and Otay Mountain, traffic of illegal immigrants dramatically increased over the mountain. As thousands of aliens attempted to use Otay Mountain as passage into the United States, hundred of wildfires, most due to campfires, were started. At the peak, 350 wildfires burnt over some 23,000 acres in one year. Additionally the steep and rugged terrain of Otay made the crossing exceptionally dangerous for the individuals who were attempting the crossing. In the summer of 1996, San Diego County declared a state of emergency because of the threats to human life from the intensity of illegal immigrant traffic and wildfires on Otay Mountain. At that point, the BLM developed a plan to provide the Border Patrol and CDF the vehicle access they needed across the mountain range and down to the actual border while protecting most of the mountain's biological resources.

Two jeep roads have crisscrossed the center of the mountain range for decades, but their degraded condition and the lack of road access to the border itself made interdiction and fire fighting activities very difficult, at best. By upgrading the two existing routes and constructing new roads along the eastern and western edges of Otay Mountain, the BLM provided the Border Patrol and CDF the access they needed to accomplish their missions.

Although the new road segments were created within the existing wilderness study areas, our organizations participated in the planning for and did not object to their construction, given the significant health and safety issues at the time, the need to protect the border, and the importance of decreasing the frequency of wildfire for protection of the area's rare plants.

The new road access along the east and west boundaries of the area essentially moved the interdiction effort down to the border itself. This solution was developed by the BLM in consultation with the Border Patrol and CDF to control the border, prevent destructive fires, and protect the botanical values of the Otay Mountains Wilderness Study Area. The action plan provided for these needs in a context of wilderness management. By all accounts the plan was a success.

As a follow-up to this effort, several staff members from the organizations I am representing today recently visited Otay Mountain on a BLM-sponsored tour and met with the Border Patrol and CDF to see how the new system of roads and access points was working.

The success of this project and the comfort of both Border Patrol and CDF field managers with the existing situation was relayed to our organizations, Congressman Bilbray's staff and the BLM at a May 9th meeting at the Border Patrol's Brown's Field offices. At that meeting, the Border Patrol and CDF assured us that the actions taken by the BLM on Otay Mountain had allowed their staffs to effectively accomplish their missions. Officials of both agencies indicated that fires and attempts to cross the border had decreased significantly as the result of the new system of roads and access points. When asked if any additional access or other facilities would be needed in the Otay Mountains, the reply from both agencies was that they had everything they needed.

A May 20, 1998 letter from BLM State Director Hastey to Congressman Bilbray confirmed this. In his letter, Mr. Hastey detailed the position of both the Border Patrol and CDF:

> (1) Since *the Border Patrol states it has adequate existing access outside the recommended Wilderness Area boundaries to protect this area and enforce Federal law*, the only question regarding wilderness designation that we can foresee would be the placement of new and maintenance of existing electronic sensors used to detect presence of illegal immigrants entering the area. According to our BLM Manual, additional sensors (considered to be "other agency facilities") can be authorized if they "are essential for meeting the minimum requirements for

administration of the area as wilderness." Therefore, if the Border Patrol and BLM determine additional sensors beyond those already in place are necessary, we could authorize placement of such sensors after an environmental analysis is completed. As for existing sensors, the Border Patrol currently maintains those as necessary without motorized vehicle access and the same procedure would apply under wilderness management.

(2) Obviously, fire danger is a significant management issue on Otay Mountain. Again, *CDF has stated that the existing access on Otay Mountain is adequate for its fire protection needs* and as long as those cherrystemmed access routes are maintained, they do not see further need for construction of any additional fire roads within the area to be designated wilderness. BLM's Wilderness Manual states that "all fires must be controlled to prevent loss of human life or property within Wilderness Areas, or to prevent the spread of fire to areas outside the wilderness where life, resources or property may be threatened." Therefore, while no one can predict the extent of a fire emergency on Otay Mountain, we believe the legislative authority and Manual guidance give BLM and CDF the ability to make on-the-ground fire decisions during emergencies to protect life and property, as well the wilderness resources. (emphasis added).

In sum, the Border Patrol, CDF, the BLM and we all believe that, given the recent changes in road access on Otay Mountain, each of these agencies can fulfill their respective missions within the confines of the Wilderness Act.

CONCLUSIONS:

Our organizations strongly support permanent protection of Otay Mountain and its many and diverse natural values. If Section 6(b) is deleted from H.R. 3950, we could support this legislation and its designation of Otay as wilderness. If, however, Congress determines that the Otay Mountain area cannot be granted additional Congressionally mandated protection without the inclusion of "special management language" to address border and related issues, then we must encourage you to consider other protective—non-wilderness—options for this unique area. Thank you for the opportunity to testify today.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
California State Office
2135 Butano Drive
Sacramento, California 95825-0451

1750
CA-912

Rep. Brian Bilbray
49th Congressional District
1530 Longworth HOB
Washington, D.C. 20515

MAY 20 1999

Dear Rep. Bilbray:

In response to your inquiry regarding current management of Otay Mountain and how that management would be different if the area were designated wilderness by Congress, we have consulted the statute (Wilderness Act, PL 88-577), BLM's 43 CFR 8560 regulations, and the 8560 BLM Manual and have the following information to offer.

Otay Mountain has been recognized by BLM for its unique ecological values as far back as 1962 when the Secretary designated it a National Cooperative Land and Wildlife Management Area, including a cooperative management agreement with the California Department of Fish and Game. Further, in 1980, BLM determined that the area met the required criteria for wilderness study and designated the Western and Southern Otay Mountain Wilderness Study Areas. After intensive public review, BLM recommended a large portion of these WSAs to Congress as wilderness in 1991. Therefore, BLM has been protectively managing Otay Mountain for more than 30 years.

To your question about how management of the area would change if it became part of the National Wilderness Preservation System, the Wilderness Act basically prohibits commercial uses, permanent roads, temporary roads, motor vehicle use, motorized equipment, landing of aircraft, mechanical transport, structures, and installations. Except for commercial uses and permanent roads, the Act provides that the administering agency (BLM) may permit the other prohibited uses, if they are "necessary to meet the minimum requirements for the administration of the area for the purpose of the Act." Such measures include actions required in emergencies involving the health and safety of persons within the area. Further, Section 4(d)(1) of the Act provides that the administering agency may take such measures as "may be necessary in the control of fire...subject to such conditions...as the Secretary deems desirable."

First, as you are aware, the current roads and most of the helispots that exist on Otay Mountain lie outside of the recommended wilderness boundary. These facilities, therefore, are "cherrystemmed" or lie on non-Federal lands and are not subject to the prescriptions or prohibitions of the Wilderness Act cited above. I cannot envision the need for construction of any further roads or helispots in the proposed Wilderness Area given the geography and the prescence of the already existing facilities. The California Department of Forestry and Fire Protection (CDF) and the Border Patrol in the May 11, 1998 briefing with your staff and others agreed with that assessment.

The helispots that lie within the recommended wilderness boundary, they would be subject to the Act's prescriptions, pending development of a detailed Wilderness Management Plan by BLM. Until development of the plan, the existing policy relating to use of those five helispots would be that they could be used for landing helicopters in emergency situations only as authorized by the State Director, and as necessary to meet the minimum requirements for BLM to administer the area. As this applies to Otay Mountain, we would envision landing of Border Patrol or CDF helicopters only upon my authorization and when such activities are determined to be the minimum necessary to protect human life and safety. While I would have the authority to land BLM aircraft for administrative purposes after an environmental analysis, I do not envision exercising such authority for non-emergency purposes given the geography of this area.

Beyond landing of aircraft for emergency purposes, we can envision only two other law enforcement or fire management needs that are likely to arise on Otay Mountain:

1) Since the Border Patrol states it has adequate existing access outside the recommended Wilderness Area boundaries to protect this area and enforce Federal law, the only question regarding wilderness designation that we can foresee would be the placement of new and maintenance of existing electronic sensors used to detect presence of illegal immigrants entering the area. According to our BLM Manual, additional sensors (considered to be "other agency facilities") can be authorized if they "are essential for meeting the minimum requirements for administration of the area as Wilderness." Therefore, if the Border Patrol and BLM determine additional sensors beyond those already in place are necessary, we could authorize placement of such sensors after an environmental analysis is completed. As for existing sensors, the Border Patrol currently maintains those as necessary without motorized vehicle access and the same procedure would apply under wilderness management.

2) Obviously, fire danger is a significant management issue on Otay Mountain. Again, CDF has stated that the existing access on Otay Mountain is adequate for its fire protection needs and as long as those cherrystemmed access routes are maintained, they do not see further need for construction of any additional fire roads within the area to be designated wilderness. BLM's Wilderness Manual states that "all fires must be controlled to prevent loss of human life or property within Wilderness Areas, or to prevent the spread of fire to areas outside the wilderness where life, resources or property may be threatened." Therefore, while no one can predict the extent of a fire emergency on Otay Mountain, we believe the legislative authority and Manual guidance give BLM and CDF the ability to make on-the-ground fire decisions during emergencies to protect life and property, as well the wilderness resources.

The only other issue regarding fire management that has been raised is the use of prescribed fire in Wilderness Areas. BLM's Manual states that use of prescribed fires is allowed "only in conformity with an approved fire management plan." In designated wilderness this would be restricted to situations where fire would be determined necessary to maintain the area's natural ecological balance. Examples would include helping to restore habitat for a threatened and endangered species.

You also inquired about the apparent private land inholding in the northwest part of the WSA. The property has been acquired recently by the Wildlife Conservation Board of the State of California on behalf of Fish and Game, with the agreed upon plan to eventually have BLM acquire the property from the State as soon as Land and Water Conservation Funds are available. Therefore, we have no private inholdings within the proposed Wilderness Area.

Finally, while we have described, at your request, basic BLM wilderness policy, it is important to note that ultimate decisions regarding management of a particular Wilderness Area are determined through the development of a detailed Wilderness Management Plan, which includes public involvement. The goal of any Wilderness Management Plan is to protect and enhance the Wilderness resources in the context of the specific situation and needs of the individual Wilderness Area. We would envision, given the intense public and other government agency interest in Otay Mountain, that the Wilderness Management Plan for Otay Mountain would be done with a high level of local, statewide, and even national involvement in the cooperative manner that has long been the hallmark of this area.

Sincerely,

State Director

STATEMENT OF DR. BENJAMIN F. PAYTON, PRESIDENT, TUSKEGEE UNIVERSITY

Good morning. Chairman Hansen and Members of the Subcommittee, my name is Benjamin F. Payton. I have the privilege of serving as President of Tuskegee University, an independent state related institution of higher education that focuses on engineering and technical education the agricultural and life sciences, selected biomedical professions, business, and on research and community development. These special program emphases are presented in a framework which highlights the insights and information from the humanities and behavioral sciences as fundamental to life. In addition, Tuskegee University stresses lifelong learning, broad and deep moral and spiritual values, love of country, and concern for the global community. Tuskegee University was founded 117 years ago by Booker T. Washington and is located in southeast Alabama.

In addition to its role as an educational institution, Tuskegee University is also guardian of an important National treasure, the Tuskegee Institute National Historic Site. Tuskegee is the only university campus in the United States designated by Congress as a National Historic Site where the site is administered by the National Park Service. In addition, Tuskegee University is the only historically black college or university (HBCU) to have ever owned, designed, developed, and operated a U.S. Military training facility. It is that facility—Moton Field—and the heroism of the men and women trained there during World War II which are the subject of this testimony and of this legislation.

May I take a moment to thank Congressman Riley, my Congressman, for his leadership in sponsoring this bill and for the immense efforts which he and his staff devoted to bring H.R. 4211 to this stage. Congressman Riley and I requested that the National Park Service prepare a special resource study of how best to interpret and celebrate the role of the Tuskegee Airmen in World War II and their primary flight training at Moton Field. Throughout this process he has been tremendously supportive and a friend to the University. We are indebted to him and we greatly appreciate his efforts. I also thank Congressman Earl Hilliard, who is a co-sponsor of this bill, for being a source of wise counsel, and a champion of interests affecting the broader historically black college and university community.

Additionally, I must acknowledge and profusely thank the staff of the National Park Service of the Department of Interior for their exceptional work in behalf of this legislation. The National Park Service (NPS) evaluated the potential of adding Moton Field to its system and one of its researchers discovered a captivating video documenting the Tuskegee Airmen's accomplishments. At your convenience, I invite you to review, pause and reflect on portions of this stirring historically accurate video that was narrated by former President Ronald Reagan.

Mr. Chairman, a bill to recognize the contributions of the Tuskegee Airmen by establishing the Tuskegee Airmen National Historic Site at Moton Field where this history began, is long overdue. I want to thank you for this opportunity to present this testimony in support of H.R. 4211, a bill to establish the Tuskegee Airmen National Historic Site as a component of the National Park Service System, in association with Tuskegee University. I want you to know that Tuskegee University and all of its constituents enthusiastically support this legislation.

The story of the Tuskegee Airmen and their exemplary record is virtually unknown to the average American. (Of course, Mr. Chairman, I know because of your experience of being a military pilot you are familiar with the Airmen and their combat exploits.) Very few scholarly works are available for the general public to examine the historical impact made by these Airmen. While this story deals with their primary flight training at Moton Field, and their courage in battle during World War II, it also embraces the struggle to end racial discrimination against African Americans in the U.S. military and in the larger American society. Additionally, the story also encompasses the development of Tuskegee Institute (now Tuskegee University) and its persistent efforts to encourage the U.S. Army Air Corps to establish a military pilot training program for African Americans.

The accomplishments and impact of the Tuskegee Airmen are, without a doubt, of significance to this nation. The Tuskegee Airmen are deserving of a unit of the National Park System to provide for their commemoration and to relate their story to present and future generations. This story is well detailed in the 16-page summary of the special resource study and for this reason my remarks will focus primarily on other issues.

Tuskegee Institute (now Tuskegee University) played a strategic role in the training of the Tuskegee Airmen. In the 1940s the pervasive perception within the military and throughout the nation was that white people, simply by virtue of the color of their skin, constituted a superior race and that African Americans were inherently inferior beings who did not possess the intellectual capacity to become success-

ful fighter pilots. These beliefs led to the use of quotas, exclusion, and other more blatant forms of racial discrimination in the military. These beliefs also served as the rationale to deny African Americans positions of leadership and skill in the military and they operated to prevent the training of African Americans as military pilots. The struggle of African Americans to join the Army Air Corps and become combat pilots during World War II played out against this background of officially sanctioned white racism.

After much pressure from civil rights groups and from the African American press, Tuskegee Institute (now Tuskegee University) was selected by the U.S. Military to sponsor the first Military Pilot Training Program in U.S. History for African Americans. Moton Field, which was named for the University's second President, Robert Russa Moton, was selected as the specific primary training site. This field has particular significance in Tuskegee's history because the University's students and faculty assisted an African American contractor in designing and constructing it, and because of its ideal year-round flight conditions. But Moton Field's very existence was the outgrowth of the vision of Tuskegee Institute (Tuskegee University) and the University's willingness to invest financial and human resources in the development of the Field. This made possible an extensive civilian pilot training program (CPT) at Moton Field which moved the Institute (University) to the forefront of such training efforts. Combined with the strong performance of students from Tuskegee's CPT Program, who had better test scores than other candidates in competing training facilities, Tuskegee became the clear choice in competition to host a military pilot training for African Americans.

Consequently, in spite of the prevailing racist beliefs about whether African Americans could become military leaders and pilots, instructors at Moton Field trained nearly 1,000 aviators as America's first African American military pilots. Over the years this operation at Moton Field would include over 10,000 military and civilian African American men and women who served as air traffic controllers, flight instructors, officers, bombardiers, navigators, electrical and communication specialists, medical professionals, cooks, musicians and other personnel. On July 19, 1941, twelve aviation cadets and one student officer, Captain Benjamin O. Davis, Jr., a graduate of the Unites States Military Academy, reported to Tuskegee Institute to begin flight training as the first class of African American candidates in the U.S. Military. In March, 1942, the first class of African American aviation cadets graduated from Tuskegee Army Air Field and became the nation's first black military pilots. The significance of this event should not be underestimated: after years of struggle, African Americans were finally accepted and commissioned as pilots and officers in the United States Army. Captain Davis received his wings and took over the command of the 99th Squadron.

From 1942 to 1943 Army Air Force officials and military leaders, would scrutinize and question the performance and aggressiveness of the Airmen. By 1943 Lt. Col. Benjamin O. Davis, Jr. was called upon by a United States Senate Advisory Committee to respond to questions about the military performance of the 99th Fighter Squadron. However, after scoring a series of victories and the news of their courageous and heroic performance reached the military leaders, the Airmen earned increased combat action and respect. White American bomber crews referred to them as the "Red-tail Angels" because of the identifying paint on their tail assemblies and because of their record of never losing a bomber to enemy fighters while escorting the 15th Air Force on bombing missions over strategic targets. These gallant men flew 15,553 sorties and completed 1,578 missions, destroyed over 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. After a distinguished and meritorious military career, Lt. Col. Davis rose to the rank of Lt. General and he resides here in Washington, DC. Mr. Chairman, I would like to submit for the record a list of the Tuskegee Airmen's victories and their numerous awards.

These veterans are not only to be remembered for their heroic actions, but for using non-violent legal demonstration tactics to desegregate an officer's club in Indiana via the efforts of members of the 447th Bombardment Group. Such nonviolent actions later became the hallmark of the civil rights movement.

Telling the story of the Tuskegee Airmen's accomplishments and commemorating the impact these Americans had on demonstrating the capabilities of African Americans and attacking military segregation warrants being expressed through a form of "living history" as outlined in a study entitled "Moton Field: Tuskegee Airmen Special Resource Study," dated June, 1998. There remains a need not only to tell the history, but to perpetuate the legacy of the Tuskegee Airmen so that our great nation can continue to produce leaders of achievement with the stature of General Benjamin O. Davis, Jr., Admiral Samuel L. Gravely, former Secretary of the Army Clifford Alexander, Astronauts Guion Blubord, Ronald McNair, and Frederick Greg-

ory, Rear Admiral Mack Gaston (U.S. Navy, Ret., a Tuskegee graduate), General Charles Williams (U.S. Army, Ret., also a Tuskegee graduate.) The attainments of these African American leaders to hold so many significant positions and ranks within every branch of service can be linked to the paths paved by the Tuskegee Airmen. Commemorating the accomplishments of the Tuskegee Airmen through the establishment of a national Historic Site will provide educators in our nation with a tool they can use to inspire future generations to accept that people of every race can make significant contributions to our nation when provided opportunities.

The historic remains and historic character of the Moton Field Complex are substantially intact and are the only significant cultural resources left that represent the Tuskegee Airmen Experience. All structures and most other visible remnants of the Tuskegee Army Air Field, an advanced flight training facility built by the Army just a few miles from Moton Field, have been removed.

We feel that the historic role of Tuskegee University should be extended to a contemporary partnership role in assisting the National Park Service (NPS) in commemorating the Tuskegee Airmen at Moton Field. There are several ways that Tuskegee University can serve as a principal partner with NPS in the development and use of the historic site. Tuskegee University is prepared to donate land needed to establish the new park unit. We plan to initially donate approximately 35 acres which contains the key historic resources at Moton Field and is sufficient to allow for management use.

The role of Tuskegee University will also involve the establishment of a Department of Aviation Science under the auspices of the University at Moton Field. Precollege and college level curriculum will emphasize math and science and provide a historical continuum of flight training in the tradition of the Tuskegee Airmen. In addition, Tuskegee University will develop training programs for adults in the region to become skilled power mechanics, airport maintenance crews and other high demand vocations that are airport—aviation science—related. Tuskegee University will do this in partnership with private and public entities.

The proposed Tuskegee Airmen National Center (the Center) will house the Department of Aviation Science as well as a full-scale military museum to extend the ability to relate more fully the story of the Tuskegee Airmen. Tuskegee University intends to work closely with NPS in preparing a report outlining the public/private partnership needed to develop and operate the Center. Once an agreement has been reached on the development and management of the Center, the balance of the acreage for the historic site will be donated by Tuskegee University to NPS.

The Center will require a national fundraising campaign involving the Tuskegee Airmen, Tuskegee University, retired and active military personnel, private corporations (especially the aircraft industry), private foundations and others will be needed. Private contributions are anticipated to provide some of the funds needed for construction and, possibly, an endowment for operation of the facility. However, since the Tuskegee Airmen have broad national significance to this nation and to ensure a high quality facility is provided, substantial Federal funds will be required as well, and a Federal partner(s) should be involved as lead agency(ies) in the operation of the facility. Key Federal partners could include the U.S Department of Defense (U.S. Air Force), U.S. Department of Education, Federal Aviation Administration, Smithsonian Institution, National Aeronautics and Space Administration and National Park Service.

The location of Tuskegee University's Department of Aviation Science at Moton Field will also provide the opportunity for the school's students and teachers to participate in the park's interpretive programs, particularly those dealing with living history. Potentially, such visitor-student interface opportunities will benefit the visitor experience.

The above activities are indicative of the ways that Tuskegee University plans to serve as a principal partner of NPS in the management, use and development of the historic site. For this reason, such a role has been outlined for Tuskegee University in the bill. Tuskegee University intends to play an important role in many aspects of the historic site.

The Tuskegee Airmen include thousands of civilian and military men and women who overcame discriminatory conditions to become one of the most highly respected and honored fighter groups. They were the first African American soldiers to successfully complete their training and enter the Army Air Corps. They deserve and the entire American public needs this National Historic Site to help correct the many false and distorted images of African Americans which lie so deeply in the American culture.

Mr. Chairman, again, thank you for holding this legislative hearing and inviting me to testify on a bill that would establish and preserve a lasting and permanent legacy that reflects the bravery, heroic feats and accomplishments of the dedicated

men who trained at Tuskegee Institute and fought the battles of racism in the military and of World War II as well as integrated the United States Armed Forces. As I said in the beginning of my testimony, since Tuskegee University is the guardian of the Tuskegee Institute National Historic Site, our stewardship in association with the National Park Services' leadership of this proposed Tuskegee Airmen National Historic Site is appropriate and fitting. Mr. Chairman, the history of these patriots and their fight for the right to join the Army Air Corps and prove their work to their country, as well as their struggle for equal rights in both the military and society, must be preserved for the American public. They represent an important part of this nation's history. Tuskegee University fully supports the establishment of the Tuskegee Airmen National Historic Site in association with the National Park Service.

Given your appreciation of the impact the Tuskegee Airmen had on encouraging equality in the military and helping to develop outstanding leaders from every branch of military service, Mr. Chairman, I thank you and your colleagues for providing your full support to this legislation.

LIST OF TUSKEGEE AIRMEN VICTORIES*

	Destroyed	Damaged	Totals
Aircraft (aerial)	111	25	136
Aircraft (ground)	150	123	273
Locomotives	57	69	126
Box Cars and other Rolling Stock	58	561	619
Destroyer	1	0	1
Barges and Boats	16	24	40
Oil and Ammo Dumps	2	0	2
Radar Installations	1	8	9
Motor Transports	6	81	87
Gun Emplacements	3	0	3
Horse-drawn Vehicles	15	100	115
Tanks on Flat Cars	0	7	7
Power Transformers	3	2	5
Total Missions with the 12th Air Force			1267
Total Missions with the 15th Air Force			311
Total Sorties with the 12th Air Force			6381
Total Sorties with the 15th Air Force			9152
Grand Total Missions			1578
Grand Total Sorties			15553
Awards:			865
Legion of Merit			1
Silver Star			1
Distinguished Flying Cross			95
Soldier's Medal			2
Bronze Star			14
Air Medals and Clusters			744
Purple Heart			8

* "History of the 332nd Fighter Group," USAF Collection at the Air Force Historical Research Agency, Maxwell AFB (IRIS No. 00083769).

I

105TH CONGRESS
2D SESSION

H. R. 3963

To establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1998

Mr. HILL introduced the following bill; which was referred to the Committee on Resources

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A BILL

To establish terms and conditions under which the Secretary of the Interior shall convey leaseholds in certain properties around Canyon Ferry Reservoir, Montana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that the conveyance of the Properties described in section 4(b) to the Lessees of those Properties for fair market value would have the beneficial results of—

(1) reducing Pick-Sloan project debt for the Canyon Ferry Unit;

1 (2) providing a permanent source of funding for
2 projects that develop and maintain public recreation,
3 and that conserve and enhance fish and wildlife op-
4 portunities in the State of Montana;
5 (3) reducing Federal payments in lieu of taxes
6 and associated management expenditures in connec-
7 tion with the Government's ownership of the Prop-
8 erties while increasing local tax revenues from the
9 new owners; and
10 (4) eliminating expensive and contentious dis-
11 putes between the Secretary and leaseholders while
12 ensuring that the Federal Government receives full
13 and fair value for the acquisition of the Properties.
14 **SEC. 2. PURPOSE.**
15 The purpose of this Act is to establish terms and con-
16 ditions under which the Secretary of the Interior shall, for
17 fair market value, convey certain Properties around Can-
18 yon Ferry Reservoir, Montana, to the Lessees of those
19 Properties.
20 **SEC. 3. DEFINITIONS.**
21 In this Act:
22 (1) CFRA.—The term "CFRA" means Canyon
23 Ferry Recreation Association, Incorporated, a Mon-
24 tana corporation.

1 (2) LESSEE.—The term "Lessee" means the
2 leaseholder of 1 of the properties described in sec-
3 tion 4(b) on the date of enactment of this Act and
4 the leaseholder's heirs, executors, and assigns of
5 their leasehold interest.
6 (3) PROPERTY.—The term "Property" means 1
7 of the properties described in section 4(b).
8 (4) PURCHASER.—The term "Purchaser"
9 means a person or entity, excluding CFRA, that
10 purchases the 265 leaseholds under section 4.
11 (5) RESERVOIR.—The term "Reservoir" means
12 the Canyon Ferry Reservoir in the State of Mon-
13 tana.
14 (6) SECRETARY.—The term "Secretary" means
15 the Secretary of the Interior.
16 **SEC. 4. SALE OF LEASEHOLDS.**
17 (a) IN GENERAL.—Subject to subsection (c) and not-
18 withstanding any other provision of law, the Secretary
19 shall sell at fair market value—
20 (1) all right, title, and interest of the United
21 States in and to all (but not fewer than all) of the
22 leaseholds described in subsection (b), subject to
23 valid existing rights; and
24 (2) easements for—
25 (A) vehicular access to each leasehold;

1 (B) access to and the use of 1 dock per
2 leasehold; and
3 (C) access to and the use of all boathouses,
4 ramps, retaining walls, and other improvements
5 for which access is provided in the leases as of
6 the date of this Act.
7 (b) DESCRIPTION OF LEASEHOLDS.—
8 (1) IN GENERAL.—The leaseholds to be con-
9 veyed are—
10 (A) the 265 cabin sites of the Bureau of
11 Reclamation located along the northern portion
12 of the Reservoir in portions of sections 2, 11,
13 12, 13, 15, 22, 23, and 26, Township 10 North,
14 Range 1 West; plus
15 (B) any small parcels contiguous to the
16 leaseholds (not including shoreline property or
17 property needed to provide public access to the
18 shoreline of the Reservoir) that the Secretary
19 determines should be conveyed in order to elimi-
20 nate inholdings and facilitate administration of
21 surrounding land remaining in Federal owner-
22 ship.
23 (2) ACREAGE; LEGAL DESCRIPTION.—The acre-
24 age and legal description of each Property shall be
25 agreed on by the Secretary and CFRA.

1 (c) PURCHASE PROCESS.—

2 (1) IN GENERAL.—The Secretary shall—

3 (A) solicit sealed bids for all of the lease-
4 holds;

5 (B) subject to paragraph (2), sell the
6 leaseholds to the bidder that submits the high-
7 est bid above the minimum bid determined
8 under paragraph (2); and

9 (C) only accept bids for all 265 leaseholds.

10 (2) MINIMUM BID.—Before accepting bids, the
11 Secretary, in consultation with interested bidders,
12 shall establish a minimum bid based on an appraisal
13 of the fair market value of the leaseholds, exclusive
14 of the value of private improvements made by the
15 leaseholders before the date of the conveyance by
16 means of an appraisal conducted in conformance
17 with the Uniform Standards of Professional Ap-
18 praisal Practice.

19 (3) RIGHT OF FIRST REFUSAL.—If the highest
20 bidder is other than CFRA, CFRA shall have the
21 right to match the highest bid and purchase the
22 leaseholds at a price equal to the amount of that
23 bid.

24 (d) TERMS OF CONVEYANCE.—

1 (1) PURCHASER TO EXTEND OPTION TO PUR-
2 CHASE OR TO CONTINUE LEASING.—
3 (A) IN GENERAL.—The Purchaser shall
4 give each leaseholder of record of a leasehold
5 conveyed under this section an option to pur-
6 chase the leasehold at fair market value as de-
7 termined in subsection (c)(2).
8 (B) NONPURCHASING LESSEES.—
9 (i) RIGHT TO CONTINUE LEASE.—A
10 Lessee that is unable or unwilling to pur-
11 chase a Property shall be permitted to con-
12 tinue to lease the Property for fair market
13 value rent under the same terms and con-
14 ditions as the existing leases, including the
15 right to renew the term of the existing
16 lease for 2 consecutive 5-year terms.
17 (ii) COMPENSATION FOR IMPROVE-
18 MENTS.—If a Lessee declines to purchase
19 a leasehold, the Purchaser shall com-
20 pensate the Lessee for the full market
21 value, as determined pursuant to cus-
22 tomary appraisal procedures, of all im-
23 provements made to the leasehold. The
24 Lessee may sell the improvements to Pur-
25 chaser at any time, but the sale shall be

1 completed by the final termination of the
2 lease, after all renewals as provided in
3 clause (i).
4 (2) HISTORICAL USE.—The Purchaser shall
5 honor the existing Property descriptions and histori-
6 cal use restrictions for the leaseholds.
7 (3) CONTINUATION OF LEASES.—
8 (A) IN GENERAL.—A Lessee that is unable
9 or unwilling to purchase a leasehold shall be
10 permitted to continue to lease the property pur-
11 suant to the terms and conditions of the lease,
12 existing on the date of enactment of this Act.
13 (B) RENTAL PAYMENTS.—All rents re-
14 ceived during the continuation of a lease under
15 subparagraph (A) shall be paid to the Pur-
16 chaser.
17 (C) LIMITATION ON RIGHT TO TRANSFER
18 LEASE.—Subject to valid existing rights, a Les-
19 see may not sell or otherwise assign or transfer
20 the leasehold without purchasing the property
21 from the Purchaser and conveying the fee inter-
22 est in the property.
23 (e) ADMINISTRATIVE COSTS.—Any reasonable ad-
24 ministrative cost incurred by the Secretary incident to the

1 conveyance under subsection (a) shall be reimbursed by
2 the Purchaser or CFRA.

3 (f) TIMING.—The Secretary shall make every effort
4 to complete the conveyance under subsection (a) not later
5 than 1 year after the date of enactment of this Act.

6 (g) CLOSING.—Real estate closings to complete the
7 conveyance under subsection (a) may be staggered to fa-
8 cilitate the conveyance as agreed to by the Secretary and
9 the Purchaser or CFRA.

10 (h) CONVEYANCE TO LESSEE.—Where the Lessee
11 will purchase the leasehold from Purchaser or CFRA, the
12 Lessee may request the Secretary to have the conveyance
13 documents prepared in the Lessee's name or names in
14 order to minimize the time and documents required to
15 complete the closing for each leasehold.

16 (i) COSTS.—The Lessee shall reimburse CFRA for a
17 proportionate share of the costs to CFRA in completing
18 the transactions contemplated by this Act, including any
19 interest charges.

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105TH CONGRESS
1ST SESSION

H. R. 2125

To authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 1997

Mr. LOBIONDO introduced the following bill; which was referred to the Committee on Resources

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A BILL

To authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "$1,000,000" and inserting "$4,000,000"; and

(2) in subsection (c), by striking "five" and inserting "10".

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105TH CONGRESS
2D SESSION

H. R. 3950

To designate a portion of the Otay Mountain region of California as wilderness.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1998

Mr. BILBRAY introduced the following bill; which was referred to the Committee on Resources

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A BILL

To designate a portion of the Otay Mountain region of California as wilderness.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Otay Mountain Wilder-
5 ness Act of 1998".

6 **SEC. 2. FINDINGS.**

7 The Congress finds and declares the following:
8 (1) The public lands within the Otay Mountain
9 region of California are one of the last remaining

1 pristine locations in western San Diego County,
2 California.
3 (2) This rugged mountain adjacent to the
4 United States-Mexico border is internationally
5 known for its diversity of unique and sensitive
6 plants.
7 (3) This area plays a critical role in San
8 Diego's multi-species conservation plan, a national
9 model made for maintaining biodiversity.
10 (4) Due to its proximity to the international
11 border, this area is the focus of important law en-
12 forcement and border interdiction efforts necessary
13 to curtail illegal immigration and protect the area's
14 wilderness values.
15 (5) The illegal immigration traffic, combined
16 with the rugged topography, also presents unique
17 fire management challenges for protecting lives and
18 resources.
19 **SEC. 3. DESIGNATION.**
20 In furtherance of the purposes of the Wilderness Act
21 (16 U.S.C. 1131 et seq.), certain public lands in the Cali-
22 fornia Desert District of the Bureau of Land Manage-
23 ment, California, comprising approximately 18,500 acres
24 as generally depicted on a map entitled "Otay Mountain
25 Wilderness" and dated May 7, 1998, are hereby des-

1 ignated as wilderness and therefore as a component of the
2 National Wilderness Preservation System, which shall be
3 known as the Otay Mountain Wilderness.

4 **SEC. 4. MAP AND LEGAL DESCRIPTION.**

5 (a) IN GENERAL.—As soon as practicable after the
6 date of enactment of this Act, a map and a legal descrip-
7 tion for the Wilderness Area shall be filed by the Secretary
8 with the Committee on Energy and Natural Resources of
9 the Senate and the Committee on Resources of the House
10 of Representatives. Such map and legal description shall
11 have the same force and effect as if included in this Act,
12 except that the Secretary, as appropriate, may correct
13 clerical and typographical errors in such legal description
14 and map. Such map and legal description for the Wilder-
15 ness Area shall be on file and available for public inspec-
16 tion in the offices of the Director and California State Di-
17 rector, Bureau of Land Management, Department of the
18 Interior.

19 (b) UNITED STATES-MEXICO BORDER.—In carrying
20 out this section, the Secretary shall ensure that the south-
21 ern boundary of the Wilderness Area is 100 feet north
22 of the trail depicted on the map referred to in subsection
23 (a) and is at least 100 feet from the United States-Mexico
24 international border.

1 **SEC. 5. WILDERNESS REVIEW.**

2 The Congress hereby finds and directs that all the
3 public lands not designated wilderness within the bound-
4 aries of the Southern Otay Mountain Wilderness Study
5 Area (CA–060–029) and the Western Otay Mountain Wil-
6 derness Study Area (CA–060–028) managed by the Bu-
7 reau of Land Management and reported to the Congress
8 in 1991, have been adequately studied for wilderness des-
9 ignation pursuant to section 603 of the Federal Land Pol-
10 icy and Management Act of 1976 (43 U.S.C. 1782), and
11 are no longer subject to the requirements contained in sec-
12 tion 603(c) of that Act pertaining to the management of
13 wilderness study areas in a manner that does not impair
14 the suitability of such areas for preservation as wilderness.

15 **SEC. 6. ADMINISTRATION OF WILDERNESS AREA.**

16 (a) IN GENERAL.—Subject to valid existing rights
17 and to subsection (b), the Wilderness Area shall be admin-
18 istered by the Secretary in accordance with the provisions
19 of the Wilderness Act (16 U.S.C. 1131 et seq.), except
20 that—

21 (1) any reference in such provisions to the ef-
22 fective date of the Wilderness Act is deemed to be
23 a reference to the effective date of this Act; and

24 (2) any reference in such provisions to the Sec-
25 retary of Agriculture is deemed to be a reference to
26 the Secretary of the Interior.

1 (b) BORDER ENFORCEMENT, DRUG INTERDICTION,
2 AND WILDLAND FIRE PROTECTION.—Nothing in this Act
3 or the Wilderness Act may be construed to preclude Fed-
4 eral, State, and local agencies from conducting within the
5 Wilderness Area, in accordance with appropriate condi-
6 tions determined by the Secretary—
7 (1) drug interdiction and border operations, in-
8 cluding the installation of electronic sensors and
9 other surveillance equipment; and
10 (2) wildland fire management operations, in-
11 cluding prescribed burns.

12 **SEC. 7. FURTHER ACQUISITIONS.**

13 Any lands within the boundaries of the Wilderness
14 Area that are acquired by the United States after the date
15 of enactment of this Act shall become part of the Wilder-
16 ness Area and shall be managed in accordance with all
17 the provisions of this Act and other laws applicable to such
18 a wilderness.

19 **SEC. 8. NO BUFFER ZONES.**

20 The Congress does not intend for the designation of
21 the Wilderness Area by this Act to lead to the creation
22 of protective perimeters or buffer zones around the Wil-
23 derness Area. The fact that nonwilderness activities or
24 uses can be seen or heard from areas within the Wilder-

1 ness Area shall not, of itself, preclude such activities or
2 uses up to the boundary of the Wilderness Area.

3 **SEC. 9. DEFINITIONS.**

4 As used in this Act:

5 (1) PUBLIC LANDS.—The term "public lands"
6 has the same meaning as that term has in section
7 103(e) of the Federal Land Policy and Management
8 Act of 1976.

9 (2) SECRETARY.—The term "Secretary" means
10 the Secretary of the Interior.

11 (3) WILDERNESS AREA.—The term "Wilderness
12 Area" means the Otay Mountain Wilderness des-
13 ignated by section 3.

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105TH CONGRESS
2D SESSION

H. R. 4144

To ensure the protection of natural, cultural, and historical resources in Cumberland Island National Seashore and Cumberland Island Wilderness in the State of Georgia.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1998

Mr. KINGSTON introduced the following bill; which was referred to the Committee on Resources

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A BILL

To ensure the protection of natural, cultural, and historical resources in Cumberland Island National Seashore and Cumberland Island Wilderness in the State of Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cumberland Island Preservation Act".

1 **SEC. 2. CUMBERLAND ISLAND NATIONAL SEASHORE AND**
2 **CUMBERLAND ISLAND WILDERNESS, GEOR-**
3 **GIA.**

4 (a) BOUNDARY ADJUSTMENTS FOR LAND EX-
5 CHANGE.—

6 (1) EXCLUSION OF CONVEYED LANDS.—If the
7 proposed land exchange described in subsection (b)
8 is agreed to by the Secretary of the Interior, any
9 lands to be conveyed by the United States as part
10 of the land exchange shall be excluded from the
11 boundaries of the Cumberland Island Wilderness or
12 potential wilderness area designated by section 2 of
13 Public Law 97–250 (96 Stat. 709; 16 U.S.C. 1132
14 note).

15 (2) INCLUSION OF ACQUIRED LANDS.—All
16 lands acquired by the United States as part of the
17 land exchange described in subsection (b) shall be
18 included in, and managed as part of, the Cum-
19 berland Island Wilderness designated by section 2 of
20 Public Law 97–250 (96 Stat. 709; 16 U.S.C. 1132
21 note). Upon acquisition of the lands, the Secretary
22 of the Interior shall adjust the boundaries of the
23 Cumberland Island Wilderness to include the ac-
24 quired lands.

25 (b) DESCRIPTION OF LAND EXCHANGE.—The land
26 exchange referred to in subsection (a) is a land exchange

1 with regard to Cumberland Island National Seashore,
2 which is established under Public Law 92–536 (16 U.S.C.
3 459i et seq.), and Cumberland Island Wilderness that is
4 being negotiated by the Secretary of the Interior with the
5 Nature Conservancy and High Point, Inc., for the purpose
6 of acquiring privately owned lands on Cumberland Island,
7 which have substantial wilderness characteristics, in ex-
8 change for Federal lands located at the north end of the
9 island.

10 (c) TREATMENT OF MAIN ROAD.—

11 (1) FINDINGS.—The main road at Cumberland
12 Island National Seashore is included on the register
13 of national historic places. The continued existence
14 and use of the main road, as well as a spur road
15 that provides access to Plum Orchard mansion at
16 Cumberland Island National Seashore, is necessary
17 for maintenance and access to the natural, cultural,
18 and historical resources of Cumberland Island Na-
19 tional Seashore. The inclusion of these roads both on
20 the register of national historic places and in the
21 Cumberland Island Wilderness or potential wilder-
22 ness area is incompatible and causes competing
23 mandates on the Secretary of the Interior for man-
24 agement.

1 (2) EXCLUSION FROM WILDERNESS.—The main
2 road on Cumberland Island (as described on the reg-
3 ister of national historic places), the spur road that
4 provides access to Plum Orchard mansion, and such
5 limited area on each side of these roads as the Sec-
6 retary of the Interior considers necessary, are hereby
7 excluded from the boundaries of the Cumberland Is-
8 land Wilderness and the potential wilderness area
9 designated by section 2 of Public Law 97–250 (96
10 Stat. 709; 16 U.S.C. 1132 note).
11 (3) EFFECT OF EXCLUSION.—Nothing in this
12 subsection shall be construed to affect the inclusion
13 of the main road on the register of national historic
14 places or the authority of the Secretary of the Inte-
15 rior to impose reasonable restrictions on the use of
16 the main road or spur road to minimize any adverse
17 impacts on the Cumberland Island Wilderness or po-
18 tential wilderness area.
19 (d) RESTORATION OF PLUM ORCHARD MANSION.—
20 (1) RESTORATION REQUIRED.—Using funds ap-
21 propriated pursuant to the authorization of appro-
22 priations in paragraph (4), the Secretary of the In-
23 terior shall restore Plum Orchard mansion at Cum-
24 berland Island National Seashore so that the condi-
25 tion of the restored mansion is at least equal to the

1 condition of the mansion when it was donated to the
2 United States. The Secretary may also accept dona-
3 tions of money and in-kind contributions for the
4 purpose of restoring the mansion.
5 (2) SUBSEQUENT MAINTENANCE.—The Sec-
6 retary of the Interior shall endeavor to enter into an
7 agreement with public and private persons to provide
8 for the maintenance of Plum Orchard mansion fol-
9 lowing its restoration.
10 (3) RESTORATION PLAN.—Not later than 180
11 days after the date of the enactment of this Act, the
12 Secretary of the Interior shall submit to Congress a
13 comprehensive plan for the repair, stabilization, and
14 restoration of Plum Orchard mansion to the condi-
15 tion the mansion was in when acquired by the
16 United States.
17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There is authorized to be appropriated such sums as
19 are necessary for the restoration of Plum Orchard
20 mansion under paragraph (1).
21 (e) ARCHAEOLOGICAL AND HISTORIC SITES.—The
22 Secretary of the Interior shall identify, document, and pro-
23 tect archaeological sites located on Federal land within
24 Cumberland Island National Seashore. The Secretary

1 shall prepare and implement a plan to preserve designated
2 national historic sites within the seashore.

3 (f) DESIGNATION OF ADDITIONAL WILDERNESS
4 AREA.—

5 (1) DESIGNATION.—In furtherance of the pur-
6 poses of the Wilderness Act (16 U.S.C. 1131 et
7 seq.), a parcel of Federal lands within Cumberland
8 Island National Seashore, which comprises approxi-
9 mately ____ acres on the southern portion of Cum-
10 berland Island, as depicted on the map entitled
11 "Cumberland Island Wilderness Addition, Pro-
12 posed", dated _____, 1998, is hereby designated
13 as wilderness and therefore as a component of the
14 National Wilderness Preservation System.

15 (2) ADMINISTRATION.—The parcel designated
16 by paragraph (1) shall be administered by the Sec-
17 retary of the Interior in accordance with the Wilder-
18 ness Act as part of the Cumberland Island Wilder-
19 ness designated by section 2 of Public Law 97–250
20 (96 Stat. 709; 16 U.S.C. 1132 note). The Secretary
21 shall adjust the boundaries of the Cumberland Is-
22 land Wilderness to include the parcel.

23 (3) EXISTING RIGHTS AND USES.—The des-
24 ignation of the wilderness area under paragraph (1)

1 shall be subject to valid existing rights and pre-exist-
2 ing uses of the designated parcel.

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105TH CONGRESS
2D SESSION

H. R. 4211

To establish the Tuskegee Airmen National Historic Site, in association with the Tuskegee University, in the State of Alabama, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 1998

Mr. RILEY (for himself and Mr. HILLIARD) introduced the following bill; which was referred to the Committee on Resources

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A BILL

To establish the Tuskegee Airmen National Historic Site, in association with the Tuskegee University, in the State of Alabama, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act:

(1) HISTORIC SITE.—The term "historic site" means the Tuskegee Airmen National Historic Site as established by section 3.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

1 (3) TUSKEGEE AIRMEN.—The term "Tuskegee
2 Airmen" means the thousands of men and women
3 who served in America's African-American Air Force
4 units of World War II and shared in the Tuskegee
5 Experience.
6 (4) TUSKEGEE UNIVERSITY.—The term
7 "Tuskegee University" means the institution of
8 higher education by that name located in the State
9 of Alabama and founded by Booker T. Washington
10 in 1881, formerly named Tuskegee Institute.

11 **SEC. 2. FINDINGS AND PURPOSES.**

12 (a) FINDINGS.—The Congress finds the following:
13 (1) The struggle of African-Americans for
14 greater roles in North American military conflicts
15 spans the 17th, 18th, 19th, and 20th centuries. Op-
16 portunities for African-American participation in the
17 United States military were always very limited and
18 controversial. Quotas, exclusion, and racial discrimi-
19 nation were based on the prevailing attitude in the
20 United States, particularly on the part of the United
21 States military, that African-Americans did not pos-
22 sess the intellectual capacity, aptitude, and skills to
23 be successful fighters.
24 (2) By the early 1940's these perceptions con-
25 tinued within the United States military. Key lead-

1 ers within the United States Army Air Corps did not
2 believe that African-Americans possessed the capac-
3 ity to become successful military pilots. After suc-
4 cumbing to pressure exerted by civil rights groups
5 and the black press, the Army decided to train a
6 small number of African-American pilot cadets
7 under special conditions. Although prejudice and dis-
8 crimination against African-Americans was a na-
9 tional phenomenon, not just a southern trait, it was
10 more intense in the South where it had hardened
11 into rigidly enforced patterns of segregation. Such
12 was the environment where the military chose to lo-
13 cate the training of the Tuskegee Airmen.
14 (3) The military selected Tuskegee Institute
15 (now known as Tuskegee University) as a civilian
16 contractor for a variety of reasons. These included
17 the school's existing facilities, engineering and tech-
18 nical instructors, and a climate with ideal flying con-
19 ditions year round. Tuskegee Institute's strong in-
20 terest in providing aeronautical training for African-
21 American youths was also an important factor. Stu-
22 dents from the school's civilian pilot training pro-
23 gram had some of the best test scores when com-
24 pared to other students from programs across the
25 Southeast.

1 (4) In 1941 the United States Army Air Corps
2 awarded a contract to Tuskegee Institute to operate
3 a primary flight school at Moton Field. Tuskegee In-
4 stitute (now known as Tuskegee University) chose
5 an African-American contractor who designed and
6 constructed Moton Field, with the assistance of its
7 faculty and students, as the site for its military pilot
8 training program. The field was named for the
9 school's second president, Robert Russa Moton. Con-
10 sequently, Tuskegee Institute was one of a very few
11 American institutions (and the only African-Amer-
12 ican institution) to own, develop, and control facili-
13 ties for military flight instruction.
14 (5) Moton Field, also known as the Primary
15 Flying Field or Airport Number 2, was the only pri-
16 mary flight training facility for African-American
17 pilot candidates in the United States Army Air
18 Corps during World War II. The facility symbolizes
19 the entrance of African-American pilots into the
20 United States Army Air Corps, although on the
21 basis of a policy of segregation that was mandated
22 by the military and institutionalized in the South.
23 The facility also symbolizes the singular role of
24 Tuskegee Institute (Tuskegee University) in provid-

1 ing leadership as well as economic and educational
2 resources to make that entry possible.
3 (6) The Tuskegee Airmen were the first Afri-
4 can-American soldiers to complete their training suc-
5 cessfully and to enter the United States Army Air
6 Corps. Almost 1,000 aviators were trained as Ameri-
7 ca's first African-American military pilots. In addi-
8 tion, more than 10,000 military and civilian African-
9 American men and women served as flight instruc-
10 tors, officers, bombardiers, navigators, radio techni-
11 cians, mechanics, air traffic controllers, parachute
12 riggers, electrical and communications specialists,
13 medical professionals, laboratory assistants, cooks,
14 musicians, supply, firefighting, and transportation
15 personnel.
16 (7) Although military leaders were hesitant to
17 use the Tuskegee Airmen in combat, the Airmen
18 eventually saw considerable action in North Africa
19 and Europe. Acceptance from United States Army
20 Air Corps units came slowly, but their courageous
21 and, in many cases, heroic performance earned them
22 increased combat opportunities and respect.
23 (8) The successes of the Tuskegee Airmen
24 proved to the American public that African-Ameri-
25 cans, when given the opportunity, could become ef-

1 fective military leaders and pilots. This helped pave
2 the way for desegregation of the military, beginning
3 with President Harry S Truman's Executive Order
4 9981 in 1948. The Tuskegee Airmen's success also
5 helped set the stage for civil rights advocates to con-
6 tinue the struggle to end racial discrimination dur-
7 ing the civil rights movement of the 1950's and
8 1960's.

9 (9) The story of the Tuskegee Airmen also re-
10 flects the struggle of African-Americans to achieve
11 equal rights, not only through legal attacks on the
12 system of segregation, but also through the tech-
13 niques of nonviolent direct action. The members of
14 the 477th Bombardment Group, who staged a non-
15 violent demonstration to desegregate the officer's
16 club at Freeman Field, Indiana, helped set the pat-
17 tern for direct action protests popularized by civil
18 rights activists in later decades.

19 (b) PURPOSES.—The purposes of this Act are the fol-
20 lowing:

21 (1) To benefit and inspire present and future
22 generations to understand and appreciate the heroic
23 legacy of the Tuskegee Airmen, through interpreta-
24 tion and education, and the preservation of cultural

1 resources at Moton Field, which was the site of pri-
2 mary flight training.
3 (2) To commemorate and interpret the impact
4 of the Tuskegee Airmen during World War II; the
5 training process for the Tuskegee Airmen including
6 the roles played by Moton Field, other training fa-
7 cilities, and related sites; the strategic role of
8 Tuskegee Institute (Tuskegee University) in the
9 training; the African-American struggle for greater
10 participation in the United States military and more
11 significant roles in defending their country; the sig-
12 nificance of successes of the Tuskegee Airmen in
13 leading to desegregation of the United States mili-
14 tary shortly after World War II; and the impacts of
15 Tuskegee Airmen accomplishments on subsequent
16 civil rights advances of the 1950's and 1960's.

17 **SEC. 3. ESTABLISHMENT OF THE TUSKEGEE AIRMEN NA-**
18 **TIONAL HISTORIC SITE.**

19 (a) IN GENERAL.—There is hereby established as a
20 unit of the National Park System the Tuskegee Airmen
21 National Historic Site, in association with Tuskegee Uni-
22 versity, in the State of Alabama.
23 (b) DESCRIPTION.—The total historic site, after the
24 conditions are met for its full development and manage-
25 ment, and subsequent to agreements to donate land by

1 Tuskegee University and the city of Tuskegee, shall con-
2 sist of approximately 90 acres, known as Moton Field, in
3 Macon County, Alabama, as generally depicted on a map
4 entitled "Alternative C, Living History: Tuskegee Airmen
5 Experience", dated June 1998. Such map shall be on file
6 and available for public inspection in the appropriate of-
7 fices of the National Park Service.

8 **SEC. 4. PROPERTY ACQUISITION.**

9 The Secretary may acquire by donation, exchange, or
10 purchase with donated or appropriated funds the real
11 property described in section 3(b), except that any prop-
12 erty owned by the State of Alabama or any political sub-
13 division thereof or Tuskegee University may be acquired
14 only by donation. It is understood that property donated
15 by Tuskegee University shall be used only for purposes
16 consistent with this Act in commemorating the Tuskegee
17 Airmen. The initial donation of land by Tuskegee Univer-
18 sity shall consist of approximately 35 acres with the re-
19 mainder of the acreage to be donated by Tuskegee Univer-
20 sity after agreement is reached regarding the development
21 and management of the Tuskegee Airmen National Cen-
22 ter. The Secretary may also acquire by the same methods
23 personal property associated with, and appropriate for, the
24 interpretation of the historic site.

1 **SEC. 5. ADMINISTRATION OF HISTORIC SITE.**

2 (a) IN GENERAL.—The Secretary shall administer
3 the historic site in accordance with this Act and the laws
4 generally applicable to units of the National Park System,
5 including the Act of August 25, 1916 (39 Stat. 535), and
6 the Act of August 21, 1935 (49 Stat. 666).

7 (b) ROLE OF TUSKEGEE INSTITUTE NATIONAL HIS-
8 TORIC SITE.—Tuskegee Institute National Historic Site
9 shall serve as the principal administrative facility for the
10 historic site.

11 (c) ROLE OF TUSKEGEE UNIVERSITY.—Tuskegee
12 University shall serve as the principal partner with the
13 National Park Service, and other Federal agencies mutu-
14 ally agreed upon, for the leadership, organization, develop-
15 ment, and management of the historic site.

16 (d) ROLE OF TUSKEGEE AIRMEN.—The Tuskegee
17 Airmen shall assist the principal partners for the historic
18 site in fundraising for the development of visitor facilities
19 and programs, and provide artifacts, memorabilia, and
20 historical research for interpretive exhibits.

21 (e) DEVELOPMENT.—The general management plan
22 for the operation and development of the historic site shall
23 reflect Alternative C, Living History: The Tuskegee Air-
24 men Experience, as expressed in the draft special resource
25 study entitled "Moton Field/Tuskegee Airmen Special Re-
26 source Study", dated June 1998. Subsequent development

1 of the historic site, with the approval of Tuskegee Univer-
2 sity, shall reflect Alternative D.
3 (f) COOPERATIVE AGREEMENTS.—
4 (1) IN GENERAL.—The Secretary may enter
5 into cooperative agreements with Tuskegee Univer-
6 sity, other nonhigher educational institutions, the
7 Tuskegee Airmen, individuals, private and public or-
8 ganizations, and other Federal agencies in further-
9 ance of the purposes of this Act. The Secretary shall
10 recognize the concern of Tuskegee University for the
11 wise management, use, and development of the his-
12 toric site, and shall consult with Tuskegee Univer-
13 sity in the formulation of any cooperative agreement
14 that may affect the historic site.
15 (2) TUSKEGEE AIRMEN NATIONAL CENTER.—
16 The Secretary may enter into a cooperative agree-
17 ment with Tuskegee University to define and imple-
18 ment the public/private partnership needed to de-
19 velop the historic site, including the Tuskegee Air-
20 men National Center on the grounds of the historic
21 site. The purpose of the center shall be to extend the
22 ability to relate more fully the story of the Tuskegee
23 Airmen at Moton Field. The center shall house a
24 Tuskegee Airmen Memorial and provide large exhibit
25 space for the display of period aircraft and equip-

1 ment used by the Tuskegee Airmen and a Tuskegee
2 University Department of Aviation Science. It is the
3 intent of the Congress that interpretive programs for
4 visitors benefit from the school's active pilot training
5 instruction program, and that the training program
6 will provide a historical continuum of flight training
7 in the tradition of the Tuskegee Airmen. The
8 Tuskegee University Department of Aviation Science
9 may be located in historic buildings within the
10 Moton Field complex until the Tuskegee Airmen Na-
11 tional Center has been completed.

12 (3) REPORT.—Within one year after the date of
13 the enactment of this Act, the Secretary and
14 Tuskegee University, in consultation with the
15 Tuskegee Airmen, shall prepare a report on the
16 partnership needed to develop and operate the
17 Tuskegee Airmen National Center, and submit the
18 report to the Committee on Resources of the House
19 of Representatives and the Committee on Energy
20 and Natural Resources of the Senate. Subject to the
21 approval of the Congress, the Secretary and
22 Tuskegee University may enter into a cooperative
23 agreement to permit the development of the Center.
24 Before the balance of the land is donated and before
25 the development of the Tuskegee Airmen National

1 Center can proceed, a cooperative agreement accept-
2 able to the Secretary and Tuskegee University must
3 be executed.

4 (g) GENERAL MANAGEMENT PLAN.—Within 2 com-
5 plete fiscal years after funds are first made available to
6 carry out this Act, the Secretary shall prepare, with the
7 full participation of Tuskegee University, a general man-
8 agement plan for the historic site and submit the plan to
9 the Committee on Resources of the House of Representa-
10 tives and the Committee on Energy and Natural Re-
11 sources of the Senate.

12 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such sums
14 as may be necessary to carry out this Act.

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105TH CONGRESS
2D SESSION

H. R. 4230

To provide for a land exchange involving the El Portal Administrative Site of the Department of the Interior in the State of California.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 1998

Mr. RADANOVICH introduced the following bill; which was referred to the Committee on Resources

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A BILL

To provide for a land exchange involving the El Portal Administrative Site of the Department of the Interior in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Portal Administrative Site Land Exchange Act".

SEC. 2. LAND EXCHANGE, DEPARTMENT OF THE INTERIOR, EL PORTAL ADMINISTRATIVE SITE, CALIFORNIA.

(a) AUTHORIZATION OF EXCHANGE.—If the non-Federal lands described in subsection (b) are conveyed to

1 the United States in accordance with this section, the Sec-
2 retary of the Interior shall convey to the party conveying
3 the non-Federal lands all right, title, and interest of the
4 United States in and to a parcel of land consisting of ap-
5 proximately 8 acres administered by the Department of
6 Interior as part of the El Portal Administrative Site in
7 the State of California, as generally depicted on the map
8 entitled "El Portal Administrative Site Land Exchange",
9 dated June 1998.

10 (b) RECEIPT OF NON-FEDERAL LANDS.—The parcel
11 of non-Federal lands referred to in subsection (a) consists
12 of approximately 8 acres, known as the Yosemite View
13 parcel, which is located adjacent to the El Portal Adminis-
14 trative Site, as generally depicted on the map referred to
15 in subsection (a). Title to the non-Federal lands must be
16 acceptable to the Secretary of the Interior, and the convey-
17 ance shall be subject to such valid existing rights of record
18 as may be acceptable to the Secretary. The parcel shall
19 conform with the title approval standards applicable to
20 Federal land acquisitions.

21 (c) APPROXIMATELY EQUAL IN VALUE.—The values
22 of both the Federal and non-Federal lands to be ex-
23 changed under this section are deemed to be approxi-
24 mately equal in value, and no additional valuation deter-
25 minations are required.

1 (d) APPLICABILITY OF OTHER LAWS.—Except as
2 otherwise provided in this section, the Secretary of the In-
3 terior shall process the land exchange authorized by this
4 section in the manner provided in part 2200 of title 43,
5 Code of Federal Regulations, as in effect on the date of
6 the enactment of this Act.

7 (e) MAP.—The map referred to in subsection (a) shall
8 be on file and available for inspection in appropriate of-
9 fices of the Department of the Interior.

10 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
11 retary of the Interior may require such additional terms
12 and conditions in connection with the land exchange under
13 this section as the Secretary considers appropriate to pro-
14 tect the interests of the United States.

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105TH CONGRESS
2D SESSION

H. R. 4287

To make technical corrections and minor adjustments to the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1998

Mr. CANNON introduced the following bill; which was referred to the Committee on Resources

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A BILL

To make technical corrections and minor adjustments to the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Grand Staircase-
5 Escalante National Monument Boundary Adjustments
6 Act".

7 **SEC. 2. BOUNDARY ADJUSTMENTS, GRAND STAIRCASE-**
8 **ESCALANTE NATIONAL MONUMENT, UTAH.**

9 (a) EXCLUSION OF CERTAIN LANDS.—The bound-
10 aries of the Grand Staircase-Escalante National Monu-

1 ment in the State of Utah are hereby modified to exclude
2 the following lands:
3 (1) The parcel known as Henrieville Town,
4 Utah, as generally depicted on the map entitled
5 "Henrieville Town Exclusion, Garfield County,
6 Utah", dated March 25, 1998.
7 (2) The parcel known as Cannonville Town,
8 Utah, as generally depicted on the map entitled
9 "Cannonville Town Exclusion, Garfield County,
10 Utah", dated March 25, 1998.
11 (3) The parcel known as Tropic Town, Utah, as
12 generally depicted on the map entitled "Tropic Town
13 Exclusion, Garfield County, Utah", dated March 25,
14 1998.
15 (4) The parcel known as Boulder Town, Utah,
16 as generally depicted on the map entitled "Boulder
17 Town Exclusion, Garfield County, Utah", dated
18 March 25, 1998.
19 (b) INCLUSION OF CERTAIN ADDITIONAL LANDS.—
20 The boundaries of the Grand Staircase-Escalante National
21 Monument are hereby modified to include the parcel
22 known as East Clark Bench, as generally depicted on the
23 map entitled "East Clark Bench Inclusion, Kane County,
24 Utah", dated March 25, 1998.

1 (c) MAPS.—The maps referred to in subsections (a)
2 and (b) shall be on file and available for public inspection
3 in the office of the Grand Staircase-Escalante National
4 Monument in the State of Utah and in the office of the
5 Director of the Bureau of Land Management.

6 **SEC. 3. LAND CONVEYANCES, GRAND STAIRCASE-**
7 **ESCALANTE NATIONAL MONUMENT, UTAH.**

8 (a) TROPIC TOWN, UTAH.—The Secretary of the In-
9 terior shall convey to Garfield County School District,
10 Utah, all right, title, and interest of the United States in
11 and to the lands shown on the map entitled "Tropic Town
12 Parcel" and dated July 21, 1998, in accordance with sec-
13 tion 1 of the Act of June 14, 1926 (43 U.S.C. 869; com-
14 monly known as the Recreation and Public Purposes Act),
15 for use as the location for a school and for other education
16 purposes.

17 (b) KODACHROME BASIN STATE PARK, UTAH.—The
18 Secretary shall transfer to the State of Utah all right,
19 title, and interest of the United States in and to the lands
20 shown on the map entitled "Kodachrome Basin Convey-
21 ance No. 1 and No. 2" and dated July 21, 1998, in ac-
22 cordance with section 1 of the Act of June 14, 1926 (43
23 U.S.C. 869; commonly known as the Recreation and Pub-
24 lic Purposes Act), for inclusion of the lands in Koda-
25 chrome Basin State Park.

1 **SEC. 4. UTILITY CORRIDOR DESIGNATION, U.S. ROUTE 89,**
2 **KANE COUNTY, UTAH.**

3 There is hereby designated a utility corridor with re-
4 gard to U.S. Route 89, in Kane County, Utah, as follows:
5 (1) Federal lands located on the north side of
6 U.S. Route 89 within 240 feet of the center line of
7 the highway.
8 (2) Federal lands located on the south side of
9 U.S. Route 89 within 500 feet of the center line of
10 the highway.

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[FIRST REPRINT]
SENATE RESOLUTION No. 42

PASSED

STATE OF NEW JERSEY

OCT 4 1994

INTRODUCED MAY 23, 1994

By Senator KYRILLOS

A SENATE RESOLUTION expressing appreciation for the contributions of the various groups that have participated in the creation of the New Jersey Coastal Heritage Trail.

WHEREAS, The New Jersey Coastal Heritage Trail was authorized by Congress in 1988 as a public/private partnership to provide for the understanding and enjoyment of sites associated with the coastal areas of New Jersey, and the project exemplifies partnership programs that have become increasingly important nationally in protecting significant natural and cultural resources; and

WHEREAS, The Trail has been designated to include a 300 mile section of coastline in the State from Perth Amboy in Middlesex County south through portions of Monmouth, Ocean, Burlington, and Atlantic counties to Cape May in Cape May County and west through portions of Cape May, Cumberland, and Salem counties to the Delaware Memorial Bridge in Deepwater, with the Trail region being east of the Garden State Parkway and south of State Route 49; and

WHEREAS, The goals of the Trail include protecting resources through interpretation, education, and research; creating public advocacy for resource protection through expanded awareness of the coast's significance; and ensuring that resources are not threatened or adversely affected because of designation as part of the Trail; and

WHEREAS, The Trail benefits New Jersey by contributing to tourism, the State's second largest industry; by providing a unique opportunity for the State to capitalize on the expertise, technical assistance, and resources of the National Park Service in developing interpretive exhibits and brochures for Trail sites; and by building public support for the outstanding resources managed through the State park system through identification as Trail sites and development of expanded interpretive programs and exhibits; and

WHEREAS, The Trail will consist of a Welcome Center in each of the five main geographic regions that will act as an interpretive and informational hub; highway directional signs that will guide visitors to Trail sites; and individual sites that will have interpretive exhibit panels to supplement trailwide and regional brochures, with many of these components located at existing facilities; and

WHEREAS, The Trail has been developed as a partnership effort between the State of New Jersey, the National Park Service, and many local government entities and private non-profit organizations; and

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1] Senate SHT committee amendments adopted June 16, 1994.

WHEREAS, The following organizations are participating in the maritime theme portion of the Trail as official trail sites: the United States Coast Guard Station at Atlantic City, Barnegat Lighthouse State Park, Cape May Lighthouse, Delaware Bay Schooner Project, Finn's Point Rear Range Light, Finn's Point National Cemetery, the United States Army Communications-Electronics Museum at Fort Monmouth, Fort Mott State Park, the Sandy Hook Unit of the Gateway National Recreation Area, Hereford Inlet Lighthouse, Perth Amboy Harbor Walk, the Keyport Historical Society's Steamboat Dock Museum, the Toms River Seaport Society Museum, and Twin Lights State Historic Site; and

WHEREAS, The following organizations are participating as points of interest on the Trail: the United States Coast Guard Stations at Barnegat Light and Beach Haven, the Belford Seafood Cooperative, East Point Lighthouse, Farley State Marina, Forked River State Marina, Fortescue State Marina, Hancock House State Historic Site, Island Beach State Park, Leonardo State Marina, and Mount Mitchill Scenic Overlook; and

WHEREAS, The following organizations are assisting in promoting the Trail as official local information centers: Belleplain State Forest, the Wildwood Historical Society (George F. Boyer Museum), the Bridgeton-Cumberland Tourist Association, the Delaware River and Bay Authority (Cape May-Lewes Ferry and Delaware Memorial Bridge), the Garden State Parkway, the Monmouth County Parks System (Huber Park Woods), the Monmouth County Department of Public Information and Tourism, the Ocean County Office of Public Information, the Greater Salem Chamber of Commerce, and Wheaton Village; and

WHEREAS, The principal State participants are the Division of Parks and Forestry in the Department of Environmental Protection and Energy, the Division of Travel and Tourism in the Department of Commerce and Economic Development, and the Pinelands Commission; and

WHEREAS, Other governmental entities that have played a key role in the development of the Trail include the Department of Transportation, the Garden State Parkway Authority, the Counties of Middlesex, Monmouth, Ocean, [1][AtaIntic]Atlantic[1], Cape May, Cumberland, and Salem, the Governor's [1][TEC] Transportation Executive Council[1] Recreational Travel Committee, the Delaware River and Bay Authority, the Bayshore Development Office, the Ocean County Cultural and Heritage Commission, and the Monmouth County Parks System; and

WHEREAS, The Division of Parks and Forestry has been the lead State partner in the Trail's development, assisting in site reviews and all aspects of Trail development and implementation, and has made space available, provided the necessary staffing, and assisted in the development of two welcome centers at Fort Mott State Park and Cheesequake State Park; and

WHEREAS, The Division of Travel and Tourism has assisted in Trail development by evaluating and recommending official Local Information Centers, providing space and staffing for [1]the[1] Welcome Center at the Ocean View Service Area of the Garden State Parkway, coordinating distribution and storage of Trail brochures, and participating in planning and overall Trail development; and

WHEREAS, The Pinelands Commission has also provided staff participation in Trail planning efforts and will assist in evaluation of sites relating to pinelands resources in the development of the Trail's various interpretive themes; and

WHEREAS, The Department of Transportation has provided leadership in the development and installation of highway signs for the Trail, and the Highway Authority's Garden State Parkway has provided the use of numerous Parkway facilities as Local Information Centers and has contributed to the development of an expanded Welcome Center at the Ocean View Service Area; now, therefore,

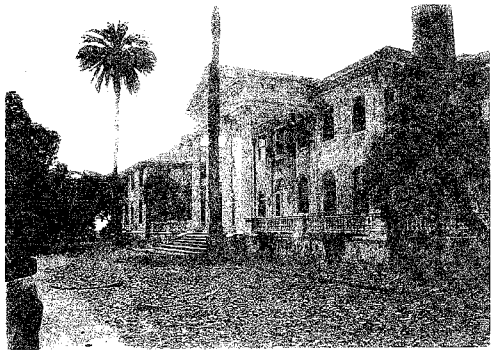
BE IT RESOLVED *by the Senate of the State of New Jersey:*

1. This House expresses its appreciation for the work done by all of the public and private organizations that have entered into the partnership process of building the New Jersey Coastal Heritage Trail.

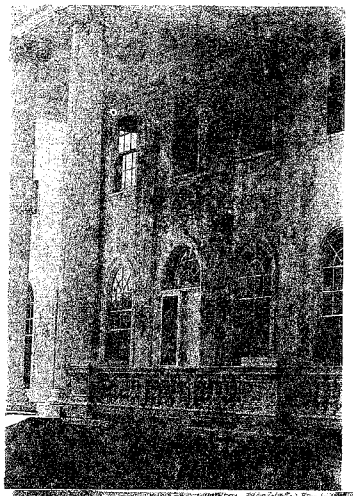
2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to Governor of the State of New Jersey, the Director of the National Park Service, the Commissioner of Environmental Protection and Energy, the Commissioner of Commerce and Economic Development, the Pinelands Commission, and the governing bodies of the Counties of Middlesex, Monmouth, Ocean, Atlantic, Cape May, Cumberland, and Salem.

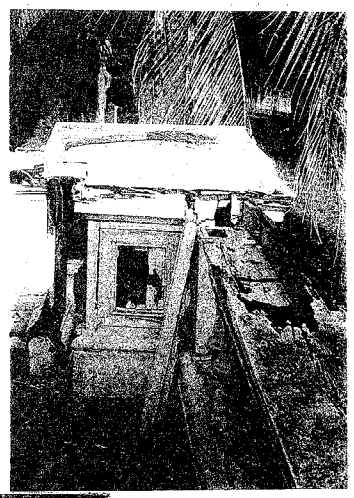
Expresses appreciation to groups contributing to New Jersey Coastal Heritage Trail.

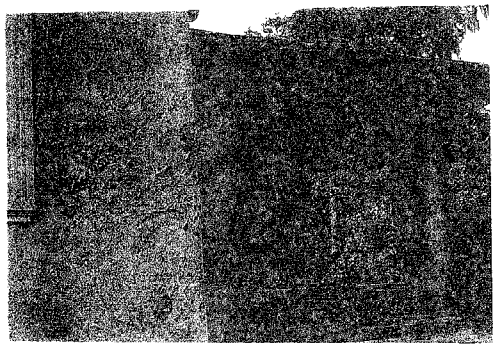
Dungeness Pool House

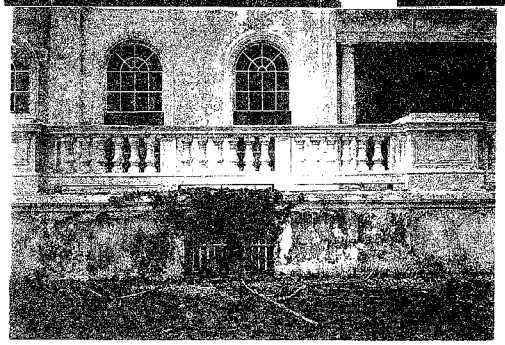


Plum Orchard









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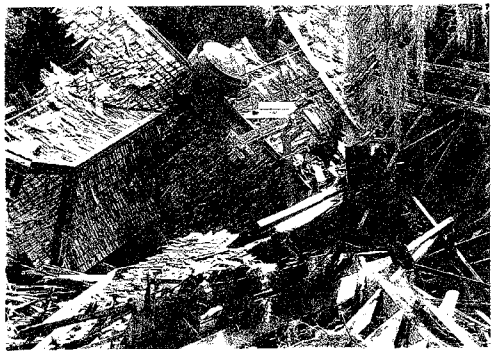
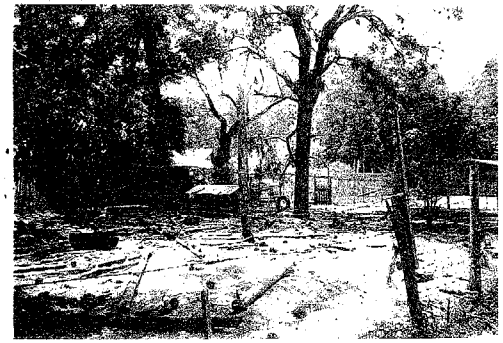
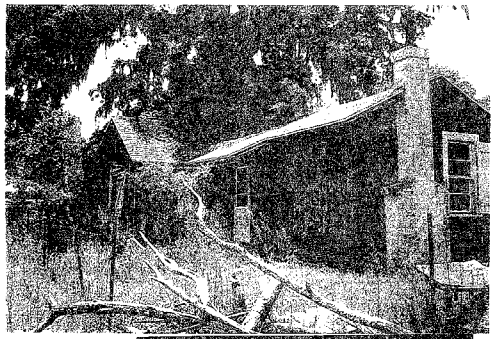
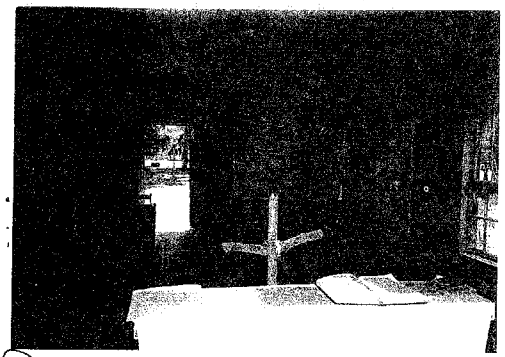


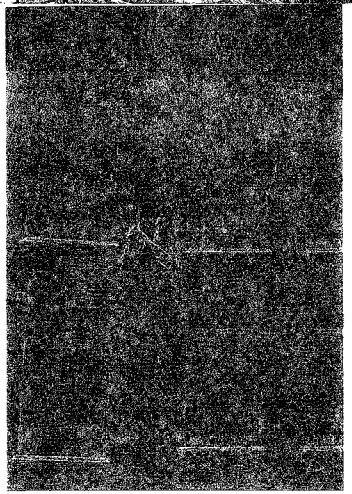
(47) Plum Orchard Carriage House





North End Settlement





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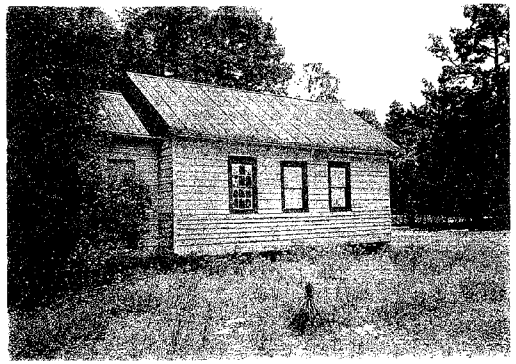

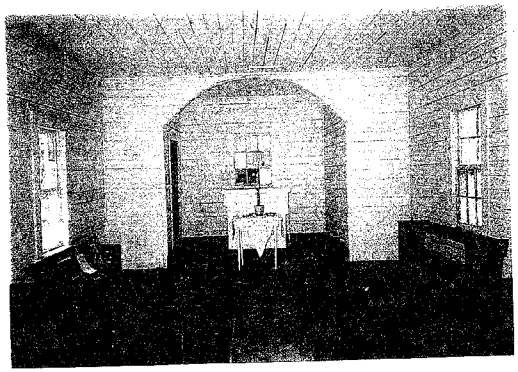

North End Settlement

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release September 9, 1982

STATEMENT BY THE PRESIDENT

I have today signed into law S. 1119, a bill that would designate a new Cumberland Island Wilderness Area in Georgia and make a boundary line adjustment in Crater Lake National Park in Oregon.

This bill designates the first new wilderness area to which I have had the pleasure of granting statutory protection. Cumberland Island is the largest and southernmost of Georgia's offshore barrier islands. It was designated as a national seashore to protect its outstanding natural, historical, cultural and recreational values, and to provide a continuing source of outdoor recreation for the American public.

The bill will add a further degree of protection to these values by designating the area as wilderness. Both this Administration and the general public have supported this designation in order to preserve these essentially wild lands in their natural state. This is particularly important in our eastern states, where few areas remain that are "affected primarily by the forces of nature."

The bill designates certain lands on Cumberland Island as wilderness and sets aside certain other lands as "proposed wilderness," to be designated at a future date, when nonconforming uses of them have ceased. Within the area being designated as wilderness are an underground power line, several maintained access roads, and a number of residences and other structures. Within the area identified as proposed wilderness are several estate access roads and two parcels which contain structures of possible historic significance. Because of these intrusions, neither of these areas is wilderness within the meaning of the 1964 Wilderness Act, and their inclusion in this legislation should not in any way be deemed as an implied amendment to the Wilderness Act.

Including areas into the National Wilderness Preservation System which do not meet the suitability criteria of the Wilderness Act System will necessarily create conflicts in management of the area. Such is the case with Cumberland Island. Management of Cumberland Island is further complicated due to the ambiguity created by the language of the bill itself and legislative history which accompanies it. The bill states that the Island is to be managed in accordance with the Wilderness Act subject, however, to valid existing rights. The House and Senate reports attempt to catalog such rights by listing the various man-made intrusions in the area and at the same time set forth how the area will be managed with these intrusions. In light of the conflict between the requirements to manage the Island in accordance with the Wilderness Act and to protect valid existing rights, I am directing the Department of the Interior to manage Cumberland Island in a manner similar to wilderness, to the maximum extent practicable consistent with the other uses for the area set forth in the legislative history.

more

(OVER)

Additional concerns have been raised relative to the impact of the wilderness designation on the Navy's proposed development of the nearby Military Ocean Terminal at King's Bay, Georgia. Development of this facility may require continued enforcement of restrictive easements over lands that are now to be designated wilderness. Additionally, I note that some have suggested a need to reduce flights of aircraft over the Island. These are also valid existing rights that are to be protected. Designating Cumberland Island as wilderness must not be allowed to interfere with military operations over the Island. I do not view wilderness designation as incompatible with any of these rights. Accordingly, I am asking the Secretaries of Defense and the Interior to enter into a Memorandum of Understanding, to provide for the continued exercise of these rights.

Similarly, there are concerns about the continued use of a portion of the Island not proposed for wilderness designation as a site for the disposal of dredged material by the Army Corps of Engineers. Development of King's Bay by the Navy may necessitate additional dredging in the area, as well as a potential diversion of the Atlantic Intracoastal Waterway around several of the smaller islands that comprise a portion of the Cumberland Island National Seashore, conducted in accordance with the usual environmental permits. These activities would also involve valid existing rights, protected under this legislation, and would not be incompatible with wilderness designation.

Finally on Cumberland Island, I would like to state that, although there have been some areas included in the National Wilderness Preservation System previously which did not meet the statutory definition of wilderness, I am reluctant to support this practice in the future. Wilderness legislation should designate only those areas which are truly pristine, in order to prevent the type of management conflicts in wilderness areas as are evident with Cumberland Island. Nevertheless, Cumberland Island is an important resource which should be given the added protection management that the Wilderness Act provides.

The other provisions contained in S. 1119 revise the boundary of Crater Lake National Park to exclude certain land which was erroneously included within the park boundary by an earlier Act of Congress, despite the fact that the land was subject to a prior-existing timber sale contract. In so doing, the legislation will eliminate this potential conflict and protect the scenic and recreational values which have made this unique and world-renowned park such a popular tourist attraction.

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE COMMITTEE ON RESOURCES, CONCERNING H.R. 4144, A BILL TO ENSURE THE PROTECTION OF NATURAL, CULTURAL, AND HISTORICAL RESOURCES IN CUMBERLAND ISLAND NATIONAL SEASHORE AND CUMBERLAND ISLAND WILDERNESS IN THE STATE OF GEORGIA.

July 28, 1998

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 4144, a bill to ensure the protection of natural, cultural, and historical resources in Cumberland Island National Seashore and Cumberland Island Wilderness in the State of Georgia.

We oppose this bill because it would undermine progress already made to develop a consensus for managing the park. For the last 15 months the National Park Service has been engaged in a collaborative effort to prepare a wilderness management plan. Through this process, retained rights holders, landowners, park visitors, and people interested in the natural and cultural resources of the island have worked in a spirit of collaboration to gain a consensus on many difficult issues facing the management of wilderness on the national seashore. We commend the commitment of all of these groups to the preservation of the island. We are well underway to address the difficult challenges of wilderness on Georgia's southernmost barrier island.

We believe that this legislation short circuits the progress made in the planning process. Consensus has been reached on many issues that will serve as a guide for the National Park Service to prepare the plan. This legislation does not reflect the collective wisdom expressed by the collaborative process.

Section 2(a) proposes a wilderness boundary adjustment for a land exchange. For several months, the National Park Service has been engaged in discussions to exchange property (High Point) categorized as potential wilderness for other potential wilderness lands (the Ferguson tracts). This situation arose because of the inability to secure funding for the purchase of the potential wilderness lands. Under the terms of the exchange as proposed in H.R. 4144, the National Park Service would forfeit rights in High Point in order to acquire other potential wilderness property. In the short term this exchange offers an intriguing solution. However, by drawing the boundary around the entire island, we believe that Congress intended for the NPS to acquire all properties and appropriate interest in such properties on the island and to make the island accessible to the public. The exchange proposed in H.R. 4144 could result in the U.S., many years from now, having to repurchase all the rights in the High Point tract at a cost much greater than the $17 million needed to purchase the Ferguson tracts. We believe that this land exchange is contrary to the long-term public interest in Cumberland Island National Seashore.

Section 2(f) would designate a parcel of Federal land on the southern portion of the island as wilderness. In theory, we welcome the addition of lands as wilderness, however it appears that these lands would be added to compensate for the removal of High Point and

the main road from wilderness. We cannot agree with this proposal, which may conflict with some of the proposals for the wilderness management plan.

Section (f)(3) subjects the above wilderness area to valid existing rights and pre-existing uses. We believe that including pre-existing uses opens a Pandora's box. The deeds for the retained rights holders on the island are specific and the NPS is legally bound to respect these rights (and so are the rights holders). We do not see how the resources can be enhanced and the public can benefit by what a rights holder may claim to be a pre-existing use and not a valid existing right.

Section 2(c) would remove the main road and the spur road that provide access to Plum Orchard mansion from wilderness. The Department does not support this proposed change in wilderness designation for the road system. The Department realizes the challenges to visitor access to Plum Orchard and other cultural resources that the wilderness designation creates. However, the Cumberland Island Wilderness Act explicitly directed the Secretary of the Interior to develop guidelines to manage resources considering the restrictions on a road located within the wilderness. These guidelines are now being prepared. The Department anticipates that the forthcoming wilderness management plan will define, with respect for all legal rights, what type of and when vehicles may use the roads, including circumstances in which vehicles may use the road to go to Plum Orchard or other cultural resources.

Section 2(d) addresses the restoration of Plum Orchard. We believe that adequate authorities exist to provide for the preservation of the structure; however, preservation efforts have been hindered due to budgetary constraints. The Department encourages the use of private funds to assist the Park Service in its duty of preserving the cultural and natural resources of partnerships with the Department and we are eager to explore this option in the restoration and maintenance efforts for the Plum Orchard mansion. With that in mind, the Park Service is developing a Wilderness Management Plan, with the expectation of considering applications for leasing Plum Orchard mansion. With the completion of this process, the Park Service will be better equipped to consider alternative sources of funding. Over the past several years we have entertained several offers to provide for the long-term maintenance of the building. In one instance, the proposal was challenged by a lawsuit, in the other instance, we determined the proposal to be inadequate. Again, the preparation of the wilderness management plan is key to the preservation of Plum Orchard. This legislation would supplant these efforts.

Section 2(e) addresses the archeological sites on the island. In the 1970s, the National Park Service, in collaboration with island residents and the academic community, prepared an archeological survey of the national seashore. Because of the sensitive nature of the resources, the National Park Service makes the survey available on a limited basis. The wilderness management planning team is working with the National Park Service's Southeast Archeological Center to address strategies to ensure protection of these sites in the wilderness. Furthermore, Federal law and National Park Service management policies

and directives already address the identification, documentation, and protection of archeological resources.

Mr. Chairman, we are making progress through the wilderness management planning process to, at last, address difficult and contentious issues. Congress acknowledged the tensions with management of wilderness in Cumberland Island National Seashore and we want the chance to proceed with our planning process. The results of the collaborative process to date prove that the conflicts and tensions can be overcome. We are well on our way to finding solutions as Congress envisioned. Thank you for the opportunity to appear before the committee.

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS OF THE COMMITTEE ON RESOURCES, CONCERNING H.R. 4211, A BILL TO ESTABLISH THE TUSKEGEE AIRMEN NATIONAL HISTORIC SITE, IN ASSOCIATION WITH THE TUSKEGEE UNIVERSITY, IN THE STATE OF ALABAMA, AND FOR OTHER PURPOSES.

JULY 28, 1998

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 4211, a bill to establish the Tuskegee Airmen National Historic Site, in association with the Tuskegee University.

We support the concept of establishing the Tuskegee Airmen National Historic Site. However, we believe some changes can improve the bill and we would be pleased to work with the Committee toward that end.

At the request of Congressman Bob Riley and Tuskegee University, with funds made available by the State of Alabama, the National Park Service has conducted a special resource study to determine the national significance, suitability, and feasibility of adding a site honoring the Tuskegee Airmen to the National Park System. Extensive public input from a variety of sources has been received and incorporated into the study. We have coordinated this study closely with Tuskegee University and many representatives of the Tuskegee Airmen. We have completed a draft and summary of the study and expect to transmit these to the congressional committees soon. Our findings indicate that

the Tuskegee Airmen site at Moton Field in Tuskegee, Alabama meets the criteria for inclusion into the system.

Because of the rigid pattern of racial segregation that prevailed in the United States during World War II, almost 1,000 black military aviators received primary flight training at Moton Field through an Army Air Corps with Tuskegee Institute near Tuskegee Alabama. The Tuskegee Airmen were the first African-American soldiers to successfully complete their training and enter the Army Air Corps. Nicknamed the Lonely Eagles, the Tuskegee Airmen overcame the "separate but equal" conditions sanctioned by the United States Army to become one of the most highly respected and honored fighter groups. Four hundred fifty black fighter pilots under the command of Colonel Benjamin O. Davis, Jr., who was later to become the first black Lieutenant General in the Air Force, fought in the aerial war over North Africa, Sicily, and Europe, flying P-40. P-39, P-47, and P-51 type aircraft. These gallant men flew 15,553 sorties and completed 1,578 missions, destroyed over 260 enemy aircraft, sank one enemy destroyer, and demolished numerous installations.

Four black squadrons, the 99th, the 100th, and the 301st, and the 302nd were designated as the 332nd fighter group. They were called the *Schwartze Vogelmenschen* (Black Airmen) by the Germans who both feared and respected them. White American bomber crews reverently referred to them as the Black Red Tail Angels because of the identifying paint on their planes' tail assemblies and because of their reputation for not losing bombers to enemy fights as they provided fighter escort to bombing missions over strategic targets.

Sixty-six of the pilots were killed in combat and thirty-two were shot down and captured as prisoners of war.

These black airmen received 95 distinguished Flying Crosses, as well as Legions of Merit, Silver Stars, Purple Hearts, The Croix De Guerre, and The Red Star of Yugoslavia. Those black fliers who did not serve combat duty overseas along with returnees from combat duty, were formed into a medium bombardment group (B-25 type aircraft) known as the 477th. Although the 477th never got the chance to participate in combat, they staged an important non-violent demonstration at Freeman Field, Indiana to protest the military's segregated facilities.

For every black pilot there were ten other black men and women on ground support duty. Many of these men and women remained in military service and helped to spearhead the integration of the Armed Forces of the United States. Their success and achievement is evidenced by three of them being elevated to Flag Rank: the late General Daniel 'Chappie' James, our Nation's first black Four Star General Benjamin O. Davis, Jr., USAF retired, and Major General Lucius Theus, USAF, retired.

The accomplishments of these airmen also represent a peak in the struggle by African-Americans to participate in the U.S. armed forces. Their combat successes proved to military leaders that, if given the opportunity, African-Americans could become effective military leaders and combat veterans. This helped pave the way for desegregation of the military beginning with President Harry S Truman's Executive Order on July 26, 1948.

It also helped set the stage for civil rights advocates to continue the struggle to end racial discrimination during the civil rights movement of the 1950s and 1960s.

Major achievements are attributable to many of those who returned to civilian life and earned positions of leadership and respect as businessmen, religious leaders, lawyers, doctors, bankers, educators, and as political leaders.

Our concerns with H.R. 4211 focus on the many duplicative references, the conditional nature of several sections, and the manner in which the bill directs roles and responsibilities for non-Federal entities, and simplification of language used in the bill. Section 1, definitions, should be limited to that of the historic site and the Secretary. A number of the findings should be revised and combined. Conditions expressed under Section 3, Establishment of the Tuskegee Airmen National Historic Site should be deleted. Under Section 5, Administration of the Site, the cooperative language section should be simplified and conditional language removed.

Mr. Chairman, we fully support the establishment of the national historic site, but believe that some modifications should be made to the bill. None of the changes would alter the purpose or intent of the bill. We are willing to work with the committee on alternative language.

The Georgia Conservancy

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Executive Committee Member

Printed on recycled paper

July 27, 1998

Representative Jack Kingston
1507 Longworth House
Washington, DC 20515

Re: Cumberland Island, H.R. 4144

Dear Representative Kingston:

The Georgia Conservancy wishes to express its concerns about H.R. 4144 and urge your reconsideration. We have significant concerns about both process and substance.

The Georgia Conservancy is a statewide environmental organization that strives to balance the needs of social and economic progress with our commitment to protect the environment. The Conservancy has been involved in the future of Cumberland since our inception in 1967. We testified before Congress in 1972 in support of the creation of the Cumberland Island National Seashore, recognizing then and now that both wilderness and historic preservation goals can be achieved.

Our concern with process is that H.R. 4144 undercuts the efforts of the National Park Service to develop a Wilderness Management Plan for Cumberland. For a number of months, stakeholders have been meeting collaboratively to develop recommendations for the Plan. A necessary part of that planning effort has been to address the appropriate balance between conserving natural and wilderness resources and preserving historic and cultural resources. The Georgia Conservancy has participated as a stakeholder and believes that the process will result in a wise balance. H.R. 4144 interrupts this process and attempts to strike a balance, by Congressional directive rather than by stakeholder consensus, on critical points that are under discussion in the planning process.

Our concern with substance is with the balance that H.R. 4144 attempts to strike. Cumberland Island is a gem of a barrier island, a unique national treasure, and it is distinguished by the wildness of its natural areas. In recognition of these qualities, Cumberland has been evolving toward wilderness ever since the National Seashore was created. The designation of Wilderness Areas, the purchase of the Candler Lands under terms that would ultimately terminate all private rights, and the recent efforts to purchase the Greyfield Tract through the Land and Water Conservation Fund have all been part of this evolution. The Georgia Conservancy believes that the evolving wilderness is the right approach for Cumberland and that the special qualities

of the island justify public investment to secure its natural areas. The preservation of historic and cultural resources should be undertaken in the context of this approach.

H.R. 4144 interrupts this evolution. Instead of moving both the Greyfield Tract and the Candler Land to public ownership and protection, as existing efforts would do, the bill returns part of the Candler Land to permanent private ownership. At the same time, the main roadway is removed from its current designation as potential Wilderness to facilitate an increase of vehicular traffic through the Wilderness in favor of historic preservation.

With respect to the roadway, the competing interests of wilderness designation and historic preservation do not require that one interest be removed in favor of the other. The National Historic Preservation Act and the Wilderness Act are not conflicting mandates. The National Historic Preservation Act provides a process through which to determine how the roadway can be managed in the context of Wilderness. The stakeholder group has been in the process of suggesting an approach to usage of the roadway that permits historic preservation while minimizing impacts on the Wilderness. The exclusion of the roadway from Wilderness (Section 2(c)(2) of H.R. 4144) is neither necessary nor desirable.

The Georgia Conservancy supports the restoration and maintenance of Plum Orchard (Section 2(d)(1), (2) and (4)), but, again, believes that the planning for preservation (Section 2(d)(3)) should be done in conjunction with the development of the Wilderness Management Plan. The inventory of other sites, which is much needed, and the planning for them (Section 2(e)) should be done in the same manner.

The Georgia Conservancy also supports the designation of additional Wilderness at the southern end of Cumberland (Section 2(f)(1) and (2)) but objects to a portion of the language with respect to existing rights and uses (Section 2(f)(3)). H.R. 4144 provides that the Wilderness Addition shall be "subject to valid existing rights and pre-existing uses." While "valid existing rights" should not, of course, be abrogated, the term "pre-existing uses" should be deleted. This term limits the Wilderness Addition by allowing the continuation of uses as to which there is no right and which could be very damaging to the Wilderness.

In summary, The Georgia Conservancy believes that the progress of the last twenty-six years in Cumberland's evolution toward wilderness should not be interrupted. We consider the removal of the roadway from the Wilderness and the return of Candler Land to permanent private ownership to be major steps backwards. We urge reconsideration of making any Wilderness Addition subject to "pre-existing uses." We believe that the collaborative process of the Wilderness Management Plan is the appropriate forum in which to balance the conservation of natural and wilderness resources with the preservation of cultural and historic resources.

We appreciate your consideration of our concerns.

Sincerely,

James F. Durrett III
Chief Operating Officer

cc: Members of National Parks and
Public Land Subcommittee
Richard Sussman (NPS)
Denis Davis (NPS)
Greg Paxton (Georgia Trust)
Tavia McCuean (Nature Conservancy)
Don Barger (NPCA)

OFFICE OF THE GOVERNOR

STATE OF MONTANA

MARC RACICOT
GOVERNOR

STATE CAPITOL
HELENA, MONTANA 59620-0801

July 27, 1998

Honorable Rick Hill
1027 Longworth House Office Bldg.
Washington D.C. 20515

Dear Congressman Hill:

I regret we cannot attend the House Subcommittee on National Parks and Public Lands hearing regarding the sale of the Canyon Ferry cabin sites. But, we would like to register our support for HR 3963.

As you know, discussions to transfer the cabin sites along the shore of Canyon Ferry Reservoir to private ownership have been underway for some years. From my understanding, all parties interested in preserving access to the reservoir, enjoying its recreational amenities, and protecting wildlife and habitat are in agreement with the plans put forward by the Canyon Ferry Recreational Association, which represents the cabin site lessees.

The cabin site lessees are prepared to pay fair market value for the real property (265 lots representing 8.2% of the reservoir shoreline). The estimated purchase price of $15 to $20 million can be the financial resource to ensure the ongoing management of the reservoir, acquisition of other lands for wildlife management and recreational access, or reduce the Pick-Sloan project debt.

I encourage the committee to look favorably on this proposal. It will benefit both the private cabin owners who be able to manage their properties for the long term and the public by providing a financial resource which can be used for the maintenance and improvement of this locally importance recreational site.

Thank you for your help to people of Montana on this matter.

Sincerely,

MARC RACICOT
Governor

TELEPHONE: (406) 444-3111 FAX: (406) 444-5529

CONRAD BURNS
MONTANA

DEPUTY WHIP

United States Senate

WASHINGTON, DC 20510-2603
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SPECIAL COMMITTEE ON AGING

July 27, 1998

The Honorable Jim Hansen, Chairman
House Resourses Subcommittee on
National Parks and Public Lands
H1-814 O'Neill HOB
Washington, DC 20515

Dear Chairman Hansen:

I am writing to inform you of my support for H.R. 3963, legislation introduced by Montana colleague and the most recent discussion draft proposal he is putting forth today on the sale of the properties on Canyon Ferry. It is my belief that Congressman Hill has done a tremendous job in working to come up with language that will assist all parties which are involved in this legislation and finally bring consensus to resolve this issue.

Congressman Hill's discussion draft proposal addresses many of the concerns I had in the original bill as introduced by Senator Baucus and myself. This discussion draft incorporates much of the langauge in the Senate legislation, but goes the extra mile to address the concerns of the use of the funds derived from the sale of the properties on Canyon Ferry Lake.

The sportsmen, property owners and the local communities all deserve a share in the funds that will result from the sale. Congressman Hill has tirelessly worked with affected parties to find a means to divide the funds so that all participants recieve something in return. I am convinced this approach will not only provide funding for what will ultimately be a "land-for-land" exchange, but will also provide funds for addressing the recreational needs of the sportsmen in and around Canyon Ferry. Moreover, his discussion draft allows locally elected officials and community leaders a direct say on where this funding is directed.

Mr. Chairman, it is my hope that you and Chairman Young will work with Congressman Hill to see that this legislation is moved in a timely manner. For too long, this situation has been unresolved. I wholeheartedly support Congressman Hill's approach, believe it represents the best step taken to resolve this issue and will work with my Montana colleagues to pass this proposal. I look forward to working with you all to see that this occurs before we close the doors on the 105th Congress.

Sincerely,

Conrad Burns
United States Senator

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Testimony Provided to the
House Committee on Resources - Subcommittee on National Parks and Public lands

Regarding HR 3963

TO ESTABLISH TERMS AND CONDITIONS UNDER WHICH THE SECRETARY OF INTERIOR SHALL CONVEY LEASEHOLDS IN CERTAIN PROPERTIES AROUND CANYON FERRY RESERVOIR, MONTANA

JULY 28, 1998

Prepared by J. Posewitz, Prickly Pear Sportsmen's Association

POSITION STATEMENT OF THE PRICKLY PEAR SPORTSMEN'S ASSOCIATION

Dear Chairman James Hansen and Committee Members,

The Prickly Pear Sportsmen's Association is a greater Helena area rod and gun club dedicated to the conservation and enhancement of the fish and wildlife resources of Montana. It is the largest such organization among communities and counties bordering Canyon Ferry Reservoir. The sportsmen and women of our organization are active hunters and anglers and our club frequently engages in efforts to improve and protect fish and wildlife habitat on public and private lands. The idea of creating a fish and wildlife habitat trust fund from assets now held by the public around Canyon Ferry Reservoir originated from within our organization. Members of our organization have considerable experience in the creation and administration of fish and wildlife conservation trust funds.[1]

The lands in question around Canyon Ferry Reservoir are presently a public asset of considerable economic value. Although their value as wildlife habitat may have been diminished, their value as an asset with the potential to positively impact wildlife habitat, the preservation of agricultural land and the retention of open space remains substantial.

Representatives of our organization shared the concept of a wildlife habitat/land conservation trust fund with Canyon Ferry property owners as a way of converting a publicly held land asset *(the cabin lease lands)* into a land

[1] Immediate past president was active in the creation and administration of: The Rock Creek Trust Fund *(a combination state/private managed effort)* and is chair of the Forever Wild Endowment *(a private non profit conservation endowment)*.

trust dedicated to the preservation and enhancement of wildlife habitat. This concept met the needs of the property owners and in the opinion of the Prickly Pear Sportsmen's Association, also met the public trust responsibility associated with publicly held assets.

We appreciate the attention this proposal has received from the Montana Congressional delegation. You have all been responsive. Our enthusiasm for this idea remains high and it is anchored in two features that must be retained as this legislation moves through Congress. The first is:

* **the purpose of the trust must remain focused on the protection of fish and wildlife habitat, and the second is,**

* **the trustees of the fund likewise need to be representatives clearly dedicated to the purpose of the trust.**

The Prickly Pear Sportsmen's Association also supports the idea in the legislation advanced by Senators Max Baucus and Conrad Burns to create a second trust dedicated to gaining access to public lands. The access trust, like the land trust, must be focused and administered similar to the terms outlined for the land conservation trust. If these conditions are guaranteed our organization believes:

- the public interest will be served,

- wildlife habitat and agricultural open space protected, and

- a property ownership around Canyon Ferry equitably resolved.

Our organization's commitment to the principles outlined in this testimony is not casual. We recognize that there will be only one chance to deal with the public asset now held by the federal government at Canyon Ferry. To put this asset at risk by being either casual or vague about the use of the funds to be generated by sale of the cabin sites is a risk our organization is not willing to take. Therefore, we offer our support to the provisions in the legislation sponsored by Montana Senators Baucus and Burns. Alternatives that disperse the funds for any purpose other than habitat protection, access to other public lands, and a modest reimbursement of federal funds would destroy the focus of this effort and our support for it.

Gregory B. Paxton
President & CEO
Georgia Trust for Historic Preservation
1516 Peachtree Street, NW
Atlanta, GA 30309-2916

Summary of Comments

The tangible traces of 5,000 years of human habitation on Cumberland Island need to be protected along with the areas that have grown wild around them. Although the original legislation establishing Cumberland's wilderness set up a conflict that has never been resolved between protecting the Island's cultural resources and its natural resources, Rep. Kingston's proposed legislation provides the blueprint for a management plan that balances the need to protect historical and cultural resources as well as the Island's wilderness areas. Specific points in the bill that are important to preservationists include:

- preservation of Plum Orchard
- preparation of a plan to preserve other archeological and historic sites on the Island
- limited use of the nearly 200-year-old main road listed on the National Register
- additions to the protected wilderness area south of Dungeness
- an exchange of land between the National Park Service and the Candler family which would make future preservation of buildings at the north end of the Island possible

Many preservationists have called for even more measures to protect Cumberland Island's historic resources, including removing from the wilderness designation four areas within the High Point-half Moon Bluff district so that access can be permitted for the purposes of maintenance, preservation, restoration, rehabilitation, reconstruction or visitation. Although critics of the bill believe private ownership of Cumberland Island will undoubtedly lead to heavy development, the Island's history shows that private owners have fought to protect it from developers, have hired lobbyists to defeat a proposed causeway, and have led the effort to have it first declared a national Seashore and then a wilderness. Many have donated or sold land to the government at bargain prices.

Rep. Kingston's legislation serves as a wake-up call for the entire country. The problems on Cumberland Isalnd reflect more serious problems in our National Parks nationwide, and it is critical that we address the substantial under-funding of cultural and historic resources in our National Parks. The Park Service's $1.7 billion maintenance backlog means that some of the country's most significant buildings and historic sites are literally collapsing from neglect. As we approach the millenium, a renewed commitment of the monetary resources to preserve our most valuable natural, cultural and historic resources is desperately needed to help the National Park Service.

Testimony before the Subcommittee on National Parks and Public Lands
by Gregory B. Paxton, President & CEO, Georgia Trust for Historic Preservation
July 28, 1998

Chairman Hansen, Ranking Member Faleomavaega and Members of the Committee, thank you for this opportunity to testify today. I am Gregory B. Paxton, President & CEO of the Georgia Trust for Historic Preservation. With nearly 10,000 members, the Georgia Trust is one of the two largest statewide, non-profit preservation organizations in the country. Our mission is to promote an appreciation of Georgia's diverse historic resources and provide for their protection and use, and that is why I am here today to speak to you about Congressman Kingston's legislation. I have been actively involved in the preservation of the outstanding historic resources on Cumberland Island, primarly through serving on the Cumberland Island Historic Foundation from its founding in 1982 by the Regional Director of the National Park Service Robert Baker.

Known as one of Georgia's "golden isles," Cumberland Island contains an indelible 5,000-year history of human habitation written on the Island's landscape, and the evidence is everywhere -- from the Native American burial grounds and shell middens to the crumbling chimney pots and tabby ruins, from the 1870 freed slave settlement to the large estates with numerous out-buildings. These tangible traces of America's and Georgia's history warrant protection along with the areas that have re-grown wild around them. Historic and natural resources are both important elements of Cumberland Island's past, present and future.

The original legislation establishing Cumberland's wilderness set up a conflict between protecting the Island's cultural resources and its natural resources. The Wilderness Act prohibits any use of buildings within a designated wilderness area, but the National Historic Preservation Act calls for preservation of historic structures. Before Congress passed the original legislation, the then Under Secretary of Interior Donald Hodel urged that this situation be rectified. In a letter dated July 12, 1982 to the Hon. James A. McClure, Chairman of the Senate Committee on Energy and Natural Resources, Secretary Hodel wrote:

> "We have serious reservations as to whether the [Cumberland Island] lands to be designated as wilderness under S. 2569 meet the criteria set forth in the Wilderness Act. However, because wilderness designation will help maintain the area in its natural state to a greater degree than other environmental laws alone, and because of strong public support for the wilderness designation, we support enactment of this bill, if it is amended to reflect the concerns noted below....However, the requirements of section 106 [of the National Historic Preservation Act] may well conflict with the designation of these lands as wilderness, since the Wilderness Act defines wilderness as 'natural' and 'undeveloped' in character and devoid of 'permanent improvements or human habitation.' Maintaining the structures in perpetuity would seem to frustrate the intention of Congress that these lands eventually be designated as wilderness. At the same time, designating this acreage as wilderness would seem to frustrate Congress' intent that historic structures be preserved. ***We believe this apparent internal conflict within S. 2569 should be resolved before the bill is enacted into law.***"[Emphasis added.]

The fact that most of Cumberland Island has been heavily farmed throughout the last two centuries, and the fact that the Island contains hundreds of significant historic and prehistoric sites were not adequately addressed in its wilderness designation. Since the conflict was not resolved, three important historic structures listed on the National Register of Historic Places have fallen to the ground from neglect. These include the formerly elegant Recreation/Guest House beside Dungeness and the large carriage house at Plum Orchard (photos in attachments I & II). Many of the Island's other significant cultural resources, including the stately 35-room, Neoclassical Plum Orchard main house (attachment III), also are in a serious state of disrepair.

These conflicts between laws that guide the management of Cumberland's varied resources have served only to worsen the state of cultural resources on Cumberland Island, since there are strict limitations on driving on the historic road through the wilderness area to the historic sites. This makes it nearly impossible to maintain the historic buildings that need substantial and consistent upkeep on a subtropical sea island.

The Cumberland Island Preservation Act helps provide solutions to these management conflicts, helps rectify the critical condition of the cultural resources on Cumberland Island, expands wilderness areas and allows greater public access to the Island's historic districts. This bill provides the blueprint for a management plan that *balances* the need to protect historic and cultural resources as well as the Island's wilderness areas. Specific important points in the bill include:

- **preservation of Plum Orchard**, a 22,000-square-foot house (designed in 1898) that requires stabilization and restoration. In the National Register inventory Plum Orchard is described as the architectural jewel of the island.
- **preparation of a plan to preserve other archeological and historic sites on the Island** which has still not been prepared after 25 years of Park Service ownership.
- **limited use of the nearly 200-year-old main road,** which is also listed on the National Register. This north-south road linked early 19th century plantations, the 20th century farms and continues to link the entire island together, serving as the primary transportation and communications link on the Island today. This bill proposes removing the historic road itself from the wilderness in order to allow *limited* public access to the north end of the Island where Plum Orchard and other important historic sites -- including the Island's cemetery and the small, historically significant African-American settlement at Half-Moon Bluff -- are located. It would also allow the historic road itself to be preserved. Running along the western and northern edge of the Island, the road would enable park visitors to see more of the Island's history, while leaving eight miles of shoreline and nearly all of the width of the wilderness undisturbed.
- **addition of about *200 acres* south of Dungeness to the protected wilderness area** where there has been limited human intervention, except for the site of Fort Prince William, built in 1739 by Col. James Oglethorpe, which was the southernmost occupied site in what would become the 13 original colonies.
- **an exchange of land between the National Park Service and the Candler family** that includes the 1875 High Point Hotel and numerous other buildings on the National Register currently maintained by the family under a 70-year life estate. This provision would allow the Candlers to buy up to *1,000 acres* of land owned by the Fergusons (a branch of the Carnegie family) on the south end of the potential wilderness area and swap

it for ownership of less than *150 acres* of the Candler's historic land at the north end of the Island. The National Park Service will put in place measures to limit this area to family use only. This small parcel would then be removed from the wilderness, allowing for the buildings to be preserved after the current 70-year life estate expires. If the swap does not occur, after the life estate ends, the buildings could not be used by anyone and would inevitably be demolished by neglect.

Past and current private owners of Cumberland Island have been insensitively, inaccurately and broadly criticized by some. When all of it was privately owned, the owners hired lobbyists to defeat a proposed causeway and led the effort to have it first declared a National Seashore and then a wilderness to protect it from development. The private owners donated Plum Orchard with 12 acres and $50,000 to the National Park Service to maintain it. Many others donated or sold land to the government at bargain prices. Those owners and former owners who retain life estates on the Island are not interlopers in the wilderness. They are its creators. Private owners have preserved and continue to preserve the historic structures at Cumberland Island, sadly, substantially better than the National Park Service.

The Georgia Trust supports the balanced approach of the proposed legislation and believes that the legislation can be improved by also removing from the wilderness designation three other small areas on the north end of the Island that are located along the road, so that access can be permitted for the purposes of maintenance, preservation, restoration, rehabilitation, reconstruction and limited visitation. These areas are Cumberland Wharf, the cemeteries containing the remains of black and white residents of the Island and a village comprised of structures surrounding the African Baptist church at Half Moon Bluff dating from its settlement in 1870 by freed slaves.

After thousands of years of often intensive human occupancy, Cumberland Island is a rich and fragile combination of natural, prehistoric and historic resources that together make it a special place worthy of protection. The Cumberland Island Historic Preservation Act provides a more balanced approach to protecting all of the Island's resources as was recommended by the Department of the Interior prior to the passage of the wilderness designation. The Committee Report should make clear that this change to the wilderness designation is not to set a national precedent concerning de-designation of wilderness but to rectify an internal conflict that has existed since the Cumberland Island designation was first considered.

The vision for Cumberland Island that I see emerging from this Act is one that provides for the future protection of the cultural, historic and natural resources of the Island through a plan that arises from the Island's past and present. The historic resources along the western and northern edges of the Island would become more accessible for maintenance and limited visitation. The 90+ percent of the visitors, who never leave the vicinity of Dungeness, would gain access to an additional wilderness area. Limited and restricted use and visitation of historic sites would allow for the elderly, young and handicapped to experience the edge of the wilderness while allowing the current wilderness areas and additional new wilderness in the central and eastern side of the Island to further advance to a wild state. The Park Service would have a clearer path for a management plan for both the cultural and historic resources and for the wilderness.

Congressman Kingston's legislation also serves as a wake-up call for the entire country. The problems on Cumberland Island reflect more serious problems in our National Parks

nationwide, and it is critical that the United States address the substantial under funding of cultural and historic resources in our Parks. Historic buildings on Cumberland Island under the care of the National Park Service are not the only ones falling apart.

While during the past two decades, the private sector has funded more than $17 billion in preservation projects meeting the Secretary of the Interior's Standards, the Secretary's National Park Service has fallen behind on the maintenance of historic structures under its care by an amount conservatively estimated as $1.7 billion. This means that many of the United States' most important historic resources are threatened and that historic sites throughout the country are literally collapsing from neglect. This condition undermines our national self-esteem and the esteem of our country in the eyes of the world. As our country approaches the millenium, a renewed commitment of the monetary resources to preserve our most valuable natural, cultural and historic resources is desperately needed to help the National Park Service.

FACT SHEET

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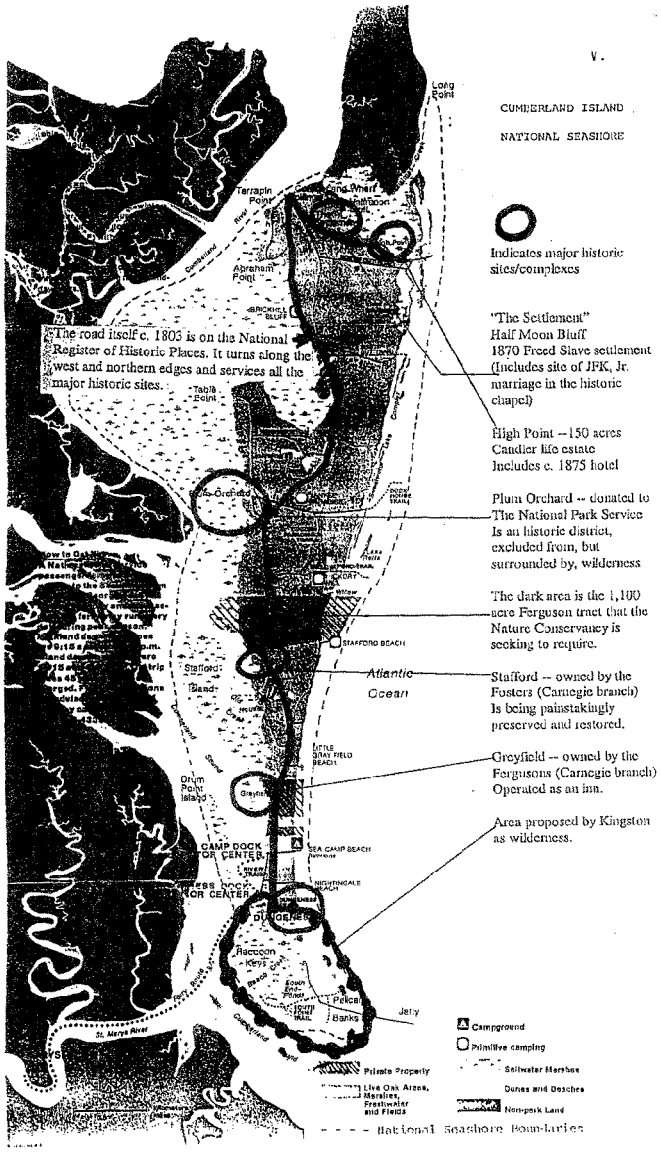
IV.

WHY CARE ABOUT CUMBERLAND ISLAND?

Cumberland Island, on Georgia's coastline just north of the Georgia/Florida border, is an area filled with significant cultural and historical resources. Here are just a few highlights of Cumberland Island's rich history:

- Humans have inhabited Cumberland Island for 5,000 years.
- Aquatically oriented peoples, who used the Island's sea and salt marshes some 3,000-4,000 years ago, developed one of the earliest ceramic assemblages currently identified in the New World.
- Native American burial mounds from 1,500-3,000 are still visible along the Island's western edge.
- The French were the first Europeans to set foot on the Island in 1562. The Spanish soon drove out the French and in 1587 built the Mission of San Pedro, near Dungeness Dock. They built a second mission on the north end of the Island in 1595.
- In 1736, Col. James Oglethorpe, founder of the colony of Georgia, established Fort St. Andrew on the northern end. Four years later, Fort Prince William was built on the south end. This was the southernmost fort in what would become the 13 original colonies.
- Cumberland Island remained thinly settled until after the Revolutionary War, when in 1783, Gen. Nathaniel Greene, a Revolutionary War hero who played a large role in defeating the British in Georgia, purchased a half interest in 10,870 acres on Cumberland.
- After the General's death, his wife married Phinneas Miller, who was active in timber and cotton production. Around 1803 they built an elegant 4-story tabby mansion and gardens known as Dungeness on top of a large shell midden used to make tabby, an early building material made from oyster shell. The Millers also built other plantations and the north-south road to get to them.
- By 1850, over 500 people lived on Cumberland Island. According to the 1850 census, 455 were slaves working cotton fields. Two of the best preserved slave settlements in Georgia remain on the Island today, marked by their deteriorating chimneys, at Stafford and Rayfield.
- The old tabby Dungeness House was in ruins when in 1883 Thomas Carnegie purchased 4,000 acres on Cumberland Island. He built a new house, completed in 1885. The new house, as were subsequent Carnegie houses, was named after the old one and called Dungeness.
- Carnegie's widow, Lucy Coleman Carnegie, acquired another 12,000 or so acres and built four more houses — Plum Orchard, Stafford, Greyfield and The Cottage. A popular resort hotel was built at High Point on the north end of the Island in 1875.
- The hotel was acquired by the Candler family in 1928, who subsequently bought most of the Island's northern end.


V.
CUMBERLAND ISLAND
NATIONAL SEASHORE
Indicates major historic sites/complexes
"The Settlement"
Half Moon Bluff
1870 Freed Slave settlement
(Includes site of JFK, Jr. marriage in the historic chapel)
High Point -- 150 acres
Candler life estate
Includes c. 1875 hotel
Plum Orchard -- donated to
The National Park Service
Is an historic district,
excluded from, but
surrounded by, wilderness
The dark area is the 1,100
acre Ferguson tract that the
Nature Conservancy is
seeking to require.
Stafford -- owned by the
Fosters (Carnegie branch)
Is being painstakingly
preserved and restored.
Greyfield -- owned by the
Fergusons (Carnegie branch)
Operated as an inn.
Area proposed by Kingston
as wilderness.
The road itself c. 1803 is on the National Register of Historic Places. It turns along the west and northern edges and services all the major historic sites.
Atlantic Ocean
Campground
Primitive camping
Saltwater Marshes
Dunes and Beaches
Non-park Land
Private Property
Live Oak Areas, Maritime, Freshwater and Fields
National Seashore Boundaries

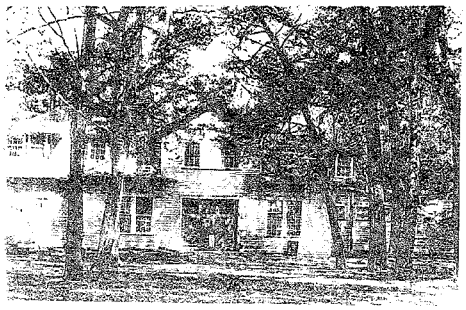
I.

Dungeness- Pool House, 1930

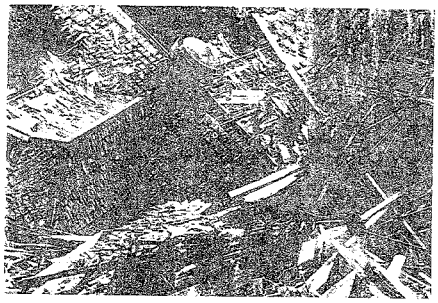
Dungeness- Pool House, 1998

Dungeness- Pool House, 1998

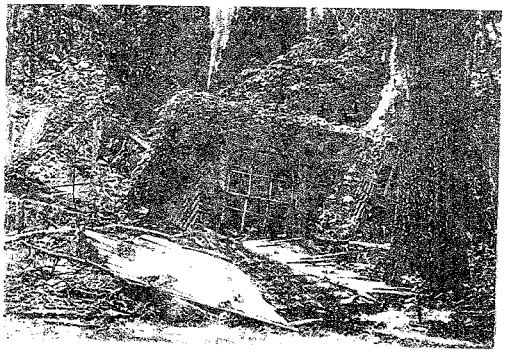
Photos by Nancy Butler



Plum Orchard-Carriage House, 1981

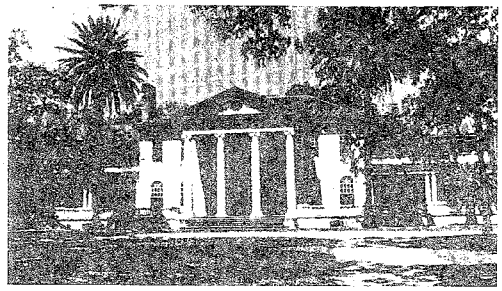


Plum Orchard-Carriage House, 1998

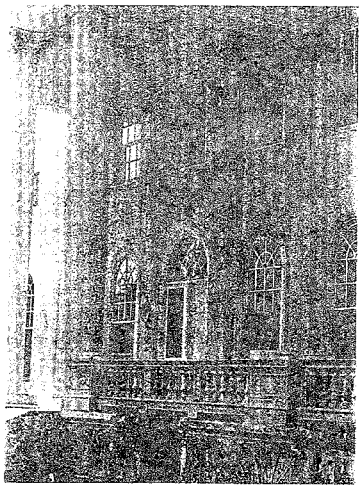


Plum Orchard-Carriage House, 1998

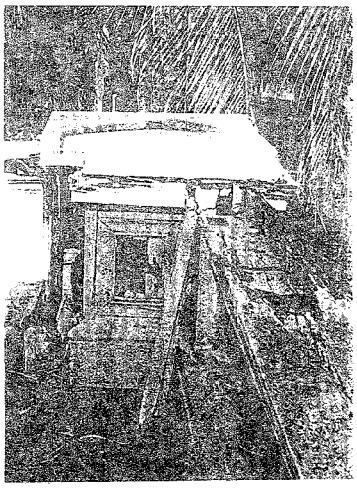
Photos by Nancy Butler



View of Plum Orchard in 1991



Plum Orchard-Front Facade, 1996



Plum Orchard-Balustrade, 1996

Photos by Nancy Butler

National Parks
and Conservation Association

Testimony of
Don Barger
Southeast Regional Director
National Parks and Conservation Association
before the Subcommittee on National Parks and Public Lands
United States House of Representatives
on H.R. 4144
The Cumberland Island Preservation Act

July 28, 1998

Mr. Chairman and members of the Subcommittee, I am Don Barger, Southeast Regional Director of the National Parks and Conservation Association (NPCA) whose testimony I present today. NPCA is America's only private, non-profit citizen organization dedicated solely to protecting, preserving, and enhancing the National Park System. An association of "Citizens Protecting America's Parks," NPCA was founded in 1919, and today has nearly 500,000 members.

Since 1919, NPCA has been committed to the protection of all of the resources of the national park system, natural and cultural. The issues raised by HR 4144 are central to the future of Cumberland Island National Seashore and, perhaps, the entire National Park System. We appreciate the opportunity to present our views.

NPCA opposes HR 4144 because we believe that it would radically alter the vision laid out by Congress for Cumberland Island National Seashore and undermine the ongoing process of this developing crown jewel.

In 1982, Congress fully recognized the potential conflicts inherent with the creation of a wilderness area on the north end of Cumberland Island National Seashore. The record is replete with statements that demonstrate that the situation we face today on the island was anticipated and that a system of (for lack of a better term) evolving wilderness was put in place to accommodate the lengthy transition of the area to "pure" wilderness.

The House Committee on Interior and Insular Affairs report (97-383) accompanying the legislation that created the national seashore noted that evolution of this unique park would be a dynamic process. However, it also is clear that Congress intended for this to be a wilderness park to the greatest degree practicable:

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Some present human activities and structures and evidence of past activities remain on the landscape, but will phase out in time. The Committee notes some complexities introduced into the wilderness designation action by virtue of: (1) the implications of the retained rights (including vehicle use) granted to former landowners; (2) the need to restore, maintain and provide public access to the historical values of the Plum Orchard mansion bounded by the proposed wilderness; and (3) the geologically unstable intertidal zones proposed as potential wilderness addition, and existing non-conforming-to-wilderness uses of the intertidal areas and related channels. The legally retained private rights which exist shall not be adversely affected by the designation of wilderness or potential wilderness addition. The Committee does express its desire, however, that insofar as possible as practicable, all such rights, as well as the management activities of the National Park Service, be exercised in a manner as compatible as possible with the wilderness and potential wilderness addition designations.

To the extent it can legally do so, the National Park Service is expected to manage the potential wilderness areas as wilderness, according to the provisions of the Wilderness Act of 1964.

The Committee does not intend that any motorized vehicle use of Grand Avenue should become a traditional or "established" use, as such term is used in the Wilderness Act, and all such use shall be discontinued no later than the expiration of the last private, retained right to use any segment of the road. (emphases added).

The legislation currently under consideration reverses the original intent of Congress.

GENERAL COMMENTS

HR 4144 comes up with all the wrong answers to all the wrong questions and creates many more problems than it purports to solve. Proponents of this legislation will say that the presence of a wilderness area on Cumberland Island is responsible for the negative impacts of wear and deterioration of cultural resources on the island. While wilderness definitely imposes restrictions on how preservation is accomplished, it is not the determinant as to whether it is accomplished. A lack of funding and a harsh marine environment are the principle culprits.

The National Park Service is called upon to spend available resources balancing protection of natural and cultural resources. The question then becomes, "Have they done that?" The implication of this legislation is that the NPS has neglected the cultural resources within the national seashore in lieu of protection of the wilderness. That is simply not so. Of the total amount of special project funds appropriated to CUIS during this decade, 80% of those funds have been spent on the preservation of cultural resources. Those of us that were involved in a collaborative process to seek solutions made a recommendation to the NPS that would have gone even further. We recommended that the NPS inventory, evaluate, price out, and prioritize all of the cultural resource projects on the island to allow those who can bring financial assistance to the preservation of these resources to do so. As one result of that collaborative process, a group of volunteers, comprised of island residents and environmentalists organized by the Sierra Club, is scheduled to put a new roof on the Settlement church in November. The introduction of this legislation has alienated these groups and jeopardized that process.

It is important to understand the effect of this legislation in context with the fact that its sponsor is currently opposing appropriation of funds to purchase the North Greyfield property on the island, a high priority for the administration. Instead, Rep. Kingston is promoting the land exchange referred to in the bill which would privatize federal property within the heart of the wilderness and establish a permanent private enclave for the Candler family. Our concern is that this will establish a dangerous precedent where those with money and influence can purchase private estates within our nation's most treasured public property. It also sends a message to the other retained rights holders on the island that the Congressionally-crafted deal for the evolution of Cumberland Island is now dead. In fact, State Representative Charlie Smith has

already suggested that all former Cumberland Island land owners be given an opportunity to reacquire property that is now part of the national seashore.

Last fall, Rep. Kingston and Rep. Ralph Regula requested that the GAO look at the current land deal option negotiated by the Nature Conservancy to determine if American taxpayers were getting their money's worth. The report concluded:

> *"If the five-tract appraisal ($19.9 million) had not relied on an unexercised option, it is possible that the price would have been lower. It should be noted, however, that condemnation could result if the present option agreement is not exercised fully. If the Greyfield tract were sold to a developer, NPS would probably condemn the property, depending on available funding. If this were to occur, condemnation could result in a higher price because there is a strong possibility that the price set in court would substantially exceed the current contract price.* ***The current price of $17.9 million for the remaining four tracts may, in practical terms, be the lowest price at which the government could purchase the property.****" GAO Report, B-278106* (attached)

NPCA believes that this legislation substantially endangers the ability of the federal government to complete the acquisition of this authorized property at the lowest possible cost. Our detailed comments follow.

SECTION BY SECTION ANALYSIS

Sec. 2 (a)(1) would permanently remove from wilderness any land conveyed in fee by the NPS as part of a proposed land exchange. The NPS has been looking at the possibilities of this exchange for the last several months. However, far from assisting that process, this legislation would make such a land exchange untenable by linking it to the removal of the main road from wilderness designation and making the long-term impacts on the wilderness unacceptable.

Sec. 2 (a)(2) would include as potential wilderness the property acquired by the United States as the result of this proposed land swap. Since Congress has already designated the land in question as potential wilderness, we do not understand the purpose of this provision.

Sec. 2 (b) describes the land that would be acquired by the United States as the result of the proposed land exchange as having "substantial wilderness characteristics." It fails to point out that the land that would be lost to the public or impacted by the exchange has at least as substantial wilderness characteristics and that, together with Section 2 (c)(2), this exchange would result in a permanent vehicular roadway through the entire length of the narrow wilderness area.

Sec. 2 (c) (1) makes two assertions that form the basis for this legislation. The first assertion is that continued vehicular access to Plum Orchard mansion is necessary for maintenance and visitor access. The existing legislation accommodates necessary vehicular access to Plum Orchard for maintenance purposes and Congress specifically stated that visitor access would be by boat "to avoid motorized vehicle traffic" on the main road. The second assertion is that designation of a site on the National Register of Historic Places is somehow inconsistent with the Wilderness Act. It is not. Within wilderness, the Wilderness Act provides the context within which the National Historic Preservation Act functions, but it does nothing to preclude preservation of historic structures.

Sec. 2 (c)(2) removes from the wilderness area a "cherry stem" around the main road throughout the entire length of the wilderness. This exclusion goes well beyond Plum Orchard; in fact, it would go all the way to the land proposed for exchange at the north end of the island. This will have a devastating effect on the ability of the evolving wilderness area to develop as planned.

Sec. 2 (c)(3) allows the NPS to "impose reasonable restrictions on the use of the main road or spur road to minimize any adverse impacts on the...wilderness." This is a much lower standard of protection than currently exists.

Sec. 2 (d)(1) calls for the restoration of Plum Orchard mansion. NPCA supports this action.

Sec. 2 (d)(2) encourages the NPS to seek a public/private partnership to provide for the long-term maintenance of the mansion. The NPS has been pursuing this course already with the support and participation of NPCA.

Sec. 2 (d)(3) requires that a restoration plan be submitted to Congress within 180 days. While we are not sure whether the NPS has the necessary planning money in their budget to complete this task within this time frame, NPCA supports the submission of a formal plan of what will be needed to restore the mansion to the required standard.

Sec. 2 (e) requires the NPS to "identify, document and protect" every archaeological site and "preserve" every "national historic site" on the island. This is a lofty goal which NPCA would support as long as the NPS is given the necessary funds to do the job. As written, this provision would constitute an enormous "unfunded mandate" on the NPS and should probably be examined for its potential fiscal impact. We would suggest that this provision should be "contingent upon appropriated funds" and "pursuant to Section 106 of the National Historic Preservation Act."

Sec. 2 (f)(1) creates a new area of wilderness on the south end of Cumberland Island National Seashore. This designation has been presented to the environmental community [along with Section 2 (a)(2)] as a sort of *quid pro quo* for the land that is being removed from wilderness on the north end of the island. NPCA believes that this addition in no way compensates for the loss of integrity within the wilderness on the north end of the island. In matter of fact, we cannot support the inclusion of this area in the wilderness system. This position goes to the very heart of the issues raised throughout this bill.

The south end area definitely contains natural and cultural resources that are worthy of preservation. Wilderness has often been used as a tool to block development or preserve an area in a natural state. While those are end products of wilderness designation, they are only part of the picture. The missing component is people--park visitors and their ability to have a wilderness experience. The resources on the south end of the island can be protected under the existing authorities of the NPS; the wilderness experience on the north end of the island is destroyed by establishing a permanent vehicular roadway and a private compound. In order to provide a genuine wilderness experience for future visitors, a wilderness area should be contiguous and free of intrusions. Making the island into a "wilderness sandwich" by having fragmented areas at both ends does not accomplish this purpose.

During one of the collaborative meetings held with environmentalists, island residents, historic preservationist and others, the group arrived at a consensus recommendation to the NPS on an approach for dealing with the contentious issue of feral horses within the national seashore. Everyone agreed that horses should be excluded from the wilderness area and that the best way to proceed would be to try the least restrictive strategy first. This would involve removing the northern herd of horses and limiting the number of the southern herd to a size that will keep them on the south end of the island without the need for containment. This consensus solution to a long-standing management problem would be completely frustrated if wilderness is created on the south end.

Perhaps the most disturbing aspect of this provision is found in the last sentence of the bill. While the legislation is supposedly justified based on the inherent conflicts that were created by designating wilderness with non-conforming uses in it, the proposal for the south wilderness area creates exactly the situation that the remainder of the bill is allegedly designed to correct. It would authorize not only "valid existing rights" (which NPCA supports on the island), but also "pre-existing uses." Basically, anything

that has ever gone on there can continue to go on there. Given this provision, we would question the effectiveness of a wilderness designation for the area.

For all these reasons, NPCA opposes the passage of HR 4144. We believe that this bill would prevent Cumberland Island National Seashore from taking its rightful place in the icons of the American dream -- the national park system.

LEGISLATIVE BACKGROUND

The House committee report (97-383) explaining the intent behind the creation of the park also explained how Plum Orchard should be managed:

> *The Plum Orchard mansion and grounds have been excluded from designation as wilderness or potential wilderness. That portion of Grand Avenue from Plum Orchard mansion to the southernmost wilderness boundary is designated as potential wilderness, and any part of it is intended to change to wilderness classification at such time that all retained rights for use of such road segments expire.*
>
> *The Committee recognizes the need for access to Plum Orchard for purposes of public visitation and National Park Service restoration, rehabilitation and maintenance activities. In the interests of minimizing unnecessary intrusions on wilderness values, the Committee urges the National Park Service to make every effort to provide access to Plum Orchard for all purposes by water, and to complete all major restoration and rehabilitation activities at the earliest practicable date. The Committee specifically intends that public visitor access to Plum Orchard should be provided by boat to avoid motorized vehicle traffic on Grand Avenue.*

Other participants in the designation process reinforced the agreed-upon process for the long-term evolution of the wilderness area within the national seashore:

> *...The existence within this wilderness area of a number of privately owned life estates, and of retained rights to vehicular access along the primitive island roads, presents a unique management challenge. Until these rights expire or are terminated, the National Park Service also will be permitted to use existing access ways for emergency purposes, for essential law enforcement, and for administrative purposes necessary to meet minimum requirements for the administration of these areas as wilderness. The ultimate goal in the Cumberland Island wilderness plan is to phase out activities or uses which are nonconforming to wilderness as soon as it is practicable to do so, and these vehicular access uses -- by both private residents and the National Park Service -- are to be considered special and limited. Such uses which presently exist should not be considered or allowed to become traditional or "established" as such term is used in the Wilderness Act.* **Sen. Sam Nunn--Cong. Record, p. S 10846, August 19, 1982** (emphasis added).

This process for the acknowledgment of valid existing rights and the evolution of the wilderness established a long-term, balanced approach to the eventual creation of a "true" wilderness area on the north end of Cumberland Island National Seashore. The National Park Service received unequivocal directions as to their responsibilities:

> *This proposal has gone through a lengthy process of development and refinement, and I believe that all who have been involved with it are basically pleased with this final result. The bill constitutes a further step to reduce the impact and influence of man and his activities on the natural landscape of the island, and much of the acreage which is designated in this bill as*

potential wilderness will change to pure wilderness with the passage of time and the disappearance of facilities and activities which are contrary to wilderness.
The National Park Service is expected to set an example by conducting all of its activities within the wilderness and potential wilderness areas in a manner as compatible to wilderness as is possible. **Rep. Don Young --Cong. Record --p. H 9621, December 15, 1981** (emphasis added).

The bill states that the island is to be managed in accordance with the Wilderness Act subject, however, to valid existing rights. The House and Senate reports attempt to catalog such rights by listing the various manmade intrusions in the area and at the same time set forth how the area will be managed with these intrusions. In light of the conflict between the requirements to manage the island in accordance with the Wilderness Act and to protect the valid existing rights, I am directing the Department of the Interior to manage Cumberland Island in a manner similar to wilderness, to the maximum extent practicable consistent with the other uses for the area set forth in the legislative history... **Statement by President Ronald Reagan upon signing S.1119 into law, September 9, 1982.**

In summary, with this legislation, Congress agonizingly hammered out an agreement among all parties that combined several essential elements into a consensus package:

* Valid existing rights were cataloged and recognized
* Non-conforming uses would diminish over time
* Visitor access to Plum Orchard (and, presumably, to places even further into the wilderness area) would specifically be provided by boat, not by the main road
* The ultimate goal of the evolving wilderness plan is to phase out non-conforming uses as soon as possible.

This is the deal that everyone agreed to in order for the wilderness designation bill to be enacted. It is a contract, not only with the retained rights holders, but with the American people for the future of the national seashore. HR 4144 changes the deal agreed to in the law and establishes a very different future condition for Cumberland Island.

Testimony of; Citizens United to Protect the Maurice River and its Tributaries
July 28, 1998
Delivered by
Jane Morton Galetto, President

Hearing of the Congressional Sub Committee on National Parks, Forests and Lands

Comments in support of:
HR 2125 A bill to reauthorize the
New Jersey Coastal Heritage Trail Route

Chairman; Congressman James V. Hansen, Utah 1

The Honorable Congressman Hansen, Congressman Frank LoBiondo and members of the House Subcommittee on National Parks, Forests and Lands: thank you for the opportunity to address the subcommittee this morning.

My name is Jane Morton Galetto; I am President of Citizens United to Protect the Maurice River and its Tributaries, Inc. (CU). In addition I serve on two New Jersey Department of Environmental Protection councils: the Endangered and Non Game Species Advisory Committee, and Fish and Game Council. I also sit on the boards of the Stockton Alliance, New Jersey Audubon Society, the Galetto Family Foundation and the South Jersey Land Trust.

CU, founded in 1979 and incorporated in 1986, is a non profit all-volunteer watershed organization in southern New Jersey, with approximately 400 memberships. As an environmental group, we are committed to the preservation and protection of both the natural and cultural resources within the Maurice River watershed. CU was instrumental in securing the Wild and Scenic River designation by the National Park Service of four South Jersey rivers: the Maurice, Menantico, Manumuskin and Muskee. Conservation achievements in which Citizens United has played a major role or acted as a catalyst are numerous.

Our effectiveness has been greatly enhanced by the technical assistance provided by personnel at the National Park Service's New Jersey Coastal Heritage Trail Route Office. It has enabled us to take on projects that may not have been otherwise possible. Recently Citizens United, the Coastal Heritage Trail Route and New Jersey Network produced a film called "Down Jersey," which highlighted the cultural landscape of New Jersey's Delaware Bayshore. The half-hour film evolved from a special study of the region by the National Park Service that looked at the 300-year history of the inter-relationships between man and nature. The film was a montage of images focusing on four main elements - natural history, maritime history, agriculture, and

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Founded for the Preservation of the Maurice River Valley in 1979.
Dedicated to the Wild and Scenic River System of the National Park Service, 1984.

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architecture. The Trail staff's expertise kept it grounded in fact and focused on the elements they concluded to be of greatest significance. The film received excellent support from the regional media including the Philadelphia Inquirer and the New York Times. The overwhelmingly positive response to "Down Jersey" demonstrated an interest by the general public, the cultural and arts community, naturalists, the environmental community and maritime groups in exploring their coastal heritage. Depicted in the film were historic villages; extensive salt marshes and winding tidal creeks; vegetable farms and fruit orchards; and occupations such as fishing, glass blowing, decoy carving, painting and boat building; all of these combine to create the distinctive cultural landscape of South Jersey. The National Park Service's New Jersey Coastal Heritage Trail Route Office served as technical advisor on the film which will be used in Trail Welcome Centers.

"Down Jersey" was viewed by tens of thousands of people as documented by a polling service. Only 10 days after its premier the tape was New Jersey Network's #2 selling tape. This partnership effort met objectives of the Coastal Heritage Trail by interpreting, educating and encouraging the preservation of a cultural and natural landscape. The film is a prime example of the multiplier effect a program like the NJ Coastal Heritage Trail Route can have by acting as a catalyst, interpreter, partner and coordinator. The kind of expertise that the National Park Service offers lends substance, depth, and immediacy to projects such as this one.

Presently we are working with the Trail office staff on a teacher's curriculum that will complement the "Down Jersey" video. Subsequently Citizens United will be partnering with New Jersey Network to produce another documentary that will continue to support Citizens United and National Park Service goals - preservation of natural resources. We have worked with the Trail on "Proposals for Interpretation," a general management planning effort that seeks to share as well as protect the Maurice River's national scenic and recreational opportunities.

Other partnerships are also productive. The Trail office has lent their expertise to a state-wide Ecotourism Workshop which we coordinated. They have provided information on the economic implications of visitation. Currently we are joining with the State Historic Preservation Office and Trail office to document the maritime heritage of this region. Most importantly Trail office staff make themselves available to a wide array of private and public entities, increasing each one's effectiveness individually while supporting the overall Heritage Trail Route goals.

The New Jersey Coastal Heritage Trail has played a major role in the interpretation and preservation of a wide range of significant cultural and natural resources in New Jersey while bringing national and regional attention to the State's important coastal resources. The Trail office coordinates interpretive projects, designs and produces wayside exhibits, provides technical assistance and training, and is responsible for designating Trail sites. They have assisted the New Jersey State Park System and New Jersey Division of Fish, Game and Wildlife as well as several county park systems and numerous non-profits.

As a measure of the esteem in which the Trail office is held, there was unanimous support by all Stockton Alliance members attending the December meeting for significantly extending the life of the New Jersey Coastal Trail Route Office. The Stockton Alliance is a coalition of more than twenty environmental and corporate chief executives which fosters better understanding and practical cooperation between environmental and business leaders. Members supporting the extension, in addition to Citizens United, include E.I. DuPont de Nemours & Co.--Chambers Works, The Nature Conservancy, Mobil Oil, New Jersey Audubon, New Jersey -American Water Co., New Jersey Future, New Jersey Conservation Foundation, Public Service Electric and Gas Co., Atlantic Electric, Bell Atlantic, Mannington Mills, Inc., U.S. Generating Company, South Jersey Land Trust, and Association of New Jersey Environmental Commissions.

Since 1994, the New Jersey Coastal Heritage Trail has raised almost $3.5 million between grants and in-kind contributions to supplement their approximately $1 million budget in order to carry out their mission. There is still a significant amount of work to be done by the Trail staff to implement fully the approved Trail Plan. The Trail Plan calls for developing two more theme trails, further expanding interpretive media for welcome centers, establishing three more welcome centers, producing additional wayside exhibits, and updating Trail-wide brochures. They are working hard to fulfill their admirable goals - they need to be supported. Citizens United is delighted about the prospect of this federal legislation being advanced by the House Subcommitte on National Parks, Forests and Lands. We hope that your endorsement will propel this legislation forward to a speedy adoption. The reauthorization and funding of the New Jersey Coastal Heritage Trail Route established by HR 2125 are imperative if the National Park Service is to maintain the momentum of the projects established to date.

When it comes to telling "the story," no one does it better than our Nation's National Park Service. The Coastal Heritage Trail Route throughly and accurately interprets each destination, giving it meaning and establishing "pride of place". By identifying the uniquenesses of the New Jersey Coastline they have truly helped to define our heritage. The Park Service's Trail office has been of invaluable assistance to our organization and many others, in heightening awareness about natural and cultural resources of New Jersey's coast. While Citizens United can state that our resources are nationally significant, it takes an agency like the National Park Service to substantiate these claims and make them part of the federal record. Through the Park Service's validation citizens can more fully recognize and appreciate the role of their own special place in the overall fabric of America.

STATEMENT OF GERALD FISCHER
CHIEF EXECUTIVE OFFICER
YOSEMITE MOTELS

U.S. House of Representatives Committee on Resources
Subcommittee on National Parks and Public Lands

July 28, 1998

Mr. Chairman and members of the committee, my name is Gerald Fischer. Twenty-one years ago, my family and I purchased a 12-unit motel in El Portal, California, called The Rapids. Little did I know that our future would become so entwined with Yosemite National Park.

Over the years, we have purchased existing motels and developed new ones. Now we operate seven (7) with over 800 rooms in the gateway communities surrounding Yosemite National Park. Last year, we had over 310,000 guests who enjoyed visiting Yosemite National Park and used our properties as a base.

Approximately five years ago, former Superintendent of Yosemite National Park, Michael Finley and I met to discuss Park's acquisition of a parcel of land my family owned in El Portal that directly adjoins the park boundary. We had just cleared some antiquated buildings from this parcel. It was apparent to the park that the current Arch Rock Entrance Station was not adequate for the increased usage of the highway 140 entrance to Yosemite. Due to the historic nature and limited site conditions of the Arch Rock area, Mr. Finley felt our location held potential for future expansion and convenience as the entrance station. I made a commitment to Mr. Finley that our family would not replace the recently demolished gas station and employee housing units on this parcel of land until the Park Service had fully explored the above options. The land exchange discussion before this committee at this time is a result of my commitment to Mr. Finley.

Several years later, Yosemite National Park's successor superintendent, B.J. Griffin, continued the dialogue and defined the terms of the exchange. At our expense, we had the parcels surveyed and legal descriptions drafted. The January 2, 1997 flood added additional pressure to relocate the entrance station to the El Portal site. Major roadway reconstruction within the park was funded as part of the flood relief measure authored by Congressman Radanovich. With this work soon to be underway, the Park's need for traffic control and public safety led them to proceed now with the land exchange to allow for a temporary and then permanent entrance station on the El Portal site. Because the El Portal Administrative Site boundary requires an amendment that includes the parcels noted on the attached map, this land exchange will require congressional approval.

My family and I have given the current superintendent, Stanley Albright, our full cooperation in assisting with the land exchange before you today. We understand that the exchange must be of equal value and concur with the language that allows for additional improvements if necessary to cause a full equalization. Further, we understand that full compliance with the provisions of the NEPA is a condition of any exchange.

I appreciate the opportunity to come before you today and express our support for the proposal before you and in the mission of Yosemite National Park. We are committed to working together with the Park Service to provide a quality experience for Park Visitors.